

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
APRIL 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 Rodney Braden
Councilmember Cyron Marler
Councilmember Prebble Ramswell

Councilmember Parker Destin
Councilmember Skip Overdier (Virtual)
Councilmember Steven Menchel (Virtual)
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
Public Services Director Michael Burgess
City Land Use Attorney Kimberly Kopp

City Clerk Rey Bailey
Deputy City Manager Webb Warren
Julio Lezcayo, GSG Inc.
Grants/Project Manager Jeffery Cozzard
IT Manager Matthew Pace
City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM. Pastor Steve Farris gave the invocation, which was then followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Marler requested that the topic "Time-off for City staff" be added under his name on the agenda

Councilmember Destin requests the following changes be made to the agenda:

- Add the topic "National coalition of fishermen" under his name
- Add the topic "Use of public facility for charity distribution of food for the needy" under his name
- Pull 4C1 (a) and (b) and continue to the next meeting

Councilmember Menchel requested that Consent Agenda item 6B be pulled for discussion

Motion by Councilmember Destin, seconded by Councilmember Marler, 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 March 20, 2020 Special City Council Meeting

Motion by Councilmember Ramswell, seconded by Councilmember Marler, to approve minutes of March 20, 2020 Special City Council Meeting passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

B. Approval of minutes of December 16, 2019 Regular City Council Meeting

Councilmember Ramswell moved for approval of minutes of December 16, 2019 Regular City Council Meeting; seconded by Councilmember Marler. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

C. Approval of minutes of December 2, 2019 Regular City Council Meeting

Motion by Councilmember Ramswell to approve minutes of December 2, 2019 Regular City Council Meeting was seconded by Councilmember Morgan and passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

2. PROCLAMATIONS / RECOGNITIONS / **SPECIAL PRESENTATIONS / ANNOUNCEMENTS

A. Fiscal Year 2019 Comprehensive Annual Financial Report, presented by Joe Klimek, Partner – EFPR Group, LLP Certified Public Accountants

Mr. Joseph Klimek of EFPR Group, LLP, presented the following report for the City of Destin, for the fiscal year ending September 30, 2019.

- The City of Destin remains in strong financial position as of the end of Fiscal Year 2019. The financial statements of the City fairly represent all material aspects of the financial position of the City
- Unqualified or "clean" opinions were issued on the City's financial statements, including government-wide financial statements, the City's fiduciary pension funds, general fund and its 9 major funds
- The City is in compliant with Florida investment policies and statutes
- No material weaknesses or significant deficiencies were noted in the City's internal controls over financial reporting or in the City's compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts
- For the fiscal year ending 2018, the City once again received the Government Finance Officers Association Excellence in Financial Reporting for the 24th consecutive year

- Management provided everything that was asked for in a timely manner and management agreed with the audit adjustment proposed to defer sidewalk revenue until the expenditures are incurred in future years
- At the City-wide (full accrual) level, revenues exceeded expenses by \$3.3 million. Revenues increased \$1.1million due to increased intergovernmental revenues. Expenses decreased \$0.4 million due to a decrease in capital outlay expenditures. Net position at September 30, 2019 is \$112.9 million, including \$88.8 million invested in capital assets. The City is in fine fiscal condition
- At the general fund level, there was an increase in general fund balance of \$3.6 million. Revenues increased \$1.0 million due to increased intergovernmental revenues and taxes due to an increase in assessed value. Expenditures increased by \$0.2 million., primarily due to an increase in transportation and public safety expenditures
- Unassigned general fund balance has increased \$3,131,028 to \$10,040,295 at September 30, 2019

Referencing the portion of the report that states, *“No material weaknesses or significant deficiencies were noted in the City’s internal controls over financial reporting or in the City’s compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts”* Councilmember Menchel pointed out there have been some discrepancies identified in some of the City’s continuing services contract, and that they have established some procedures which are a work in progress. He also noted that to receive the award for Government Finance Officers Association (GFOA) Excellence in Financial Reporting, all a City has to do is submit an application along with the fee, and complete a comprehensive annual financial report to obtain the certificate from the GFOA. He also stated that he has previously discussed this matter with the City Manager and expressed his opinion that this award is disingenuous, it is a waste of taxpayers’ money and should not have been included in this report.

Mr. Klimek responded that the GFOA has a 145-page checklist which they go through every year to make sure that a city is in compliance with the generally accepted accounting principle which determines if the city is deserving of the award.

Councilmember Ramswell noted that the report did not include any recommendations as there have been in the past.

According to Mr. Klimek, they have made recommendations in the past such as the City establishing a fund balance policy. All their past recommendations have been addressed by the management of the City. They do not have any new recommendations to report for the fiscal year ending September 2019.

Councilmember Menchel moved to accept the Fiscal Year 2019 Audit; and in addition, the City will not submit further applications to the Government Finance Office Association for the Certificate of Achievements for Excellence in Financial Reporting Award without City Council’s approval. Councilmember Braden provided a second to the motion.

Councilmember Destin stated he would need to do a bit more research on this issue before he could support this motion.

Councilmember Menchel stated that the Council would be in a better position to provide direction when the next application for the award becomes due.

Motion failed 3 to 4 (Council members Menchel, Ramswell and Braden voted “yes”; Council members Overdier, Marler, Destin and Morgan voted “no”).

Councilmember Ramswell moved to accept the Fiscal Year 2019 Audit; seconded by Councilmember Marler.

Councilmember Braden expressed that he supported the previous motion because he feels they have a lot of issues they need to resolve before applying for the award again.

Councilmember Overdier stated that he agrees with Councilmember Destin in continuing to evaluate this award to determine if it is a valuable tool and that there is some merit to it.

Motion passed 5-2 (Council members Morgan, Destin, Marler, Overdier and Ramswell voted “yes”; Council members Braden and Menchel voted “no”).

B. Destin Fire Control District Request

Mr. Mike Buckingham, Destin Fire Control District Board member, presented the phase two drawings of the west end substation fire department’s proposal regarding the Clement Taylor Park. He stated that since the Trust for Public Land has approved funding for the park to include this proposal, he asks for Council’s approval for all the legal counsel to get together and work on the lease agreement to bring back for Council’s approval.

The Mayor asked if the Fire Control District will be responsible for the construction of their facility if the lease is approved by Council; to which Mr. Buckingham replied affirmatively.

Councilmember Ramswell inquired as to the size of the facility.

According to Mr. Buckingham, it will be two stories and less than half the size of the station on Airport Road.

Councilmember Overdier asked if they plan to have a fire boat on the dock.

Councilmember Buckingham stated it would be part of phase 3. They plan to confer with City staff and the Parks and Recreation Committee to determine the proper location for the boat.

Councilmember Menchel asked what they would do with the remaining footprint if placement of the fire station is not approved in the park.

The City Manager noted that the original concept drawing showed that portion of the park to be additional parking for the facility.

Councilmember Destin moved to direct the City Attorney and City Land Use Attorney to work with the attorneys for the Destin Fire Control District on a lease agreement for Clement Taylor Park and bring it back for Council's approval consideration; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

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

Mr. Ron Adams, a Destin resident, urged the Council to start planning for safe reopening of businesses now rather than waiting for the Governor's decision before doing so to be better prepared once a decision is made.

4. CITY MANAGER REPORTS

A. Resolution 20-07 Ratifying Extension Number 2 of the Declaration of State of Emergency

The City Attorney explained that the City Council previously directed the City Manager to issue extension number 2 to the Declaration of State of Emergency. The City Manager subsequently issued extension number 2. Resolution 20-06 further subject extension number 2 to ratification by the City Council. Proposed Resolution 20-07 ratifies the issuance of extension number 2. He recommends the City Council provides pre-approval to the City Manager to avoid having to bring back a resolution at every meeting; in which case, Section 3 of proposed Resolution 20-07 which currently reads, "*Future Extension of the Declaration of State of Emergency shall be subject to ratification and affirmation of the City Council*" would have to be amended to read, "*Future Extension of the Declaration of State of Emergency shall be subject to pre-approval of the City Council.*"

Councilmember Ramswell moved for approval of Resolution 20-07, as amended in section 3 of the resolution, and direct the Mayor to execute the resolution was seconded by Councilmember Destin and passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

B. Request Approval to submit Tourist Development Department Operational & Capital Funding Requests to the Okaloosa County Tourist Development Council

The City's Grants and Program Manager Jeffery Cozadd noted that City staff has prepared two TDC funding requests. It includes a request for the TDC to provide funding for additional public safety services due to the increased amount of tourism that the City has been experiencing. The first request is for Destin Park Operation and Maintenance expenses, and the second is for additional public safety services through the Sheriff's Office and Destin Fire District. Applications are due April 10, 2020. The Park Operation and Maintenance request is a recurring funding request that has been made annually since 2015. The public safety services request is a new request that originated from Council concerns regarding insufficient public safety services in the City's more frequented tourist areas. Florida Statutes allow for 10 percent of tax revenue received to be used to reimburse expenses incurred in providing public safety services which are needed to address impacts related to increased tourism and visitors to an area.

Councilmember Destin noted there have been some anticipated shortfall in bed taxes in 2020 due to the loss of March, expected loss of April, and quite possibly a portion of May. They are projecting a decrease in bed tax revenue of about 35 percent. It would quite possibly result in some cuts in everybody's request.

Motion by Councilmember Destin, seconded by Councilmember Ramswell, to authorize City staff to move forward with the Tourist Development Department Operational & Capital Funding Requests through the Okaloosa County Tourism Development Council and submit requests by the April 10, 2020 deadline passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

C. Announcements:

The City Manager made the following announcements:

1. Capt. Royal Melvin Heritage Park Status Update:

- a) Rebidding required under 2CFR200 (2 bids required/only 1 received)
- b) Bid packet is being finalized and will be advertised when all documents are prepared.

Discussion of this item is continued to the next meeting.

2. COVID-19 Updates

- a) Staff Travel/Conferences temporarily suspended.
- b) Current staffing vacancies will be considered on a case-by-case basis.
- c) Staff voluntary compliance with age and preexisting conditions precautionary measures.
- d) Policies addressing COVID19 being developed, implemented and evaluated.
- e) Municipal staff is classified as "essential personnel."
- f) We are adjusting staff schedules to minimize person to person contacts.
- g) To further minimize contact, additional staff are being allowed to telecommute.
- h) Staff is preparing estimated revenue losses associated with COVID19.
- i) Revenue loss impacts on projects is being evaluated.
- j) PIM continues to push out the most current COVID19 information to residents.

5. PUBLIC HEARINGS

6. CONSENT AGENDA

A. Reimbursement for Councilmember Skip Overdier for expenses incurred while attending Florida League of Cities 2020 Institute of Elected Municipal Official (IEMO) Level 3 course, from March 57, 2020, in Orlando, Florida.

- B. Draft Minutes of Standing Board/Committees
- C. Extensions 3 and 4 to the COVID19 Declaration of State of Emergency

Councilmember Marler moved to approve Consent Agenda items 6A and 6C, and pull item 6B for discussion, passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

Referencing the statement made by the Public Services Director in the Public Works/Safety Committee meeting minutes in consent agenda item 6B when discussing road striping, *“He informed the members that the City does not have a contract with a provider for road paint like they have for thermoplastic”*; Councilmember Menchel suggests that moving forward, the City look into getting some type of contract with a road paint vendor as well as with a thermoplastic vendor as this would save the City a lot of money.

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

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

A. Councilmember Braden

1) Development Review System Software Update

Councilmember Braden suggests City staff only provides a monthly update on this matter rather than doing it at every meeting.

2) Median Maintenance

Councilmember Braden requests City staff produce the documentation stating that the City is no longer responsible for maintaining the medians on US Hwy 98, between Airport Road and Marler Bridge, and that the FDOT contractor will take over that responsibility.

Councilmember Braden requested an update on status of the Request for Proposal (RFP) for construction of the Capt. Royal Melvin Heritage Park after the City received only one bid from the previous RFP.

Councilmember Destin noted he asked that agenda items 4C1 relating to this issue to be pulled at this time because he believes there are some legal questions on whether the project had to be re-bid, and the City’s attorneys need some more time to obtain some clarifications from the US Treasury.

According to the Land Use Attorney, there have been some staff changes at the US Treasury and some conversation that occurred with Okaloosa County and the US Treasury in

which the City and the City's attorneys were not involved. They would need to gather all this information and provide it to the Council on the next meeting agenda.

B. Councilmember Ramswell

1) Norriego and the removal of the swim rope to allow for boats

Councilmember Ramswell expressed her opposition to the removal of the swim rope to allow for boats in the Norriego Point embayments. She stated that all the public information meetings that were held, all the presentations they received from FDEP and other pertinent organizations, and everything that was said from day one indicated that these embayments were for swimming, and that boating would be limited to the other side of Norriego Point. She continued there was also a press release where former City Manager Carisse LeJeune discussed purchasing \$3,000 worth of buoys to be installed on the outer edge of each new embayment. There are minutes of meetings where this Council discussed the use of the new embayments and how they would be monitored and how boat parking will be restricted. They also include a statement from former City Engineer David Campbell that the deed states the conveyance is made and accepted with the covenant and understanding that the harbor side shoreline of the property shall remain accessible for the use and enjoyment of boaters. She asked staff to determine where they stand on this issue.

According to the City Attorney, he along with the Land Use Attorney, City Manager and Councilmember Destin, travelled to Tallahassee in October/November 2019 and discussed this issue with FDEP. From that discussion it became apparent that FDEP's position is that they would like to see all the embayments opened to boats as they believe it would maximize public access to Norriego Point; which in their view was the main criteria listed on the grant application when the City applied for funding for the Norriego Point restoration project. However, they do not seem to be 100 percent committed to that position, and there might be some changes the Council could make to the overall scope of the project. But until the Council takes action, there is not going to be openings of these embayments at all. He added that City staff has not formulated a final recommendation to Council at this time.

It was the consensus of the Council to have the City Attorneys and City Manager to send a letter to FDEP asking for their official position on this issue in writing, and then schedule a workshop, inviting representatives from FDEP, to discuss this matter.

2) Beach Joint Advisory Committee report (with Lisa Firth)

Councilmember Ramswell announced that this committee held their initial meeting in February, and that this meeting was very productive. There were five different entities represented at that meeting – Destin Fire Control District, Okaloosa County Sheriff's Office, Okaloosa County, City of Destin, and vendors. There were multiple conversations relating to issues on the beach and ways they could address these issues to improve things moving forward.

3) QJ procedure and general information document

Councilmember Ramswell recommends City staff establishes procedures that apply to both remote and regular meetings and share that information with the public.

The Land Use Attorney announced that the City Manager and staff are currently working on remote access procedures. Once that procedure is established, the City Attorneys will bring back Quasi-Judicial proceedings that would apply to both remote and regular meetings and educate the public.

4) Wayfinding signage for businesses blocked by US Hwy 98 construction

Councilmember Ramswell asked staff to determine if the City could provide the wayfinding signage for such businesses so they could be noticed and seen, or if it is something FDOT could provide.

5) Coordination with the County on unannexed development in Destin

Councilmember Ramswell asked staff to coordinate with the County to come up with a more uniformed policy on feathered signs to make things fair with everyone.

Next, Councilmember Ramswell noted an article in the paper about Governor DeSantis prioritizing and accelerating a list of 9 projects for infrastructure improvements in Florida worth billions of dollars; adding that the closest project in this area that made the list was in Panama City. She recommends asking the Mayor to send a letter to Governor Desantis encouraging him to consider the US Hwy 98 project among the critical infrastructure projects that are being fast-tracked per the Governor's direction. There were no objections from other members of the Council.

C. Councilmember Menchel

1) Code Compliance Issues

Councilmember Menchel spoke of the photographs he provided and added to the agenda packet that show different properties in Crystal Beach in violation of parking regulations. He stated that these photographs were taken after midnight, and that they provide justification for the City's Code Compliance Department expanding its hours and providing coverage after the midnight hours to enforce the regulation.

The City's Code Compliance Manager Joey Forgione stated they have modified their schedule to provide coverage 7 days a week, from 6:00 AM to 3:00 AM.

2) Paperwork/handouts from citizens being allowed at Quasi-Judicial hearings - discussion

Councilmember Menchel stated that the City needs to come up with a consistent policy going forward on accepting handouts from the public on Quasi-Judicial hearings to make sure guidelines apply to all meetings.

The Land Use Attorney noted this will be included in the Quasi-Judicial meeting procedures staff is creating.

3) City Contracts Internal Audit

Councilmember Menchel announced that the deadline for completion of internal audit of the City's continuing services contracts has been extended to May 18, 2020 per his discussion with the City Manager.

Councilmember Menchel also stated that he expects staff to be able to tell the Council later in the year why the CAFR application is needed and prove that it is not a "pay to play" proposition.

D. Councilmember Overdier

E. Councilmember Marler

Councilmember Marler moved to allow all City facilities to close and give staff a day off on Good Friday, seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

Councilmember Marler asked staff to place on the next meeting agenda under his name the re-scheduling of some of the upcoming City events, particularly Founder's Day

F. Councilmember Destin

Councilmember Destin moved for the City of Destin to join in with the national coalition of fishermen – both commercial and charter – and lend support to the fishermen's effort to come up with a unified voice when asking the federal government for assistance. Councilmember Ramswell provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

Councilmember Destin moved to have the City of Destin partner with the Destin Harvest and allow the use of the Morgan Sports Center parking lot for charity distribution of food and emergency resources for the needy; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

G. Councilmember Morgan

1) Appointment of Mr. Eddie Morgan to the Harbor Capacity Study Steering Committee

Motion by Councilmember Morgan, seconded by Councilmember Destin, to appoint Mr. Eddie Morgan to the Harbor Capacity Study Steering Committee passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

The Mayor asked that membership to this committee be expanded and for the Council to allow him to nominate Capt. Jim Green, President of the Charter Boat Association and member of the Harbor CRA Advisory Committee, to the committee.

Motion by Councilmember Destin to expand the Harbor Capacity Study Steering Group membership to 8 and allow the Mayor to nominate Capt. Jim Green, President of the Charter Boat Association, as a member was seconded by Councilmember Ramswell and passed 6-1 (Council members Morgan, Destin, Marler, Overdier, Menchel, and Ramswell voted "yes"; Councilmember Braden voted "no").

H. Mayor Gary Jarvis

The Mayor announced that the 2020 Census is underway but only 21 percent of Destin residents have responded. He stated that the census number is critical to every community because the information is used for federal funding, establishment of hospitals, and school funding among other things. He urged everyone to take some time to fill out their census document and submit it.

I. Land Use Attorney

1) Request to call executive session pursuant to section 286.011(8), Florida Statutes, in the cases of Pointe Mezzanine, LLC v. City of Destin, Okaloosa County Court Case No. 2019CA004010 F, and Pointe Mezzanine, LLC v. City of Destin, Okaloosa County Court Case No. 2019CA003733

It was the consensus of the Council to schedule an Executive Session on April 20, 2020 at 5:30 PM.

F. J. City Attorney

8. PUBLIC COMMENTS

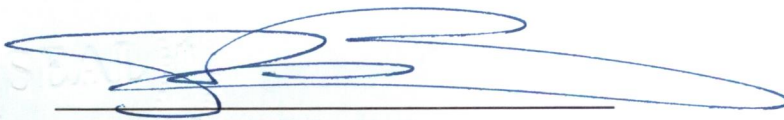
ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 8:30 PM.



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk