MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
JANUARY 6, 2020
CITY HALL ANNEX COUNCIL CHAMBERS
6:00 PM

The Council of the City of Destin met in regular session with the following members and staff present:

Destin City Council

Mayor Gary Jarvis
Councilmember Steven Menchel
Councilmember Cyron Marler
Councilmember Prebble Ramswell
Councilmember Parker Destin
Councilmember Skip Overdier
Councilmember Rodney Braden
Councilmember Chatham Morgan

Destin City Staff

City Manager Lance Johnson
Public Info Manager Catherine Card
Code Compliance Manager Joey Forgione
Parks/Recreation Director Lisa Firth
Community Dev Director Louis Zunguze
Public Services Director Michael Burgess
City Clerk Rey Bailey
Deputy City Manager Webb Warren
HR Manager Karen Jankowski
Finance Director Bragg Farmer
City Attorney Kyle Bauman
City Land Use Attorney Kimberly Kopp

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM. Pastor Kevin Wendt from Grace Lutheran Church gave the invocation, and then followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Ramswell requested that Consent Agenda 6C be pulled for discussion.

Motion by Councilmember Marler, seconded by Councilmember Overdier, to approve the agenda, as amended, passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

1. APPROVAL OF MINUTES

A. Approval of Minutes of October 7, 2019 Regular City Council Meeting

Councilmember Marler moved for approval of minutes of October 7, 2019 Regular City Council meeting; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

B. Approval of minutes of October 21, 2019 Regular City Council Meeting

Motion by Councilmember Marler, seconded by Councilmember Overdier, to approve minutes of October 21, 2019 Regular City Council meeting passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

2. PROCLAMATIONS / RECOGNITIONS / SPECIAL PRESENTATIONS / ANNOUNCEMENTS

A. Recognition of 2019 Holiday Decorating Contest Winners

The Mayor announced and presented a plaque to the following 2019 Holiday Decorating Contest winners:

- Best Decorated Home: Jim and Barbara Telford
- Best Decorated Business: Burrito Del Sol
- Best Decorated Organization: Corpus Christi Catholic Church
- Best Overall Holiday: Stephen and Teresa Hebert
- Best on the Harbor: Emerald Grande
- Best Decorated Condominiums: Holiday Isle Towers

3. PUBLIC COMMENTS ON AGENDA ITEMS THAT ARE NOT PUBLIC HEARINGS AND ANY OTHER MATTERS NOT ON THE AGENDA

Mr. Ed Rogers, a Destin resident and business owner, addressed the letter from the City Manager to the City Council dated December 11, 2019, requesting direction regarding the proposed changes to livery vessel and marine construction requirements. He asked the Council to get the livery vessel operators involved in the decision-making process and not provide any direction to staff without considering their input. He stated he had a very productive meeting with Mr. Zunguze, the Community Development Director, following the previous City Council meeting; and that he feels they could have a give and take relationship and move forward in a positive direction. He added that the City should first learn how they operate their business before adopting an ordinance that could negatively affect them and put them out of business, which then leaves them no other choice but to litigate.

Councilmember Braden stated that he finds no reason why the livery industry's direct participation in this process is necessary; adding that they have always allowed and encouraged everyone to voice their opinion before the Council makes any decision.

Councilmember Destin asked the City Manager and Land Use Attorney if they could schedule an open meeting with the livery vessel operators and discuss some of the obstacles and possibly resolve some of these issues and progress toward an agreement before scheduling a public hearing for the adoption of the ordinance.

According to the Land Use Attorney, the livery vessel ordinance is scheduled to go before the Local Planning Agency (LPA) on January 16th, and then to the City Council in February, and all those meetings will have public hearings. However, they could also delay presenting the ordinance to the LPA and staff could schedule an open meeting with the members of the industry since there is no legal requirement for an open meeting with staff as long as it does not involve the City Council or any of the committees or boards. Following that, the public could also provide comments at the LPA meeting. The LPA will review all the substantial evidence available and then make their recommendation to the City Council.

Mr. John Fuller, a Destin resident and business owner, stated that not everyone on the harbor is being required to follow the same rules; and that he feels the livery industry is being singled out. They are being required to fill out a renewal application every year to include engineering designs and specifications, which are usually required only when they initiate their business. He now has to hire an accountant and an attorney just to fill out all the paperwork. He continued they should only have to pay the annual renewal fee and not have to go through all sorts of new regulations. He added that he runs a fist class operation and he just want fair treatment for everybody.

Mr. Ron Sandstead, a Destin resident and business owner, expressed his gratitude to the City Council and staff for allowing them the opportunity and for all their assistance in the placement of the arts banners on Main Street. He proposes placing more banner poles in Destin, especially on Airport Road. He continued they will have a silent auction in two weeks selling off original artwork at La Paz Restaurant, and that proceeds could go towards payment for new banner poles on Airport Road.

Councilmember Menchel asked whether City staff foresee any problems with placement of new banner poles on Airport Road.

According to the City Manager, they would need to coordinate this matter with the engineers to make sure they cover all the details such as wind loads, which is similar to the process they used on Main Street.

Ms. Carrie Harbarger, a Destin resident, asked why a business with insufficient parking, even for their employees, is allowed to operate in Destin.

The Land Use Attorney stated she does not know the specific property being referenced in this case, and she would not want to speak on somebody's private property which could result in code enforcement quasi-judicial hearing. However, she would be willing to discuss this matter with Ms. Harbarger after the meeting.

Councilmember Braden noted that this particular business conducted their own parking study, submitted it to the City and the City adopted it in their development order without sufficient parking.

Ms. Marcie Bell, a Destin resident and former member of the Short-Term Rental Task Force, noted she has resigned her position at the Short-Term Rental Task Force because she feels she could serve the City better by functioning as a regular citizen. She stated that the Task Force was not looking to amend the ordinance, but to simply include additional comments to the short-term rental application form. She also stated that trash can was such a big issue that the proposal to require one can for every 6 people was based on the information provided by a representative from Waste Management who spoke at one of their meetings.

Mr. Bill Reddington, a Destin resident, asked the Council to delay making a decision whether to adopt the Short-Term Rental Task Force recommendations and allow the City's Code Compliance Department to continue to enforce current short-term rental regulations since they hired more code compliance officers for the job. He also stated that the 36 Bert J. Harris claims received by the City represent approximately $26 million worth of lost values for the claimants, and many more claims may be forthcoming. The City may potentially be liable for about $80 million of lost values.

Mr. Ken Wampler, a Destin resident and member of the Short-Term Rental Task Force, stated that the Task Force members spent most of their time communicating and educating. They are asking this Council to take action on changing the short-term rental registration renewal date to the last day in February and increasing the parking violation fee to the maximum amount allowed by Florida Statutes. Everything else relative to parking and trash is already in the current ordinance.

Mr. Mike Abadie, a Destin resident and business owner, stated that the general consensus among the people in livery industry was they are being targeted and being treated like the enemy by the City; and that the City is coming up with new regulations to make things harder for them. He stated that every industry should follow the same rules and regulations and not have a separate rules and regulations for the livery industry. He has been in the livery business for 30 years and has been at his current locations for 23 years. He has been following all the rules and regulations and doing the same thing he has always done for many years. But suddenly he is breaking the law as he, along with several livery vessel operators received notices of violation on their properties. He continued that instead of a simple renewal application, they are now being required to provide all information every year as if they are initiating their business; which is not a simple process and they now have to hire professionals to be able to complete the application. He urged the Council not to create new regulations and just enforce those that are already on the books.

Ms. Sherry Andrews, a Destin resident and business owner, stated that she had lived in Destin for 50 years. She has been in livery business for over 12 years and has followed all rules and regulations. They received a notice from the City about the parking requirements. She just purchased a property worth $500,000 on Mountain Drive to be used to store boats 3 months out of a year to satisfy the requirements. She also stated there are new rules being written that would affect and put an undue burden on the livery industry.

4. CITY MANAGER REPORTS

A. Budget Amendment for Engineering

The City Manager noted this is a housekeeping matter related to the transfer of the Engineering Division from Pubic Services Department to the Community Development Department. A transfer of the funds from one account to another requires City Council approval. This physical transfer will better align staff with their respective financial accounts.

Motion by Councilmember Ramswell, seconded by Councilmember Braden, to authorize the budget amendment transfer of funds for the salary and benefits in the amount of $216,000 for the City Engineer, Engineering Assistant II, and Stormwater/Floodplain Manager from account 0151460 to account 0154161 passed 7-0

(Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

B. FY20 Strategic Plan Summary

The City Manager explained that the Strategic Plan Summary is being presented to Council for their approval. The City Council and staff participated in a one-day strategic planning session in November 2019 to identify and prioritize Council projects and policy objectives. Results from that session have been summarized in the Strategic Plan Summary document. Approval of the plan will assist Council and staff to align the Fiscal Year 2020 priority project and strategic focus items through 2025.

Councilmember Destin moved to adopt the Fiscal Year 2020 Strategic Plan Summary as presented; seconded by Councilmember Overdier.

Councilmember Ramswell noted she has made some edits to the document to make things more consistent throughout the document and contribute to make this a professional looking document, and that copies of the edits had been provided to staff and other members of the Council.

Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

C. Funding options for Utilities Undergrounding

According to the City Manager, Council previously directed staff to bring back a list of funding options for the future undergrounding of utilities throughout Destin. The City's Finance Director Braff Farmer has put together the following list of potential annual revenue sources:

- Additional 2% electricity franchise fee - $850,000
- New ½ sales tax (Expires December 31, 2028) - $1,200,000 annually
- Increase in Impact Fees - $200,000
- New Public Service Tax 10% net to 6% - $2,500,000
- Use of General Fund Revenue (if property values continue to rise) - $?
- Increase of other Utility Franchise Fee (gas, garbage, water) - $?
- Funding from Harbor CRA (Beginning FY 2025) - $700,000
- Funding from Town Center CRA (Beginning FY 2029) - $700,000

Councilmember Ramswell stated she would prefer not taking the funding for undergrounding from the CRA districts because they have both been struggling and they are just now starting to get better; but she would be in favor of increasing the impact fees. She asked for more information about the Public Service Tax.

Mr. Farmer explained that the new Public Service Tax would include 6% to 10% of the energy bill. The actual taxes are based on legislation that has been passed at the State level and are based on the energy prices that were in placed around 1979.

Councilmember Ramswell added she would not be in favor of the additional 2% electricity franchise fee and having the citizens pay higher electric bills.

According to Councilmember Destin, the realistic funding source if they are going to successfully underground the utilities for the entire City is likely to be the electricity franchise fee increase from 4% to 6%. They would then have to earmark it so it would be available for future Councils and the money to be placed in an account that cannot be used for anything other than undergrounding of utilities. He also stated it will be a return on investment for everyone in the City as they will be investing in their own infrastructure so that when the next major Hurricane comes through, they are going to have a safer and more reliable system. He stated they have been negotiating with Gulf Power the last two years and that the franchise fee increase has been included in the discussion. They will continue negotiating with Gulf Power and attempt to find a way to come to an agreement. He added that the TDC is also a viable source of funding for the undergrounding because it is an investment in infrastructure for tourism and everyone would benefit from it. He also added there are other source of funding, including Triumph, which need to be pursued.

Councilmember Ramswell stated that people with underground utilities already in their neighborhood might be reluctant with paying higher electric bills.

Councilmember Destin explained that this underground system ultimately is fed by a larger above ground lines which would also be placed underground to prevent damage during severe weather.

The Mayor remarked that undergrounding the utilities would change the community from the aesthetic standpoint; and that property value should go up once they achieve total undergrounding.

Councilmember Overdier noted they are also trying to obtain beach accesses, which is quite an expensive proposition; and that they need to be very careful how much money they encumber for the undergrounding and make sure they have enough left to purchase beach properties.

D. Resident Pass for Beach Parking South of US Hwy 98

According to the City Manager, Council approved the implementation of paid parking along Scenic Hwy 98 in Crystal Beach and Gulf Shore Drive in Holiday Isle during the November 4, 2019 Council meeting. Council also asked about the possibility of implementing a "Resident Pass" program that would allow for discounted or free parking along the Scenic Hwy 98 corridor in Crystal Beach and along Gulf Shore Drive.

The Deputy City Manager noted that staff has reached out to their paid parking vendor and that there is only one viable option to achieve this goal. It would be similar to the current sticker program for Henderson Beach State Park. Stickers would be issued to City residents that would allow them to park either at a discounted rate or for free for the same 5-hour timeframe as a visitor who pays $5.00. If Council chooses to enact a discounted or free parking program in the Crystal Beach and Holiday Isle areas, staff will try to have this program in place by March 1, 2020.

Councilmember Ramswell moved to adopt a resident beach parking pass program that allows for free parking on Scenic Hwy 98 in Crystal Beach and Gulf Shore Drive in Holiday Isle and have the program in place by March 1, 2020; seconded by Councilmember Overdier.

Councilmember Morgan stated that even though he supports providing free parking for residents, he does not feel it is right to ask their visitors to pay $5.00 to park in their very inadequate beach accesses.

Councilmember Marler stated that residents already have parking on their property and do not need free parking passes in public lots; adding they will be penalizing the tourists. He also stated that the system will be abused.

Councilmember Ramswell stated that this is another benefit for their residents; adding they need to reward their residents any way possible.

Councilmember Menchel inquired about enforcement and making sure the system is not abused by allowing residents unlimited parking and with paying guests not having a place to park.

The Mayor called for a vote on the motion, which passes 5-2 (Council members Morgan, Overdier, Menchel, Ramswell and Braden voted "yes"; Council members Destin and Marler voted "no").

E. Office Productivity Suite and Email System (Office 365)

According to the Deputy City Manager, the IT Department is requesting approval of the continuation and addition of government Office 365 services. Due to changes in the City's public records policy additional emails for board and committee members need to be included in the City's services.

Motion by Councilmember Ramswell, seconded by Councilmember Menchel, to approve the continuation of services and addition of Office 365 government licenses with Liftoff and authorize the City Manager to purchase the necessary Office 365 licensing for City operations in the amount of $27,708, which is a cost increase of $8,028 due to licenses being provided to City committee members and new positions created in 2020 passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

F. Verizon Wireless GSA Supply Authorization

The Deputy City Manager noted that due to staff additions and Council member phones being added to the City's plan, an authorization letter must be signed to allow for the addition of services needed throughout the year. This service will allow the City to maintain its wireless communications to include any additions or changes relating to the new public records policy of the City as well as recent additions of new positions.

Councilmember Overdier moved for approval of the Verizon Wireless GSA Supply Authorization and authorize the City Manager to execute the document, seconded by Councilmember Marler. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

G. Subaward Agreement No. 2020R14 between Okaloosa County and City of Destin, Capt. Royal Melvin Heritage Park and Plaza Project; RFP Approval

The City Manager noted that the Captain Royal Melvin Heritage Park project was included in Okaloosa County's RESTORE Act Component Initial Multi-year Plan which was accepted by the US Department of the Treasury on June 30, 2017. Okaloosa County approved the subaward agreement on December 17, 2019, and that staff is requesting Council's approval to publish RFP 20-01-REC upon completion of the City Land Use Attorney and the County's review and approval of the document for the construction of the park.

Councilmember Ramswell moved to authorize Mayor Gary Jarvis to execute the Subaward Agreement No. 2020-R14 between Okaloosa County, Florida and the City of Destin, Florida pertaining to the Direct Component portion of the Restore Act Trust Fund monies allocated to Okaloosa County. Councilmember Overdier provided a second to the motion.

Councilmember Ramswell noted that several different properties have donated money to the City, as part of their Net Positive Environmental Benefit (NPEB) fees, for the park project to include $500,000 from the Pointe One project, $42,000 from Waterview Towers, and $46,800 from Grand Harbor; and that she would like to know what happened to these funds.

Mr. Farmer stated he is not aware of any fees donated to the City specifically for construction of the park; adding there have been fees donated to the City for constructions of docks along the harbor, but it does not mean those funds can specifically be used for the park. He continued that they spent approximately $4.6 million for the land alone. It was paid through three different sources of funding, part of which was through a bond fund. They have allocated Recreation Impact Fees of approximately $70,000, a Road Impact Fees of $125,000, CRA loan funds of $42,500, and the grant of $1.26 million for the park construction.

Councilmember Ramswell maintains that the Board of Trustees had earmarked the fees she mentioned earlier for the park project. She asked staff to check on status of the following NPEB fees that were supposed to have been paid to the City:

- $46,000 from Waterview Towers
- $46,800 from Grand Harbor
- $500,000 from Pointe One, LLC

Councilmember Menchel noted that according to Article II of the subaward agreement, the City will provide $33,470 of non-RESTORE funds towards the project. He asked how this amount is determined.

Mr. Farmer explained that 75% of the cost is provided through federal funds, and the City and County each pays 12.5%.

The Mayor called for a vote on the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

Councilmember Destin moved to authorize the City Manager to publish RFP 20-01-REC CRMHP upon the completion of City Land Use Attorney and Okaloosa County's review and approval of the document, seconded by Councilmember Marler. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

H. Development Review System Software Update

According to the Deputy City Manager, the City of Destin continues to work hard in preparation for the Energov project. City staff had very productive sessions with Energov staff on December 10-12. The departments continue to refine processes and work towards Energov milestones. They are prepared to move forward and have a target date for substantial completion of this phase of the Community Development portion of Energov in January 2021.

I. Request for direction from City Council on amendments to Short-Term Rental Ordinance.

The City Manager remarked that the City Council re-established the Short-Term Rental Task Force in May 2019; and that the Task Force has provided their recommendations for the upcoming year. The Council may approve all, some, or none of these recommendations. They are in no way bound by the recommendations of the Task Force.

Councilmember Ramswell stated that she only has issues with recommendation no. 4 which requires that applications to register a short-term rental include an acknowledgement that the rental manager/agent will contact their guests the day prior to trash pickup and advise them of the time trash needs to be placed at the cub for pickup. She feels this is unnecessary and that having it in writing and notifying their guests when they check-in should suffice.

Councilmember Overdier stated that he agrees with Councilmember Ramswell regarding recommendation no. 4. He also stated he cannot support recommendation no. 2 which requires each property to have one trash can for every 6 occupants. Not everyone needs extra trash cans. It should only apply to habitual offenders that are constantly receiving a notice of violation from the City for having trash outside the trash can. He also cannot support recommendation no. 6 which requires the issuance of parking passes to guests; adding that the required signage already include the number of vehicles authorize on the property.

Councilmember Menchel stated that recommendation no. 6 is not only unnecessary, but it is also unenforceable; adding that visitors that park on the property temporarily do not deserve to get a ticket.

The Mayor opined that the Council should ignore the trash can issue. They should consider a valet trash pickup that representatives from Waste Management which he has spoken with are recommending rather than putting an extra burden on short-term rental owners.

Councilmember Menchel moved to direct staff to prepare an ordinance incorporating the following recommendations of the Short-Term Rental Tasks Force; seconded by Councilmember Overdier:

- **Recommendation 3 – Increase fines for parking violations up to the maximum amount allowed by Florida Statute**
- **Recommendation 9 – All registrations for short-term rentals are to expire on the last day of February, each year**

Councilmember Marler noted that short-term rentals provide part of their bed-tax revenues and they are making it very hard for them to operate and attract guests because they are being too restrictive.

Motion passed 6-1 (Council members Morgan, Destin, Marler, Overdier, Menchel and Ramswell voted "yes"; Councilmember Braden voted "no").

J. Airport Road Update

Public Services Director Michael Burgess noted that the report shows FDOT's timeline for designing construction for the high friction surface treatment and other improvements for the Airport Road curve. Staff would also be meeting with Volkert Engineering to discuss the Airport Road guardrail design on January 8, 2020.

According to Councilmember Ramswell, they should already have guardrail designs in place per previous Council request.

Mr. Burgess stated he is not aware of any such designs.

According to Councilmember Ramswell, the report shows FDOT completing a project design by June 30, 2020. She asked why it would take so long to design a guardrail.

The City Manager explained the June 30, 2020 deadline is for the base construction design and not for the guardrail.

Councilmember Ramswell inquired as to the delivery date for the guardrail.

Mr. Burgess noted that the Council authorized the City Manager to begin the negotiation process with Volkert Engineering, and that this issue will be discussed at their January 8th meeting with Volkert.

Councilmember Marler stated he is not in favor of the guardrail system because he believes it would cause more harm than good to motorists; adding that it would not be necessary if they could find a way to slow people down at the curve.

According to Councilmember Ramswell, people are not slowing down and so it is incumbent upon the Council to make the road safer for everybody.

K. Request for clarification pertaining to the following direction from Council:

The City Manager requests clarification regarding Council's request to investigate the possibility of leasing the property on the southwest side of the Marler Bridge as Eglin Air Force Base representatives have contacted the City asking some questions about it.

According to the Land Use Attorney, the base is entertaining options from different entities regarding that property and they wanted to know more about the City's intention and whether they wanted to be considered as an option. She also stated this could be an expensive proposition as the base would be asking for fair market value for the property; and that if the City decides to take that route, they would also be taking responsibility for maintenance of the property.

Councilmember Menchel requested that the Land Use Attorney and Community Development Director come back with some ideas/recommendations on how to move forward with this initiative.

Councilmember Destin remarked that if they are going to pursue this initiative, it would be to their advantage engage their community partners and other governmental entities rather than doing it alone. It would also be worth discussing at a future TDC meeting the County or the TDC's intentions in trying to alleviate the existing problems in that area such as the lack of restroom facilities, lifeguards and trash collection.

It was the consensus of the Council to have staff investigate the feasibility of leasing the property on the southwest side of the Marler Bridge.

L. Announcements

The City Manager made the following announcements:

- Friday weekly report will be replaced by a monthly report with each department having its own chapter
- Weekly task tracking update form will be provided to the Council
- Monday, Jan. 20th is a holiday. The next City Council meeting is scheduled for Tuesday, Jan. 21st.
- January 30th at City Hall - Social Media and Public Records Training for Council and staff. Members of the public who wish to participate need to RSVP to the PIO

5. PUBLIC HEARINGS

6. CONSENT AGENDA

A. City Council consideration for approval, a project located on Choctawhatchee Bay, ±56 ft. extension, to include a boat house and two (2) 4'x 55' catwalks, located at 936 Bambi Drive. The total project footprint is ± 330 sq. feet.

B. Junior League of the Emerald Coast 8th Annual Rock the Roads 5/10k

C. Approval to award bid, RFB 19-17-REC Clement Taylor Park Replacement of Existing Seawall

D. Authorization for Payment John Deere Equipment Lease Option

Councilmember Ramswell requests Consent Agenda 6C be pulled for discussion.

Motion by Councilmember Marler, seconded by Councilmember Overdier, to approve Consent Agenda item 6A, 6B & 6D passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

Some discussions followed relative to Consent Agenda item 6C. The City Manager noted there was a blank space in the recommended motion for this item rendering it inappropriate for approval under Consent Agenda. He stated there are two types of seawall that could be used for this application. One is vinyl which the City's Bid Committee recommends. The other is corrugated aluminum metal, which comprises the existing seawall, and which FEMA recommends. The latter costs a little bit more. It is the Council's decision, but FEMA would move forward whichever Council choose.

According to Councilmember Ramswell, it would seem aluminum would rust and corrode since it is near the water, but not so with the vinyl.

The Mayor noted that aluminum does not rust. It oxidizes over time. It is a superior product over the vinyl and with a little overall shelf life.

Councilmember Ramswell asked if aluminum could cut people if exposed.

The City Manager noted there would be a cap that would prevent that from happening.

Councilmember Destin asked which product handles better from impacts or debris.

According to the Mayor, vinyl cracks and breaks, and aluminum tends to bend.

Councilmember Destin moved for approval of Consent Agenda item 6C, award of RFB 19-17-REC Bid Alternate 2 (Corrugated Aluminum Sheet Panels) to Live Flyer, Inc., and authorize the City Attorney to draft a contract with the understanding that a Notice to Proceed will not be issued until such time that FEMA funding has been obligated and until the ACOE Permit is issued for this project; and authorize the City Manager to execute the contract with Live Flyer, Inc. Councilmember Ramswell provided a second to the motion. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

Councilmember Ramswell requested an update regarding the possibility of the Destin Fire Station going into the park property and when this item will come back to Council for discussion and action.

According to the City Manager, there has not been any development since this item was brought to Council. He stated they have received permission from the Treasury Department to allow this use without impacting the grant. They will coordinate with the Destin Fire District in terms of the timetable for the next step.

7. COMMENTS / PRESENTATIONS FROM MAYOR, COUNCIL, LAND USE ATTORNEY AND CITY ATTORNEY

A. Councilmember Braden
B. Councilmember Ramswell

Councilmember Ramswell would like to discuss formation of a Beach Advisory Committee sooner rather than later and to have a consensus established amongst the Council members before the peak season.

Councilmember Ramswell asked staff to investigate and determine the legality of a *water taxi stop* sign being placed in front of a private property as she had seen one in front of a private property on Norriego Point.

According to Councilmember Ramswell, it was discovered a year ago that a property owner had mistakenly closed a Sterling Shores public beach access point and that staff was supposed to work with the property owner to re-open it. She inquired as to the outcome of staff's effort.

According to the Land Use Attorney, there had been some correspondence between the City's attorneys and Attorney Dana Matthews' office which represented the private property owner, but there had not been any real movement on it since then. There are some legal issues that they would need to discuss with individual Council members after this meeting.

1. Nomination of Mr. Matthew Sweetser for appointment to the Town Center CRA Advisory Committee

Motion by Councilmember Ramswell, seconded by Councilmember Menchel, to appoint Mr. Matthew Sweetser to the Town Center CRA Advisory Committee passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

C. Councilmember Menchel

Councilmember Menchel stated it has been 7 weeks since this Council directed the City's attorneys to perform an audit of the City's continuing services contracts. The City Attorney mentioned to him that several Council members have expressed concern this has become a personnel matter.

According to the City Attorney, Council directed him and the City Land Use Attorney to investigate the City's continuing services contracts for any irregularities, clarify the APT contract, and seek out a third-party auditor to conduct a forensic audit of the continuing services contracts. He stated that personnel investigation was also contemplated within the scope of the motion and there have been some questions regarding certain personnel that are no longer employed by the City. He requests clarification from Council whether the scope of the motion includes the investigation of these matters or whether the City Attorneys should simply stick to an investigation and analysis of these contracts and present a written report to Council and then await further instructions from Council based on the findings presented in the report.

Councilmember Menchel stated that he is quite disappointed over the fact that for over 90 days the City of Destin had known they were owed approximately $1,500 in the APT contract but never asked for that money back from APT.

According to the City Manager, he was not sure whether APT had overcharged the City; otherwise, he would have asked for the City to be reimbursed right away. He continued that he had instructed the Finance Director to perform an independent audit after the Council had directed the City Attorneys to conduct a separate audit; and that he was waiting for the results of the audits before pursuing the best course of action.

The Mayor suggests Councilmember Menchel asks the City Manager these types of questions privately rather than publicly. Though these are legitimate questions because a member of the Council is trying to find out if there is fraud, malfeasance or dereliction of duty involved here, he feels this type of discussion should be held privately. It should only be made publicly if the City Manager or his staff does not provide a legitimate response.

Councilmember Menchel noted he has had several closed-door sessions with the City Manager on this matter and provided him ample time to take corrective action, but it has not been done. He feels they have a systemic problem and their contract oversight has been a failure; and that it is part of his job to point this out so it could be corrected. He continued that City staff is doing a great job overall, but it appears some are not doing their job and making the City Manager look bad. He added he just want the problems remedied and then move forward.

Councilmember Destin stated there should be a more economical way of doing things rather than to have two attorneys that charge $150 to $200 per hour conduct the audit. They could have this audit conducted in conjunction with staff.

Councilmember Ramswell commented that she would not oppose contacting Representative Ponder to request assistance from the State Auditor General to conduct the audit at no cost to the City, as previously proposed as she does not believe they have anything to hide.

The Mayor argues that a State audit would ruin people's reputation and damage the City; adding there are members of staff that have only been with the City for a few months.

Councilmember Ramswell stated that she looks at it from the perspective that the City is requesting some assistance to make sure their records are correct. It is not about an outside agency requesting a State audit because they suspect some wrongdoings on the part of the City. She asked the City Manager how he feels about requesting a State audit.

The City Manager stated that he does not believe it is a good idea to bring in a State auditor to perform the audit on this organization. He continued that he has been on the job for one year; and that he feels they have made a lot of progress during that period. He also stated he would like to encourage each Council member to read the direction related to a survey they are required to fill out for the grant they are getting from the US Treasury. It would reveal things they are looking for and things that have happened within this organization within the past year, and he feels they would appreciate knowing what the US Treasury is looking for.

Councilmember Morgan asked the City Manager if he sees any kind of negligence or potential malfeasance with the City's finances that raises to the level that they need the State to investigate; in his capacity as City Manager for a year, and as a department head for several years.

According to the City Manager, this matter does not require a State investigation; but he welcomes the Council-directed audit because it would give him factual information that he needs to make good decisions. He added he would be the first one to report anyone he feels is doing something illegal.

Councilmember Menchel recommends having the head of each department performs a self-audit of their continuing services contracts and reports their findings back to the City Manager.

The City Manager stated he would welcome any process the Council sees fit as long as it will provide him the facts he needs to feel comfortable moving things to the next level be it an improvement program, a change of policy, or a disciplinary action.

Councilmember Destin moved to cancel previous directive from the Council and direct the City Manager to instruct each department head to conduct a thorough self-audit of their continuing services contracts and come back with a report to Council within 90 days; and to have the City's legal counsel act as consultants and take immediate action to remedy the situation should irregularities be found through this self-investigation. Councilmember Menchel provided a second to the motion. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

D. Councilmember Overdier
E. Councilmember Marler

Councilmember Marler asked staff to place two topics under his name on the next meeting agenda for discussion and reevaluation: one dealing with the Livery Vessel Ordinance and the other on public parking.

Place public parking under his name for discussion and reevaluation within the next two Council meetings.

F. Councilmember Destin

G. Councilmember Morgan

1. Vacation of Azalea Drive and Legion Drive Rights-of-Way

According to Councilmember Morgan, the crosstown connector was designed so it could easily be converted to a 4-lane road later on. However, there is no plan to convert it to a 4-lane road at this time and no money set aside for the conversion. If they approve construction now, it would only be a 2-lane road. He also stated that instead of spending more money to redesign the road so it would be difficult to convert it to a 4-lane road in the future, they could simply vacate the right-of-way on Azalea Drive to prevent it from becoming a 4-lane road in the future. Even though Legion Drive, from Airport Road to Beach Drive, has a large median, they will not have the ability to convert the crosstown connector to a 4-lane road by vacating the right-of-way on Azalea Drive.

Councilmember Morgan moved to instruct the Public Works Director, City Engineer and Land Use Attorney to provide a report to Council on whether the City could build a four-lane road on Legion Drive from Airport to Beach Drive with the right-of-way it currently has; and if so, which right-of-way they would need to vacate to prevent it from happening. Also, to have City staff prepare a report about Azalea Drive right-of-way vacation. Councilmember Destin provided a second to the motion.

Councilmember Braden stated that he is never been in favor of abandoning rights-of-way. He feels they could always turn it into something useful such as parking.

Councilmember Morgan maintains that by abandoning the right-of-way on Azalea Drive, they could prevent future Council from turning it into a 4-lane road because the City no longer owns the property.

The Mayor called for a vote on the motion, which passes 6-1 (Council members Morgan, Destin, Marler, Overdier, Menchel, and Ramswell voted "yes"; Councilmember Braden voted "no").

H. Mayor Gary Jarvis

I. Land Use Attorney

The Land Use Attorney announced they have selected a mediator for the Pointe Mezzanine litigation, per Council's directive; and that they will provide more update after their initial conversation with the mediator.

J. City Attorney

Councilmember Braden requested an update on the litigation involving the Destin Fishing Fleet.

According to the City Attorney, the Bert Harris lawsuit is the major lawsuit for the Fleet. It is still in the discovery stages of litigation. They have a pre-trial scheduled in June; however, there could be a dispositive motion that could occur that if the City prevails would moot the trial. He also stated that he had taken the deposition of Commissioner Kelly Windes. And Maryann Windes. Mr. Louis Zunguze's deposition was taken as the City's corporate representative, but that deposition is not fully closed, and they could still recall Mr. Zunguze.

8. PUBLIC COMMENTS

Mr. Ken Wampler asked if the Short-Term Rental Task Force has officially been disbanded.

The Land Use Attorney replied affirmatively.

Mr. Bill Reddington stated that he is in favor of the proposed guardrail on Airport Road; however, they need to make it wide enough to prevent motorists from hitting the guardrail.

Having no further business at this time, the meeting was adjourned at 9:15 PM.

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk