

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

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

Destin City Council

Mayor Gary Jarvis
Councilmember Rodney Braden
Councilmember Cyron Marler
Councilmember Prebble Ramswell

Councilmember Parker Destin
Councilmember Skip Overdier (Virtual)
Councilmember Steven Menchel (Virtual)
Councilmember Chatham Morgan (Virtual)

Destin City Staff

City Manager Lance Johnson
Deputy City Manager Webb Warren
Code Compliance Manager Joey Forgione
Public Services Director Michael Burgess
Deputy Public Services Director John Hart
City Land Use Attorney Kimberly Kopp

City Clerk Rey Bailey
Finance Director Krystal Strickland
Parks/Recreation Director Lisa Firth
Library Director Wen Livingston
IT Technician James Lauria
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.; followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Destin requested that section 3 of the agenda be placed ahead of section 2.

Motion by Councilmember Destin, seconded by Councilmember Ramswell, 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 June 15, 2020 Regular City Council Meeting

Councilmember Braden moved for approval of the minutes of June 15, 2020 Regular City Council Meeting; seconded by Councilmember Marler. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

B. Approval of minutes of April 6, 2020 Regular City Council Meeting

Motion by Councilmember Marler, seconded by Councilmember Destin, to approve minutes of April 6, 2020 Regular City Council Meeting passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

Following this item, Council moved ahead to section 3 of the agenda.

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

Ms. Marcie Bell, a Destin resident, reported a water runoff across Calhoun Avenue from Clement Taylor Park that is covered in brush and needs to be cleaned out. She also stated that Memorial Day was much busier than July 4th, based on her observation this past weekend. She also reported having a car stuck in the emergency lane on the beach at Destin Pointe; adding it would have been quite problematic had there been an emergency vehicle needed to get through the lane.

Also, according to Ms. Bell, there were 17 people that checked in to a two-bedroom unit across from her home this past weekend. They included 7 adults, 9 elementary age children and one infant child. She contacted the out of town property owner who made a call to her short-term rental management company who did not return her call until 13 hours later. She added this is truly a short-term rental management problem.

3. PROCLAMATIONS / RECOGNITIONS / SPECIAL PRESENTATIONS / ANNOUNCEMENTS

A. Proclamation Parks and Recreation Month

The Mayor read the proclamation designating the Month of July 2020 as *Parks and Recreation Month*; and then presented the proclamation to the members of the Parks and Recreation Committee and Parks and Recreation Director Lisa Firth.

B. Okaloosa County Emergency Management COVID-19 Update – Patrick Maddox

Mr. Patrick Maddox, Director of Public Safety for Okaloosa County, provided the following COVID-19 updates:

<u>Testing Results</u>	<u>Okaloosa</u>	<u>Florida</u>
➤ Total Tested	16,158	2,235,937
➤ Total Positive	917 (+11)	206,447 (+6,336)
➤ Total Negative	15,226	2,027,493
➤ Positivity Rate	5.7% (-0.1%)	9.2% (+0.1%)
➤ Weekly Positivity Rate	6.9% (-1.3%)	14.67% (+0.20%)
➤ Median Age	39	39
➤ LTC Cases	47	6,814

➤ Total Deaths	8 (+0)	3,880 (+48)
----------------	--------	-------------

<u>Okaloosa Hospital Status</u>	<u>Hospital Beds</u>	<u>ICU</u>
➤ Capacity	451	54
➤ Beds in Use	345	49
➤ COVID Patients	9	13
➤ Open Beds	106	5
➤ Surge Beds	75/133	75/133
➤ COVID Ventilators in Use	0	1

Councilmember Destin inquired about open testing sites within Okaloosa County.

Mr. Maddox stated they advertised testing sites about one or two weeks in advance. They will have one beginning Tuesday, July 7th, from 4:30 to 7:30 p.m. at Northwest Florida State College in Niceville. There will be another one on Thursday, July 9th, beginning at 10:30 a.m., at Northwest Florida State College at Fort Walton Beach. He continued there are also other resources on the County's website that shows all testing areas in the region, from Pensacola to DeFuniak Springs, with schedules and phone numbers.

Councilmember Menchel asked whether hospitals are able to conduct testing if they get an admission.

Mr. Maddox stated that hospitals will conduct testing on individuals that are symptomatic.

Councilmember Ramswell asked how long it normally takes for the test result to come back.

Mr. Maddox replied that each one is a little different; however, improved testing has increased the turnaround time; adding it takes about 5 to 7 days, but longer in some cases.

Councilmember Morgan stated it is hard for organizations or businesses to make an informed decision with such a long turnaround time for test results in most cases. He asked if the County is doing anything to address that issue and try to obtain faster results.

Mr. Maddox noted that the County has no control over the turnaround time for test results. It is the responsibility of the lab that processes it since the different tests are assigned a lab. There had been an increased in testing – about 6,000 tests two months ago to about 16,000 tests now just in Okaloosa County alone; and that there are 67 counties in Florida.

Following this section, Council returned to section 2 of the agenda to hear public comments.

4. CITY MANAGER REPORTS

A. Fire Safety Equipment, authorization for the City Manager to execute a contract

Councilmember Overdier moved to authorize the City Manager to terminate the Miscellaneous Fire Safety Equipment contract with Advanced Protective Technologies and execute the contract for Miscellaneous Fire Safety Equipment with B&C Fire Safety, Inc., and issue a Notice to Proceed. Councilmember Marler provided a second to motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

B. Security and Fire Alarm Monitoring, authorization for the City Manager to execute a contract

Motion by Councilmember Marler, seconded by Councilmember Menchel, to authorize the City Manager to terminate the Miscellaneous Security and Fire Alarm Monitoring contract with Advanced Protective Technologies and execute the contract for Miscellaneous Security and Fire Alarm Monitoring with B&C Fire Safety, Inc., and issue a Notice to Proceed passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

C. Follow-up to the Norriego Point Embayments workshop

The City Manager noted that Norriego Point embayments were discussed at a Council workshop on June 29, 2020. Staff is requesting Council’s direction on bringing back a related resolution for consideration at a future Council meeting.

Councilmember Overdier moved to direct the City’s attorneys to draft a resolution allowing for recreational watercraft in the northern most embayment closest to the tip of Norriego Point and present it for consideration at the next City Council meeting. Councilmember Destin provided a second to the motion.

Councilmember Ramswell reiterated her opposition to opening any of the embayments to any motorized watercraft, citing some concerns over public safety as well as maintenance and structural integrity concerns.

Councilmember Braden suggests restricting the embayment to non-motorized vessels only.

Councilmember Destin noted this level of detail was not discussed with FDEP, and so he is not sure if they would be amenable to that level of conditional restriction. He suggests asking for FDEP’s approval before moving forward with the resolution.

Councilmember Braden offered a substitute motion to direct staff to contact FDEP to determine if they are amenable to allowing only non-motorized vessels in the northern most embayment closest to the tip of Norriego Point; seconded by Councilmember Marler.

Councilmember Ramswell disagrees with asking FDEP’s permission in this case when the City is responsible for the maintenance and management of Norriego Point; adding that decisions should belong to the City. She also stated that allowing non-motorized watercraft there

would put them right in the middle of harm's way as they would have to cross a busy channel with all the motorized vessels.

Councilmember Destin explained that the City's authority over Norriego Point is not absolute as FDEP is paying for all the improvements. When FDEP finally executes the title commitment, the management contract that would give the City the authority over that area long term is not exclusive, and with some residual conditions attached.

Councilmember Menchel stated that FDEP needs to be reminded that there are 600 feet of land on the harbor side of Norriego Point for boat parking.

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

D. Announcements

The City Manager made the following announcements:

- 1) OBCC scheduled to consider funding for beach acquisitions in Destin during their July 7th meeting.
- 2) We are tentatively scheduled to complete the closing process for Captain Leonard Destin Park on July 20th

5. PUBLIC HEARINGS

- A. Second 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 proposed Ordinance 20-19-CC by title, and then presented it to the City Council on second 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 their discussion and consideration.

Motion by Councilmember Ramswell, seconded by Councilmember Marler, to adopt proposed Ordinance 20-19-CC on second reading passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

- B. Second reading of Ordinance 20-09-PC – Amending the Future Land Use Map as referenced in Chapter 1 of the Comprehensive Plan to include a change in the future land use designations of the parcel described and generally depicted in Exhibit A from Residential, Office, Institutional (ROI), Recreation (REC), and Institutional (INST) to Institutional (INST)

The City Attorney read proposed Ordinance 20-09-PC by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE FUTURE LAND USE MAP AS REFERENCED IN CHAPTER 1 OF THE COMPREHENSIVE PLAN TO INCLUDE A CHANGE IN THE FUTURE LAND USE DESIGNATIONS OF THE PARCEL DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM RESIDENTIAL, OFFICE, INSTITUTIONAL (ROI), RECREATION (REC), AND INSTITUTIONAL (INST) TO INSTITUTIONAL (INST); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; 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 their discussion and consideration.

Motion by Councilmember Overdier to adopt proposed Ordinance 20-09-PC: Mattie Kelly Arts Foundation, and direct staff to send it to the Florida Department of Economic Opportunity for adoption of the Future Land Use Amendment was seconded by Councilmember Marler and passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

- C. Second reading of Ordinance 20-10-PC – Amending the Future Land Use Map as referenced in Chapter 1 of the Comprehensive Plan to include a change in the Future Land Use designations of the parcels described and generally depicted in Exhibit A from North Harbor Mixed Use (NHMU) and Residential, Office, Institutional (ROI) to Institutional (INST).

The City Attorney read proposed Ordinance 20-10-PC by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE FUTURE LAND USE MAP AS REFERENCED IN CHAPTER 1 OF THE COMPREHENSIVE PLAN TO INCLUDE A CHANGE IN THE FUTURE LAND USE DESIGNATIONS OF THE PARCELS DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM NORTH HARBOR MIXED USE (NHMU) AND RESIDENTIAL, OFFICE, INSTITUTIONAL (ROI) TO INSTITUTIONAL (INST); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; 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 their discussion and consideration.

Councilmember Overdier moved to adopt proposed Ordinance 20-10-PC: City Parking Lots, and direct staff to send it to the Florida Department of Economic Opportunity for adoption of the Future Land Use Amendment; seconded by Councilmember Destin. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

- D. Second reading of Ordinance 20-11-PC – Amending the Future Land Use Map as referenced in Chapter 1 of the Comprehensive Plan to include a change in the future land use designations of the parcel described and generally depicted in Exhibit A from Medium Density Residential (MDR) and Residential, Office, Institutional (ROI) to Residential, Office, Institutional (ROI).

The City Attorney read proposed Ordinance 20-11-PC by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE FUTURE LAND USE MAP AS REFERENCED IN CHAPTER 1 OF THE COMPREHENSIVE PLAN TO INCLUDE A CHANGE IN THE FUTURE LAND USE DESIGNATIONS OF THE PARCEL DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM MEDIUM DENSITY RESIDENTIAL (MDR) AND RESIDENTIAL, OFFICE, INSTITUTIONAL (ROI) TO RESIDENTIAL, OFFICE, INSTITUTIONAL (ROI); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; 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 their discussion and consideration.

Councilmember Ramswell moved to adopt proposed Ordinance 20-11-PC: Sugarloaf Apartments, and direct staff to send it to the Florida Department of Economic Opportunity for adoption of the Future Land Use Amendment. Councilmember Marler provided a second to the motion. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

- E. Second reading of Ordinance 20-12-PC – Amending the Future Land Use Map as referenced in Chapter 1 of the Comprehensive Plan to include a change in the future land use designations of the parcel described and generally depicted in Exhibit A from Bay Estates (BE) to Recreation (REC)

The City Attorney read proposed Ordinance 20-12-PC by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE FUTURE LAND USE MAP AS REFERENCED IN CHAPTER 1 OF THE COMPREHENSIVE PLAN TO INCLUDE A CHANGE IN THE FUTURE LAND USE DESIGNATIONS OF THE PARCEL DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM BAY ESTATES (BE) TO RECREATION (REC); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; 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.

Ms. Sandy Trammell, a Destin resident, asked if they are making the change to make this area a parking lot for boat trailers.

According to the Land Use Attorney, from the legal perspective under this rezoning, any recreational use that is allowed in the recreational zoning and future land use categories would be allowed.

Having no further comments from the public, the Mayor closed the public hearing and turned the matter over to the City Council for their discussion and consideration.

Motion by Councilmember Ramswell, seconded by Councilmember Marler, to adopt proposed Ordinance 20-12-PC: Cemex Plant, and direct staff to send it to the Florida Department of Economic Opportunity for adoption of the Future Land Use Amendment passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

- F. Second reading of Ordinance 20-13-PC – Amending the Future Land Use Map as referenced in Chapter 1 of the Comprehensive Plan to include a change in the future land use designations of the parcel described and generally depicted in Exhibit A from Institutional (INST) and Town Center Mixed Use (TCMU) to Institutional (INST).

The City Attorney read proposed Ordinance 20-13-PC by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE FUTURE LAND USE MAP AS REFERENCED IN CHAPTER 1 OF THE COMPREHENSIVE PLAN TO INCLUDE A CHANGE IN THE FUTURE LAND USE DESIGNATIONS OF THE PARCEL DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM INSTITUTIONAL (INST) AND TOWN CENTER MIXED USE (TCMU) TO INSTITUTIONAL (INST); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR

JURISDICTION; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; 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 their discussion and consideration.

Councilmember Ramswell moved for the adoption of proposed Ordinance 20-13-PC: DUMC, and direct staff to send it to the Florida Department of Economic Opportunity for adoption of the Future Land Use Amendment passed. Councilmember Marler provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

G. First reading of Ordinance 20-21-CN – Amending Article VII "General Provisions" of the City Charter to create a new section prohibiting the vacation of waterfront rights-of-way. Providing for a referendum on the charter amendment; providing for a ballot question; providing for a vote at the November 3, 2020 General Election on whether to prohibit the vacation of waterfront rights-of-way in the City of Destin

The City Attorney read proposed Ordinance 20-21-CN by title, and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING ARTICLE VII "GENERAL PROVISIONS" OF THE CITY CHARTER TO CREATE A NEW SECTION PROHIBITING THE VACATION OF WATERFRONT RIGHT-OF-WAY; PROVIDING FOR A REFERENDUM ON THE CHARTER AMENDMENT; PROVIDING FOR A BALLOT QUESTION; PROVIDING FOR A VOTE AT THE NOVEMBER 3, 2020 GENERAL ELECTION ON WHETHER TO PROHIBIT THE VACATION OF WATERFRONT RIGHT-OF-WAY IN THE CITY OF DESTIN; PROVIDING FOR COORDINATION WITH THE SUPERVISOR OF ELECTIONS; PROVIDING FOR CONFLICTS; SERVERABILITY; AND AN EFFECTIVE DATE.

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

Several members of the public came forward and expressed their support of the proposed ordinance.

Having no further comments from the public, the Mayor closed the public hearing and turned the matter over to the City Council for their discussion and consideration.

Councilmember Menchel moved to approve proposed Ordinance 20-21-CN on first reading; seconded by Councilmember Marler.

Councilmember Braden noted that the ballot language seemed to contain some loophole since the Harbor Lane right-of-way they just partially vacated was not actually a waterfront right-of-way, but which lead to a waterfront right-of-way. He added that the current language

would not be able to avoid the issue they just had with partial vacation of the Harbor Lane right-of-way.

According to the Land Use Attorney, the specific language in the ordinance deals with a right-of-way that shares any boundary with a water body; and so, if the right-of-way to be vacated does not share a boundary, it could still be vacated. She continued it is at Council's discretion to amend that language prior to the second reading of this ordinance.

After a brief discussion, the Council agreed to change the ballot language to read, *"SHALL THE CITY OF DESTIN'S CHARTER BE AMENDED TO PROHIBIT THE CITY FROM ABANDONING, GIVING UP, OR VACATING, ANY PORTION OF A RIGHT-OF-WAY THAT SHARES ANY BOUNDARY WITH A WATER BODY?"*

Councilmember Menchel offered an amended motion to approve proposed Ordinance 20-21-CN, as amended, on first reading; seconded by Councilmember Marler. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

- H. First reading of Ordinance 20-22-CN – Amending Article VII "General Provisions" of the City Charter to create a new section entitled "Building Height Limit"; providing for a referendum on the charter amendment, providing for a ballot question, providing for a vote at the November 3, 2020 General Election on whether to include in the City Charter the City's maximum building height limit of six stories and require any application seeking to exceed that limit to obtain approval at a referendum election of at least sixty percent of the voters

The City Attorney read proposed Ordinance 20-22-CN by title, and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING ARTICLE VII "GENERAL PROVISIONS" OF THE CITY CHARTER TO CREATE A NEW SECTION ENTITLED "BUILDING HEIGHT LIMIT"; PROVIDING FOR A REFERENDUM ON THE CHARTER AMENDMENT; PROVIDING FOR A BALLOT QUESTION; PROVIDING FOR A VOTE AT THE NOVEMBER 3, 2020 GENERAL ELECTION ON WHETHER TO INCLUDE IN THE CITY CHARTER THE CITY'S MAXIMUM BUILDING HEIGHT LIMIT OF SIX STORIES AND REQUIRE ANY APPLICATION SEEKING TO EXCEED THAT LIMIT TO OBTAIN APPROVAL AT A REFERENDUM ELECTION OF AT LEAST SIXTY PERCENT OF THE VOTERS; PROVIDING FOR COORDINATION WITH THE SUPERVISOR OF ELECTIONS; PROVIDING FOR CONFLICTS; SERVERABILITY; AND AN EFFECTIVE DATE.

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

Several members of the public came forward and expressed their support of the ordinance.

Having no further comments from the public, the Mayor closed the public hearing and turned the matter over to the City Council for their discussion and consideration.

The Land Use Attorney read the proposed ballot language as follows:

"AMENDING THE CHARTER TO PROVIDE MAXIMUM BUILDING HEIGHTS"

SHALL THE CITY OF DESTIN'S CHARTER BE AMENDED TO PROVIDE THAT NO BUILDING HEIGHT IN THE CITY SHALL EXCEED SIX STORIES (75 FEET) UNLESS APPROVED BY AT LEAST SIXTY PERCENT OF THE CITY VOTERS AT A GENERAL ELECTION?"

Councilmember Ramswell asked how they would respond to a question as from where the building height is specifically measured.

The Land Use Attorney explained that the specific language is already in the comprehensive plan. The state statute requires they write the ballot question very clearly and that it summarizes the language that would go into the charter in 75 words or less. The actual language that goes into the charter that the ballot language is summarizing reads,

"Six Story (75') Building height Limit. No structure, no part of any structure, and no attachment to any structure shall be erected to a height greater than six stories (75 feet) above the crown of the abutting road. Structures, if demolished, shall be replaced only by structures which conform to the height limits of this section. No owners of structures destroyed or substantially damaged by explosion, fire, flood, wind, erosion, or other disaster shall be denied the right either to rebuild or to demolish and rebuild to the same height as the building that was destroyed or substantially damaged in the same location. For purposes of this section, "structure" does not include water towers, flagpoles, air traffic control towers, and radio and other communication towers."

Councilmember Marler moved for approval of proposed Ordinance 20-22-CN on first reading; seconded by Councilmember Ramswell.

Councilmember Menchel wants to make sure that if this ordinance is adopted that they fully advertise this information, to include the social media, to educate the public and encourage them to go out and vote.

Councilmember Destin noted that under Florida Statute, if this ballot language is adopted, they would be within their rights as a legislative body to spend money to promote its passage.

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").

- I. First reading of Ordinance 20-23-LC – Amending Article 8 of the Land Development Code; prohibiting the vacation of waterfront rights-of-way.

The City Attorney read proposed Ordinance 20-23-LC by title, and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING ARTICLE 8 OF THE LAND DEVELOPMENT CODE; PROHIBITING THE VACATION OF WATERFRONT RIGHTS-OF-WAY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; 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.

Several members of the public came forward and expressed their support of the ordinance.

Having no further comments from the public, the Mayor closed the public hearing and turned the matter over to the City Council for their discussion and consideration.

Motion by Councilmember Marler, seconded by Councilmember Ramswell, to approve proposed Ordinance 20-23-LC on first reading and direct staff to advertise it for second reading passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

6. CONSENT AGENDA

- A. Draft minutes of board/committee meetings
- B. Position Reclassification for FY20
- C. Proposed Bert Harris Settlement Agreement for 3461 Scenic Highway 98.
- D. Proposed Bert Harris Settlement Agreement for 3890 Sandprint Drive.
- E. Proposed Bert Harris Settlement Agreement for 82 Hutchinson St.
- F. Request approval for a new single-family marine construction project at 4156 Belcourt Drive
- G. Request approval for the modification of two docks located at 510 Calhoun Avenue
- H. Extensions 11 and 12 to the Amended COVID-19 Declaration of State of Emergency

Councilmember Marler moved for approval of Consent Agenda items 6A thru 6H, seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

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

- A. Councilmember Braden

- 1) Discussion of Bid Evaluation process

The City Manager briefly described the City’s bid process, as follows:

- Staff would determine the scoring system applicable to the bid
 - Send the project/service out to bid

- Bid proposals opened publicly by the Clerk's Office personnel
- Bid proposals are presented to the City's Bid Committee
- The Bid Committee evaluates the bid proposals and develop a recommendation to the City Council based on the criteria within the purchasing manual and the bid document
- Recommendation is brought forward to Council for a final decision

Councilmember Braden noted that for the Capt. Royal Melvin Heritage Park bid, it seemed the Council did not have any choice but to pick the firm that received the highest score.

Councilmember Braden inquired as to the qualification of any of the member of the bid committee, such as Parks and Recreation Director Lisa Firth, to recommend a contractor to build a multi-million-dollar project.

The City Manager stated that in this particular case, Ms. Firth would be the representative in the bid committee that would bring the perspective of someone who manages both parks and recreational programs that may take place in that facility. He also stated since they are such a small organization, they do not have the luxury of having a bid committee comprised of engineer type individuals. They expect the current members to take some time and do their best in reviewing and rating the proposals and conducting proper due diligence.

Councilmember Braden stated that he conducted his own research and found out the contractor they selected to do a multi-million dollar project for the City of Destin is operating out of a bread and breakfast building on Okaloosa Sound at Fort Walton Beach. He recommends revamping the system moving forward and allowing at least a member of the Council to provide more input in the selection process.

Councilmember Destin recommends tasking the attorneys to come up with a bid process that is more accountable and transparent. A system that would include an elected official but stay within State statute provision and not trigger any legal consequences or bid protests.

Councilmember Ramswell supports the recommendation, stating they need someone who is an expert in the field to be involved in the bid process; adding that she previously recommended to staff that they get a contractor or someone with contracting experience to be on the bid committee.

Councilmember Menchel stated he had observed early on that the City has a systemic problem and falls short on basic governmental operation that most cities possess, which includes the bid process. Most of these problems stem from previous regime, and not necessarily with the current employees.

Councilmember Braden moved to direct the City's attorneys to conduct some research and bring back recommendations for revamping the City's bid process to Council within 30 days; seconded by Councilmember Menchel.

At this time, the City Clerk read the following email from Ms. Michelle Melancon, a Destin resident, relating to this subject.

“Regarding the current conversation on screening people that submit bids, the City needs a vetting process. There needs to be a person with experience such as an engineer as well as a person with research experience to vet the people that submit bids. Research the person’s criminal background, search civil suits, collect previously owned business names and addresses so research could also be done in other states.”

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”).

2) Discussion of Mayor's authority

Upon request by Councilmember Braden, the City Attorney read the following powers and duties of the mayor as documented in the City of Destin Charter:

“The Mayor shall be recognized as head of city government for all ceremonial purposes, by the Governor for purposes of military law, for service of process, execution of contracts, deeds and other documents and shall perform such other duties and functions as may be designated by the city council. Further, the Mayor shall:

- (a) Attend and preside at all council meetings.*
- (b) Make such reports as the council may require.*
- (c) Present a state of the city message at a public meeting in February of each year.*
- (d) Perform such other duties as are specified in this charter or may be required by the council*
- (e) Have the power to summon the posse to suppress civil disturbances and to keep law and order during times of emergency.*
- (f) Be permitted to participate in debate in council meetings but shall not make or second motions.*
- (g) At all times represent the adopted position of the council.*
- (h) Cast a deciding vote should any issue before the city council end in a tie vote.*

According to Councilmember Braden, there have been some complaints that the Mayor had previously attended meetings of other jurisdictions where he spoke both as a citizen and the Mayor of Destin, and not representing the City as Mayor at all times.

The City Attorney stated it is in the grey area; adding he does believe there is any legal authority that binds the mayor to always speak as a mayor and not as a citizen.

Councilmember Braden moved to direct the City Attorney to look further into State Statutes or obtain any Attorney General’s opinions that would expand a Mayor’s role in the City. Councilmember Ramswell provided a second to the motion.

Councilmember Marler noted that the Mayor’s role was very limited earlier in the City’s incorporation, and he did not even sit in the dais with the rest of the Council members. The Chairman of the Council presided over the meetings. The City charter was then changed by a voter referendum to give the Mayor more power; of utmost importance is to represent the City.

Sometimes, it is very difficult to discern when a Mayor or a Council member is speaking as a citizen or as an elected official representing the City.

Councilmember Destin stated that the charter is clear that the Mayor must represent the Council's adopted position. However, up until they vote, each member of the Council only has their personal opinion on any issue, and that the charter does not restrict their voice. He opined that until the Council adopts a position, the Mayor gets to voice his own opinion as well from a policy standpoint; adding they should all be able to find a common ground for the benefit of the City and its citizens.

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

Councilmember Ramswell commented that there have been some concerns brought to their attention about the Mayor not representing the Council's adopted position.

The Mayor noted one example he could think of took place the day before this Council voted on closing the beaches. He spoke before the County Commission as a private citizen for the people who make their living on charter boats, restaurants, and other service organizations on what closing the beaches would affect these businesses. He continued he has always followed a decision from this Council since he became Mayor.

Councilmember Braden remarked that he brought this subject up due to citizens complaints, and that he believes the Mayor costs the City about \$30,000 in legal fees defending his previous actions.

The Mayor stated that he made a mistake and was in violation of the public records law. However, the lawsuit was way beyond anything he had done at that time.

The City Attorney advises the Council not to discuss this specific lawsuit, and that he would prefer to discuss it individually with the Council.

B. Councilmember Ramswell

1) Art out of utility boxes

Councilmember Ramswell showed some examples of painted/decorated metal boxes. She recommends the City heading the initiative of getting local artists to adopt the different metal boxes around the City and decorating them in a way they see fit and with approval by the owners. She stated it is one way of converting them from being an eyesore to something beautiful that promote arts and the different talents throughout the community. It is also a way to get community involvement and to beautify the community.

It was the consensus of the Council for the City to take on this initiative, headed by the Community Development Director who will coordinate matters with citizens advisory groups such as Mr. Ron Sandstead and the Main Street Betterment Alliance.

2) Submerged Land Lease

- a) Status of application and boundaries
- b) Inclusion of public beach property east of Point Mezzanine along Old Pass Lagoon

Councilmember Ramswell noted she has discussed this issue at the May 4th Council meeting but has not received any updates other than a letter from the Parks and Recreation Director Lisa Firth inquiring about her intent.

Ms. Firth noted that Baskerville-Donovan wants to charge the City approximately \$8,000 to \$10,000 to perform a survey of the area that would satisfy the application for a submerged land lease.

Councilmember Ramswell wants to know why the Land Use Attorney is not taking the lead in handling this application.

The Land Use Attorney explained she got involved on this issue about a week ago. She has received a copy of the draft application to review. They are waiting on the completion of the survey of the property before finalizing the application, and that they hope to be able to bring the survey and application to the Council at their next regular meeting for approval before sending the application to FDEP. She also explained they are trying to go about 30 to 50 feet out from the most seaward edge of the embayment to try to create a buffer for the safety of swimmers and boaters in that area.

The City Manager noted this is not a budgeted project and would like to get Council's permission to spend the money for the survey.

Finance Director Krystal Strickland stated she may be able to do an internal transfer of funds if approved by the Council.

Councilmember Menchel moved to approve spending between \$8,000 to \$10,000 to perform a survey of the area that would satisfy the application for a submerged land lease; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

3) 2.88 Acre Parcel for sale at 796 Harbor Blvd/Parcel ID 002S22070200000070

Councilmember Ramswell stated this parcel is worth considering since one of their primary goals is to obtain more waterfront properties. It is the original location of the lighthouse for the City. The property is for sale and that the realtor for this property is Mr. Stephen Tatum.

The Deputy City Manager added that the asking price for this property is \$2.5 million to \$3 million. There are some existing docks. It is a beautiful parcel located near Main Street and Beach Drive.

Councilmember Braden suggests removing the dock in front of the property if they decide to purchase this property and possibly building their own dock.

Councilmember Destin noted there is an issue with the dock. A previous owner signed some agreements for riparian rights, in the same manner the Destin Fishing Fleet did with the previous owner of the Capt. Royal Melvin Heritage Park, for permission to build the dock out in front of their property. Purchasing the property does not mean the City can just get rid of the dock. He suggests researching this issue before they decide to purchase the property.

The Land Use Attorney pointed out there is a master development plan in the development order that includes a marina, and which is a permanent part of the master development plan.

It was the consensus of the Council to direct staff to pursue this piece of property and contact Mr. Stephen Tatum to discuss pricing.

C. Councilmember Menchel

1) Norriego Point Submerged Land Lease Application

According to Councilmember Menchel, Ms. Firth mentioned in one of her email to him that she is waiting for FDEP to tell her what survey is required for the submerged land lease application. He asked why they should wait until they get a definitive answer from FDEP before they get the survey.

Ms. Firth explained they have gone out for a bid to get a quote for the survey. They have reached out to FDEP after the fact asking what they need on the survey so they would know where to spend the \$8,000 to \$10,000 if approved by the Council. The Land Use Attorney then recommends going out about 30-50 feet from the most seaward edge of the embayment.

The Land Use Attorney clarified that staff is not waiting for FDEP to tell them what they want in the survey. They will go about 30-50 feet out from the most seaward edge of the embayment, which is what is going to be in the survey. She continued that in FDEP's application, there are several details that need to be included in the survey to meet the requirements. The surveyor will work with FDEP to ensure their requirements are met.

Mr. Burgess noted that the master surveyor from Baskerville-Donovan has done many submerged land lease for FDEP.

Councilmember Ramswell stated she was the one that brought this issue forward, but she has not received any of this information currently being discussed.

Councilmember Menchel noted that he received an email from staff asking him about intent and square footage, and that he merely responded to that email.

Councilmember Ramswell asked why the Land Use Attorney has not been spearheading this effort.

According to the Land Use Attorney, this task was not directed to her by anyone from the Council; and that the City Manager directed the Parks and Recreation Director to handle it. She became involved when Ms. Firth started asking Council questions about intent and square footage.

Councilmember Ramswell asked staff to update the Council's tracking sheet incorporating all the detailed information given tonight about this subject.

2) Agendas and Notification to Public

Councilmember Menchel noted that the deadline established to publish the Council meeting agenda is noon on a Thursday prior to a scheduled Council meeting. However, staff has not been meeting this deadline. He asked staff to make sure this deadline is met going forward; adding that any items not ready to be published by the deadline date should be placed on the next agenda

3) Live broadcasts of any and all meetings that the City Council takes part in

Councilmember Menchel inquired as to the feasibility of live streaming all meetings involving the City Council.

The Deputy City Manager noted that staff has already made arrangements with the videographer that provides the service for the City.

Councilmember Menchel moved to have all meetings involving the City Council be broadcast live on YouTube; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

4) James Lee Park

Councilmember Menchel announced James Lee Park continues to have parking issues and continues to be in deplorable situation despite the City's efforts to obtain assistance from the County.

5) Update on towing contract

Councilmember Menchel inquired on the status of the towing contract for the City.

According to the Code Compliance Manager Joey Forgione, he has provided the necessary documents to the Land Use Attorney. They intend to bring the agreement forward for Council's review and approval by the first meeting in August.

6) Airport Road update

Councilmember Menchel noted that according to the tracking sheet as of April 8, 2020, finalized plan for the curb improvement on Airport Road is scheduled for May, with construction slated for this summer. However, on July 2nd, they received an email from FDOT stating that the

60% plan was complete and that they were requesting comments on that plan by July 23rd. He stated that he contacted the program manager at FDOT who informed him that the final plan is due February or March 2021 with construction slated to begin July or August 2021. He stated he is not blaming City staff for the incorrect information because they are merely relaying information given to them; but it is incredibly disappointing that FDOT keeps providing staff bad information.

Mr. Burgess noted he contacted an FDOT safety engineer prior to this meeting and requested a reasonable time frame for this project moving forward. The response he received was they were premature in discussing schedule back in January 2020. They did not consider starting their design from square one. Also, various delays including the pandemic occurred. Their current schedule is for the plans to be completed in November 2020. They will then begin the arrangement to construct using one of their safety push button contracts. Their construction office will provide them the completion date when they get to the construction phase.

D. Councilmember Overdier

Councilmember Overdier requested an update on the Coleman Lake Outfall project.

The City Manager stated that he and Mr. Mike Buckingham of Underground, Inc. has discussed this issue earlier today, and that they are trying to work out the final details on moving the project forward.

E. Councilmember Marler

Councilmember Marler requests they move the boat parking restriction further east on the harbor side of Norriego Point to cut down on traffic congestions at the entrance to the harbor.

F. Councilmember Destin

G. Councilmember Morgan

H. Mayor Gary Jarvis

1) Census

The Mayor encourages everyone to fill out their 2020 Census form immediately.

2) Strategic Plan

The Mayor suggests they all take a step back and look at where they need to go to move some of the main issues forward. He would like everyone to focus on their vision statement and move in that direction as they enter the fall season.

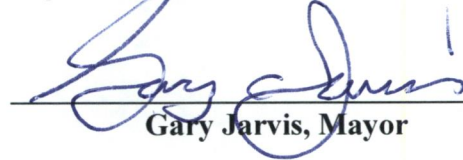
I. Land Use Attorney

J. City Attorney

8. PUBLIC COMMENTS

ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 9:10 PM.



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk