

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
MAY 18, 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 Parker Destin
Councilmember Rodney Braden	Councilmember Skip Overdier (Virtual)
Councilmember Cyron Marler	Councilmember Steven Menchel (Virtual)
Councilmember Prebble Ramswell	Councilmember Chatham Morgan

Destin City Staff

City Manager Lance Johnson	City Clerk Rey Bailey
Public Info Manager Catherine Card	Deputy City Manager Webb Warren
Community Dev, Director Louis Zunguze	Library Director Wen Livingston
Code Compliance Manager Joey Forgione	Finance Director Krystal Strickland
Deputy Public Services Director John Hart	Engineer Assistant II Joe Bodi
Parks/Recreation Director Lisa Firth	Grants/Project Manager Jeffery Cozzard
Public Services Director Michael Burgess	IT Manager Matthew Pace
Tim Whaler, 3TP Ventures	Principal Planner Lauren Witt
City Land Use Attorney Kimberly Kopp	City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 p.m., which was then followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Braden requested adding an item under Section 2 of the agenda allowing Capt. Nix to formally introduce Capt. Mike Howell as his replacement as District 3 Commander and City of Destin liaison.

Councilmember Morgan requested moving agenda items 7G(1) and 7G(2) under City Manager Report as items 4K and 4L respectively.

Councilmember Destin requested that agenda item 4I under City Manager Report be re-designated as agenda item 4A.

Motion by Councilmember Braden, 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 February 18, 2020 Regular City Council Meeting

Motion by Councilmember Marler, seconded by Councilmember Ramswell, to approve minutes of February 18, 2020 Regular City Council Meeting passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

B. Approval of minutes of January 21, 2020 Regular City Council Meeting

Councilmember Marler moved for approval of minutes of January 21, 2020 Regular City Council Meeting; seconded by Councilmember Destin. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

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

A. National Public Works Week Proclamation

The Mayor read the proclamation designating the week of May 17-23 as Public Works Week, and then presented it to the Public Services Director Michael Burgess.

B. Census Response Rates in Destin Mr. Jim Wood

Mr. Jim Wood provided the following information regarding 2020 Census:

- U.S. Constitution in Article 1, Section 2: The U.S. has counted its population every 10 years since 1790
 - ❖ It is not too late to complete the 2020 Census. It takes a few minutes to complete
 - ❖ The U.S. Census Bureau keeps everyone’s answers safe and confidential
- Why is the Census Important?
 - ❖ Congressional representation
 - ❖ Billions in federal dollars
 - ❖ Taxation (Gas/Sales/Local Option)
 - ❖ Local TPO and similar representation
- Destin Populations
 - ❖ 2010 Census: 12,305
 - ❖ 2019 Bureau of Economics and Business Research (BEBR) Estimate: 13,441
- Reporting Community / Response Rate – AS OF: 5/18/2020
 - ❖ U.S. 59.5%
 - ❖ Florida 57%
 - ❖ Okaloosa County 55.3%
 - ❖ Shalimar 71.1%
 - ❖ Niceville 70.8%
 - ❖ Mary Esther 67.6%

❖ Fort Walton Beach	61%
❖ Crestview	58.3%
❖ Destin	54.5%

- How to submit census survey: www.2020census.org / 1-844-330-2020
- How to work as a 2020 Census counter: Okaloosa County / \$16.50/hour plus mileage and selected other expenses as appropriate

C. Replacement for Capt. Nix as District 3 Commander and City of Destin Liaison

Capt Nix introduced his replacement Capt Mike Howell as District 3 Commander and City of Destin liaison.

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

Mr. Ken Wampler, a Destin resident, urged the Council to support the proposed resolution which is on tonight's agenda to support the County's efforts in re-opening short-term vacation rentals in Okaloosa County. He asked the Council not to take this opportunity to expand restrictions on short-term vacation rentals as it would significantly hurt 32,000 people on Okaloosa County

Ms. Mary Ann Windes of the Destin Fishing Fleet read the following statement:

"In 1992, the Destin Fishing Fleet had an idea that we could build the facility we now own and by so doing protect the fishing community. Royal Melvin wanted two things: he wanted to help us achieve that, and he wanted the income from the slips opposite his land, which he did not have the money to permit and build. We gave him both of his objectives by leasing from him, for 99 years, a waterfront maintenance easement across 10 feet of his land and the right to acquire the necessary submerged land lease from DEP to construct boat slips opposite his upland.

He received from that the rent from 6 boat slips. We got the right to construct additional slips that we could not have built if we had had to observe the setbacks that his ownership would otherwise have required.

In short, we got to use a part of his waterfront, and we both benefitted, and we now know that the entire City of Destin benefitted.

No offense intended, but all that has always been public record. You knew all the above when the City purchased Mr. Melvin's property, expressly subject to the existing lease that he and the Destin Fishing Fleet had negotiated. Our boat slips were located exactly as they are today at the time you bought Royal Melvin's property.

If any one of you, any council member, any lawyer, or any member of the audience disputes one word of what I have just said, then please tell me what that word is.

I ask you the question: Who really believes the City of Destin should, or legally could, change the deal made by others prior to the time the City of Destin bought Mr. Melvin's property? Who is intended to benefit from that? You are about to spend City money again on something you have already debated, from the same council member, and previously chose not to attempt.

Who is intended to benefit?

Get an honest answer to those questions, and you will know why this has come up again.

I would respectfully ask that you vote to NOT have the City added to the Fleet's submerged land lease, a lease that was never a part of the upland you purchased, and another taking that cannot go unanswered. "

According to Councilmember Ramswell, it was mentioned the prior owner did not have the money to permit and build slips; however, it was her understanding the owner already had docks with slips on his land.

Ms. Windes noted that the owner had two or possibly three slips which needed to be redone; adding that the owner did not have a submerged land lease.

Councilmember Ramswell pointed out there was a lease already in existence when the City bought the property in 2010. However, the terms were very different from the lease the Fleet had with Mr. Melvin versus the lease that was executed in 2010.

Ms. Windes stated that the City changed the term; adding that the Fleet neither request nor support the changes made by the City. However, knowing that the City would lose the grant, the Fleet regretfully to the City's changes.

Councilmember Ramswell noted that the submerged land has always been part Melvin's property and part Fleet's property, but the Fleet wanted to be listed as the sole owner.

Ms. Windes pointed out that the Fleet owns 210 Harbor Blvd, and the City owns 206 Harbor Blvd, and the State of Florida owns the submerged land. Mr. Melvin gave up his submerged land by lease for 99 years to the Destin Fishing Fleet. The City of Destin took over that agreement. It is untrue that the City tried to become the owner of the submerged land lease.

Councilmember Ramswell argues that the City is trying to be listed as an upland owner, but they are not on the inspection report or the last lease; and that they are aiming to get that clarified.

Ms. Windes mentioned that when Councilmember Ramswell brought this issue up in 2018, it was not agreed upon by Council to have it investigated. However, someone from the City called FDEP to have it investigated. When she renewed the Fleet's submerged land lease in 2018, she was informed the matter was under investigation, but the lease was renewed with no problem. She pointed out that in 1993, the attorneys for the City, the Fleet and FDEP got the lease the way it should be. It had not changed since then, and it has been renewed from one year to another. She added that she does not dispute the fact the City is the upland owner; however, she disagrees with the City being part of the Destin Fishing Fleet Submerged Land Lease.

Councilmember Ramswell explained there is great concern that on the documentation that is listed with FDEP, the City is not listed as an upland owner. They need to make sure that matter is rectified and clarified for the sake of their grant and other ownership purposes of the upland property. She added that the Council is going to discuss sending a letter to FDEP in that regard later on the agenda.

Mr. Bill Reddington, a Destin resident, noted there was a lawsuit related to short-term rentals filed in federal court in Tampa recently against the Florida Governor. When the Governor was questioned about opening short-term rentals, he responded by saying he would defer the decisions to the counties. He stated that the resolution under consideration tonight had made references to home rule as they relate to short-term rentals. He cautioned the City to be careful in this regard as this could make the City part of a lawsuit the Governor is trying to avoid.

Mr. Jason Klosterman, a Destin resident, asked how the submerged land lease for the Fleet marina, which is on tonight's agenda, would impact the charter fleet; and whether the City was trying to acquire the submerged land lease. He also asked if there was a setback which would require all the slips in that dock to become transient slips which would then require all the charter boats there to vacate those slips.

Ms. Cari Harbarger, a Destin resident, urged the Council to stop giving away land as they did on Harbor Lane. She also expressed her objection to putting a fire station at Clement Taylor Park, stating there should have been some workshop sessions scheduled to discuss this matter a little bit more and allow more input from citizens. She further stated that Crab Island is not the City's responsibility. It is a state park; and so, the citizens should not have to give up anything to cater to the needs of Crab Island.

Ms. Harbarger also mentioned they have never received a response regarding the contamination on the concrete plant as well as the fly ash issue and the 3 tanks that are still buried in that land. Also, there was never a study done at that location. She added they need to locate those tanks and clean them up before they allow children to play there.

Ms. Sandy Trammell, a Destin resident, inquired as to the status of the \$25,000 Council recently approved to be used to improve the Harbor Lane right-of-way access to the water. She also noted that the Coleman Lake Outfall needs to be cleaned off as things had gotten so dense, they could not even see the little dock they worked hard to build.

Ms. Teresa Hebert, Parks and Recreation Committee Chair, announced they would be hiring an arborist to verify that the two trees on main street park on Joe's Bayou are not protected trees and can be removed so they could clean out the area.

Ms. Joanne Bouchillon, a Destin resident, stated she had lived in Destin for over 20 years and does not like what she sees happening in the community over the years with land being given away to private entities. She continued they have fought very hard to keep the portion of the right-of-way on Harbor Lane from being vacated; but they lost despite getting 250 signatures on a petition to deny the vacation and having many of the citizens voicing their objections at Council meetings. She urged the Council to stop this practice and give the citizens of Destin the opportunity to decide via referendum vote whether to vacate, or partially vacate any land, going forward. In addition, put on hold any other pending applications that are on file with the City of Destin for vacation of land until the citizens of Destin have voted.

Mrs. Wendy Alsop, a Destin resident, stated that her husband and a lot of people they know have been in combat, and some have given their lives, for causes that they believe in. She expressed her gratitude to Mayor Jarvis for his willingness to standup for the community as well as

for recognizing the jobs that short-term rentals provide; and that she is very disappointed of others who had negative comments about what the Mayor is doing.

Mr. Reid Ingram, a short-term rental manager, expressed his disappointment that hotels are being allowed to operate while violating social distancing rules whereas short-term rentals that are mostly following the safety rules are currently being banned. He also noted that big box facilities such as Lowe's and Home Depot are operational and often packed with people. He added he does not understand the thought process behind these decisions.

4. CITY MANAGER REPORTS

A. Request for approval of Destin Fire Control District lease and request for direction to advertise accompanying ordinance for first reading in June.

The Land Use Attorney explained this is a proposed lease, negotiated between the City Land Use Attorney and the Fire District's attorney for consideration by the City Council. The proposal includes a \$1 in annual rent to be paid by the Fire District to the City for an initial 20-year term. Both parties may mutually agree to extend this lease for three additional 20-year terms. Any request by the tenant to extend the initial lease term is subject to approval by the City Council in its sole discretion. At that time, the City Council would have the option to increase the rent or negotiate other change to the lease. If the proposal is acceptable, an ordinance will be brought back to the City Council for formal approval.

Fire District Commissioner Mike Buckingham provided a brief overview of the proposal. He stated that this matter has been under discussion for nearly two years. They were planning on building a small substation to cover the west end of town and had been unable to find anything. When the design was being created for Clement Taylor Park, they have noticed that a very small area at the front left corner of the park, where the existing bathrooms are located, was not being included in the design of the park. They approached the City and then hired an engineer to create a quick design to make sure a small fire station would fit in that small section. He stated that in exchange for allowing them the use of that portion of the park, the Fire District offered to put a minimum of 12-inch trees to replace the two small trees that would have to be removed. They have also offered to plant, at a minimum, 12-inch trees at the park itself. In addition, they plan to build a first-class men's and women's bathrooms for the park, which will be attached to the fire station building. The fire chief has also made it clear that the fire truck will never pull out of that fire station with the siren on.

Also, according to Mr. Buckingham, the time it takes to get from Airport Road to West Destin and the increased in calls for service over the last two years, have necessitated this movement. He also mentioned that a lot of fire departments around the world are moving closer to the parks for safety.

Councilmember Menchel stated that the footprint of the fire station will not hamper or take away any of the park facilities.

Councilmember Overdier moved to direct the Land Use Attorney to prepare an ordinance adopting the current lease proposal with the Fire District and direct the City

Clerk to advertise such ordinance for the first City Council meeting in June; seconded by Councilmember Marler. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

B. Internal Audit of the City of Destin Continuing Services Contracts

The City Manager noted that on January 6, 2020, he was instructed by Council to have each department head conduct a thorough self-audit of their continuing services contracts and to report back to Council. That report is now before this Council tonight.

Councilmember Menchel read the following statement for the record:

“Something to consider – as you review this audit consider the fact that we should not just talk about money, and the mistakes in the continuing services contracts, but also focus on the systemic breakdown within our cities operation(s) that got us here and what additional actions we need to take moving forward.

On November 18, 2019 at a Council Meeting I made the following statements:

It should be noted – the mistakes – be they are honest or otherwise, issues/concerns raised herein are not directed toward the majority of our hard working City Employees, and moving forward – even though some may say this is giving our City yet another black eye - our Management Team and the City Council will be judged on how we move forward and correct the issues - that have already been identified and any additional mistakes/issues/concerns discovered during this process.

I also stated - It is very important for all of you to understand that the Purpose of any Investigation is to prove or disprove an allegation. It is just as important to prove a person innocent as it is to prove them guilty. If you have done nothing wrong, then you have nothing to worry about – it's that simple.

Those two statements are just as valid today as they were on November 18th.

The audit required a lot of staff's time and I want to thank them for all their hard work. This audit is a great first step, but you will hear in my remarks, why we have more work to do.

I also want to acknowledge the accounting software upgrade will go a long way in resolving some of the errors identified but this audit only focused on the loss of money and fell short in many areas.

I have spoken to the City Manager and Deputy City Manager about several areas not covered in the audit, and I will be having a follow up meeting with them to discuss those issues that still need attention.

In addition - The City Manager may have to address - as a result of this audit, and additional reviews – performance issues of employees, spin off investigations, and if necessary, report information received to the appropriate enforcement authorities for investigation.

It seems to me that a non-expert self-assessment or audit that reveals this much – is or should be the basis and grounds for a full professional operational and reconciliation audit (forensic if needed) by the State Auditor General.

As an example of what this audit did not find or address and the reason, we have more work to do can be illustrated with the following example.

These photos are of a chart that I created which breaks down all of the categories in our Fire and Alarm Continues Service Contract – into 9 categories such as Security and Fire Alarm Monitoring, Annual Safety Inspection etc. and also includes all city properties covered in the contract.

Since we are a Municipality many of our facilities are classified as a

PLACE OF PUBLIC ASSEMBLY.

Which requires strict compliance with the National Fire Protection Association (NFPA) Standards and Guidelines.

I reviewed of all the documents for the last three years and discovered the following:

= Annual Fire Sprinkler Inspection

Not done at City Hall, Library, and Destin Community Center for 3 years according to all records provided.

We were also charged for Fire Sprinkler Inspections of City Hall Annex which required a refund due to the fact the Annex does not have fire sprinklers.

= Annual Fire Alarm Inspection

Not done at City Hall Annex, Library, Public Services, Community Center

= Annual Back Flow Inspection

Not Done at Library and Community Center

The annual inspections areas that I just identified – which were not completed - means that the City is potentially – not in compliance with the National Fire Protection Association (NFPA) Standards and Guidelines Chapters 9.9 and 9.11.1. and immediate actions should be taken to remedy these infractions.

Moving on – I now want to call your attention to the Government Services Group – Accounting and Controllershship Report that we all received Wednesday May 13.

The first 8 pages of the report contain a total of 22 observations and recommendations.

The last four pages of the report is the Roadmap for Implementation which list priority levels and proposed timeline.

There are three Priority Levels, High, Medium and Low.

*All three Priority Levels have the same definitions with the exception of the **loss level**.*

*They are described as - A condition that may cause **Major Disruptions** or **Significant Control Deficiencies** which may result in*

With a High Priority RESULTS IN MAJOR LOSSES

With a Medium Priority MAY RESULT IN MODERATE LOSSES

With a Low Priority MAY RESULT IN ONLY NEGLIGIBLE LOSSES

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Of the 22 items listed in the report

11 or HALF OF THE ITEMS were HIGH PRIORITY (Result in Major Losses)

8 of the 11 HIGH PRIORITY ITEMS have a 90-day implementation and 3 have a 12-month implementation.

9 were MODERATE PRIORITY (Result in Moderate Losses)

2 were LOW PRIORITY (Negligible Losses)

So WHERE DO WE GO FROM HERE?

As mentioned earlier I will be meeting with the City Manager to discuss other areas that were not covered in this audit, and that I did not discuss tonight - to identify what if any additional actions are required.

AND, Lastly on this subject,

As I discussed earlier this year regarding the Pay to Play Certificate

for Excellence in Financial Reporting from the Government Finance

Officers Association – I ask the following, based on the results of

this audit WHAT CREDIBILITY does the Pay to Play Certificate

of Excellence now have?"

Councilmember Ramswell stated it is very disconcerting to see that 14 of 19 vendors had errors; and that every single invoice from 12 of those 14 vendors contained some errors. However, it is good to know how the City Manager plans to remedy the situation.

Councilmember Braden stated though the internal audit revealed many discrepancies, he still would have preferred to have an external audit be conducted to see how they could improve the process going forward.

Councilmember Overdier stated that under the guidance of the City's new Finance Director, along with the rest of City staff, and the new program they plan to implement should alleviate a lot of these problems and remedy their shortfalls and errors.

Councilmember Menchel noted that even though he is very pleased with the report as well as the system they plan to implement, further investigations need to be conducted. One previous employee of the City did some things he was not authorized to do. They are still not sure as to the

extent of the damage the action of that one individual has done to the City; and so, they still need to follow up on some things that have not been done.

The Finance Director noted that this internal started long before her arrival at the City. Staff reviewed over 1600 invoices. She explained that the accounting system they have up to October 16th did not account for unit prices. This past audit was simply a comparison of contract unit prices from when a procurement was done to the unit prices on the invoices. The new accounting system was drastically upgraded in October 2019. Invoices coming in, even if they are a few cents off the contract price, would automatically be rejected and send back to the vendors to be recomputed. She also noted that during her review of the discrepancies, she discovered that one of those items was a project estimate that came to the Council and was approved by the Council members in place in May 2017. Technically, it was not really an overpayment because the Council approved it at that time at a different price that it was in the main contract. Another \$6,000 of that project was a pass-through project that was missing a page from an invoice from an agency that actually paid for everything. They had separate pricing that were not included. The City was fully reimbursed. She continued that current staff understands how important it is to insist to see proofs that services noted on every invoice have been conducted. She added that when all staff members are thoroughly trained on the new system, the problems they found would no longer be an issue; and that the Council can expect to see very significant improvements going forward.

C. COVID-19 Potential Impact on City Revenue and Budget

The City Manager noted that staff estimates approximately \$1 million to \$1.5 million revenue shortfall for the entire Fiscal Year 2020 budget. This estimate is broad in nature and could vary widely depending on the severity of the ongoing impact of COVID-19. Some of the most significant estimated revenue losses for 2020 includes electrical franchise fees, ½ cent sales tax and local option gas tax. In order to help mitigate these revenue shortfalls, staff has taken the following measures. By taking these proactive measures, staff believes the City can offset most if not all projected revenue shortfall.

- Frozen all unfilled and non-essential positions
- Reduced non-essential spending
- Is actively searching for reimbursement opportunity for COVID-19 expenses as well as grant opportunities
- Continues to innovate to find more cost-effective ways to conduct business through technology

D. COVID-19 Local Business Assistance

Deputy City Manager Webb Warren stated that after the direction of Council on May 4th, City staff has been monitoring and communicating with neighboring cities and Okaloosa County while researching potential options to provide relief to Destin-based businesses. On May 5, 2020, the Okaloosa County Board of County Commissioners (BOCC) reconsidered a Small Business COVID-19 Grant Program. The BOCC unanimously approved the grant program which will be administer by the Small Business Development Center (SBDC) at the University of West Florida This grant program allow for grants up to \$2,500 for qualified businesses with storefronts in Okaloosa County. The County committed \$113,300 to the program. This includes a 3 percent

administrative fee for oversight of the program by SBDC . Okaloosa County's funding would come from collection of the annual Business Tax Receipt form this fiscal year.

The grant program was approved with the following parameters:

- Business must have been an active for-profit business in Okaloosa County as of January 1, 2019
- Business must have 20 employees
- Business must have been profitable prior to the COVID-19 Pandemic
- Business must show a reduction in sales/revenue of 25 percent or greater due to COVID-19

Councilmember Overdier moved to authorize the City to partner with Okaloosa County in their Small Business COVID-19 Grant Program as administered by the Small Business Development Center (SBDC) at UWF for the total amount of \$103,000, to be taken from the City's reserved funds, to include all grant funding and grant administration fees; for the City Manager to carry out all actions necessary to implement the program; and to authorize City staff to make the necessary budget amendments. Councilmember Morgan provided a second to the motion.

Councilmember Morgan asked City staff to look into the way their charter boat fishing companies are set up and make sure they qualify for the grant, and that it would not be too cumbersome for them. If they do not qualify, he would like for this Council to look at some other way to help the fishermen.

There was some discussion relative to determining who is eligible for the grant program and how they would be notified. It was the consensus of the Council that the grant be given to businesses in Okaloosa County, if acceptable to the SBDC and to have the City send a letter or email to everyone with a BTR registered with the City of Destin informing them of the grant program.

Councilmember Overdier offered an amended motion to authorize the City to partner with Okaloosa County in their Small Business COVID-19 Grant Program as administered by the Small Business Development Center (SBDC) at UWF for the total amount of \$103,000, to be taken from the City's reserved funds, to include all grant funding and grant administration fees; and that the grant be given to business owners that reside in Okaloosa County, if acceptable to the SBDC; for the City Manager to carry out all actions necessary to implement the program; and to authorize City staff to make the necessary budget amendments. Councilmember Morgan provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

E. COVID-19 Emergency Measures Update

The City Manager noted that in response to the COVID-19 pandemic, the City adopted a series of protective measures designed to protect the public and City staff, and otherwise slow the spread of the virus throughout the community. City staff has worked diligently to ensure the

organization has been able to serve the residents and businesses despite physical closures of buildings to the public.

The Deputy City Manager announced that effective May 20th, staff is prepared to take the following actions based on the information available at this time:

- Permit City boards/councils/committees to resume normal meeting schedules. Virtual meeting technology will be assessed and use when possible
- Reopen City Hall lobby on Mondays, Wednesdays, and Fridays. Appointments can be made with staff and the meetings will be held in City Hall Boardroom. Henderson Beach Passes/Joe's Bayou Passes are encouraged to be processed virtually
- Reopen the Community Center lobby on Tuesdays, Thursdays, and Saturdays to process passes or conduct other business. Other Community Center activities will remain suspended
- City Hall Annex which includes Community Development and Code Compliance Department will continue to provide their services through virtual or telephonic means, as well as schedule appointments with customers as needed.

F. 2020 Hurricane Season Preparedness Update

The City Manager informed the Council staff has taken steps to mitigate the potential effects of any Hurricane or tropical storms by updating policies and conducting training. Staff will be formally trained in several areas of disaster response and recovery. This will put the City in a better position to successfully recover from a hurricane.

G. Energov Monthly Update

The City's IT Manager Matthew Pace provided the following update:

- The City is in Build and Validate stage at least for the next few weeks
- Working with consultant from EnerGov
- Continuing to work with Okaloosa County on the GIS Mapping System, which is one of the most important functions of EnerGov
- GIS Features
 - ❖ Composing and adding additional layers to create GeoRules
 - Allows staff to setup automatic parcel information when a new permit, plan or code case is created
 - ❖ Web-based and Enterprise Map Options
 - For use by the public and staff to enter parcel and property information
- Virtual Solutions. Changes within departments
 - ❖ Building Division – Permit applications and plans are now being received via email at permits@cityofdestin.com
 - ❖ Engineering Division – right-of-way construction permit applications and plans associated with a building permit are now being received via email at permits@cityofdestin.com

- ❖ Utility and ROW inspections not associated with a building permit are requested through ROWpermits@cityofdestin.com
- ❖ Planning Division – Planning applications and documentation are being sent via e-mail to planning@cityofdestin.com or by digital submission
- ❖ Pre-Application and Project Meetings
 - All persons requesting pre-application meetings fill out and send the pre-application request form, located on the city's website www.cityofdestin.com, to planning@cityofdestin.com. Staff contacts applicant to schedule a pre-application meeting. All meetings are conducted via phone or web conference
 - Changes made now are helping transition departments and customers to more efficient and paperless options
- ❖ Virtual Inspections
 - Minor renovation and in-home occupied dwellings/structures (air conditioning, water heater, window change outs, etc.) are being conducted via FaceTime (or other virtual/video/photographic means)
 - Exterior dwellings/structures, unoccupied dwellings/structures or new construction are performed onsite utilizing the 6 feet social distancing requirements (per the CDC recommendations)
- EnerGov Naming Contest
 - ❖ Distributed to all employees for entry
 - ❖ Received great feedback from City staff in response to the contest
 - ❖ Steering Committee to select a winner
 - ❖ Naming the system will resonate and connect with the community on a higher level
 - ❖ Branding will be associated with the selected name
 - ❖ Press releases and information will be rolled out by the Public Information Manager as necessary
 - ❖ The Steering Committee has selected a winner:
 - Name: COMPASS
 - Meaning: **Community Permitting And Support System**
 - Submitted by: Michael Burgess, Public Services Director

H. East Pass Emergency Navigation Channel Dredge Project and Holiday Isle Beach Restoration Contract Request for Modification to Scope of Services with Taylor Engineering

The City Manager announced that the East Pass Dredging Project is nearing completion. To finish the project, the construct administrator is requesting \$13,000 in additional funding. The project was subjected to numerous delays and legal challenges but ultimately the construction phase commenced in late February 2020. To complete the project, Taylor Engineering requires a total of \$13,000 in additional funds. The City previously entered into a Memorandum of Understanding (MOU) with Okaloosa Cuntty, wherein the County agrees to pay all expenses relating to the project. These expenses are included in the MOU and will ultimately be paid by the County.

Councilmember Ramswell asked why Taylor Engineering was asking for additional payment for additional days when they have not reached the 50-day period for the project.

According to the City Attorney, he does not have a definitive answer to this question as he was not sure if the shore birds monitoring includes some pre- and post- construction phase of the project; adding it was not clear in the task list.

Councilmember Ramswell noted that the task list mentioned something about different beach profile surveys being taken at the beginning and at the end of the project. She requested that copies of beach profile survey taken at the beginning of the project be provided to the Council.

The City Attorney will obtain a copy of the survey from Taylor Engineering and send to Council along with a copy of the joint permit with the County.

Mr. Matt Trammell (appearing virtually) explained they are required to survey the beach for shore birds at least a week prior to dredging commencement; and that they started this survey well in advance. Once the dredge left, they are required by the permit to continue shore bird monitoring. There are additional allowances for additional site visits for shore bird nesting, weather delays, construction issues, and problem resolution meetings. When the dredge pulled away, they have had a number of shore birds that came into the beach which presented a number of additional issues for them and making things more complicated and difficult. He added they are now into sea turtle nesting season. They have to take additional precautions by having the permit modified to include sea turtle monitoring and additional coordination with Okaloosa County, which exceeded the currently contracted amount.

Councilmember Destin moved for approval of the revised scope of services with Taylor Engineering, Inc. subject to the County also approving the revised cost schedule; seconded by Councilmember Ramswell. Motion passed 6-1 (Council members Morgan, Destin, Marler, Overdier, Menchel, and Ramswell voted "yes"; Councilmember Braden voted "no").

I. Norriego Point Embayments

According to the City Manager, he and the City Attorney were directed by Council to send a letter to FDEP asking for their official position on this issue, and then schedule a workshop inviting representatives from FDEP to discuss this matter. The letter was sent to FDEP on April 17, 2020, and FDEP's response is now being provided to Council. He asked for further direction from Council.

Councilmember Destin recommends setting a date for the workshop and asking FDEP to send a representative to the workshop.

Councilmember Destin moved to coordinate some dates and times for a future workshop with FDEP to discuss this matter and bring back proposed dates and times to Council. Motion was seconded by Councilmember Morgan.

Councilmember Ramswell stated that she finds FDEP's response to the City Manager's letter quite insulting; and though she is very much in favor of having a workshop to further

discuss this matter with FDEP, the tone of FDEP's letter seems to dictate that they may not be agreeable to meeting with the City at all.

Councilmember Destin suggests they schedule the workshop with or without FDEP's participation so that Council could at least discuss and decide what to do next.

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

J. Ownership of upland to submerged land subject to Board of Trustees Lease Number 4622176069

The City Manager noted that the Council has previously directed the City Attorney and City staff to contact FDEP about the renewal of the referenced submerged land and correct the ownership information.

The City Attorney asks if the Council wishes to amend the draft letter that has been provided or to send the letter as written.

Councilmember Braden moved to send the letter, as written, to FDEP; seconded by Councilmember Ramswell.

Councilmember Ramswell suggests changing the phrase "*could be critical*" to "*is critical*" which is located at the bottom of page one of the letter; so that the entire sentence reads, "*Recognition of the City as the upland fee simple title owner to part of the property upland to the SLL is critical to the City as it moves forward in various endeavors.*"

Councilmember Braden offered an amended motion to send the letter, as amended, to FDEP; seconded by Councilmember Ramswell.

Councilmember Ramswell addressed an earlier comment from a member of the public about this issue by stating that the City is not listed as an upland owner of the property. The City owns 68 feet and the Fleet owns approximately 280 feet of the property, but the Fleet is listed as the sole owner of that property. The City has federal grants and loans on the property and so they have to make sure they are rightfully listed as an upland property owner for legal documentation.

To clarify another comment made earlier by Ms. Mary Ann Windes, Councilmember Ramswell explained that Mr. Melvin was on the submerged land lease with the Destin Fishing Fleet from 1993 to 1998. Mr. Melvin passed away in 1995, and so when the lease was renewed in 1998, his name was still on the lease but without his signature. His name was subsequently removed on the next renewal.

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").

K. Coleman Lake Outfall

Councilmember Morgan stated that they previously discussed raising the dam to its original level. They received quotes from two different companies that have been quite high. He suggests requesting a quote from the original builder, Underground, Inc., for the project.

Councilmember Braden asked if Underground, Inc. was still listed as one of the City's continuing services contractor; if not, if they should go ahead and put this project out to bid.

Councilmember Destin suggests doing both and selecting the one that is more advantageous.

Motion by Councilmember Morgan, seconded by Councilmember Destin, to direct City staff to obtain a quote from Underground, Inc. for this project; and to look into the feasibility of putting this project out to bid and bring information back for Council's consideration and approval passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

L. Waterfront right-of-way vacations to require voter approval/referendum process

Councilmember Morgan would like to give the citizens the ability to vote whether to vacate a waterfront right-of-way, via a voter referendum process, to avoid an ugly situation they just had with the Harbor Lane right-of-way vacation.

Councilmember Morgan moved to direct City staff to identify the most vulnerable waterfront rights-of-way including but not limited to rights-of-way on Joe's Bayou and bring information back to Council; direct the City Attorneys to codify these rights-of-way in a voter referendum process; direct the City Attorneys to determine the deadline to submit a charter amendment to the November ballot. Councilmember Destin provided a second to the motion.

Councilmember Marler noted it would cost the City a lot of money each time they schedule a special election.

Councilmember Morgan stated they could have the applicant for the vacation pay for the special election.

The City Attorney noted they would need to conduct a legal review in that regard.

Councilmember Morgan asked if they could implement a zoning in progress on any waterfront right-of-way vacation applications until the charter referendum passes.

The Land Use Attorney stated they could do a zoning in progress if they put a code amendment by ordinance into place right now, and further do the referendum ordinance and see if the voters want to memorialized it into the charter.

Councilmember Morgan offered an amendment to his motion to direct City staff to identify the most vulnerable waterfront rights-of-way including but not limited to rights-of-

way on Joe's Bayou and bring information back to Council; direct the City Attorneys to codify these rights-of-way in a voter referendum process; direct the City Attorneys to determine the deadline to submit a charter amendment to the November ballot; and to implement a zoning in progress on any waterfront right-of-way vacation applications until the charter referendum passes. Councilmember Destin provided a second to the motion. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

M. Announcements

The City Manager announced that the City staff is planning to schedule an initial budget workshop early to mid-June.

5. PUBLIC HEARINGS

A. Jenkins Engineering, Inc. on behalf of HB 98, LLC is requesting approval of a Major Development Order for a 117- room hotel. The proposed project is located on the southeast corner of the intersection of Commons Drive and Henderson Beach Road (Parcel ID. #002S2200000001-A13J) within the Crystal Beach Multimodal District. The subject property consists of 2.56 acres, more or less.

The City Attorney sworn in the following individuals for testimony:

Joe Bodi, Entineering Assistant II
Lauren Witt, Principal Planner
Louis Zunguze, Community Development Director
Tim Whaler, 3TP Ventures

At this time, the City Attorney asked whether any member of the Council has had any ex-parte communications they wish to disclose.

Having none, the City Attorney asked the Mayor to turn the matter over to City staff.

The City's Principal Planner Lauren Witt provided the following facts about the project:

- Jenkins Engineering, Inc. on behalf of HB 98, LLC is requesting approval of a Major Development Order for a 117-room hotel located on the southeast corner at the intersection of Commons Drive and Henderson Beach Road
- The property has a Future Land Use Map designation of Gulf Resort Mixed Use
- Proposed building height is 40' / 4 stories
- Floor Area Ratio is 0.55
- Access to the property is provided by a direct accessway connection to Henderson Beach Road
- A 10' wide sidewalk is being provided along the entire property frontage on Commons Drive
- The existing sidewalk on Henderson Beach Road adjacent to the project is being reconstructed to a width of 8'

- Provided vehicle parking spaces is 128
- Impact fees for the proposed project are estimated to be \$144,495
- Proposed project is not affected by nor affects the Destin-Fort Walton Beach Airport

Councilmember Destin noted that 128 parking spaces for a 117-room facility plus employees does not seem nearly enough.

According to Community Development Director Louis Zunguze, this is consistent with the current multi-modal standards.

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

Motion by Councilmember Braden, seconded by Councilmember Ramswell, to approve the Major Development identified as "TRU Hilton" passed 5-2 (Council members Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Council members Morgan and Destin voted "no").

6. CONSENT AGENDA

- A. Destin Library Materials Selection and Collection Development Policy
- B. Extensions 5 and 6 to the Amended Declaration of State of Emergency

Motion by Councilmember Marler, seconded by Councilmember Ramswell, to approve Consent Agenda items 6A and 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
- B. Councilmember Ramswell

Councilmember Ramswell inquired as to the status of the \$25,000 for the Harbor Lane project.

The City Manager noted that staff has been directed to take this matter to the Parks and Recreation Committee for their recommendation.

Councilmember Ramswell announced she had received many complaints about wild activities happening on Crab Island such as people filming music videos with inappropriate nudities; adding it is one of the things she would bring forward before the beach advisory committee which is scheduled to meet again this month.

C. Councilmember Menchel

1) Task City attorneys to conduct the necessary 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. 2. Discussion of PAWS

Councilmember Menchel noted he recently discussed with the City's attorneys about the need to update the City Charter to remove the potential gaps to the City's code. Both attorneys agreed there are potential gaps to the City's code. He stated that upon review of the City's code, he has identified various areas with potential gaps which he intends to address at a future meeting. There is one gap on the City's Charter which he would like to address tonight.

Councilmember Menchel moved to direct the city's attorneys to conduct the necessary legal review of the City of Destin Code of Ordinances - Part 1 (Charter) Section 3.09, or any other applicable sections, 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. Councilmember Braden provided a second to the motion.

Councilmember Destin asked if any of these issues potentially preempted by the State.

According to the City Attorney, there is a couple of recall procedures described in the State Statutes they need to look at to determine whether this is possible and then bring it back.

Councilmember Marler remarked he would prefer to have a complete review of the charter rather than just this one section.

Councilmember Morgan noted that their charter discusses certain duties for charter officials; but it does not provide for any recourse if those duties are violated.

Councilmember Menchel stated that the charter speaks to the infractions for which anyone of the charter officials could be removed, but it does not speak on how to do it.

The City Attorney noted there is a State Statute that allows removal of an elected official by the Governor under certain situations.

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

Next, Councilmember Menchel noted that the City Manager has been talking about the City potentially taking over animal collections in the City for PAWS, and then turning them over to PAWS.

According to the City Manager, he has discussed this issue with the City's Code Compliance Manager. They already have an officer that is certified and could transition into this area very quickly at a very low cost. This could improve their efficiency and response time. The

City would not be housing animals within the City on a long-term basis; PAWS would still have that responsibility.

Code Compliance Manager Joey Forgione remarked that the City would take over the animal control portion and transport the animals to PAWS. He continued they are currently discussing building a temporary holding facility in the City where the animals can be kept until they are transported to PAWS.

Councilmember Menchel announced he had reached out to Gulf Power to find out how much it would cost the City to install a streetlight on the existing light pole at the intersection of Commons Drive and Henderson Beach Road. According to Gulf Power, one light should suffice to light up the entire intersection enough to make a major safety improvement. The upfront cost is \$2,319.49 to install the light, and then a monthly charge of \$10.32.

Councilmember Menchel moved to install streetlights at the intersection of Commons Drive and Henderson Beach Road paying an upfront cost of \$2,319.49 and a monthly charge of \$10.32, and coordinate installation with Okaloosa County; seconded by Councilmember Marler. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

Councilmember Menchel noted that fences on James Lee Park are in deplorable condition and getting worse. He asked the City Manager to contact Commissioner Kelly Windes and request he takes some action to have the County repair those fences.

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

- 1. Coleman Lake Outfall
- 2. Waterfront right-of-way vacations to require voter approval/referendum process

Above items discussed earlier in the meeting.

Councilmember Morgan requested that the topic “Repeal of the Rooster ban” be placed on the next Council meeting agenda.

- H. Mayor Gary Jarvis
- I. Land Use Attorney

- 1. Copy of Fully Executed Agreement with Exhibit Pointe Mezzanine Land Use Litigation Approved by Council May 4, 2020

The Land Use Attorney explained the mediated settlement agreement that was approved by Council on May 4th did not have the depiction attached as Exhibit A. The copy that is included in tonight’s agenda packet contained the exhibit. She also added some language to paragraph one on

page one stating that *"Approval of this agreement does not bind the City to any future decision on the application."*

2. Short-Term Rental Resolution

Councilmember Overdier moved to adopt the resolution but removing all verbiage referencing "home rule" from the resolution; seconded by Councilmember Ramswell.

Councilmember Overdier opined that the "home rule" issues are legislative issues and they do not really belong in this resolution.

According to the Land Use Attorney, it is within the Council's discretion to amend the language in this resolution; however, this resolution is consistent with the other two resolutions adopted by the Council. They are basically just informing the State the City wants to regulate its own short-term rentals within its jurisdiction.

Councilmember Overdier argues that this resolution is going to the Governor and other entities that are not trying to infringe upon the City's home rule rights when it comes to short-term rentals. This resolution simply supports the re-opening of short-term rentals.

Councilmember Morgan commented it is very disappointing to know the Governor could sign a bill trying to preempt the City's ability to regulate short-term rentals into law and infringe upon the City's home-rule power; except during a global pandemic when he passes the decisions to the counties.

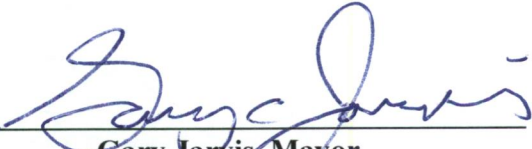
Motion failed 2-5 (Council members Morgan and Overdier voted "yes"; Council members Destin, Marler, Menchel, Ramswell and Braden voted "no").

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

J. City Attorney

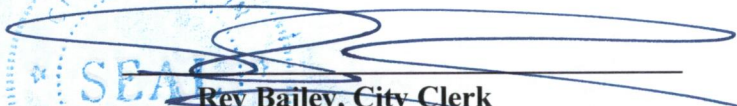
ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 9:30 PM.



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk