

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
JUNE 15, 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
Community Dev, Director Louis Zunguze
Code Compliance Manager Joey Forgione
Parks/Recreation Director Lisa Firth
Public Services Director Michael Burgess
Deputy Public Services Director John Hart
City Land Use Attorney Kimberly Kopp

City Clerk Rey Bailey
Deputy City Manager Webb Warren
Finance Director Krystal Strickland
Building Official Noell Bell
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 asked to move the two items under Public Hearing ahead of the City Manager Reports.

The City Manager requested that reading of a proclamation be added to item 2 of the agenda.

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 April 20, 2020 Regular City Council Meeting

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

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

A. Proclamation

The Mayor read the proclamation acknowledging Riley Braden and Jason Palazzo for their lifesaving efforts; and then presented it to Mrs. Jaime Braden.

B. Jim Gilman: 90% Plans for the Harbor Blvd Median Beautification Project

Mr. Willson McBurney, FDOT District 3 Landscape Architect, provided a brief presentation of the 90% Plans for the Harbor Blvd Median Beautification Project. He stated that they are aware of what the City wants with regards to plant species and would really attempt to accommodate them. They plan to add color along the corridor and add more trees, specifically Oak Trees and Canopy Trees where possible. They have removed Crepe Myrtles and Palm Trees from the plant list as the City had requested. At this point they are proposing Live Oak Trees and Yaupon Holly Trees. They are also trying to add color and texture in the ground plain using different colors of Jasmine, Azaleas, Variegated Adam's Needle and Liriope; adding these are work in progress and they may still add a few more types between now and the final plans.

According to Mr. McBurney, they are planting trees where they can and not necessarily at their desired location. He then identified the constraints that they have on the corridor which define what type of plants they could use and where trees could be planted.

- Trees not allowed to be planted within 100 feet of the median
- Stay 4 feet off the face of the curve for clear zone requirement
- Billboards located along the corridor with statutory view zones
- Utilities along the corridor – water and sanitary sewer – many of which are located in areas where they like to plant trees
- Overhead utilities/underground utilities and existing storm sewer – 5 foot or 15-foot offset from the center
- "Limits of clear sight" constraints. Everywhere a median crossing exists, either signalized intersection or unsignalized intersection, there are constraints in planting large trees

Mr. McBurney proceeded to go through the landscape plan with color coded depiction of the constraints they have along the corridor.

Councilmember Marler stated that he would like to see Variegated Adam's Needle, Schilling Dwarf Holly and Dwarf Burford Holly placed in areas near crosswalks to prevent jaywalking. He continued they have had some tragic accidents occurred in those areas over the last few years because people refuse to utilize the crosswalks.

Councilmember Braden asked how many Oak Trees they could realistically plant in the corridor. He also wants to know the approximate start date for the project.

According to Mr. McBurney, the plan portrays approximately 40 Oak Trees; however, the exact number of Oak Trees they can plant is dependent upon the discussion with Destin Water Users (DWU); and whether DWU IS willing to bend their rules and allow the planting of the trees directly adjacent to or above their utilities. Otherwise, this number will be cut in half. He added they estimate the start of the project in early 2021 for advertisement and selection of a contractor; and with mobilization around late spring 2021.

Councilmember Morgan asked the City Manager and the Mayor to send a letter to DWU conveying Council's support for the Live Oak Canopy. He also stated it is the consensus of this Council to ask FDOT to remove Crepe Myrtles and replace them with Live Oaks where possible.

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

Mr. Jim Gallup, a military member, asked the City to consider memorializing and renaming a City facility, possibly the Joe's Bayou Boat Ramp area, after a fellow soldier and Destin resident – Thomas Russell Robinette – who passed away after a tragic accident near that location last year.

The Council asked the City Manager to coordinate with Mr. Gallup to come up with a specific plan to honor Mr. Robinette's memory.

Mr. Trip Tolbert, a Destin resident, stated that some of the water quality requirements and restrictions are being neglected in certain developments at Sandestin. He opined that the water quality at the surrounding beaches and shoreline had disintegrated over the years. He urged the Council, along with its citizens and the State, to take the necessary action to save their bay and the quality of life for the next generation.

Mr. Jim Bagby, a Destin resident, stated that the bay has gotten worse in the 21 years he had lived in the City. The bay used to have an abundant fish life and they used to enjoy it; but not so much anymore. The over development in the Sandestin Development of Regional Impact (DRI) has impacted the bay. He urged the Council to take the necessary steps to help clean up the bay.

Ms. Carrie Harbarger, a Destin resident, urged the Council to do what it could to help preserve the water quality in the bay. She also asked the Council to negotiate with FDOT to get the Christmas decorations back up on US Hwy 98 in time for the Christmas Parade. She further stated that she had read the Old Cemex Plant Environmental Report which will be heard later on in the meeting. There are grave issues with the report, and she hopes Council come to an agreement and allocate funds to remove the fly ash and the three tanks that are buried at the old CEMEX plant and were never tested.

According to the City Manager, staff has gone through the State registry of tanks that known to have been on that property. There were 5 tanks listed but were all above ground.

Ms. Harbarger argues there is an environmental report that addresses the 3 buried tanks.

Ms. Sandy Trammell, a Destin resident, recommends the City contact Elizabeth Brannon at Freeport, Florida. There is an unprotected landfill there and had chemicals emitting into Choctawhatchee Bay; and that Ms. Branon had done a lot of work in getting it cleaned up.

Ms. Marcie Bell, a Destin resident, stated that she reviews public records and videos and uses her Facebook blog to put the word out regarding Clement Taylor Park. She has been villainized in Facebook by members of the public and a threat was made against her by a sitting Destin City Council member on Facebook; and that she is formally asking the Okaloosa County Sheriff's Office to investigate that threat against her.

Mr. Alan Osborne, a Destin resident, informed the Council that he disagrees with the report the Council received from City staff regarding the agenda item on Choctawhatchee Bay Water Quality Presentation; adding that the staff report is incorrect, and that he has all the documentation to prove it. The report states that Driftwood Estates development order meets the stormwater quality standard set forth in the County's LDC. However, an adopted report by the Okaloosa Board of County Commissioner states that it is completely out of compliance. The staff report states the DRI regulation has gone away; but it has not. There was a statement in the report that this matter could be legally investigated. Mr. Osborne noted that during his presentation, he never asked the City Council to investigate the legal ramification of suing Walton County. He was only asking the City to look at the regional impacts as a city and to take some action to stop the water from going into the bay.

Mr. Doug Wiles, a Walton County resident, expressed concern over the water quality in the Choctawhatchee Bay. He opined that as far as nitrogen level, the majority of the pollution is coming from stormwater runoff from fertilizer. Typically, the major source of this is the golf course. He added that if they do not protect their resources now, they will be gone forever.

Ms. Joanne Bouchillon, a Destin resident, stated that it is of utmost importance to protect and preserve their resources. She asked when the ordinance prohibiting the vacation of waterfront rights-of-way in the City of Destin will be created and when it will go for a referendum vote.

The City Attorney noted that the ordinance will be presented to Council in July to meet the deadline of August 15th to the Okaloosa County Supervisor of Elections for the referendum language to be in the ballot for the General Election in November 3, 2020.

Mr. Hollis Wilsley, a Sandestin resident, stated that the condition of the water in Choctawhatchee Bay has changed dramatically in the last 20 years; and no one has been able to define the reason. It is incumbent upon this City Council as legislators to take some action to help fix this problem.

Mr. Aaron Thomas (through webinar), a local attorney, stated that he represents several property owners who have filed Bert Harris pre-suit notices against the City; and he was specifically referring to items 6G thru 6Q of the Consent Agenda. He has been working with the City's Land Use Attorney in preparing these documents for Council's approval consideration. He noted there is a sentence at the end of Section 2A of the settlement agreement for his clients

that is not in the remaining settlement agreement on the list. This particular language reads, "*The Property remains subject to all applicable City ordinances/codes.*" He asked that this language be removed from the settlement agreement for his clients to conform with the other settlement agreements.

The Land Use Attorney explained that this language was in all proposed settlement agreement. Other parties requested it be removed as they were concern that a third-party purchaser would see that language and be confused. Mr. Thomas did not request the language be taken out for his clients. She continued there is no substantive difference whether the language is in the settlement agreement or not. The remainder of the code still applies to all the properties as stipulated in the staff report for each item; however, she would remove the statement from the proposed settlement agreement for Mr. Thomas 's clients if directed by Council.

Mr. Peter Johansson (through Webinar), a short-term rental property owner, spoke of Resolution 20-10 which the Council adopted in May reclaiming home rule on short-term rentals. He stated there are concerns among short-term rental owners that the Council is storing home rules without additional clarity. He pointed out that in 2011, the State of Florida took away all powers from a City to regulate short-term rentals. In 2014 these powers were restored except for 3 very important powers: The City cannot ban short-term rentals; they cannot regulate duration of stay; and they cannot regulate stay frequency. Resolution 20-10 is asking back these 3 powers that have been taken from the City, which is quite disconcerting to short-term property owners because they do not know the City's intent by asking for these powers to be restored. There are concerns short-term rental owners would again be subject to ordinances that would negatively impact their property value and make their businesses more difficult to operate.

Following public comments, the next two items discussed were agenda items 5A and 5B under the Public Hearing section.

4. CITY MANAGER REPORTS

A. Median Maintenance, authorization for the City Manager to execute a contract

Councilmember Overdier moved to authorize the City Manager to negotiate and execute a contract for Miscellaneous Right-of-Way Maintenance Services with ZIIC Outdoors, LLC in an amount not to exceed \$185,000; seconded by Councilmember Marler.

Councilmember Braden asked staff to try to get some of the well pumps up and running and continue to irrigate the medians until the start of the project.

Councilmember Menchel asked if any damage to the pump was caused by the 3R construction.

According to Public Services Director Michael Burgess, he cannot say definitively if any portion of the system was damaged by the 3R construction. There were problems with the system prior to the start of 3R project. However, staff is still investigating the irrigation system on Airport Road; after which they would move over to US 98 and do the same thing.

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

B. Reopening of Recreation Programs, Rentals, and Tournaments

The City Manager reported that the Governor's latest Executive Order concerning COVID-19 removed the quarantine requirement for visitors from the State of Louisiana traveling to Florida, and instituted Phase II of the reopening plan. The Executive Order also specifically extended the quarantine requirements for visitors from New York, New Jersey, and Connecticut. Staff is seeking Council's direction regarding the City reopening to a large-scale sports tournaments and rentals.

Councilmember Overdier moved to direct staff to implement level 5 "High Risk" allowing for full competition between teams from different geographic areas except for areas specifically restricted by the Governor's Executive Orders with adherence to the CDC's guiding principles for youth sports. Councilmember Marler provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

C. Right of Way Referendum Process Update

The City Attorney informed the Council that Okaloosa County Supervisor of Elections has indicated to the City that the referendum language must be submitted to his office by August 15, 2020, at the latest, in order to appear on the November 2020 ballot. He also stated that the way he understood Council's direction was any rights-of-way dead ending into a body of water would be included in the ordinance. He asked if this was accurate.

It was the consensus of Council to include in the ordinance the vacation or partial vacation of rights-of-way dead ending into a body of water.

D. Follow up to Choctawhatchee Bay Water Quality Presentation

The City Attorney noted that he stands by everything that was written in the staff report and that he awaits the Council's direction. He also he does not foresee any robust legal involvement by the City. He expects the City's involvement to be very limited to merely providing certain witnesses to a hearing.

At this time, Councilmember Braden requested that Mr. Osborne be allowed to answer any questions.

Councilmember Braden asked Mr. Osborne if he agrees with the City Attorney's assessment of the situation.

Ms. Osborne noted that he disagrees with the City Attorney as he has produced no document that says section 380 (water quality) of Florida Statutes is not enforceable in this case. Also, the FDEP has no jurisdiction over this issue whatsoever. Walton County is the monitoring sources for the region. He also stated that he never recommended the City takes any legal action. He suggests the Mayor be allowed to seek a resolution from Okaloosa County Attorney Greg

Stewart to support Destin. Mr. Stewart has already written a finding for Walton County that they were non-compliance for which he was fired. He was the Walton County attorney for 10 years. The letter would then go to the Governor who has the authority to enforce section 380 of Florida Statutes.

The City Attorney maintains that by Florida Statute, the State no longer has enforcement authority. It belongs to the local government.

Councilmember Destin moved to direct the Mayor and City Attorney to discuss this matter with the Okaloosa County Attorney and bring back a recommendation for Council's consideration; after which this Council could decide whether they want to pursue contacting the Governor on this matter; seconded by Councilmember Morgan.

Councilmember Menchel asked whether Mr. Osborne had any communications with Okaloosa County about this issue.

Ms. Osborne replied he has not spoken to the County about this issue; adding he wanted to have the City's support before he meets with the County Commissioners.

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

E. Request for Direction relating to June 2, 2020, Destin Fishing Fleet, Inc. Invoice

The City Manager noted that on June 2, 2020, the City received a demand letter and an invoice from the Destin Fishing Fleet relating to the City's three transient slips located at 206 Harbor Blvd. The Fleet alleges that the City owes them \$63,260.02 in previous unbilled utility expenses and dock maintenance fees for the past 10 years. The Fleet also alleges these fees stem from the May 4, 2010 Amendment to Lease Agreement for Riparian Rights executed by and between the City and the Fleet.

The City Attorney informed the Council he has provided a proposed responsive letter and that the Council may direct him to send the proposed letter as written, or to modify the letter and deliver it to counsel for the Destin Fishing Fleet, or direct other action.

Councilmember Morgan moved to take no action; seconded by Councilmember Menchel.

Councilmember Ramswell noted there have been some major concerns especially in bills when they look at the itemized list and are being asked to split funds for such things as air conditioning and roofing when this is supposed to be for maintenance of a slip. She also stated that when they first got the lease agreement in the park, the City was originally supposed to continue receiving rental income and putting it into an account that was going to pay for expenses related to the park. It seemed none of it was ever done. Looking at the rental income that has been charged on slips over the years and considering 3 slips over a 10-year period, approximately \$328,000 would be due to the City for various rents. In her opinion, there are things being falsely presented as bills for maintenance of slips.

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").

F. Captain Royal Melvin Heritage Park Bid Recommendation

The City Manager noted they rebid the project and received three bid proposals. The City's Bid Committee met and evaluated and scored the bids submitted for the project based on the criteria outlined in the City's bid document. He requested Council's acceptance of the bid.

Councilmember Overdier moved to accept the GLC Contracting, Inc's bid of \$1,335,689 for the Capt Royal Melvin Heritage Park project and allocate an additional \$48,006 in City funds from the Park Impact Fees account, contingent on the final approvals from Okaloosa County and the U.S. Department of Treasury. Councilmember Marler provided a second to the motion.

Councilmember Braden pointed out that they received another bid from Lord and Son Construction, Inc., which is a little higher than the lowest bid. However, he has worked alongside Lord and Son for over 30 years and know that the firm is well qualified; and that he would like to make a substitute motion to accept the bid from Lord and Son.

According to the City Manager, if they do not follow the criteria that they published, they would be in violation of 2CFR-200 and jeopardize the grant for the project since the grant falls under federal guidelines. He continued that the criterion is based on the lowest responsive responsible bidder, and that the firm that received the best score was also the lowest bidder for the project.

Councilmember Ramswell asked how they define "responsible" and how it is made into a quantitative measure.

The City's Grants/Program Manager Jeffery Cozadd explained that the bids were evaluated on price, qualification, project approach and past performance; adding these are information contained within the contractors' bids. The Bid Committee evaluated the bids based on these criteria using a scoring system.

Councilmember Ramswell asked if they check references.

Mr. Cozadd noted they used the past performance and jobs listed in the bid package to gauge the firms' past performance.

Councilmember Braden asked if they are accepting the lowest bid in this case because they are using grant money.

Mr. Cozadd explained that the bid was not the sole consideration. The scoring is weighted. The lowest bidder's score is weighted a little higher than the others. There are more points awarded for the price proposal than the other 3 criteria – qualifications, project approach and past performance.

The City Manager added that all things being equal, the responsiveness and responsibility of each bidder, they would go with the lowest bid according to federal guidelines.

Councilmember Ramswell recommends securing the services of a contractor or someone familiar with the different expenditure and line item to assist in evaluating the bids going forward.

According to the City Manager, included in the bid package were documents containing estimates of prices from internal and external experts.

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").

G. 820 Beach Drive/ Old Cemex Plant Environmental Update

The City Manager informed the Council that staff has been working with FDEP representative Pearce who was running the improvements project for the City on Norriego Point and who was also slated to run the improvements project at Joe's Bayou Recreation Area. He continued that they brought up the concerns voiced by several Council members and some members of the public regarding a Phase 2 Environmental Study and potential tanks that were not registered. Mr. Pearce believes he could work the Phase 2 Environmental Study along with at least a search for potential underground tanks into their engineering design plans, which would save the City some money.

Motion by Councilmember Overdier, seconded by Councilmember Marler, to direct the City Manager to request inclusion of Phase II ESA in the design engineering consultant's contract for the planning design and permitting of Joe's Bayou for which FDEP is in the process of selecting, passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

H. Inventory of City-Wide Rights-of-Ways (ROW) with Waterfront

According to Community Development Director Louis Zunguze, there are 13 rights-of-way with waterfront access in the City of Destin. He recommends the City Council authorizes the City Land Use Attorney to prepare an ordinance prohibiting the vacation of these rights-of-ways and bring it back the first Council meeting in July.

Councilmember Ramswell asked staff to check on the status of several rights-of-way that are missing from tonight's list but were included on the prior list, or those that were previously discussed by Council, such as:

- Shore at Crystal Beach
- Sterling Shores
- Barracuda
- Norriego Point
- Osteen
- Crystal Beach Drive
- Tarpon

Mr. Zunguze explained that the list provided to Council tonight contained those rights-of-way they could find in their files; adding they may have been some to which they do not have any documentation. They will review the above list provided by Councilmember Ramswell to determine whether the areas listed are public rights-of-way; and if so, they will be included on the list.

Councilmember Ramswell also mentioned she has forwarded information to Mr. Zunguze and the Deputy City Manager on May 12th about a property for sale at 770 Harbor Blvd, which is a beautiful property with lots of harbor access and potential for a dock or a marina. She added it may be something this Council is potentially interested in pursuing.

Councilmember Ramswell moved to direct the City Land Use Attorney to prepare an ordinance prohibiting the vacation of rights-off-way with waterfront access within the City for first reading on July 6, 2020 and to direct the City Clerk to advertise the ordinance accordingly. Councilmember Morgan provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

I. Follow up discussion regarding Fisher Report dated May 11, 2020

The City Manager explained that staff presented the Fisher Report to Council at their last meeting and they are bringing it back to Council to ensure there are no additional questions, concerns, or directions regarding the report.

The Mayor noted that according to the report, they could either continue the same path in getting the City's Land Development Code in line with their Comprehensive Plan. And if the Council would like to be more concise and concrete, they could do a voter referendum to change the City Charter.

Councilmember Destin stated that the average citizens have lost their voice in government with regards to the City's growth and development perhaps almost 20 years ago, and they should have it back. The electors should be the final decision makers on big growth and to have a say in charting their own destiny going forward. There are two options they could pursue with regulating building heights and densities in the City of Destin. .

Councilmember Destin moved to direct the City Attorney and City Land Use Attorney to draft an ordinance of ballot language for the next general election which would seek to amend the City of Destin Charter provision by setting the maximum building height in the City at the current height limit of 6 stories in accordance with the comprehensive plan, and that any applications that seek to exceed that limit shall only be permitted by 60% approval of the Destin electorate through a referendum, and to bring the ordinance for first reading on July 6, 2020. Councilmember Morgan provided a second to the motion. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

J. Crosstown Connector Update

The City Manager noted that the City Council instructed City staff to work with their current engineer to redesign the land acquisition at the Azalea Drive and Benning Drive intersections to ensure only a two-lane road is built. Staff plans to bring the necessary information from Atkins Engineering and present necessary amendment and resolution to extend the contract with Atkins Engineering at the next Council meeting.

K. Gulf Power Streetlight Inventory Update, Outage Update

According to the City Manager, of the 101 streetlights that were originally reported as being out, 39 remained out of service during a follow-up inspection a few weeks later. These 39 lights were then re-reported to Gulf Power. As of Thursday, June 11th, only 10 lights remain out of service.

Councilmember Ramswell mentioned that a few years ago, at the request of Councilmember Menchel who was the Chairman of the Public Works/Safety Committee at the time, the City received a list from Gulf Power which included a lot of lights that were private and for which the City should not be paying. She asked if the City has performed audit to determine if there were any items on that list that are included on this list.

Mr. Burgess replied they are taking the GIS information and plotting that against the map. They should be able to determine where these poles are located and see if they are in the City's rights-of-way that are within private property.

L. Henderson Beach/Commons Drive Streetlight Update

The City Manager noted that Gulf Power forwarded the City a new customer service agreement to endorse as well as a rate plan for the new streetlight. Before the streetlight can be installed, the signed contract and installation payment must be provided to Gulf Power. The check for the initial installation costs was cut on Friday June 12.

M. Joe's Bayou ROW Encroachments Update

The City Manager reported that the Joe's Bayou right-of-way encroachment is currently under investigation by the City's Code Compliance Department. He is not aware if any of these items will end up at the Special Magistrate level. The Department will finish their investigation and then take action as needed.

N. Towing Rotation Update

According to the City Manager, staff is working with the Sheriff's Office to use some of their forms so they could get their towing rotation in place. This would simplify the process for staff so that they could actually tow when necessary.

Councilmember Menchel pointed out the staff report refers to "*tow rotation application and last updated inspection.*" He asked to which the latter was referring.

The City Manager explained it stood for the vehicle being inspected and the drivers of those vehicles being vetted.

Code Compliance Manager Joey Forgione explained they plan to use the wreckage service that is in good standing within the community. The Sheriff's Office inspects the drivers and their vehicles once a year. The City will utilize that and create its own wrecker service rotation.

Councilmember Menchel inquired as to the completion date for this initiative.

Mr. Forgione stated he expects it to be totally completed and ready to go by July 1st.

O. Announcements

The City Manager made the following announcements:

- 1) Independence Day Fireworks on July 4th, 9:00 PM at east Pass.
- 2) City facilities will be closed on Friday, July 3rd in observance of July 4th holiday.
- 3) Workshop: Norriego Point Park Embayments on Tuesday, June 23rd at 6:00 PM.
- 4) Workshop: Budget workshop #1 on Monday, June 29th at 5:30 PM.
- 5) Paid parking program south of Hwy. 98 is scheduled to go live on July 1, 2020.

5. PUBLIC HEARINGS

A. Second reading of Ordinance 20-20-CN - Provides for City Council approval of a contract for lease of real property owned by the City to the Destin Fire Control District.

The City Attorney read Ordinance 20-20-CN by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN OF OKALOOSA COUNTY, FLORIDA, RELATING TO THE LEASE OF CERTAIN REAL PROPERTY OWNED BY THE CITY; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDING OF FACT; PROVIDING FOR CITY COUNCIL APPROVAL OF A CONTRACT FOR LEASE OF THE PROPERTY TO THE DESTIN FIRE CONTROL DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance.

Ms. Teresa Hebert, Parks and Recreation Committee Chair, stated that the committee was unable to meet for 3 months. When they finally met last week, it marked the first time they have heard of the Destin Fire Control Station being charged a dollar a year lease for a fire station facility at Clement Taylor Park. The committee had a prior discussion of this issue when the park was a part of an official grant and that the fire station would not be allowed in the park. The committee as well as the many citizens who attended the meeting feel this issue should be tabled until the Parks and Recreation Committee had a chance to meet again and receive more feedback from citizens.

Councilmember Braden recommends tabling this issue and scheduling a workshop to provide everyone more time to discuss this issue.

Councilmember Braden moved to table this item; seconded by Councilmember Ramswell. Motion passed 5-2 (Council members Morgan, Destin, Menchel, Ramswell and Braden voted "yes"; Council members Marler and Overdier voted "no").

Motion by Councilmember Braden, seconded by Councilmember Menchel, to direct staff to schedule a workshop session to discuss this matter passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

Councilmember Menchel wants to make sure the Destin Fire Control District is invited to attend the workshop.

After a brief discussion, it was the consensus of the Council to allow the public to comment on this issue even though it was tabled.

Mr. Alan Osborne suggested leasing the piece of land in front of the Eglin Beach Club and relocating the fire department in that area, which is also closer to Crab Island, therefore response time will be quicker.

Councilmember Destin pointed out the jurisdiction of the Destin Fire Control District does not extend out to that area.

Mr. Christian Meyers, a Destin resident, stated they certainly want to give the firefighters what they need because they have a hard job and they are considered heroes. However, a fire station does not belong in the park. He further stated that over 130 people posted on Facebook agreeing with his opinion, and he asked the Council to consider them as well.

Ms. Beth Pike, a Destin resident, stated that the proposed change to the park is quite personal to her and to a lot of people. Clement Taylor Park has been a place of happy events and a piece of Destin history and it should be preserved. She does not feel every idea with regards to the fire station has been exhausted. If they need a place to park a fire boat, she suggests renting a slip closer to Crab Island. The Coast Guard can also respond to emergencies. She urged the Council not to allow a fire station facility to locate at Clement Taylor Park for the benefit of the citizens.

Mr. Matthew Sweetser, a Destin resident and member of the Parks and Recreation Committee, stated that they support the fire department they know they need to locate a fire station on the west side of town, but just not in the park. They need to exhaust all efforts to find another place to put it.

Ms. Tina Captain, a Destin resident, urged the Council not to place a fire station at Clement Taylor Park and consider a more industrial-friendly location for the station. Aside from the noise that would emanate from the fire station while children play, there is a risk of gas, oil and other chemicals from the fire station running off into the bay.

Ms. Marcie Bell, a Destin resident, noted there are other viable options to place a fire station, such as at the Destin Community Center location.

Ms. Gayle Shirah Roy, a Destin resident, stated that the park has a sentimental value to her. Her children and grandchildren who are all grown have enjoyed it. He stated that leasing a portion of the park to the fire department would be a liability to the City. The sirens going off and the noise from the fire trucks leaving the fire station would surely upset the children playing in the park. It would also be dangerous to all the people in the park. She also wants to know whether the City or the fire department pays for the submerged land lease.

Ms. Glenda Marler Kemp, a Destin resident, stated she is disappointed to hear the City is considering allowing a fire station in Clement Taylor Park. They have a lot of memories in that park and that she is afraid the fire department would ultimately take over the whole park. She asked the Council not to allow it to happen.

Ms. Carrie Harbarger, a Destin resident, asserts that the Destin Fire Control District has as much money as the City and that she does not understand the reason the City has to provide for them. She asked the Council to stop surrendering land belonging to the people who were born and raised in Destin. She would also like to encourage the fire department to show up at the workshop with information about their budget and a plan, and the City provide the reason the City must bear any expenses.

Mr. John King, a Walton County resident and former Destin resident, pointed out that the City recently bought another property right around the corner from the park. He suggests relocating the fire station to that property. He added that the City should not be giving away anything as they need more park space.

Capt. Jim Green, a Destin resident and member of the Harbor CRA Advisory Committee, expressed his support for putting a fire station in the park. He stated that this issue was brought before his committee last year and the committee spent quite a bit of time making recommendations to the design of the park that would include the fire station. He stated that having a fire station who can respond to emergencies on land or water at a moment's notice far outweighs the small piece of land the City is giving them. He added that the fire station facility and the dock will be paid for by the fire department impact fees and not the City's ad valorem taxes.

Mr. Mike Buckingham reported that personal attacks have been made on him because of this matter which he does not deserve; adding there are plenty of ways to settle this issue without having to get into personal attacks such as the discussions they are having this evening. He stated that he does not have all the answers tonight but scheduling a workshop to further discuss this issue is a great idea. He then called upon DFCD Commissioner Jack Wilson to explain the financial aspects of this initiative.

Commissioner Jack Wilson noted that all the money belongs to the taxpayers, and that the taxpayers for the City of Destin are the same people as the taxpayers for the fire department. He also stated that the rumor the fire department has \$10 million in cash is false, and that their balance sheet which is online and available to the public will prove it. They have \$8.8 million by

the end of May, and \$3.5 million of which they would spend for the rest of this year and \$5.3 million will stay in the reserve for emergency expenses. Some of this money could only be used for assets and not for operating expenses. It would make a lot of sense to have two government entities work together and come to some plan to benefit the taxpayers.

Councilmember Braden noted that the fire department bought a piece of property when they moved from Stahlman Avenue to Airport Road; and then again when they put up a fire station at Crystal Beach. He does not understand why they need the City this time to provide them the land to put up a fire station on Calhoun Avenue.

Councilmember Marler noted that someone offered the fire department a property on Calhoun Avenue for \$900,000, which if they bought it they would be using taxpayers' dollars. He continued that all the money involved here belongs to the taxpayers. It would make more sense to have the fire department work out a lease agreement with the City who owns a property on Calhoun Avenue and is willing to donate a small piece of that property. He also looks at it from the standpoint of safety. Right now, the response time to get to the areas around Calhoun Avenue and Kelly Street is approximately 10 minutes depending on traffic and having a fire station nearby would effectively reduce this response time. He further stated that this issue has gotten out of hand with friends and relatives arguing with each other.

Mr. Buckingham noted there was a property on Zerbe Road the fire department was interested in purchasing several years ago, but City staff informed them they needed that piece of property and that the City has been trying to obtain it for quite some time and recommended the Marler Street parking lot. There was a corner property that was available at that location which the fire department could purchase and build a fire station, but things did not work out. The fire department looked at another property on Stahlman Avenue, but they could not move there because there was not enough parking available. The parking lot behind it belongs to the Community Center's overflow parking. He added it was at this time City staff recommended a spot at Clement Taylor Park.

Mr. Jim Bagby noted there was a simple plan to place a fire boat at Clement Taylor Park, but that plan has since been blown up to include an entire fire station. He pointed out there is a fishing museum, a Sheriff's substation and a Community Center located on Stahlman Avenue. He feels there is enough acreage there to include a fire station. He added it would be a mistake to put a fire station on a bayfront park.

B. First reading of Ordinance 20-19-CC - Amends Article II (Noise) of Chapter 14, offenses and miscellaneous provisions of the Code of Ordinances

The City Attorney read Ordinance 20-19-CC by title, and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO CONSTRUCTION NOISE; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT TO ARTICLE II (NOISE) OF CHAPTER 14, OFFENSES AND MISCELLANEOUS PROVISIONS OF THE CODE OF ORDINANCES,

PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the Mayor closed the public hearing and turned the matter over to the City Council for discussion and consideration.

Motion by Councilmember Braden, seconded by Councilmember Marler, to approve proposed Ordinance 20-19-CC on first reading and direct the City Clerk to advertise it for second reading passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

Following this item, the next item discussed was agenda item 4A under City Manager Reports section of the agenda.

6. CONSENT AGENDA

- A. Amendment No. 1 to Contract By and Between City of Destin, Florida and Live Flyer, Inc.
- B. Batting Cages/Pole Barn: Dalton Threadgill Park
- C. Acceptance of Insurance Claim for Emergency Replacement of Damaged Server and Network Equipment
- D. COMPASS System (Energov) Monthly Update
- E. Fee Schedule Update and Resolution
- F. Extensions 9 and 10 to the Amended Declaration of State of Emergency
- G. Proposed Bert Harris Settlement Agreement for 92 Pompano
- H. Proposed Bert Harris Settlement Agreement for 82 Shirah
- I. Proposed Bert Harris Settlement Agreement for 93 Tarpon
- J. Proposed Bert Harris Settlement Agreement for 3425 Scenic Highway 98
- K. Proposed Bert Harris Settlement Agreement for 4782 Ocean Blvd.
- L. Proposed Bert Harris Settlement Agreement for 4659 Destiny Way.
- M. Proposed Bert Harris Settlement Agreement for 3485 Scenic Highway 98.
- N. Proposed Bert Harris Settlement Agreement for 4722 Ocean Blvd.
- O. Proposed Bert Harris Settlement Agreement for 4729 Ocean Blvd.
- P. Proposed Bert Harris Settlement Agreement for 3467 Scenic Highway 98.
- Q. Proposed Bert Harris Settlement Agreement for 112 Sandprint Circle.
- R. Proposed Bert Harris Settlement Agreement for 3 Magnolia.
- S. Proposed Bert Harris Settlement Agreement for 8 Magnolia
- T. Proposed Bert Harris Settlement Agreement for 75 Shirah
- U. Proposed Bert Harris Settlement Agreement for 83 Woodward
- V. Proposed Bert Harris Settlement Agreement for 85 Woodward
- W. Proposed Bert Harris Settlement Agreement for 4443 Clipper Cove
- X. Proposed Bert Harris Settlement Agreement for 627 Gulf Shore
- Y. Proposed Bert Harris Settlement Agreement for 2968 Scenic Highway 98
- Z. Proposed Bert Harris Settlement Agreement for 78 Hutchinson
- AA. Proposed Bert Harris Settlement Agreement for 80 Hutchinson

Councilmember Ramswell requested that Consent Agenda item 6X (627 Gulf Shore) be pulled for discussion.

Councilmember Destin moved for approval of Consent Agenda items 6A thru 6AA, with the exception of item 6X, subject to removal of the statement in Section 2A of the Settlement Agreement for items 6G thru 6Q to be in conformance with items 6R and 6AA, recognizing that all of these properties remain subject to all other applicable City ordinances and codes. Councilmember Marler provided a second to the motion.

Councilmember Overdier asked what happens if proposed settlement agreements are not approved.

According to the Land Use Attorney, if a proposed settlement agreement is rejected, they could go back and continue trying to negotiate. The other parties could always file a lawsuit if they want.

Councilmember Overdier noted that most of the numbers are quite reasonable. There is only one that wanted to put about 6 people per bedroom.

The Land Use Attorney explained that the ordinance Council adopted had a formula of 2 people per bedroom plus 4 more people. The direction was in negotiating the settlement agreement, they could use that formula, or they could go with one person per 200 square feet to give greater occupancy. He added that the Building Official inspected those that were asking for higher occupancy they were initially getting. There are some that did not make it to this agenda because they did not pass the life safety inspection of their property.

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

Discussions related to consent agenda item 6X – 627 Gulf Shore – follows. Councilmember Ramswell expressed concern in allowing a home to have an occupancy of 40 when their own code defines a hotel as having 25-person occupancy or more. She continued this is one of those properties with bunkbeds in the hallways. It was originally listed on Property Appraisal's Office as a 7- or 8-bedroom home. It now has 11 bedrooms; and supposedly there was no permit issued changing those numbers. It is supposed to be a single-family home located in a single-family neighborhood.

The Land Use Attorney noted this house is 11,913 square feet. Using the calculation of one person per 200 square feet, it equates to 59.5 people. The property owner is only requesting 40 people. She added that this house was not inspected because they were not asking for an occupancy greater than what the formula would provide. They could go back and ask if they would allow a life safety inspection of the property if that is the will of the Council.

Councilmember Destin moved to table Consent Agenda item 6X (627 Gulf Shore) and instruct the City Land Use Attorney to engage the owner and, if possible, conduct a life safety inspection of the property and bring results back to Council. Councilmember Marler provided a second to the motion.

Councilmember Ramswell inquired if these properties require to have a commercial sprinkler system.

According to the Land Use Attorney, it would depend on when the property was built. The most recently built home such as those on Hutchinson Street are all sprinkled because it is required on all properties 3-stories or more.

Building Official Noell Bell noted that under the Public Lodging section of Florida Statute states that all public lodging facilities shall be sprinkled if they are of 3-stories or more. According to the Building Code, public lodging facilities such as hotels and condominiums are required to have a sprinkler system.

Councilmember Ramswell maintains that since the property in question has been modified, it would need to fall under the current code.

The Land Use Attorney stated they would look at all the files, request a life safety inspection and provide Council all the details.

Councilmember Marler stated they need to know the exact criteria for a single-family residence.

According to Mr. Zunguze, they are finishing up a study in this regard and would have something for Council to look at by the second meeting in July.

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").

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

A. Councilmember Braden

Councilmember Braden reported a large pothole on Calhoun Avenue in front of the Destin Little League Park and a road sign missing at the intersection of Calhoun Avenue and Harbor Blvd. He also requested a copy of the engineering report on the harbor pump.

B. Councilmember Ramswell

Councilmember Ramswell asked whether the annual Sunshine and Public Records Law refresher training which was to commence in June had commenced.

According to the City Clerk, the City Attorney has started provided training a week ago and will continue to attend board and committee meetings throughout the month of June and July to complete the training for this year.

Councilmember Ramswell asked staff to extend an invitation to helicopter operators to have a representative attend a meeting and discuss their operations with the public since they are starting to receive complaints from citizens about helicopters hovering over the City.

According to the City Manager, they have previously extended the invitation, however COVID-19 has put most of these federal agencies from home and they just do not have access to them at this time.

Councilmember Ramswell requests status of previous plan to install a French drain or add sand to solve flooding problem at the front section of Indian Bayou.

Mr. Zunguze stated that staff will give a presentation on the Stormwater Master Plan at the July meeting that will cover this area.

Councilmember Ramswell requests status update on the Zerbe/Calhoun Pedestrian Pathway.

Mr. Burgess stated that Zerbe/Calhoun Improvements phase one is a pathway from the Destin Community Center down to Clement Taylor Park and Zerbe/Calhoun Pedestrian Improvements phase two is the boardwalk under the bridge. The bid package for Zerbe/Calhoun phase one is currently being advertised.

Councilmember Ramswell asked if they were able to address the issue regarding the harbor pump vibration which causes the pump to shut down.

According to Mr. Burgess, they had engineers from Baskerville-Donovan that came over and observed the pump in action. They have discovered a situation where air is being sucked into the pump causing a problem similar to cavitation. They have been asked to prepare a report with their recommendation. They have received a proposal and forwarded it to the City Manager for discussion.

Councilmember Ramswell noted that the Norriego Point submerged land lease has been merged with the embayment issue at least on the tracking chart. She would like for those two issues to be separated.

Councilmember Ramswell requested an update on the traffic signal synchronization plan on US Hwy 98.

Mr. Burgess noted they have contacted one of their continuing services engineers and asked them to prepare an estimate for updating their traffic counts from the Marler Bridge through Airport Road. The County has already provided them the timing programming for the various intersections. They have provided a quote which he would be discussing with the City Manager

C. Councilmember Menchel

1) City Council Workshop Norriego Point Embayment

Councilmember Menchel inquired as to FDEP's response to the City's invitation to attend the workshop session on Norriego Point embayment.

According to the City Manager, they have extended an invitation but has not heard from FDEP about sending a representative to the workshop.

Councilmember Menchel moved to cancel the Norriego Point embayment workshop and authorize the Mayor to send a letter to the FDEP Secretary asking for his assistance to have a representative attend the workshop, and not schedule the workshop until FDEP agrees to send a representative. Councilmember Braden provided a second to the motion.

Councilmember Ramswell stated she seriously doubt if FDEP will send a representative to the workshop because they were almost issuing the City a directive with their letter. She recommends going forward with the workshop to at least get the public's input..

The Mayor called for a vote on the motion, which fails 3-4 (Council members Morgan, Menchel and Braden voted "yes"; Council member Destin, Marler, Overdier and Ramswell voted "no").

Councilmember Menchel asks for a more aggressive enforcement of the illegal parking at James Lee Park from the Sheriff's Office.

Councilmember Menchel asked staff to use some tapes to mark off the footprint of proposed firehouse location at Clement Taylor Park for the public to see to help avoid misinformation; and to have photos available during the workshop on this subject.

- D. Councilmember Overdier
- E. Councilmember Marler
- F. Councilmember Destin

Councilmember Destin suggests they start thinking of ways to protect their parking at Leonard Destin Park once they open the park to discourage people from parking there.

- G. Councilmember Morgan
- H. Mayor Gary Jarvis
- I. Land Use Attorney
- J. City Attorney

1) Legal review of the City of Destin Code of Ordinances Part 1 (Charter) Section 3.09 to identify the language needed and process required to remove a City Council member or Mayor from office for violations identified in Section 3.09 - Update

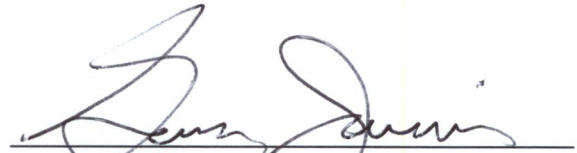
The City Attorney stated they plan to bring this item back in July.

8. PUBLIC COMMENTS

Ms. Marcie Bell noted that some of the rooms they are seeing online regarding short-term rentals contain Queen-size bunk beds. It is not two set of bunk beds that sleep 4 people but two sets of bunkbeds that sleep 8 people. Also, having garbage outside the garbage cans which they previously discussed is happening again causing a really bad situation on Holiday Isle and Crystal Beach. Finally, there is a short-term rental property on the street she lives in which is a two-bedroom house. There were 12 people in that house this past weekend.

ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 10:10 PM.



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk