

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
JULY 20, 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 Cyron Marler
Councilmember Chatham Morgan

Councilmember Rodney Braden (Virtual)
Councilmember Skip Overdier (Virtual)
Councilmember Steven Menchel (Virtual)
Councilmember Prebble Ramswell (Virtual)

Destin City Staff

City Manager Lance Johnson
Public Info Manager Catherine Card (Virtual)
HR Manager Karen Jankowski (Virtual)
Comm. Dev. Director Louis Zunguze (Virtual)
Finance Director Krystal Strickland (Virtual)
Parks/Recreation Director Lisa Firth
City Land Use Attorney Kimberly Kopp (Virtual)

City Clerk Rey Bailey
Grants/Project Mgr Jeffrey Cozadd (Virtual)
Deputy City Manager Webb Warren
Public Services Director Michael Burgess
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 PM. Pastor Logan Landes of Grace Lutheran Church provided the invocation, which was followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Ramswell requested to add "Norriego Point Survey" under her portion on the agenda as item 7B(1).

Councilmember Destin asked that a presentation from Mr. John McGee be added as the first item under the CITY MANAGER REPORT section of the agenda.

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

1. APPROVAL OF MINUTES

A. Approval of minutes of July 6, 2020 Regular City Council Meeting

Councilmember Destin moved to approve minutes of July 6, 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 June 29, 2020 City Council Budget Workshop

Motion by Councilmember Marler, seconded by Councilmember Destin, to approve minutes of June 29, 2020 City Council Budget Workshop passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

C. Approval of minutes of May 18, 2020 Regular City Council Meeting

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

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

A. Gateway Samples Mr. Ric Zampatti, CEO, The Barter Company

Mr. Ric Zampatti and Mr. Bob Postiglione provided some samples and discussed the benefits of a Gateway Sign.

Mr. Ric Zampatti

- 15 years’ experience in the outdoor sign industry
- Part-time resident of Destin and instrument rated pilot who frequently flies into Destin Executive (KDTS)
- Aspires to be a future Destin Warbird

Mr. Bob Postiglione

- 42 years’ experience in the outdoor sign industry
- Served many terms as a board member of Outdoor Advertising Association of Georgia

The Benefits of a Gateway Sign

- Conveys the community’s image – a high-quality place to live.
 - ❖ “Branding is the most important part of any product.”
- Increases property value – it elevates the “perceived value” of the lots and homes
- It helps the community stand out from others
- Help promote upcoming city events
- Broadcast emergency notices (i.e., hurricane evacuation warnings, etc.)
- City picks own Gateway design

- City can promote events, highlight city personnel achievements, and worthy news info
 - ❖ Example – Police chief retiring, etc.
- City receives 10% of Net Revenue Monthly of Sponsors
- City has final approval on sponsored content
- City own the sign once costs recouped
- They will fund and manage the program. No cost to the City
- They will obtain sponsorships that would help pay for the Gateway sign
- City receives 2 segments per side for city use
 - ❖ Additional segments when available
- City has total control of sponsors/advertisers
- City has total control of design
- Basically, a public-private partnership

Councilmember Marler stated that he likes the idea of the monuments at the Walton-Okaloosa Countyline, especially the one with the weather alert on it, and possibly placing a similar sign somewhere along US Hwy 98 as they come across the Destin Bridge.

Councilmember Ramswell supports the idea, stating that in addition to the weather alert, they could also provide information on the surf conditions (Red Flag/Yellow Flag).

Councilmember Destin noted that the Mid-Bay Bridge Authority extends all the way to US Hwy 98 and that the Authority has plans for some of those areas. If this Council wants to pursue a sign in those areas, they will need to discuss it with the Authority. He added that the Authority is also in the data collecting and feasibility stages of wayfinding signage project.

Councilmember Menchel suggests they also place a sign such as, “Thanks for visiting, come back soon” on the opposite side coming across the Mid-Bay Bridge. He also stated that since the City manufactures its own blue “Adopt-a-Street” signs, he has suggested to the City Manager about manufacturing similar signs and coordinating with the Mid-Bay Bridge Authority about installing those signs on the bridge on a temporary basis to let people know they are entering the City of Destin.

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

4. CITY MANAGER REPORTS

A (1) Mr. John McGee – Board Chairman, First City Bank

Mr. John McGee, Shalimar resident and Chairman of the Board of First City Bank informed the Council he owns property at 363 Harbor Blvd, and that First City Bank owns the land. It is about 1.7 acres in size and is located across the street from the Destin Yacht Club. He stated that he is bringing this information to the City’s attention because the City is interested in providing more parking in the harbor area. .

Councilmember Destin moved to instruct the Land Use Attorney to conduct some due diligence on the property at 363 Harbor Blvd and bring back some proposals for

appraisal. Councilmember Overdier provided a second to the motion, which passes 7-0. (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

(2) Financial Advisor

Finance Director Krystal Strickland informed the Council the City of Destin has prioritized several important and expensive projects including the public beach initiative, the cross-town connector, and undergrounding. Decisions will need to be made regarding the financing options for these major projects; and that a key player who assists a city determine the optimal financing solutions is the financial advisor. The City of Destin does not currently retain a financial advisor. Ford & Associates offers financial advisor assistance to cities such as Destin. They have worked on many projects with the City’s bond counsel, Mr. Duane Draper of Bryant, Miller & Olive. Ms. Strickland introduced Mr. Jonathan Ford of Ford & Associates who then gave a short synopsis of their experience and how they could be of assistance to the City.

Councilmember Overdier moved to allow the City Manager to engage Ford & Associates at an amount not to exceed \$10,000 per year plus reasonable expenses and to exempt this procurement from competitive bid requirements in accordance with Section K of the City’s Purchasing Manual; seconded by Councilmember Destin. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

B. Compass (Energov) Project Update and Support Request

Deputy City Manager Webb Warren stated that the Compass project has a target date of January 2020 as a project go-live date; however, the City’s workforce has been significantly impacted by the pandemic and staff has been forced to telecommute, reduce work hours and cope with other COVID-19 related absences. Due to these staff shortages and increasing complications, the Compass project is now in jeopardy of being delayed well into 2021. Staff requested that Tyler Technology ENERGOV/COMPASS) provide a quote for additional Tyler configuration and project management resources for the City to keep the project moving as quickly as possible. They have quoted a total of \$24,320 to assist with configuration needs. This amount will be submitted for CARES Act reimbursement.

Motion by Councilmember Ramswell, seconded by Councilmember Braden, to accept the recommended internal budget transfers within the IT Department to cover the amount necessary for additional consulting services to move the COMPASS / ENERGOV project forward as quickly as possible in an amount not to exceed \$24,320 passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

C. Establish the FY2020 Tentative Millage Rate and Budget Public Hearing Dates

Ms. Strickland noted that staff is in the process of formulating the proposed budget for FY 2021. The proposed budget is being developed based upon retaining a millage rate of 1.6150 mills, with a 4.25% increase in taxes to the citizens of Destin. The tentative millage rate once set

cannot be increased without the additional expense of a formal notification to each City taxpayer. She requests Council sets the FY 2021 tentative millage rate for ad valorem at 1.6150 mills which is more than the rollback rate of 1.5491 and confirm the date and times of the public hearings for the budget.

Councilmember Overdier moved to set the tentative millage rate for ad valorem taxes at 1.6150 mills, which is more than the roll-back rate of 1.5491 mills and confirm the date and times of the public hearings for the FY 2021 Budget on September 8th and September 21st, 2020 at 6:00 PM. Councilmember Ramswell provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

D. Restriping of Calhoun Ave and Sibert Ave, authorization to issue task order

Public Services Director Michael Burgess noted that the traffic striping on Calhoun Avenue and Sibert Avenue is faded, and many pavement markings are worn and/or chipped. He asked for Council's authorization to have them redone.

Councilmember Braden asked if a pothole on Calhoun Avenue near the ballpark would be fixed prior to restriping that road.

According to Mr. Burgess, the depression will be taken care of as part of the Northwest Florida Wildlife Foundation Drainage Improvement Project the City's Bid Committee will meet on imminently.

Councilmember Marler moved to authorize the City Manager to execute a task order to Emerald Coast Striping to install new roadway markings on Calhoun Avenue and Sibert Avenue in an amount not to exceed \$60,396.00; seconded by Councilmember Braden. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

E. Installation of Indoor Air Quality Units at 4 City facilities, authorization for the City Manager to execute a task order

The City Manager requested Council's authorization to install air quality units at 4 City facilities. He stated that the installation of these devices will contribute to improved air quality not only in the of the recent pandemic but will also serve as a long-term solution for other airborne pathogens.

Motion by Councilmember Menchel, seconded by Councilmember Ramswell, to authorize the City Manager to execute a tasks order with D&D Air Conditioning, Heating & Electrical Services to install Indoor Air Quality Units at four City facilities in an amount not to exceed \$18,140.40 passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

F. Direction on Future COVID-19 Measures

The City Manager noted that the City has received many requests from the public to consider implementing various preventive measures related to the Corona virus. He asked if Council would like staff to bring back any related recommendations for consideration at a future meeting.

Councilmember Overdier offered a motion to send a letter of support, signed by the Mayor, to the Okaloosa Board of County Commissioners to their effort in creating a County-wide face mask policy; seconded by Councilmember Marler.

Councilmember Ramswell remarked they need to see what the County is doing first to make sure the City is not in contradiction to the County's action since there are many unincorporated areas in Destin.

Councilmember Menchel noted he has discussed this issue with Dr. Simkin who is the Chair of the County's COVID-19 Task Force. The Task Force has unanimously voted to ask the County Commissioners to mandate a mask for the County.

According to Councilmember Overdier, this topic is not on the County Commission agenda for their meeting tomorrow, however some of the Commissioners told him they would bring it up for discussion. He also learned there is a draft policy already written that basically covers the entire Okaloosa County; and that the County attorney has already opined the proposed action is legal. He added there is a portion in the draft policy allowing a certain municipality to opt out if they do not agree with the policy.

Councilmember Marler commented that masks may help them health-wise but may create identity problems for people going into public stores and other facilities.

Councilmember Morgan expressed concern the Governor's failure to mandate this issue will lead to dozens of counties and municipalities in the State with different directives; and that enforcement would be impossible.

Councilmember Braden noted that everyone with a concealed weapons permit cannot wear a mask if they are carrying a weapon; adding it is interesting to see how the County will handle this issue.

Councilmember Menchel commented they simply cannot support a policy that they have not seen.

Councilmember Overdier offered a substitute motion to send a letter, signed by the Mayor, to the Okaloosa Board of County Commissioners encouraging them to develop a face mask policy, at which point the City would decide whether to adopt the policy; seconded by Councilmember Marler. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

Councilmember Menchel asked if the City should call for a special meeting once the County has adopted a facemask policy.

The City Attorney stated it would be premature to schedule a special meeting now since the County does not have an ordinance on the agenda for their meeting tomorrow to implement a facemask policy. He suggests scheduling a special meeting once the County has implemented a policy.

G. Announcements:

- 1) Several inquiries received regarding US Hwy 98 widening project.

Mr. Burgess noted there are about 370 days left on the contract. The FDOT did not put in a performance incentive in the original contract but they are now considering doing so and providing financial incentive for an earlier completion of the project possibly as early as spring 2021. In addition, the section between Airport Road and Matthew Blvd is not ready for friction coat (topcoat). Also, FDOT has some conflicting striping regimes out there that they just cannot open the road for traffic at this time. The plan is to have the friction coat and the restriping in the fall this year when traffic is reduced.

Councilmember Menchel suggests the City's Public Information Officer puts out a press release to inform the public regarding this issue.

- 2) A workshop to discuss DFCD potential use of a portion of Clement Taylor Park is currently scheduled for Monday July 27th. With the current COVID19 trends is this still ok with the Council or would you like to postpone?

Councilmember Destin suggests postponing the workshop, given the current situation regarding COVID-19, until the time they can accommodate as many participants as safely as possible.

Councilmember Menchel asked staff to tape off the footprint of the proposed firehouse location at Clement Taylor Park and advertise it prior to the workshop so that people can physically go out to the park location and see it to help avoid misinformation.

Councilmember Braden recommends marking off all spaces in the park the fire department will occupy, to include parking areas, landscaping, driveways, and so forth.

Councilmember Marler recommends staff contacts the fire department and requests some assistance in mapping out the areas in question.

Councilmember Destin moved to postpone the workshop on Clement Taylor Park and instruct the City Manager to bring back potential workshop dates in late August at the next Council meeting. Councilmember Marler provided a second to the motion. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

- 3) The City is operating on skeleton crews at City Hall and the City Hall Annex. The public is being encouraged to utilize the City's online services and to be patient as they try to keep up with priority services.

5. PUBLIC HEARINGS

A. Second 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 Ordinance 20-21-CN by title, and then presented it to the City Council on second 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.

Ms. Joanne Bouchillon, a Destin resident, stated that based on the 250-signature petition they had with the partial vacation of the Harbor Lane right-of-way, though they kept it within their own community and they did not take it out to the whole City, they could rest assure there are a lot more people that would be supportive of this ordinance. She also wanted to make sure the referendum language for this provision will make it to the November ballot.

The City Attorney read the following ballot language that will be included in the November 2020 election:

"SHALL THE CITY OF DESTIN'S CHARTER BE AMENDED TO PROHIBIT THE CITY FROM ABANDONING, GIVING UP, OR VACATING, ANY PUBLIC RIGHTS-OF-WAYS OR PORTIONS THEREOF THAT SHARE ANY BOUNDARY WITH A WATER BODY? "

Ms. Teresa Herbert, a Destin resident, stated she is very much in favor of this ordinance and urged the citizens to go out and vote in November to make sure this provision becomes part of the charter.

Ms. Becky Pritchard, a Destin resident, echoed sentiment made by the first speaker relating to the referendum language.

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 Destin, to adopt Ordinance 20-21-CN on second reading passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

B. Second 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 Ordinance 20-22-CN by title, and then presented it to the City Council on second 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; SEVERABILITY; AND 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 Ordinance 20-22-CN on second reading passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

C. Second 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 Ordinance 20-23-LC by title, and then presented it to the City Council on second 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. Having none, the Mayor closed the public hearing and turned the matter over to the City Council for their discussion and consideration.

Councilmember Menchel moved to adopt Ordinance 20-23-LC on second reading; seconded by Councilmember Overdier.

Councilmember Ramswell noted they are incorporating this language related to prohibiting the vacation of waterfront rights-of-way into the Land Development Code. She asked why they are not doing the same thing with Ordinance 20-22-CN regarding the height limit.

According to Councilmember Destin, there is probably no need for it since according to the Land Development Code, the height limit is set at 6 stories.

The Land Use Attorney explained that the height limit is set at 6 stories in the Comprehensive Plan, and that the Land Development Code is required to be consistent with the Comprehensive Plan.

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").

6. *CONSENT AGENDA

- A. Health Plan & Ancillary Benefits Renewal
- B. Property & Casualty Insurance Renewals FY21
- C. Extensions 13 and 14 to the COVID 19 Amended Declaration of State of Emergency
- D. Milling, Resurfacing and Restriping of Holly Street, Melvin Street, Winton Court, a portion of Indian Bayou Trail and Twin Lakes Lane
- E. Disaster Recovery Services (Crowder-Gulf), authorization to renew contract
- F. Disaster Recovery Services (TFR, Inc.), authorization to renew contract
- G. Quarterly Reports from Raymond James and Benjamin Edwards
- H. Proposed Bert Harris Settlement Agreement for 100 Sandprint Circle
- I. Proposed Bert Harris Settlement Agreement for 104 Sandprint Circle

Councilmember Ramswell requested that Consent Agenda items 6E and 6F be pulled for discussion.

Councilmember Overdier moved for approval of Consent Agenda items 6A thru 6D, and 6G thru 6I, as printed above, passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

In reference to Consent Agenda items 6E and 6F, Councilmember Ramswell asked why the City has two disaster recovery services contracts.

Mr. Burgess explained they learned from past experiences that resiliency and redundancy are tenets of emergency management; and that given the situation that happened during Hurricane Irma in South Florida, some recovery agencies were lured away from one community or another by the promise of incentivize contracts. Having two continuing services providers in this area would only serve the community. One is located close to Mobile, Alabama, and the second is at Leyland, Texas. And thinking that a tropical storm probably would not affect both of those communities, that the City of Destin would have the benefit of getting one or the other, or both depending on the size and nature of the storm. He added it is not a matter of cost but the sheer availability and timeliness in being able to respond to an emergency.

Motion by Councilmember Ramswell, seconded by Councilmember Marler, to approve Consent Agenda items 6E and 6F 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 pointed out that when the newspapers print the results of COVID-19 testing, Destin is listed under both Walton County and Okaloosa County, and with different data. She has reached out to different people including Mr. Patrick Maddox of Okaloosa County Emergency Management to get information, but nobody seems to have the answer.

(1) Norriego Point Survey

Councilmember Ramswell announced this is a walk-on item staff has requested to be added to the agenda.

The City Manager explained that during a conversation among staff members this week, a question came up whether the survey boundary line included the harbor side of Norriego Point. They checked the survey for which they have contracted and determined it only included the East Pass side of Norriego Point. They requested an additional work order to include the harbor side of Norriego Point, and that the cost for that additional work is now before the Council for approval.

According to Mr. Burgess, the original scope of work was to survey the southern side and did not consider the harbor side of Norriego Point. The survey crew has already completed the work on the southern side, and that the fee of \$3,320 is to finish surveying the harbor side.

Councilmember Ramswell would like to include the property located east of the City right-of-way and east of the Point Mezzanine property, which is also on the harbor side of the Point, as part of the survey using the deeds that are currently in place. She continued it is about a 600' by 30' area which is currently un-platted and un-deeded City/public property, and which has accreted through natural accretion. This matter was recently brought to their attention by a

citizen and needed to be clarified. She added that it was disconcerting to her that the map of the property from the Property Appraisal on July 6th was different from when she first looked at it on May 13th. The boundary lines seemed to have changed at some point between May 13th and July 6th. They went from having a significant chunk of public property to none at all.

The City Manager noted that the additional survey currently being discussed was not a part of the quoted price of \$3,320 to perform the additional survey on the harbor side, and so there would most likely be an additional charge if the Council chooses to proceed with that work.

Councilmember Ramswell moved to increase the area of the survey using the existing Quit Claim Deed from 2006 and a Special Warrantee Deed from 2016; and for the Council to approve any additional costs above the initial survey fee of \$3,320; seconded by Councilmember Menchel.

The Mayor asked what the motivation was behind this survey.

According to Councilmember Ramswell, the motivation clearly was the City/public are the deeded owners of Norriego Point, and that they need to have the ability to control and manage the riparian and upland areas adjacent to the property that they own.

The Mayor asked if this request was an attempt to get around the agreement the City signed with FDEP, strictly for the properties themselves.

Councilmember Ramswell replied this is strictly for the Norriego Point property that they own so they could properly control and manage the water surrounding it.

The Mayor inquired as to the rationale for applying for a submerged land lease, and whether it was to be able to control the entire project including the embayment which is an issue of contention with FDEP.

Councilmember Ramswell replied it was for the entire piece of property that the City was deeded and owned.

The Mayor pointed out that the FDEP have total jurisdiction on who they can approve or disapprove for such request.

At this time, a Point of Order was raised by Councilmember Menchel; stating there is a motion on the floor that is being discussed and that he does not understand the Mayor's line of questioning or his interrogation of Councilmember Ramswell.

The Mayor replied it was not an interrogation but merely part of the conversation and comments, and that he was asking legitimate questions relating to the motion. He added he wanted to know why they need to spend more of taxpayers' money and whether their intent was to circumvent the desire of an entity that has control over this project.

At this point, Councilmember Ramswell raised a Point of Order, stating this is absolutely not the intent and that the Mayor is bringing matters that has absolutely no bearing on the situation.

The Mayor read the following written statement for the record:

"So, if the last two questions are true or have potential to be true, then the \$10,000 survey is tax payer waste, we injure our present and future relationship with an extremely important state partner who has control of the purse strings that benefit our citizens and City itself. So, I call to question is that an appearance of good governance just at face value? Is it good policy to risk that due to the whims of a council member or members who have not explained how these actions actually benefit our citizens or City long or short term? There are multiple surveys done and on records of this said property so why are we spending \$10,000 of taxpayers' money for such, in my opinion, an unreasonable request? I wish I would have asked these questions at the last Council meeting and I am surprised no other Council member did either. I am looking forward for a response to these questions and during this time of duress on staffing and your daily challenges. I apologize for even burdening you with this request. But the times demand some answers as soon as possible so I can assimilate facts from fiction and be accurate in my comments next week."

Councilmember Ramswell called for another Point of Order, stating she would like the record to reflect that the Mayor has shown a clear bias with this project based on text messages accessible to everyone. She also stated that she absolutely opposed of the Mayor being able to speak on this issue.

Councilmember Marler noted that sometime after Hurricane Opal, the areas in question, including the Pointe Mezzanine property, did not exist. Hurricane George took the entire section, probably including some of the Norriego Point sections that area being discussed tonight. He stated he has no problem with the motion if the intent is to find the true boundary lines between the Point Mezzanine property, Norriego Point and the City's public parking lot; and that they do not damage their relationship with FDEP.

Councilmember Menchel suggests allowing the Land Use Attorney to review the application, which he believes clearly identifies the purpose.

Councilmember Ramswell explained that her original request was for the City to be able to survey all the way around Norriego Point so they could determine the property the City owns and the true boundary lines to enable them to properly manage, control, or repair anything related with the property deeded to the City. She continued there is an additional piece of property that is un-plotted and un-deeded that needs to be investigated, which could be an additional 600 feet of harbor front property the City desperately needs.

Councilmember Marler suggests delaying the motion to approve the additional survey fee until the next meeting since there is no information currently before them regarding the property in question.

Councilmember Ramswell stated she would prefer all the survey work to be done at the same time rather than separately which could cost more money.

The Mayor reiterated that if the purpose of the survey is to apply for the submerged land lease so the City could gain control of the embayment to do what they want, there is no way FDEP will issue the submerged land lease to the City because they have already made a memorandum of understanding with the City that those embayment will be used for swimming and boating. He added that Councilmember Destin, the City Attorney and staff had already made a compromise to that agreement which allowed one embayment to be used for both, and the other 4 strictly for swimming.

Councilmember Ramswell remarked that the Mayor is not a voting member of this Council; and that the Council voted 7-0 to survey Norriego Point, and nothing has changed since then.

The Mayor argues that he is also an elected official and is authorized to vote on an issue in case of a tie vote from the Council; adding that as an elected official, he is authorized to question if what they are doing in this case is the proper way to do it.

Councilmember Morgan asked if applying for the submerged land lease if something this Council would have to approve.

According to the Land Use Attorney, the Council had already voted to approve the application for the submerged land lease when they approved the \$10,000 survey because the survey is part of the application. At this point, staff is only asking for authorization from Council to increase the area covered by the survey, which is the harbor side of Norriego Point including the Pointe Mezzanine property.

Councilmember Ramswell reiterated that her original request was to survey the entire Norriego Point – East Pass side and harbor side – which is the entire 1,600 feet of this parcel. Tonight, she brought up the fact there is about 600' by 30' area located east of Point Mezzanine which is currently un-platted and un-deeded and needs to be surveyed to determine the rightful owner of that property.

Mr. Burgess explained that the existing work order was to survey the southern part of Norriego Point; and that the follow up survey will cover the northern side all the way around to the City's property line.

Councilmember Marler offered a substitute motion to postpone the voting on this matter to the next meeting so they could obtain more clarification to this issue. Motion dies for lack of a second.

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

C. Councilmember Menchel

1) City of Destin Complaint Process/Protocol/Standard Operating Procedures

Councilmember Menchel noted that during his discussion of this issue with the City Manager, they both concluded that the City's current procedure is quite deficient and does not address how to handle a complaint received from a citizen, and how to investigate that complaint. He stated that he reached out to Okaloosa County School Superintendent Marcus Chambers regarding this issue. They have recently updated their policy and Superintendent Chambers had given his permission to have the City's attorney and staff to work with them to update and modify the City's current process using their best practices to handle all situations. He also noted that the individual who worked on this policy with the school board was Mr. Jeff McGinnis who works with the same firm as the City Attorney.

Councilmember Menchel moved to direct the City Attorney and/or staff members contact Mr. Jeff McGinnis, Okaloosa County School Board Attorney, and work with him to immediately update the City's policy and procedures regarding external complaints received and investigative procedures. Councilmember Destin provided a second to the motion.

Councilmember Menchel noted that the City is very short-staffed at this time due to the pandemic and he does not expect this to happen immediately, however, he would like an update be given at each Council meeting as staff moves forward with updating this document.

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) Complaints received by the City Manager and City Council Required actions to be taken

a) Matthew Trammell

According to Councilmember Menchel, he wants to make it clear that the City of Destin has made no allegations against anyone. He would also like to stress that he tried with no success to have the City Manager deal with this issue directly so it would not be placed on the agenda.

Councilmember Menchel then read the following statement:

"An October 20, 2015 City Manager memo to a Council member, the memo stated in part, 'I must report that, under the advice of counsel, I am compelled to submit the information and documents relevant to this subject to the State's Attorney's office for its purposes. It should be made clear to you that this action is not made with any intent to evaluate or prejudge any particular result, but only to place the proper evaluation and action, if any, into the agency responsible for such matters.' I provided that information to the City Manager and he responded with the fact that although there may be circumstances where I could or should file an official complaint on behalf of the City, without the majority approval of the Destin City Council, I do

not believe based on the information I currently have at my disposal that I can file a complaint under this circumstances. I responded back to the City Manager and advised him that one quick remedy for him to obtain more information is to meet with or call the complainant either one-on-one or with our attorneys. The City Manager refused which left me with no choice but to place this on the agenda. The City Manager also reached out to both our lawyers and asked if he was to follow the information, which agency would he send this information to, and both provided him information. Just to be clear, tonight is not the first time that this item was placed on the agenda. I actually had it on the agenda for the last meeting but pulled it from the agenda based on a conference call I had with both of our attorneys. Our City Attorney requested the opportunity to review various contracts and then provide input to me. But days after that arrangement was made, I was advised the agreed upon contract review will not take place. Based on the fact the contract reviews were not completed, and the fact the City Manager would not act without this item being placed on the agenda, we have it before us tonight. As I stated earlier, our current complaint procedure, the City of Destin, we must have courage to take the tough decisions and make difficult choices. Doing so would enable us to send a clear message to the public that the City is committed to doing the right thing. So, what public image do each of you want to send tonight? It is that simple. I feel that the City of Destin should follow the allegations received to the proper investigating agency responsible for such matters so that the proper evaluation action, if any, can be taken. "

Council Menchel moved that the allegation received be forwarded to the Florida Board of Professional Engineers and to the State Attorney for their evaluation and action by them if required; seconded by Councilmember Braden.

Councilmember Menchel noted he was referring to agenda item 2A above.

Councilmember Overdier noted that these allegations have already been forwarded to the Florida Board of Professional Engineers which controls Mr. Trammell; and that it was filed by a private citizen.

Councilmember Menchel stated there was no action taken by the City of Destin, and that nobody notified the State Attorney's Office. It was filed by a private citizen, but the City of Destin was also in receipt of the complaint but would not act on it.

Councilmember Overdier argues that the City should not have to submit a duplicate complaint if one has already been filed. They should just wait for the result from the State or the regulatory board that controls Mr. Trammell's action as a professional engineer.

Councilmember Menchel stressed that everyone on the Council, the City Mayor and the City Manager received an allegation. It is the City's responsibility to act on an allegation and send it to the proper agency for an investigation.

The Mayor noted that the citizen who filed a complaint against Mr. Trammell does not reside in the City of Destin. He was also accruing the County's Property Appraiser of malfeasance. If these are serious allegations, he should have gone ahead and forwarded to the complaints to the State's Attorney's Office. He added that Mr. Trammell is a private individual who does business not only with the City but also with the County.

Councilmember Menchel reiterated that the City was in receipt of an allegation. The City in the past has followed it on when they received an allegation. The fact that the current City Manager did not feel comfortable taking the action and wanted this issue brought before this Council is the reason this issue is before them tonight.

Councilmember Morgan stated he was not on the Council several years ago when the City Manager at the time brought a credit card issue forward to the State's Attorney's Office or he would have been very disappointed in that City Manager having not bringing the issue forward to the Council first. He certainly would certainly would have voted no to send that complaint to the State's Attorney's Office. He added that he appreciates City Manager Lance Johnson's decision to bring this issue forward to the Council. He also added that City staff will review many of the complaints and questions they received from the citizen regarding a particular piece of property in the development review process.

Councilmember Marler stated that once the complainant posted the emails and allegations on the City's website, it became public knowledge. He also stated that the complainant has the right to take the action that he took, but since the complainant is not a Destin resident, he does not see a reason why the City is obligated to get involved on that issue.

Councilmember Menchel argues that the fact that the complainant is not a Destin resident should have no bearing on whether the City should take action, adding that the City has taken actions before on complaints from non-residents.

Councilmember Destin stated that procedurally, there is going to be an investigation to be conducted by the Florida Board of Professional Engineers from the administrative standpoint. If they discover that there could be a criminal component to this complaint, then the case will be sent over, at some point, to the State's Attorney's Office.

Councilmember Braden asked at what point is the City legally obligated to take action when they receive such a complaint and report it to the proper authorities.

According to the Land Use Attorney, they first need to take into account Councilmember Menchel's motion to work on the City's complaint process which the City does not have in place yet to be able to handle external complaints. With regards to this specific complaint, which has already been filed with the Florida Board of Professional Engineers, which is the proper entity to handle this complaint; if it does not have a problem at that level, it is less likely to have a problem at the State Attorney level. She added it would be advisable to allow the process to run its course to see what kind of issue comes to the forefront and then take the appropriate action.

Councilmember Ramswell noted that the citizen provided the information to the City because the City is potentially the injured party based on the engineer's action. For that reason, the City is expected to look into the allegation and take the appropriate action. She also wants to know for sure if the Florida Board of Professional Engineers finds some evidence of malfeasance if they automatically send the case to the State Attorney or come up with a ruling and send it back to the complainant. She also looks at this issue as an opportunity for the City to be proactive rather than reactive and becoming more involve on this issue to make sure there is no wrongdoing and the City does not suffer further injuries.

The Land Use Attorney stated she is not sure about the automatic forwarding, however, if the Florida Board of Professional Engineers believe there is something rising to the level of criminal activity, she believes the Board would be likely to forward it to the State for review. If not, it would be noted in their report, and so at that point the City could bring it back to Council for authorization to take it to the next level.

At this time, Councilmember Braden announced he was withdrawing his second to the motion currently on the floor.

Councilmember Ramswell announced she is providing a second to Councilmember Menchel's motion.

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

b) Kyle Bauman

The City Manager announced he has discussed this issue with Mr. Anchors, the principal partner of the law firm Anchors Smith Grimsley. Mr. Anchors stated he was aware of the concerns the City Council may have and that the firm had already hired a third party to conduct an internal review of this case. He would be happy to provide the result of that review to the Council. After the Council reviews the result and are not satisfied with it, the firm would allow the City to recommend an outside firm to conduct an independent review of the situation, at the firm's expense, and provide the result to the Council.

Councilmember Menchel stated that Ms. Barbara Peterson, the former president of the First Amendment Foundation and an expert on Public Records Law. She would be the one he would recommend conducting their independent review of this case when they get to that point.

It was the general consensus of the Council to wait until after the result of the independent review being conducted by a firm hired by Anchors Smith Grimsley. If the Council is not satisfied with the result of that review, the City can recommend an independent investigator to Anchors Smith Grimsley to conduct an independent review of the situation paid for by the firm and provide the results to the Council.

Next, Councilmember Menchel commented that James Lee Park continues to be destroyed by illegal parking despite the City's efforts to obtain assistance from the County.

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

Councilmember Morgan asked staff to place the topic "Council meeting start times" under his name on the next agenda for discussion at the next meeting.

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

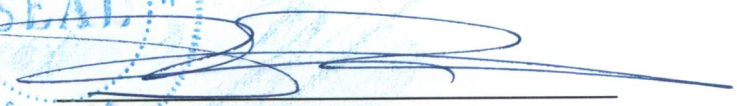
The City Attorney noted that the legal review of the City of Destin Code of Ordinances Part 1 (Charter) Section 3.09 to identify the language needed and process required to remove a City Council member or Mayor from office for violations identified in Section 3.09 is currently being reviewed, and the information will be provided to the Council once the review is completed.

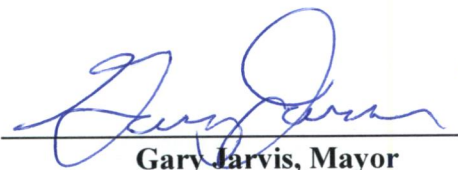
8. PUBLIC COMMENTS

ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 9:00 PM.

ATTEST:


Rey Bailey, City Clerk


Gary Jarvis, Mayor