

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
AUGUST 3, 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 (arrived: 6:35)	Councilmember Rodney Braden (Virtual)
Councilmember Parker Destin	Councilmember Skip Overdier (Virtual)
Councilmember Cyron Marler	Councilmember Steven Menchel (Virtual)
Councilmember Chatham Morgan (arrived: 6:20)	Councilmember Prebble Ramswell

Destin City Staff

City Manager Lance Johnson	City Clerk Rey Bailey
Public Info Manager Catherine Card (Virtual)	Grants/Project Mgr Jeffrey Cozadd (Virtual)
HR Manager Karen Jankowski (Virtual)	Deputy City Manager Webb Warren
Comm. Dev. Director Louis Zunguze (Virtual)	Public Services Director Michael Burgess
Library Director Wen Livingston (Virtual)	IT Technician James Lauria
Finance Director Krystal Strickland (Virtual)	Code Compliance Manager Joey Forgione
Parks/Recreation Director Lisa Firth (Virtual)	City Attorney Kyle Bauman
City Land Use Attorney Kimberly Kopp	

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Pro Tem Prebble Ramswell called the meeting to order at 6:00 PM. Pastor Steve Farris of First Baptist Church in Destin provided the invocation, which was followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Menchel requested Consent Agenda items 6C and 6E be pulled for discussion.

Motion by Councilmember Marler, seconded by Councilmember Destin, to approve the agenda, as amended, passed 6-0 (Council members Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Morgan was not present during the voting)

1. APPROVAL OF MINUTES

A. Approval of minutes of July 20, 2020 Regular City Council Meeting

Councilmember Marler moved for approval of minutes of July 20, 2020 Regular City Council Meeting; seconded by Councilmember Destin. Motion passed 6-0 (Council

members Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”; Councilmember Morgan was not present during the voting)

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

A. Certificate of Achievement David Bazylak, Code Compliance Officer

The Mayor Pro Tem read the Certificate of Achievement awarded to Code Compliance Officer David Bazylak for his life saving courage under pressure.

Councilmember Morgan arrived at the meeting at 6:20 PM.

B. Presentation: Drones – Mr. Mike Wilson, FAA Safety Team (FAAS Team)

Mr. Mike Wilson of Federal Aviation Administration (FAA) discussed the following topics relating to unmanned aircraft systems (UAS):

Drones

- Public safety concerns
- Rules and Regulations for our area
- Educational process to fly unmanned aircraft systems
 - ❖ Registering drone/UAV
 - ❖ Recreational Flyers
 - ❖ Remote Pilot Certification
 - ❖ Operating Rules
- Public – references for reporting

UAS Operations

- Civil Operations
 - ❖ Compensation or hire
 - ❖ Recreational operations
- Public Aircraft
 - ❖ Public safety
 - ❖ DOD/FED
- Institutions of higher learning
- Authorizations and permissions

Civil or Recreational Operator

- Purpose of the flight matters
 - ❖ If flying for purely recreational or educational purposes
 - Can be considered recreational

- Fly under section 44809 (The Exception)
- Fly under 14 CFR 107 (Civil USA Rule)
- ❖ If flying for any other purpose
 - Fly under 14 CFR 107

Who owns the airspace?

- FAA regulates airspace from the ground up
 - ❖ No private airspace above property
 - ❖ Local governments, institutions, organizations, etc. cannot regulate airspace
 - Considered preemption of Federal Law

14 CFR Part 107

- Often referred to as the commercial rule for UAS
- Definition – Small UAS
 - ❖ UA weighing less than 55 pounds on takeoff
 - Including everything that is on board or otherwise attached to the aircraft
- Registration
 - ❖ Each UA operated under Part 107 must be registered
 - ❖ www.faa.gov/ua/register
- \$5 fee per UA, valid for 3 years
- Remote Pilot Certificate
 - ❖ Two paths to certification
 - Pass FAA initial knowledge exam
 - Take initial online course (for existing Part 61 airmen only)
- Remote Pilot Certificate
 - ❖ Two paths to currency (every 24 calendar months)
 - Pass FAA initial/recurrent knowledge exam
 - Take initial/recurrent online course (for existing Part 61 airmen only)
- Drone Operating Rules (Subpart B 107.11 – 107.51)
 - ❖ Drone flown/supervised by a Certificated Remote Pilot in Command (RPIC)– 16 years or older
 - ❖ Drone must be registered/in condition for safe operation/preflight
 - ❖ Drone not operated in careless or reckless manner
 - ❖ Medical condition responsibility of RPIC/No alcohol or drugs
 - ❖ In controlled airspace, ATC authorizations are required
- Waivable
 - ❖ May not operate more than one UA at a time
 - ❖ RPIC must maintain Visual Line of Sight (VLOS)
 - If VLOS used, must maintain comm and coordinate
 - ❖ May not be operated from a moving aircraft or vehicle
 - ❖ Must be flown during daylight hours

- ❖ May not operate over human beings
- ❖ Generally restricted to 400ft AGL/87 KTS/35M vis/500' below clouds

System Operations Support Center/COVID-19 Response

- Available to National Air Space in response to the COVID-19 Virus
 - ❖ Special Governmental Interest (SGI) Waiver/Certificate of Authorization (COA)
 - Expedites allowable operations in the NAS
 - Sometimes known as an emergency COA
 - ❖ First responders and other organizations responding to natural disasters or other emergency situations such as COVID-19 may be eligible for expedited approval through the SGI process
- Operations that may be considered include:
 - ❖ Firefighting / Search and Rescue / Law Enforcement
 - ❖ Utility or other critical infrastructure restoration
 - ❖ Incident awareness and analysis
 - ❖ Damage assessments supporting disaster recovery related insurance claims
 - ❖ Media coverage providing crucial information to the public

Recreational UAS Operations

- What is Recreational Flying?
 - ❖ Aircraft is flown strictly for recreational purposes
 - Flying for fun!
 - ❖ Cannot be flown in furtherance of business
 - Marketing
 - Real estate
 - Commercial purposes

Exception for limited recreational operations

- Fly strictly for recreational purposes
- Register and properly mark aircraft
- Fly within visual line of sight
- Do not interfere and give way to any manned aircraft
- Obtain airspace authorizations in Class B, C, D, or E (surface)
- Operate at 400 ft or below in Class G airspace
- Pass an aeronautical knowledge and safety test
- Operate in accordance with Community-Based Organization's (CBO'S) set of safety guidelines

Still to come...

- CBO recognition
- Aeronautical Knowledge and Safety Test

- ❖ Being developed in consultation with stakeholders
- ❖ Recreational flyers are required to pass test
- ❖ Expect to have the content electronically available
- ❖ Must provide proof of passage upon request from FAA personnel or law enforcement

Before you fly:

- Register your drone
 - ❖ Required for drones weighing more than .55 lbs. (250g)
 - ❖ Person registering must be at least 13 years of age or older
 - ❖ Drone must be externally labeled with registration number
 - ❖ Cost is \$5 and is valid for 3 years
 - One number for all UAs
- Understand airspace requirements
 - ❖ Uncontrolled
 - Class G
 - Flight up to 400 feet
 - No authorization required
 - No notification of airport operator required
 - ❖ Controlled
 - Airspace authorization required before you fly

Where can I fly my drone today?

- Controlled airspace
 - ❖ Operate from an FAA approved fixed recreational flying site
 - Listed on UAS Data Delivery System
 - ❖ Requires airspace authorization through LAANC/drone zone
 - ❖ Do not contact local FAA ATC for airspace authorizations

Fixed sites in controlled airspace

- Where can I find them?
 - ❖ FAA Data Delivery System
 - ❖ <https://udds-faa.opendata.arcgis.com/>
 - ❖ Look for the blue "dots"
- Adhere to all requirements for recreational flyers
 - ❖ May be additional conditions and limitations at the fixed site
- Comply with Letter of Agreement
 - ❖ Mutually agreed upon operating procedures approved by ATC

Institutions of higher education

- Defined by section 101(a) of the Higher Education Acts of 1965 (20 U.S.C.1001(a))
- For educational or research purposes

- ❖ Instruction of students at the institution
- ❖ Academic/research related uses of UAS approved by the institution
- ❖ Activities undertaken by the institution as part of research projects
- ❖ Other academic activities approved by the institution
- ❖ Will operate under Section 44809
- ❖ May apply for CBO status
 - Once Advisory circular 91-57C is published
- ❖ May establish a fixed flying site

Low Altitude Authorization and Notification Capability (LAANC)

- Capability that provides:
 - ❖ Access to controlled airspace at or under 400 feet
 - ❖ Aircraft awareness to Air Traffic Control
 - ❖ Sharing of airspace data between the FAA and companies approved to provide the LAANC capability
 - ❖ For both civil and recreational UAS

UAS Facility Map

- Identifies areas where ATC authorization is required
- Controlled airspace
 - ❖ Class B
 - ❖ Class C
 - ❖ Class D
 - ❖ Surface Class Echo – E2

DroneZone

- Red grids indicate LAANC is not available
- Authorization requests must be submitted in DroneZone
- Allow up to 90 days for review

Mayor Jarvis arrived at the meeting at 6:35 PM.

Councilmember Marler asked if there are certain criteria aside from the weight standard whether a drone can be considered a toy because they have had several incidents where it was given as a birthday gift and people complained about it when the children started flying it.

According to Mr. Wilson, the weight criteria does not apply to Part 107 operators. They do not have a definition for a “toy” as it relates to drones, but recreational pilots are still required to follow section 44809 standards with regards to safety as normal rules apply for flying recreational aircraft. The weight standard only applies to registration where anything below .55 lbs. does not have to be registered.

Councilmember Menchel noted that the City Council have been receiving emails from citizens that are pilots complaining about drones. At a recent Destin Airport meeting, the air traffic control tower manager discussed a litany of problems they have been having in this area with drones. He inquired as to the procedure for filing a complaint about drones.

Mr. Wilson stated that phone numbers for complaints are posted on their website. Complaints from North Florida would be handled by the district office in Birmingham, Alabama. They also have a national safety complaint hotline where complaints would go directly to their headquarter in Washington DC.

Councilmember Menchel asked if FAA is aware of the number of complaints that originate from this area.

Mr. Wilson stated he does not have the specific data, but they do not usually receive a large volume of complaints in the Florida Panhandle unlike what they receive from cities like New York, Miami, Los Angeles or Chicago.

Councilmember Menchel asked whether certain pilots having issue with the drone are expected to make an independent report or FAA individuals in the air traffic control tower are required to file a report.

Mr. Wilson replied that in accordance with the aeronautical information manual, pilots of manned aircrafts can report any obstruction or interference with drones to the tower. If the tower receives a report, they are required to file a Mandatory Operations Report (MOR) which immediately goes to their operations center in Washington DC. That information is tabulated and sent to the responsible district office.

Councilmember Menchel asked what protocol the City's Code Compliance Officers should be following or what to look for if they respond to a complaint about drones to make sure it is a legal operation.

Mr. Wilson stated that the officer should ask for registration, licensing or flight authorization certificate from the drone flier.

Councilmember Braden asked if he could go to the website to determine how many drones are authorized to fly in the City of Destin's controlled airspace.

Mr. Wilson replied affirmatively, stating however they could provide the number of drones that are registered, but they cannot identify the fliers. Because of the privacy issues held within the registration application and licensing, they are not allowed as a governmental entity to see those unless provided to them by the Law Enforcement Assistance Program (LEAP) agents that work with the local law enforcement agencies.

Councilmember Braden pointed out that during the 4th of July Fireworks Display in Destin, there were several drones flying around the display, which may not have the proper documentation to do so.

Mr. Wilson stated that when a law enforcement officer confronts a drone operator who fails to produce the required documentation, the officer can detain that person to conduct an investigation based on public safety. He added that from a civil standpoint, if that person did not have the proper authorization to fly, the FAA could then institute a civil penalty.

Mr. Wilson also emphasized that the FAA controls the airspace, but the City can institute a regulation prohibiting the take off and landing of drones at certain locations within the City.

Ms. Patti Brown, a Destin resident, stated that she and her husband are both private pilots based at the Destin Airport. They both have seen a lot of drone flights at 1600 feet at the no-fly zone above Destin airport and the beach which is a real problem in the Destin airspace. She also stated that according to the tower manager, Mike Stubblefield, there is no ordinance that regulates it and that the Unmanned Aircraft System (UAS) Officer, Sheriff Deputy Willis, has no enforcement power on people breaking these rules.

Mr. Wilson noted that authorization is required to fly above those areas which they are not going to provide to recreational pilots. Authorization could only be granted to a Part 107 pilot for commercial use in those areas because it is a zero-grid altitude both over the airport and the beach. He also stated that the UAS Officer has the authority to confront the operator and ask for the required documentation. If the operator fails to produce the documents, he could be reported to the FAA who could then impose a civil fine at that operator.

Capt. Mike Howell with the Sheriff's Office stated that the UAS Officer can ask for proper documentation, but if the operator refuses to lower the drone, he has no authority whatsoever to make that person comply; adding that CFR-14 regulation has not been adopted by Florida statutes.

Mr. Wilson argues that in the matter of public safety, if the drone operator is endangering the public, the Sheriff's Office has the right to conduct an enforcement through Public Law 115-254. The FAA has the responsibility to impose the civil penalty.

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

Ms. Marcie Bell, a Destin resident, noted she had personally witnessed people trespassing on private property on Holiday Isle to fly the drone; who then run to their cars when confronted. She also pointed out there is no beach left along the north side of Norriego Point park where they plan to place the walkway and bathrooms as part of phase 3 of the stabilization project. She also remarked that the Norriego Point embayments appeared to be getting larger inside; adding they learned from previous hurricanes that once the wave action starts it would cause the embayments to open and become even wider.

Councilmember Ramswell pointed out that the Emerald Grande video camera seemed to indicate some erosion on Norriego Point, which is surprising because they just finished the stabilization project and they have not even had a big storm come through this area.

The Mayor commented they have not had any big storm, but they had a rough summer with non-stop wave action out of the southwest in June and July.

According to the City Manager, FDEP is aware of the problem on the harbor side of Norriego Point, and they are looking at potential solutions before the boardwalk installation.

Ms. Patti Brown stated that with regards to an earlier discussion about drones, it is imperative that they invite the tower manager and the UAS officer to a future Council meeting to address the issue; adding that drones are a huge problem as evidenced by seeing many of them flying around the 4th of July fireworks display in the harbor. She added that drones must be regulated to facilitate enforcement. Even though the UAS officer can confront the drone operator to ask for proper documentation, and then report that person to the FAA for action if necessary, it is very difficult to locate that person because they could fly the drones very high and far away from their location.

Councilmember Menchel requested that the drone issue be placed on the August 17th Council meeting agenda and invite Capt Mike Howell from the Sheriff's Dept. and the Manager of the Destin Airport Air Traffic Control Tower to attend the meeting.

4. CITY MANAGER REPORTS

A. Leonard Destin Park ownership transfer

The City Manager announced that construction of the Captain Leonard Destin Park project is now complete, and all final releases and warranties have been secured.

Ms. Kate Brown, a representative from the Trust for Public Land, addressed the deed acceptance and assignment agreement transferring ownership of the park from the Trust to the City of Destin.

Councilmember Destin moved to direct the Mayor to execute the Acceptance and Assignment Agreement between the City of Destin and Trust for Public Land, whereby the City will be transferred the land and all improvement located at Captain Leonard Destin Park, and further direct City staff to obtain an owner's title insurance policy for the land in the amount of \$5 million. Councilmember Marler provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes")

B. Termination of Utility and Solid Waste/Garbage Disposal Services to the City's transient boat slips at Royal Melvin Heritage Park

The City Manager explained that the City received an invoice from the Destin Fishing Fleet, Inc. relating to the City's three transient slips located at 206 Harbor Blvd. The City

Attorney drafted a proposed responsive letter to send to the Fleet denying any liability on the matter. The letter also contained a paragraph terminating the utility services and solid waste/garbage disposal services that the Fleet allegedly provides to the City at these slips.

Councilmember Ramswell moved to direct the City Attorney to send the draft letter to counsel for the Destin Fishing Fleet, Inc., seconded by Councilmember Menchel. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”)

C. Request for Direction Relating to Norriego Point Embayments

The City Manager noted that on July 6, 2020, the City Council directed City staff to send a letter to 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. A letter has been sent to FDEP and FDEP had since responded. A copy of both letters has been provided to the Council. The FDEP noted in their letter that they are not agreeable to it, adding that the City stated in their application and management plan that they will allow boats and swimming in the new embayments

Councilmember Destin moved to instruct City staff to draft a proposed Resolution in line with the intent of closing the embayments south of the most northerly embankment only to pedestrians and swimming uses, and then leaving the northernmost embayment open, passed 6-1; seconded by Councilmember Overdier.

Councilmember Ramswell remarked that the City should not be obligated to open any of the embayments to boaters, and that she highly opposes doing so.

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

D. Approve the use of Morgan Sports Center Parking Lot for a COVID-19 Drive Thru Testing Site. (Administered by the Okaloosa County Health Department and EMS)

The City Manager requests Council’s authorization to enter into an agreement with the Okaloosa Health Department to allow the Morgan Sports Center eastern parking lot to be used as a drive-thru COVID-19 testing center.

Councilmember Menchel moved to allow a portion of the Morgan Sports Center to be used as a COVID-19 testing site and authorize the City Manager to execute the agreement with the State of Florida Health Department; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”)

E. Complaint Policy Status & Updates

The City's Human Resources Manager Karen Jankowski stated that per Council's direction, she has contacted Mr. Jeff McInnis, Okaloosa County School Board Attorney, and requested a copy of the School Board's complaint policy. The documents will be used to update the City's policy and procedures regarding external complaints received and investigative procedures. She continued that she will work on this project and will provide updates at Council meetings as requested.

F. Purchase and Sell Agreements for Three Beach Parcels

The Deputy City Manager noted that in 2019, staff provided a presentation to Council identifying the need for public beach as well as opportunities in the Crystal Beach area to be used for future beach parks. Council authorized staff to work with the Trust for Public Land to negotiate beach acquisition opportunities and bring back to Council for consideration in accordance with State statutes. The Council also voted to adopt the 2020 Strategic Plan which prioritized beach acquisition as the top priority for Fiscal Year 2020 Council objectives. City staff has been working with the Okaloosa County Tourist Development Council, Okaloosa County staff, the Trust for Public Land and other partners on the Destin Public Beach Initiative.

Councilmember Destin, Council's representative to the TDC, provided the following presentation:

- Acquiring public beach is the Destin City Council's top priority in the City's adopted 2020 Strategic Plan
- The Destin City Council has pledged \$9,000,000 to this initiative
- Board of County Commissioners/TDC has pledged \$13,000,000 to beach acquisition
- Density of Rentals in Crystal Beach
 - ❖ Henderson Beach State Park
 - 1 mile / 5,500 ft of beach
 - Entry fee required
 - No gate or restrooms on eastern part
 - ❖ James Lee Park (Okaloosa County)
 - 1,500 ft of beach (1/4 mile)
 - Restrooms, parking and pavilions
 - ❖ Gulf of Mexico
 - 67' Shore at Crystal Beach Park
 - Restrooms and pavilion
 - ❖ Locations of Short-Term Rentals with 5 bedrooms or more
- Quick facts about The Shore at Crystal Beach Park and Target Parcels
 - ❖ Existing Shore of Crystal Beach Park has an existing parking lot, pavilion and some restrooms
 - ❖ Existing Shore of Crystal Beach Park is 67' wide
 - ❖ 3 new parcels plus Shore of Crystal Beach Park = 251 linear feet of beach park

- Gulf Front – Shore at Crystal Beach West Expansion (Crystal Port)
- Gulf Front – Shore at Crystal Beach East #1 Expansion
- Gulf Front – Shore at Crystal Beach East #2 Expansion
- Proposed “Gateway to Crystal Beach”

Councilmember Overdier moved to direct City staff to bring the three purchase agreements back to Council for approval as soon as legally possible, direct City staff and the City’s attorneys to work with the County staff and County attorney to draft an interlocal agreement between the City and County relating to this matter; and to designate TDC representative Councilmember Destin as the Council’s representative on this matter and direct him to present the matter to the County Commission at its meeting on August 4, 2020. Councilmember Ramswell provided a second to the motion.

Councilmember Ramswell noted there was another vacant lot located immediately to the west of Crystal Port. She asked if they have investigated and considered that lot.

Ms. Kate Brown stated that particular property was investigated and was unavailable at the time when they were assembling the package to present to the City Council. It is available now, but they have not come into any terms of an agreement on that parcel. But they will keep it as part of the plan and hopefully make it part of the future round of acquisitions.

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

G. Library Technology Improvements

The Library Director Wen Livingston stated that to address the challenges that the Destin Library faces due to COVID-19, including the need to maintain social distancing and provide a more touchless system for the checkout and handling library materials, the library is requesting the purchase of Radio Frequency Identification Device (RFID) System. Staff is requesting Council’s authorization to release a Request for Proposal (RFP) so they can pursue these library technology improvements. An RFP is necessary to comply with the adopted purchasing manual as well as Cares Act guidelines. The cost is \$75,000 - \$100,000, which is unbudgeted but is expected to be reimbursed by the CARES Act.

Councilmember Menchel moved to direct staff to release an RFP for RFID technology to improve the safety of the City’s library staff and patrons while improving the efficiency of library operations, to pursue Cares Act reimbursement for this project and for the City Bid Committee to provide a recommended ranking and selection of vendor(s) to the City Council for approval; Councilmember Ramswell provided a second to the motion, which passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

H. Announcement

1) COVID-19 Measures

According to the City Manager, the City's Senior Leadership Team and leaders are all helping to make the re-opening decisions for the City. Certain level of the decisions has to be accepted by the City employees. They have to believe they are being protected as well as the public is being protected and so they are trying to involve them as much as possible especially those who are recuperating from the virus.

Councilmember Menchel requested an update on the purchase and installation of the air purifying unit which the Council approved at the last meeting.

The City Manager stated that the unit is on order and they have contacted their electrical services provider to install the unit upon arrival.

2) August 10th Budget Workshop

After a brief discussion, the Council reached a consensus to cancel the August 10th Budget Workshop and to have each Council member meet individually with the Finance Director and/or City Manager to discuss the Fiscal Year 2020 budget.

5. PUBLIC HEARINGS

6. CONSENT AGENDA

- A. FEMA DR4486 – Funding Agreement No. Z1782
- B. Extensions 15 and 16 to the Amended COVID-19 – Declaration of State of Emergency
- C. Miscellaneous Pest Control Services, authorization to renew contract
- D. Miscellaneous Asphalt Services Contract, authorization to renew contract
- E. Miscellaneous Generator Maintenance Services, authorization to renew contract
- F. Resolution 2014 – Financial Institution Signature Authority

Consent Agenda items 6C and 6E was pulled for discussion.

Motion by Councilmember Marler, seconded by Councilmember Ramswell, to approve Consent Agenda items 6A, 6B, 6D and 6F, as printed above, passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”)

Consent Agenda item 6C. Councilmember Menchel pointed out some inconsistencies in monthly treatment cost per City owned facility.

Councilmember Menchel moved to direct City staff to clarify the information and bring this item back for a vote at the next Council meeting; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”)

Consent Agenda item 6E. Councilmember Menchel asked if the generator at the Sheriff's Office have been repaired.

Public Services Director Michael Burgess explained that when the generator continuing maintenance contract was awarded to Metro Power, they received a letter from the City advising them that the generator at the Okaloosa County sub-station is not functional and there are no plans to replace the unit at this time; and do not attempt to perform any maintenance on this unit.

Councilmember Menchel stated that particular letter should have been included in the report. He asked if the City paid the \$475 maintenance fee this year.

Mr. Burgess replied that the City did not pay the \$475 maintenance fee.

Councilmember Menchel moved to direct staff to resolve the error in the contract and bring it back at the next Council meeting for a vote; seconded by Councilmember Destin. 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

B. Councilmember Ramswell

1) 2013 Dredge Report

Councilmember Ramswell noted that the information she received did not include a copy of the dredge report that shows how much sand was dredged, the amount that was placed on Norriego Point, and the amount that was placed on the private property. In accordance with the terms of the agreement that was in place at the time, the private parcel owners was supposed to retain 20 percent of the dredged sand.

Motion by Councilmember Ramswell, seconded by Councilmember Menchel, to direct staff to investigate this matter and determine the exact amount of sand that was dredged, the amount of sand that was placed on Norriego Point and the amount of sand that was placed on the private property, and bring a report back within 30 days passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes")

C. Councilmember Menchel

Councilmember Menchel offered some clarifications relative to Council's discussion about the review by the Florida Board of Professional Engineers (FBPE) on an ongoing case. There were some comments that after FBPE had concluded their investigation, they would more than likely provide any findings to the State Attorney, if required. He has contacted the lead

investigator who informed him they will not forward any results of the investigation to the State Attorney.

Councilmember Menchel mentioned that illegally parked cars are continuing to destroy the grass on James Lee Park.

Councilmember Menchel requested an update on the Anchors Smith Grimsley (ASG) investigation.

According to the City Manager, August 25th is the estimated date when the City could expect the report back from the firm.

Councilmember Menchel asked for an update on the suggestion to put the blue welcome sign, similar to the adopt-a-street sign, at the Mid-Bay Bridge during the gateway presentation at the last meeting.

According to the City Manager, he does not have a status update on the Danny Wuerffel Way, which is at the purview of the Mid-Bay Bridge Authority who has a plan drawn up for that area.

After a brief discussion, it was the consensus of the Council to instruct the City Manager to reach out to the Executive Director of the Mid Bay Bridge Authority (MBBA) and discuss MBBA's plans in terms of welcoming signs on Danny Wuerffel Way, and report back to Council.

Councilmember Menchel requested that project update information on how they may be able to expedite the scanning portion of the project be included on the next Energov update.

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

1) City Council Meetings Starting Time

Councilmember Morgan moved to change the starting time for City Council meetings to 5:30 PM; seconded by Councilmember Overdier.

Councilmember Menchel expressed concern that making the start of the meeting earlier would unable some of the citizens to participate especially those who are actively employed, including some members of the Council.

Councilmember Braden stated he had to work late at times, and it would be difficult for him to attend the meeting if scheduled earlier.

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

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

1) Memorandum of Law relating to Section 3.09 of the City Charter

The City Attorney noted that the Council had previously directed the City Attorney and Land Use Attorney to identify language and the process required to remove a City Council member or Mayor from office for violations identified in Section 3.09 of the City Charter. He provided a report containing the following three options:

Option 1 – To obtain an opinion from the Attorney General’s Office on whether action by the City is preempted by state law, and if not, whether the City Council can take action based on findings made by the Commission on Ethics, and if so, what type of procedures the City Council must adopt to take action

Option 2 – To proceed forward with drafting an ordinance allowing removal of an elected official who violated Section 3.09(b)(2) of the Charter. This step may first require that the attorney first develop a code of ethics that is applicable to City officials for the City Council to consider adopting. A separate ordinance would then describe the process for removal and include all elements necessary to ensure that due process is afforded to the impeached elected official.

Option 3 – Direct the City Attorneys to take no further action on this matter.

Councilmember Menchel moved to direct the City Attorney to move forward with option #1 and option #2, as outlined in his report; seconded by Councilmember Ramswell.

Councilmember Destin stated that as an attorney he understands the law and understand why collegiate bodies such as this Council are not vested with the authority to remove fellow members from office. The purpose is to keep political factions within collegiate bodies from using provisions wantonly and with political motivation to remove opposition. That authority is vested with the Governor, and the electorate through an election every 4 years or through a recall provision. He suggests pursuing option #1 at this point.

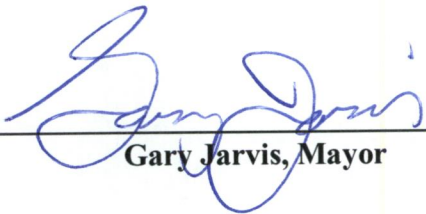
Councilmember Menchel stated if they ever decide not to go forward with option #2, they should remove the provision of Section 3.09 from the City Charter since it serves no purpose at this time.

Councilmember Destin noted that only the voters can remove that item from the charter through a referendum vote.

Councilmember Menchel offered an amended motion to direct the City Attorney to move forward with option #1, as outlined in his report; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes")

ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 8:55 PM.



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk