SPECIAL MEETING
DESTIN CITY COUNCIL
JUNE 28, 2018
ANNEX COUNCIL CHAMBERS
6:00 PM

*****Core Value of the Month - Stewardship*****

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

NEW BUSINESS

A. Capt. Royal Melvin Heritage Park

Draft minutes of the June 13, 2018 Joint Special Meeting of the CRA Board and Harbor CRA Advisory Committee

Draft minutes of the June 13, 2018 Special City Council Meeting

Draft minutes of the June 18, 2018 Regular City Council Meeting

Emails: June 19, 2018 - June 25, 2018

ADJOURNMENT

All items listed under Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and may be considered separately.

**To be placed on the Agenda under scheduled presentations, citizens must contact the City Manager or City Clerk's office one (1) week prior to the scheduled City Council Meeting by completing a Speakers Request Form and providing any accompanying documentation as requested in the form's instructions.

****** Any invocation that is offered before the official start of the City Council meeting shall be the voluntary offering of a private person, to and for the benefit of the City Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council, or the City staff, and the City is not allowed by law to endorse the religious beliefs or views of this, or any other speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered. A person may exit the City Council Chambers and return upon completion of the opening invocation if a person does not wish to participate in or witness the opening invocation.***

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she may need a record of the proceedings, and for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. FS 286.0105.

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Note: ***Persons who wish to provide public comments on agenda items are requested to fill out a blue speaker card and submit it to the City Clerk at the start of the meeting.***

Persons who wish to provide public comments on any other matters not on the agenda are requested to fill out a yellow speaker card and submit it to the City Clerk at the start of the meeting.

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MINUTES
JOINT SPECIAL MEETING
COMMUNITY REDEVELOPMENT AGENCY
BOARD OF DIRECTORS (CRA BOARD)
AND
HARBOR CRA ADVISORY COMMITTEE
JUNE 13, 2018
ANNEX COUNCIL CHAMBERS
5:30 PM

The CRA Board and the Harbor CRA Advisory Committee met in a joint special session with the following members and staff present:

Destin Community Redevelopment Agency

Board Chairman Parker Destin
Boardmember Cyron Marler
Boardmember Tuffy Dixon
Boardmember Skip Overdier
Boardmember Prebble Ramswell
Boardmember Chatham Morgan
Boardmember Rodney Braden

Harbor CRA Advisory Committee

Committee Chairman Mike Buckingham
Committee member Casey Jones
Committee member Jim Green
Committee member Mike Raim
Committee member Jan Best
Committee member Sandy Trammell

City of Destin Staff

CRA Executive Director Carisse LeJeune
Deputy CRA Executive Director Steve Schmidt
Community Development Director Jennifer Bryla
Parks & Recreation Director Lance Johnson
City Clerk Rey Bailey
Finance Director Bragg Farmer
City Engineer David Campbell
City Attorney Jeff Burns

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

CRA Board Chairman Parker Destin called the meeting to order at 5:30 p.m. on Wednesday, June 13, 2018. He called for a moment of silence followed by the Pledge of Allegiance.

APPOINTMENT OF CRA BOARD CHAIR AND VICE-CHAIR

CRA Boardmember Morgan moved to set aside the order of the day for the purpose of appointing a new CRA Board chair and vice-chair; seconded by Boardmember Ramswell. Motion passed 7-0.

Boardmember Ramswell to re-appoint Boardmember Destin as the CRA Board Chairman; seconded by Boardmember Overdier.

DRAFT

Boardmember Morgan moved to appoint Boardmember Dixon as the Vice-Chairman of the CRA Board; seconded by Boardmember Ramswell.

At this time, Chairman Destin asked if any member of the public would like to comment on the above motions.

Seeing none, he called for a vote on the motions, which passed 7-0.

NEW BUSINESS

A) Capt. Royal Melvin Heritage Park and Plaza

1. Tetra Tech, Inc. presentation of Heritage Park Planning and Design

The City Engineer stated that Tetra Tech, Inc. has been working on the Heritage Park plans for about 10 years, starting with the original concept. He then called upon the firm's representative, Mr. Michael Bomar, to make the presentation.

Mr. Bomar discussed the following information:

- The City purchased the Melvin parcel and committed to the preparation of the harbor redevelopment plan in 2006
  - City policy makers and the Harbor CRA Advisory Committee felt the improvements could be better than what was considered the boardwalk at the time and the need to correct some of the drainage issues within the 400 acre Harbor CRA
  - Tetra Tech was hired to provide a plan to the City that had the community consensus as well as the policy makers consensus
  - Tetra Tech set forth looking at a variety of things within the plan:
    - Pedestrian access down to the water
    - Improving the east/west corridor along the waterfront – boardwalk improvements
    - Mountain Drive improvements
    - Two gateway features – Marler Bridge and the Melvin parcel
      - Melvin parcel is 70' wide and about 280' long
      - Melvin parcel is recognized to be the gateway of any euro-pedestrian park from Harbor Blvd. down to the waters
    - Harbor plan was prepared and the master plan was developed specific to the Melvin parcel which shows pedestrian access to and from the boardwalk, and from the north end to the south end; with the connection to the east/west boardwalk
  - Plan was adopted by the CRA Board. Tetra Tech was asked to refine the very broad design and develop a conceptual design
    - Initial conceptual design
      - A pedestrian plaza from Harbor Blvd with landscaping on the side

    - A splash pad or children recreational area in the middle of the park
    - A connection to the boardwalk
    - Design included cutting the corner of each adjacent parcel (southwest and southeast corners) to try to make a more attractive plaza for the public – create a bigger gathering area
- ❖ Acceptance of the grant from the State of Florida drove a more refined and revised conceptual designs to incorporate State requirements
    - Included similar design from Harbor Blvd. to the water. No longer include the southeast corners of the adjacent parcels; staying within the east and west property lines
    - Rendering from Harbor Blvd. with landscaping from each side and a pedestrian plaza gateway to the water
    - Takes into account State requirement to include restroom facility structure
    - Preserving the trees along the east side of the parcel
- ❖ Approval of the CRA Board to move forward with the 30% percent and 60% site plans
    - 60% site plan a little more refined than the 30% site plan
- ❖ Next step (2017) was to prepare the 90% complete design based on existing conditions
    - Same idea but a little more detailed
    - A more detailed restroom facility
    - Includes landscaping and grading along the edges

Mr. Campbell noted that the City had just finalized their submittal for the Restore Act funding a week ago; and that a final application was submitted to the federal government for their approval to receive the construction funding for the project.

The Executive Director Carisse LeJeune stated that the City has been working with Okaloosa County's Grant Coordinator Jane Evans refining the submittal for the Restore Act funding; adding it was accepted on June 7th by the Department of Treasury and is now under final review.

Boardmember Braden asked what application the County was submitting to obtain the money for the City.

Ms. LeJeune explained the funding process for the park. She stated that the County can only be the recipient of the federal dollars and that the City is considered a sub-recipient. She continued they have gone through the entire process, they have been pre-approved by the Department of the Treasury and approved by the Board of Okaloosa County Commissioners twice. The County Grant Coordinator had informed the City of the information they needed to include as part of their application to the Department of the Treasury. The City provided all the required information to the County, and that on June 7th, the County as the recipient of the fund, submitted the City's grant application to the Department of Treasury.

According to Boardmember Braden, since the County submitted the application to the Department of Treasury over a month ago, it should have already been approved.

Ms. LeJeune explained that the County's initial submittal was returned because it did not quite meet the federal requirement guidelines contained in CFR-200, which is procurement driven. The County had to rewrite their procurement manual to meet the federal requirement guidelines for CFR-200. The federal government subsequently approved the County's revised procurement manual which gave the County the go-ahead to resubmit the application.

At this time, Chairman Destin announced he would allow newly appointed Vice-Chairman of the Board Dixon to preside over the rest of the meeting as he has a personal conflict over the issue at hand because of his relation to one of the litigants with regards to the park itself.

Mr. Campbell noted that pending further direction from the CRA Board and the City Council, the City would still need to go through a development order review process with the Community Development Department. Once a development order is obtained, they could move forward with the construction documents, coordinate with Tetra Tech and put the project down for competitive bidding.

At this time, Vice-Chairman Dixon asked the members of the Harbor CRA Advisory Committee, the CRA Board and City staff to discuss their areas of concern regarding this project.

Committee Chairman Buckingham stated that the advisory committee has had some questions over the design of the park for over 2 years. They have asked to see the plan, but it has been a slow process getting the plan back to the committee. They have some concerns about the elevations, bathroom location, parking and removal of trees. When they received the plan they noticed that the parking was on the Destin Fishing Fleet's property and not on the park property. Staff had said they previously asked the committee for their recommendation to not require parking on the park at all; but, it was their understanding part of the grant requirement was to have parking on site.

Mr. Buckingham also noted that Council's direction was not to remove the bluff. He also stated the elevations were not what they have seen at the beginning. The design showed a big walkway that goes down to the water and no place to enjoy the park on the way down. There was also some concern about the bandstand not facing south and the bathroom location at the bottom of the hill with the lift station. The committee felt it would be better to put the bathroom at the top of the hill and let gravity takes over. He added that the committee voted in January 2018 to have staff conveys these concerns to the CRA Board.

Vice-Chairman Dixon pointed out the City has some outstanding obligations with both the east and west property owners. He asked if the committee had made some recommendations on how they could fulfill these obligations.

Committee Chairman Buckingham noed that the committee has recommended they reach out to property owners on both sides and bring them in to try to come up with a viable solution for both parties.

Vice-Chairman Dixon stated this may not happen any time soon as they are currently under litigations. He also stated he has been approached by people who were concerned about cutting down the bluff. He asked if stairs with a switchback is a feasible solution and if they could work them into the design.

Mr. Bomar stated they would be able to accommodate it if directed by the City.

Committee Chairman Buckingham commented that that saving the bluff would save a lot of the trees. He also stated that relocating the restrooms to the top of the hill could save a lot of money depending on the proposed design for the lift station.

According to Mr. Bomar, the idea of having the restrooms at their current location is it is where they would have the most used from people along the boardwalk.

Committee member Trammell addressed the issue regarding the location of the bandstand. She stated they recommend designing the bandstand not directly facing the dock because there had been a lot of complaints from residents of Holiday Isle that the noise level emanating from the north of the harbor to the south of the harbor was very disturbing. She added that a solution may be to angle the direction the amplifiers are facing because the noise is really coming from the amplifiers.

There were some discussions regarding parking.

Vice-Chairman Dixon mentioned that the City Council has discussed the possibility of eliminating handicapped parking on the south side of Harbor Blvd; and that it did not receive much support from the majority of the Council.

Boardmember Morgan stated the handicapped parking was not presented to the Board as being helpful to the park; but, it was a solution to the parking problem and it would keep them in compliance with State requirements.

Deputy CRA Executive Director Steve Smith stated there are no requirements from the Florida Communities Trust (FCT) to put parking on the park site; adding it is strictly a City of Destin code requirement. He continued this was communicated to the Harbor CRA Advisory Committee at the October 2017 meeting when they were asked to basically opined to the idea of eliminating parking in pedestrian parks.

Boardmember Morgan stated that since it is solely a pedestrian park, he does not see the need to have parking especially if it is not required by the FCT. He also noted that staff was given direction to not remove handicapped parking from the south side of US Hwy 98 and to revise the code to not require handicapped parking in City parks.

Ms. LeJeune stated that the Community Development Director is working on this issue, and that they plan to bring the ordinance back for Council consideration in the very near future.

Vice-Chairman Dixon stated he seems to remember some members of the Council not wanting handicapped people crossing the busy highway.

Committee member Best asked what implications changing the park design would have on the $2.3 million State grant and the restrictive covenants

Mr. Campbell stated that the State has put no time frame on the construction of the park; and that they could change the design as long as they stay within the restrictive covenants for the FCT grant.

Committee member Best stated the committee requested a list of the restrictive covenants so they could effectively do their job, but staff has not provided that list.

Mr. Campbell noted that the presentation he gave to both the CRA Board and the Harbor CRA Advisory Committee included a list of the pertinent restrictive covenants; but, he would provide the advisory committee a copy of the covenants and restrictions document.

Vice-Chairman Dixon stated that staff has told them several times in the past they could lose the grant money if they do not take certain actions. He asked which grant staff was referring to.

According to Ms. LeJeune, to do a major redesign at this time could render the project no longer shovel ready; and that it could jeopardize the Restore Act funding for the construction of the park.

Vice-Chairman Dixon asked Mr. Bomar if any of the issues they have discussed so far tonight was a major issue and a major change in the design of the park

Mr. Bomar stated that other than moving the restroom, none of the other issues – i.e., switch back, pedestrian access, regrading – would result in a major redesign.

Committee member Best mentioned that at the time of the sale of this property; there were 15 parking spaces that were supposed to be designated for this park. She inquired as to the status of those parking spaces.

Committee member Trammell noted it was not in the provision of the sale that the City designates 15 parking spaces.

Committee member Best noted one of the grant requirements was to have a kayak launch. She asked if they could lose the grant if they do not have a kayak launch since they do not own the riparian rights.

Mr. Schmidt replied that the City has sufficient riparian rights with the park to put in a kayak launch. He also stated the City controls 3 boat slips; and that attaching a kayak launch to the boardwalk is not going to affect their riparian rights.

Committee member Green noted that Mr. Campbell's presentation to the committee in January included the 90% plan that had the elevation drawing, a view of the park from the south looking north, a birds eye view that gave the topography of the map in relation to the properties adjacent to it, the walkway that was 8 or 9 feet below where the bluff was and a list of the covenants and restrictions. He also stated that Mr. Campbell spoke of the project being shelved

for a long time; and that the construction grant is getting close to being approved, but that there is still a chance this plan could be changed and even completely redesigned.

Committee member Green also spoke of the committee's concerns about the bathroom, moving the sidewalk to save the 100-year old Oak Trees, the water main that run under those trees, handicapped parking, and the bluff. He continued they have been asking to see the plans for over a year but they did not see it again until January 2018. He further stated that the advisory committee's review of the plan should not stop at 60%. They should be able to review and offer changes to the 90% plan; adding this is part of their work plan and it is important they get it right.

Committee member Jones stated that he has a business on the harbor and there are restrooms above his place of business and people do not travel uphill to use those restrooms. They stay down and use the restrooms on his property instead. He continued he is adamant about not changing the location of these restrooms.

Boardmember Braden commented there have always been threats of losing the grant money if they do not do certain things during the 5 years he has been a member of the City Council and CRA Board. He also noted that Mr. Bomar's presentation seemed to indicate the plan has changed 3 different times.

Mr. Bomar explained that the changes in scope occurred once the grant was executed between the City and State because it brought in the requirements of the covenants. Then there was a change to incorporate such things as the restrooms. Since then there had not been any items they would consider scope changes from the design standpoint. There was a series of public workshops, public meetings, Harbor CRA Advisory committee meetings and CRA workshops that went into developing the management plan. The park was just one element of that plan. Mountain Drive, the boardwalk, other gateway features at the end of the bridge, improving pedestrian access, and providing on-street parking were also part of the plan. He added they had 4 number one priorities out of the master plan – Mountain Drive, boardwalk, Heritage Park and parking.

Boardmember Braden asked what the 3 change orders were in the design of the Heritage Park.

Mr. Bomar noted there had only been one that they would consider a change order, and that was to change the plan to meet the State requirements for the grant. He continued there had been multiple work orders for the design preparation.

Boardmember Braden mentioned a change order #1 for $14,900.00, a change order #2 for $4900.00 and a change order #3 for $7400.00.

Mr. Campbell stated he could not speak as to the exact documents Mr. Braden was referencing; however, there had been some costs associated with getting an archeological review of the site, doing the permitting for moving the water line, and adding an arborist to the team.

Boardmember Braden asked if they could avoid cutting the bluff out and finding some other way, such as having the switchback, to make the pedestrian walkway ADA compliant.

Mr. Bomar stated that keeping the bluff and having the switchback would make the pedestrian walkway ADA compliant, but they could end up losing the view of the harbor; adding that part of the design element of this park is to create the visual corridor down to the water.

Boardmember Braden stated he does not like the look of a "big ditch" with no playground for children. There was also some concern about the safety of the children crawling through a tunnel and playing on a rock pile inside the tunnel. He further stated that contrary to a previous statement that the committees and the public played a big part in designing the park, seeing the 60% plan seemed pretty much the extent of the advisory committees participation.

Boardmember Overdier noted that the conceptual designs portray a flat park, but the other drawings he had seen show a different grading which some people referred to as a valley or a tunnel.

According to Vice-Chairman Dixon, what he understood from the discussions so far tonight was they are going to do a flatter design till they get closer to the end of the park where they would have stairs and switchbacks for wheelchairs.

Committee Chairman Buckingham noted that the CRA Board would have to provide that particular direction to staff. He also stated that speaking from experience for being in business for over 30 years, having the restrooms at the bottom of the hill could be problematic because if they fail there is no other way to service them but to have a 30,000 lbs. truck travel along the sidewalk. They would need to make sure they design the sidewalk well enough to accommodate these service trucks. He added that turning the building where they have the bandstand a little bit to the south should not be a major redesign as opposed to relocating the bathrooms on top of the hill.

Mr. Bomar stated that changing the shape of the building is not a major redesign, but changing the grading plan could become a major design change.

Mr. Campbell noted that the walkway would be of sufficient width to get emergency vehicles or maintenance vehicles down to the harbor.

Mr. Schmidt pointed out that the building being described as a restroom serves other purposes. It meets several FCT requirements, which include a wildlife viewing area and an educational classes and staff maritime center. He continued that the wildlife viewing area on top of the building also serves as an area for bands in events such as the Seafood Festival.

Committee member Trammell argues that going to the switchbacks would prevent emergency vehicles from getting down to that area.

Vice-Chairman Dixon stated they would not be able to get emergency vehicles within 20 feet of that area; but, he does not think it is a major issue as carrying people upstairs is something emergency responders often deal with.

Committee member Best suggests giving the advisory committee all the documents they have requested and allowing them another month to study the design and try to come up with more concrete recommendations to the CRA Board and City Council.

Boardmember Ramswell noted that according to the management plan for the park, the majority of the improvement is going to be on the north side of the parcel. She continued that page 12 of the management plan dated July 2017 states that "*The north portion of the lot, where the majority of improvements will be constructed, is elevated from the water and located in a Zone X*."

Mr. Schmidt explained that the building is designed with storm resistant doors. There would be ceiling doors on the bathrooms and the resource center that are designed to withstand storm surge and meet all FEMA requirements. He added there would be another annual update where they would be revising that particular paragraph in the management plan.

According to Boardmember Ramswell, they seemed to have already violated several of the restrictive covenants; primarily section 11 of the grant that talks about preserving coastal resources, the need to maintain all natural resources and that no harm should come to any natural resources. She continued cutting the bluff out would surely harm the trees which are a major natural resource.

Mr. Campbell stated they have made every effort to preserve the big trees on the property. They have been over the current set of plans with the FCT, and that the FCT has no objections to anything they were doing including cutting significantly into the bluff.

Boardmember Ramswell noted there were no requirements to have parking on site in the management plan, restrictive covenants and the grant contract; and that it was mentioned at the last meeting that it was an LDC requirement to have it. She asked why this change did not come to Council for approval; and if parking has to be added in, why it was not placed somewhere on the property instead of the adjacent neighbor's property. She asked who directed staff to add parking to the plan and place it on another neighbor's property on the east side. She also noted that some of the documents that were provided to Council for the May 21st meeting included a statement that if they are going to have parking they would have to acquire an access agreement and easement from an adjacent property owner; which makes no sense since they are currently in litigation with an adjacent neighbor over an easement driveway.

Mr. Campbell explained that the property line currently straddles parking both for the fishing fleet and the City's property. By virtue of improving the park, they are making 2 to 4 parking spaces unusable on the fleet's side. Their effort to relocate those parking spaces so that they are usable was one reason the plan shows parking spaces on that property. He continued that the previous staff opined that having parking spaces adjacent to the property would meet the code requirement of having parking on site. He had asked for determination from the City's Community Development Department regarding the City's requirements. The response was the City code specifically requires parking on that site. They asked Tetra Tech to come up with a plan on where to put parking spaces; and that Tetra Tech has done several sketches. He further stated that putting parking on the site near the harbor would require vehicular access agreement with either neighbor. They could also put parking on the top of the hill on the City's site and utilize the FDOT driveway, but this would put vehicles in conflict with pedestrians. They could also change the code to utilize the parking that is already available across the street from the

park, which already has 7 or 8 handicapped parking spaces already being used by people wanting to access the harbor.

Boardmember Ramswell pointed out the June 30, 2017 drawing was the first drawing that she actually saw where parking was included. There was one ADA parking space and 5 regular parking spaces on the fleet's property. She continued that during that time, they were already involved in litigation with the property owner on the western side of the property. The owner actually came before the City Council with a land exchange proposal. She asked why staff had chosen one neighbor over another instead of asking the City Council to make that decision.

Mr. Schmidt explained that those particular spaces were not going to be the City's parking spaces. Those were the neighbor's parking spaces which the park construction would be impacting and making them unusable by virtue of cutting them in half. The effort was to reconfigure those spaces so they could still be used by the neighbor. He also asked the Harbor CRA Advisory Committee to consider making a recommendation to change the City code to eliminate parking requirement for linear and neighborhood parks.

Vice-Chairman Dixon noted it was his understanding it was a parking agreement the City had reached with the fishing fleet in 2008.

Boardmember Ramswell stated that the City had a lease with the fishing fleet for the use of the City's submerged land and riparian rights. The parking spaces emerged from the original lease with Melvin. It was presented to Council and signed in 2010. The original agreement called for 30 spaces – 15 spaces provided by Melvin and 15 provided by the fleet. It began to change as discussions move forward between the fleet and the City. The spaces on the City's property were reduced so that there were 9 spaces for the fleet and 6 for Melvin's owned slips. The City's slips are transient slips that do not require parking; which reduced the parking requirement on their property.

Boardmember Ramswell also noted that the management plan mandates the City to do a cultural resource survey. She asked if this survey has been completed.

Mr. Schmidt replied this survey has been completed. It was a review for artifacts and other cultural impacts.

According to Boardmember Ramswell, her biggest concern was the advisory committee has been asking information from staff, and that this information was not being provided in a timely manner. She asked the City Manager to make sure this issue is immediately resolved.

The City Manager stated she has reviewed the committee's meeting minutes for the past two years, and the first mention of this committee wanting the information was October 17, 2017. She continued there were references that Mr. Schmidt brought back periodic updates because there were a number of years when the project stalled. It was approved at 60% by the advisory committee. There was a long period of time when there was no changes; and then they were prompted to do the 90%. The statement that the committee has been asking for information for years was not reflected in the meeting minutes. In January 2018, staff provided a Power Point presentation to the committee showing all the information that they had requested,

including an outline of the restrictive covenants, to give them the opportunity to provide their opinion at that time.

Committee member Best noted that in January the committee asked for a copy of the actual restrictive covenants document, information regarding implications a change in the park design would have on the two grants, and whether or not a time change would impact the grants; but the committee has not received any of that information.

Boardmember Marler commented that they seem to end up on the same path every time they have a new council and new members of the advisory committee. Staff gets blamed for a lot of things but a lot of it had not staff's fault. Previous Council made a decision to approve the plan and the present Council has been second guessing their decision. They have already spent a lot of money making changes to the plan and now they want to make more changes. He added they have been arguing over this piece of property for a long time now and so his personal opinion is to split the park property in half, and sell each half to the neighboring property owners.

Vice-Chairman Dixon stated he does not see where there have been any arguments tonight and that asking staff tough questions does not mean they are berating staff. He felt they have been fair and professional dealing with staff.

Committee member Green noted that the Council may change every two years but some of the members of the advisory committee had been there for nearly a decade. They have made big strides on a lot of issues, lately on mobile vending and livery vessels, and now their focus is on this park. The committee realizes that both staff and the Council have a tough job, but they work at the pleasure of the citizens of this town. He does not feel there is anything wrong in asking tough questions. The committee just wants to make sure the City does not lose the grant funding and not waste a lot of time.

Boardmember Braden stated that he disagrees with Boardmember Marler's statement that the Council keeps making changes to the park plan; adding he has been a member of the Council for 5 years and he does not remember this present Council directing any changes be made to this park.

Boardmember Morgan noted they discussed 3 major issues tonight – parking, restrooms and grading of the park. They were informed by Tetra Tech that moving the restrooms would be a major change and would jeopardize the grant funding; which he is not willing to do. With regards to parking, it is very common in cities to have pedestrian parks without handicapped or regular parking. The grading of the park seems very severe and they have objections from one of the adjacent property owners. This is where they need to find a common ground and try to reach a consensus.

Vice-Chairman Dixon asked whether a very gradual slope on the park, maintaining the bluff and not doing anything to disrupt the trees, would still give the view of the harbor and lessen the switchbacks when they get down to the bottom.

Mr. Bomar stated it can be done, but they need to consider other issues such as the landscape plan, the electrical lighting plan and the location of the restrooms.

Vice-Chairman Dixon stated they seemed to have a consensus to not move the restrooms from their current location.

At this time, Vice-Chairman Dixon announced he would allow public comments.

Mr. Dewey Destin noted that three of the trees located on his property are over 100 years old. He stated when he went before the advisory committee, the City Engineer came up with two possible solutions – moving the cut over 10 feet and trying to figure out a way not to remove the Destin Water Users old pipe. He continued that putting the new pipes in and leaving the old pipes in place would be very significant in trying to save these trees.

Mr. Destin pointed out there are very large tall shade structures in the conceptual drawing that would completely block the harbor view on the eastern side of his restaurant; and that he hopes they could discuss mitigating those structures. He continued that benches or tables with umbrellas would accomplish the same thing without blocking the views.

Mr. Destin also noted that the kayak launch ramp is part of the covenants that are required by the Trust money; but he did not see them on the drawings either in a slip or anywhere else. He suggests the City work with them to waive the 25 foot setback on their mutual property line, which they have the ability to do under Florida Law.

Mr. Destin stated that the parking issue is very complicated; and that they would be able to help with the parking situation. They have two parking spaces that they could provide for the City's use. They could also work with the City to provide access to those parking spaces. He continued that off-site handicapped parking is not allowed in the City of Destin. He expressed concern that when they send this plan to the Treasury Department, and if the Treasury Department puts on notice that this plan would somehow violates the American Disabilities Act by not providing handicapped parking, the chances for the City obtaining the grant funding will be zero. He suggests checking with the appropriate federal agency and obtaining a very clear answer regarding handicapped parking requirements.

Finally, Mr. Desitn noted that an integral part of the Trust covenants was for the City to provide educational classes on the park site 12 times a year; however, he does not believe the City has any agreement in writing with the Destin Fishing Museum of their willingness to participate; adding that the Museum has no money and no personnel to be able to accommodate it. He also added he would like to assist the City in building the heritage park, regardless of litigation.

Vice-Chairman Dixon asked if maintaining the grade through the park, as they have discussed, can be a solution to saving the Oak Tree on site.

Mr. Destin stated he believes it is a solution because they would not be cutting down with the 11-foot wall very close to the trunk of the tree.

Boardmember Ramswell noted that according to the management plan they have to provide an observation wildlife tower; but, she did not see it accounted for anywhere in the plan.

Vice-Chairman Dixon noted that the top of the building serves multiple purposes, including wildlife viewing area and band area.

Ms. Maryanne Windes stated that the Destin Fishing Fleet is very interested in seeing the heritage park come to completion; and since the lawsuit is basically over, they can now move forward with obtaining the Restore Act funding and constructing the park. She also stated they are having some problems regarding a request to waive the 25-foot setback. They have been communicating with FDEP quite a bit lately because the property on the west has 14 boats on that site and does not have a submerged land lease. They have not followed the rules and are not in compliance, but they have been given permits to operate. They are putting boats on that site that are land-locking the City slips. The fishing fleet has been fighting with them on that issue since 2005. The contention was the City has the right to waive the 25-foot setback. But since the fishing fleet has the lease on the submerged land, it is the Destin Fishing Fleet Marina that would be impacted. Waiving the 25-foot setback could actually land-locked all the boats, not just the City slips. The City's attorney Bill Warner from Panama City has opined that the City could not get involved on this issue because of the lawsuit. With the lawsuit getting ready to wrap-up, she would like the City's assistance on this issue. She urged the City not to waive the 25-foot setback because it is imperative for the ingress and egress for their charter boats.

Mr. Destin explained that they are not asking the City to waive anything; instead, they are offering to waive their 25-foot setback.

Boardmember Ramswell noted that at least one of the City's slips is too shallow and unusable. She asked who is responsible for having the slips dredged to they can be usable.

Ms. Windes stated the City slips have not historically been shallow. They have been deep enough for charter boats, which are big boats, to get into. She continued that when small boats started parking illegally on the east side of Mr. Destin's east dock in 2005, it landlocked the slips. They have previously discussed that issue with Mr. Destin, and that Mr. Destin had agreed to remedy that situation; but, it had only been remedied within the last 6 months. She added that the 25-foot setback is Mr. Destin's setback, but it is the law that he must setback 25-feet. The fishing fleet has setback 25-feet on their side, and so Mr. Destin has to setback 25 feet on his side for safe passage for boats.

Boardmember Braden asked Mr. Bomar if it is feasible to construct a 4-foot wide ADA compliant ramp all the way down on either side of the property line to the boardwalk rather than trying to incorporate it in the driveway.

Mr. Bomar stated it is something they could consider; however, until they start laying it out grading-wise, they have to take into account access to the restrooms and other buildings and they have to have ingress and egress point in that structure.

Committee member Trammell would like the CRA Board and City Council to consider changing the City ordinances to remove requirements for parking on pedestrian parks.

Boardmember Morgan noted they have already directed staff a few meetings ago to come up with those changes and bring the ordinance back to the Council. Staff has also been asked to research ADA handicapped parking requirements at the federal level.

Committee member Trammell stated it is very easy for everyone to notice action items in the minutes if they are in the form of a motion. She suggests putting actions items in the form of a motion as much as possible.

Committee member Best requests the Harbor CRA Advisory Committee conducts their regularly scheduled meeting in July and then come back with another joint meeting with the CRA Board.

Vice-Chairman Dixon moved to recommend to the City Council to direct staff to do the following:

- **Look into the possibility of amending the heritage park design putting in gradual slope on pedestrian walkway incorporating stairs and switchbacks**
- **Provide the Harbor CRA Advisory Committee all the materials they request in a timely manner to allow them to make an informed decision and recommendation to the CRA Board**
- **Schedule another joint meeting with the CRA Board and the Harbor CRA Advisory Committee within 30 to 45 days**
- **Research the ADA parking requirements at the federal level for this project**
- **Reach out to the Destin Fishing Museum and discuss what projects they want to do and the involvement they want to have in the park**
- **Remove or redesign the awning on the property that is blocking the harbor view on the eastern side of Destin Restaurant**

Boardmember Ramswell provided a second to the motion.

Ms. LeJeune asked if the Board would like to bring back an estimated cost from Tetra Tech to make changes to the park plan.

There was a consensus among the Board members to have staff bring back estimated cost from Tetra Tech.

Vice-Chairman Dixon called for a vote on the motion, which passes 6-0. Boardmember Destin abstained from voting.

ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 8:10 PM.

ADOPTED THIS _____ 2018
By:

_____
Parker Destin, Chairman

ATTEST:

_____

Rey Bailey, City Clerk

MINUTES
SPECIAL MEETING
DESTIN CITY COUNCIL
JUNE 13, 2018
DESTIN CITY HALL
ANNEX COUNCIL CHAMBERS
6:30 PM

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

Destin City Council

Mayor Gary Jarvis
Councilmember Rodney Braden
Councilmember Chatham Morgan
Councilmember Prebble Ramswell
Councilmember Skip Overdier
Councilmember Parker Destin
Councilmember Tuffy Dixon
Councilmember Cyron Marler

Destin City Staff

City Manager Carisse LeJeune
Deputy City Manager Steve Schmidt
Community Development Director Jennifer Bryla
Parks & Recreation Director Lance Johnson
City Clerk Rey Bailey
City Engineer David Campbell
Finance Director Bragg Farmer
City Attorney Jeff Burns

CALL TO ORDER

Mayor Gary Jarvis called the meeting to order at 8:15 PM.

NEW BUSINESS

1. Capt. Royal Melvin Heritage Park and Plaza

Mayor Jarvis announced that a Joint CRA Board and Harbor CRA Advisory Committee meeting preceded this meeting, and that the CRA Board approved a motion to bring forth recommendations to the City Council.

Councilmember Ramswell moved to direct staff to do the following:

- **Look into the possibility of amending the heritage park design putting in gradual slope on pedestrian walkway incorporating stairs and switchbacks**
- **Provide the Harbor CRA Advisory Committee all the materials they request in a timely manner to allow them to make an informed decision and recommendation to the CRA Board**
- **Schedule another joint meeting with the CRA Board and the Harbor CRA Advisory Committee within 30 to 45 days**
- **Research the ADA parking requirements at the federal level for this project**

- **Reach out to the Destin Fishing Museum and discuss what projects they want to do and the involvement they want to have in the park**
- **Remove or redesign the awning on the property that is blocking the harbor view on the eastern side of Destin Restaurant**

Councilmember Dixon provided a second to the motion.

Councilmember Dixon requested that if they plan to put benches on this property, to design those benches in a way that people cannot use them as cots to sleep on.

The City Manager noted there are quite a few things on this motion that staff will be able to handle. She asked if the Council wants staff to bring back a cost estimate for Tetra Tech's work prior to actually having them do the work.

It was the consensus of the Council to have staff bring back a cost estimate prior to directing Tetra Tech to perform the work.

The Mayor asked if they need to have a cost estimate for the 90% plan shown today.

The City Manager explained the materials provided to the CRA Board/City Council were all the invoices under work order #29. They would have to determine if there would be enough money in the grant for the additional construction costs based upon the work Tetra Tech has to perform. She wants to make sure they have authorization from the Council to get a cost estimate prior to directing Tetra Tech to do the work that are included in the motion.

Councilmember Ramswell stated that since the Restore Act grant is what they hope to be using for the actual construction of the park, there should be a cost estimate to give them an idea of the costs.

The City Manager explained the construction costs were based on the current design; and that construction costs may change if the design is changed.

Councilmember Destin announced he would abstain from voting as he is related to one of the litigants regarding this property.

The Mayor called for a vote on the motion, which passes 6-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes"; Councilmember Destin abstained from voting).

Councilmember Braden noted that Work order 29 has a change order #1 in the amount of $14,900. He asked the City Manager to provide the City Council in writing the nature of that change order and who authorized it.

DRAFT

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 8:25 PM.

ADOPTED THIS 2ND DAY OF JULY 2018
By:

_____
Gary Jarvis, Mayor

ATTEST:

_____
Rey Bailey, City Clerk

DRAFT

MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
JUNE 18, 2018
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 Chatham Morgan
Councilmember Parker Destin
Councilmember Cyron Marler
Councilmember Tuffy Dixon
Councilmember Rodney Braden
Councilmember Prebble Ramswell
Councilmember Skip Overdier

Destin City Staff

City Manager Carisse LeJeune
Deputy City Manager Steve Schmidt
Parks & Recreation Director Lance Johnson
Land Use Attorney Kimberly Kopp
City Attorney Jeffrey Burns
City Clerk Rey Bailey
IT Manager Webb Warren
Finance Director Bragg Farmer
Public Information Manager Doug Rainer

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM. Pastor Eric Partin of Shoreline Church gave the invocation; which was then followed by the Pledge of Allegiance.

AGENDA APPROVAL (*Matters not specifically listed on the agenda may be added and acted upon with a super-majority vote of the Council members present and eligible to vote on the matter*)

Motion by Councilmember Destin, seconded by Councilmember Marler, to approve the June 18, 2018 Council meeting agenda passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

1. **APPROVAL OF MINUTES**
   A) Approval of minutes of May 17, 2018 city council workshop

Motion by Councilmember Braden, seconded by Councilmember Marler, to approve the minutes of May 17, 2018 city council workshop passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

2. **PROCLAMATIONS / RECOGNITIONS / **SPECIAL PRESENTATIONS / ANNOUNCEMENTS** (No public comments)
   A. Pointe Resort Marina – Net Positive Public Benefit – Mr. Matt Trammell, Taylor Engineering, Inc.

Mr. Joseph Winkeler, Point Resort, LLC, requested that this presentation be tabled to the July 2, 2018 City Council meeting.

DRAFT

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

4. CITY MANAGER REPORTS

5. PUBLIC HEARINGS

A. First reading of Ordinance 18-06-LC, an ordinance of the City of Destin, relating to the establishment of the Technical Review Committee (TRC)

The City Attorney read proposed Ordinance 18-06-LC by title, and then presented it to the Council on first reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO ESTABLISHING THE TECHNICAL REVIEW COMMITTEE (TRC) TO STREAMLINE THE PROCESS OF DEVELOPMENT REVIEW; PROVIDING FOR AMENDMENT TO ARTICLE 2 – ADMINISTRATION REVISING THE DEVELOPMENT REVIEW PROCESS; PROVIDING FOR AMENDMENTS TO ARTICLE 3 – DEFINITIONS, YARD; PROVIDING FOR AMENDMENT TO ARTICLE 5 – GENERAL PROVISIONS; PROVIDING MODIFICATION TO ARTICLE 6 – CONCURRENCY MANAGEMENT SYSTEM; PROVIDING FOR AMENDMENT TO ARTICLE 20 – BUILDING REGULATIONS; 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 discussion and consideration.

Councilmember Dixon moved to approve proposed Ordinance 18-06-LC on first reading and direct staff to schedule for second reading; seconded by Councilmember Ramswell.

Councilmember Destin expressed concern over the makeup of the language within the proposed amendment to the Land Development Code (LDC). He stated that having a Technical Review Committee is a good idea; however, he has some reservations with the current makeup of the committee. He wants to make sure it is a body that reflects the interest of the Council, and that the Council has the final approval with regards to membership. He also stated it may be a dereliction of duty to allow a private company like the Destin Water Users (DWU) to sit on this committee. There may be a conflict of interest as DWU would always vote for approval of development because they have to have more meters. He continued that the City's Land Use Attorney should sit on the committee. This committee would be making land use decisions for minor development and they should at least have the Land Use Attorney's presence to review and vote on the development.

Councilmember Dixon noted that DWU is the only water and sewer provider for the City. He does not believed they are there to decide what would be allowed to be built, but to determine such things as water pressure, hydrant system and lift station requirement or other water related matters. He also stated that the Technical Review Committee is in an advisory capacity.

Councilmember Destin maintains that DWU should be present to discuss and advise, but not to vote on the development. He continued that the Technical Review Committee makes the final decision on minor development, not the Council; adding that 25,000 square feet is the current threshold for minor development. He suggests they consider reducing the current threshold.

The City Manager explained that the outside agencies involved in the Technical Review Committee have no part in approving or disapproving the site plan. They review and comment on the plan on whether or not they agree with the capacity that is being included in the plan or if there is anything technical that needs to be added to the site plan based upon the product they deliver. She also stated she personally asks the City's Land Use Attorney to attend meetings where there are complex projects that deal with land use or zoning issues. She added she is not aware of any State municipality that has a Land Use Attorney on their Technical Review Committee.

The City Manager showed some examples of what a 25,000 square foot structure looks like. She stated that currently anything below a 25,000 square foot structure does not require Council's approval. The Council could reduce the threshold to as much as 10,000 square feet (i.e., a McDonald or Wendy's restaurant); but, anything below 10,000 square feet the Council would be having to approve everything that was built in the City, which would bring the site plan review process to a screeching halt.

The City Attorney noted there is some language in the ordinance that is not quite clear and makes it seems the Technical Review Committee is approving the overall site plan. He suggests a more detailed specification of the role of the Technical Review Committee members. He also believes the Land Use Attorney should have some role with the committee such as advising the members of the committee.

Councilmember Overdier stated it was his understanding the purpose of the Technical Review Committee was to get everybody at the table at the same time to speed up the development process. He also agrees with reducing the 25,000 square foot threshold.

Councilmember Ramswell stated she is also in favor of reducing the 25,000 square foot threshold to at least 10,000 square feet.

The Mayor called for a vote on the current motion on the floor, which <u>failed</u> 2-5 (Council members Marler and Dixon voted "yes"; Council members Morgan, Destin, Overdier, Ramswell and Braden voted "no").

Councilmember Destin moved to continue this item to the July 16, 2018 city council meeting and instruct the Land Use Attorney and the City Attorney to work with the City Manager and staff to amend Ordinance 18-06-LC to reflect that the LUA will be a member of the TRC and to lower the threshold for proposed structure requiring City Council's review and approval to 10,000 square feet. Councilmember Ramswell provided a second to the motion.

Councilmember Marler asked if it was part of the Land Use Attorney's original contract to participate as member of the Technical Review Committee.

The Land Use Attorney noted she is not on a monthly retainer. She is paid hourly, and that she is paid for every hour that she works.

The Mayor called for a vote on the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

B. Second reading of Ordinance 18-10-CC, an ordinance of the City of Destin amending Article VI – Registration of Short-term Rentals

The City Attorney read proposed Ordinance 18-10-CC by title, and then presented it to the Council on second reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO SHORT-TERM RENTAL REGISTRATIONS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT OF CODE OF ORDINANCES ARTICLE VI - REGISTRATION OF SHORT- TERM RENTALS; AMENDING SECTIONS 13-105 – 13-110, PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDIN G FOR AN EFFECTIVE DATE.

The City Manager explained that the City Council reviewed the Task Force recommendation at a previous meeting, and that a motion was made to accept those recommendations that had unanimous support of all the Task Force members, and directed staff to incorporate these into an ordinance. The remaining items that did not have unanimous consensus would be further discussed at a workshop with the City Council.

Councilmember Braden moved to approve proposed Ordinance 18-10-CC on second reading; seconded by Councilmember Ramswell.

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

Councilmember Morgan asked if the 30 mile or one-hour time requirement for a responsible party to respond in an emergency situation is common to other communities.

The City Manager replied she does not know if it is necessarily common to other communities, but the Task Force members felt it was prudent because if they are going to have a responsible party, and they have an emergency situation at a short-term rental, they want to make sure there is someone within the vicinity that can respond quickly; otherwise, the situation could easily get out of hand.

The Mayor called for a vote on the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

6. *CONSENT AGENDA

A. Reimbursement to Councilmember Skip Overdier for expenses incurred while traveling to Jupiter, Florida to attend the Institute for Elected Municipal Officials (IEMO) training from June 7-11, 2018
B. Contract extension with CrowderGulf
C. Sports Field Mower Lease Renewal – Resolution 18-20

Motion by Councilmember Braden, seconded by Councilmember Ramswell, to approve Consent Agenda items #6A to #6C, as printed above, taking into account the amended contract extension with CrowderGulf (item 6B) and amended Resolution 18-20 (item 6C), passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

7. **COMMENTS/PRESENTATIONS FROM MAYOR, COUNCIL, LAND USE ATTORNEY AND CITY ATTORNEY** (No public comments)
   A. Councilmember Braden

Discussion of ordinance regarding vehicles on the beach

Councilmember Braden stated there was a public outcry last week about having vehicles on the beach, and that he would like to know if the majority of the Council is agreeable to having the Land Use Attorney amend the language of the ordinance to add some clarity to it and bring it back for Council's review and approval.

The City Manager noted she has recommended that the Council discuss this issue. Staff would recommend extracting the current language from the code that relates to vehicles on the beach. The current ordinance talks about the public activity on the beach. Some people are interpreting it that it is public activity on all beaches. Others are interpreting it as public activity on a public beach. She also stated that tied in with the vehicle language is the dog and glass. They are concerned about the property rights issues of denying property owners the ability to allow their dog on their private beach or sitting on their private beach with a glass. She also stated there is justification for disallowing vehicles on the beach. There are environmental concerns such as coastal erosion and sea turtles and other habitat issues. She added she had discussed this issue with the Land Use Attorney and they could regulate it so that they could not have vehicles south of the toe on the dune whether public or private.

Councilmember Braden moved to direct the City Manager to bring back a proposed amendment to the ordinance extracting the language relating to allowing vehicles on the beach; seconded by Councilmember Ramswell.

Councilmember Morgan asked if they have discussed the appropriate language with the Sheriff's Office since they would be the one responsible for enforcement.

The City Manager replied affirmatively, stating that the City ordinance is vague and open to different interpretations; whereas, the County ordinance makes a very strict division between public and private property. If they have an ordinance that disallows vehicles on public and private property, the Sheriff's Office would be able to enforce it.

The Mayor asked if any member of the public wishes to comment on this subject.

Mr. David Schuessler, a Destin resident, noted that the City currently charges a fee of $200 for short term rental registration, and the City currently has over 700 registered short term rentals. Key West charges $500 for their annual permit. If Destin were to charge $400 annually for the registration and earmark the additional money for nothing but code enforcement, it should be more than enough to solve all their code enforcement issues.

The Mayor called for a vote on the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

Next, Councilmember Braden moved to direct the City Manager to provide the City Attorney with the necessary documents he would need to send a letter to the State advising them of the Council's intent to make some minor changes to the heritage park plans.

The City Attorney asked if the direction was to notify the Restore Act representatives of the authority the Council voted last week to make some changes to the park; and that those changes are being made.

Councilmember Braden replied affirmatively.

The City Manager asked if they would be notifying the Florida Communities Trust (FCT) as well as Okaloosa County. She stated that the County is the actual recipient of the grant, and that the City is a sub-recipient to the County. She continued they were waiting until they bring forward the cost estimate from Tetra Tech. The Council made a recommendation and voted on making the recommendation; however, part of it was to get the cost estimate first. Once they bring the cost estimate to the Council, they will then have the ability to vote whether or not to direct the engineering firm to make those changes.

The Mayor commented that during last week's special meetings, the Harbor CRA Advisory Committee asked for copies of the plans so they could provide recommendations to the CRA Board. It received support from both the CRA Board and the City Council. He continued they would not be able to get a cost estimate until they receive the advisory committee's input.

The City Manager explained they were basing the cost estimate on the Council's recommendation which talked about the stairs and the switchbacks.

Councilmember Braden stated that it would be viable for the City Attorney to go ahead and send the letter conveying the Council's intention so that in the event the State tells them they could no longer make any changes to an approved plan, then the City would not have to waste money on the cost estimate from the engineering firm.

The City Manager offered to send the letter to the FCT and County, in lieu of the City Attorney, informing them of the Council's intention.

The Mayor asked the City Manager to send a draft copy of the letter to Council for their review and approval.

The City Manager stated she would follow the same procedure when directed by the Council to send a letter to the Department of Business and Professional Regulation Division of Alcoholic Beverages and Tobacco.

Councilmember Braden stated he would prefer the City Attorney sends the letter.

The City Attorney suggests the City Manager drafts the letter and he reviews it; and after they send the letter, he would follow up with any questions that may arise.

Councilmember Braden agrees with the City Attorney's suggestion.

There was a question on whether or not Councilmember Braden made his request in the form of a motion.

The City Attorney stated that Councilmember Braden made a motion. He then asked that aside from the letter, if the direction includes communicating the Council's intent in general.

Councilmember Braden replied that was the intent of his motion.

Councilmember Dixon provided a second to Councilmember Braden's motion. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

B. Councilmember Ramswell

Councilmember Ramswell noted that during last week's special meeting on heritage Park, there were some concerns about a private party benefitting from the park. She requested that either staff or the City Attorney look into the entire situation and render some opinion on whether or not some private party is benefitting from the City's plans for the heritage park.

According to the City Attorney, there is a provision in the State Constitution that a City government cannot use as credit to benefit a private party; which has been discussed in the past in some of the meeting minutes. He stated he could conduct some type of an audit to satisfy the Council's concerns regarding this issue.

Next, Councilmember Ramswell announced she received an email this week from someone concerned about the fact they have gone to Joe's Bayou and have paid to use the boat ramp. They drove around and found no place to park. Other people that were parking along the road and in the right-of-way were being ticketed. The citizen wanted to know why the City is accepting their money if there is no parking available. She asked the City Manager to investigate this matter.

The Mayor noted that he went on a bike ride in that area over the weekend and noticed some trucks parked in the grass area near a "no parking" sign. He also noticed there were plenty of parking available for trucks and trailers about a hundred yards pass the boat ramp and the new property the City bought recently.

Councilmember Ramswell stated they may need to look at adding parking on Joe's Bayou since they seemed to be nearing capacity.

The City Manager announced that the City has applied for a $5 million NRDA grant, and that part of that grant money would be used to expand Joe's Bayou and create additional parking.

Councilmember Dixon suggests they open up the concrete plant area for parking.

The Mayor noted that the concrete plant area has garbage, spoils and rocks and may not be feasible for parking.

Councilmember Braden remarked that the City spent about $50,000 to have the cement plant cleaned; but, there are still piles of rocks left on it.

Councilmember Dixon contends that the cement plant seemed clean looking at it from the roadway, and that it should be able to accommodate parking of at least 25 trucks and trailers.

The City Manager stated that staff would investigate the feasibility of using the cement plant for overflow parking on Joe's Bayou.

Councilmember Morgan argues that using the cement plant to create more parking spaces for the boat ramp is not the best use of that property because those spaces would most likely remain vacant 330 days out of year.

Next, Councilmember Ramswell expressed concern that getting the agenda items on a Thursday or Friday prior to a regular Council meeting does not give Council much time to study the materials, and conduct the necessary research. She asked staff to take the necessary steps to publish the agenda items sooner.

The City Manager stated that last week was an anomaly as there were 3 night meetings held including an all-day visioning session on Friday. However, by resolution, staff is supposed to provide the agenda items to the Council the afternoon of Thursday prior to a Monday Council meeting. She continued that Council can amend the resolution so that they can get the materials earlier. Staff can then back up the entire process and start preparing the materials well enough in advance to meet that deadline.

Councilmember Ramswell suggests amending the resolution so that Council can receive the materials no later than Wednesday prior to a regular council meeting day; adding it would also give the public more time to review the materials and ask questions.

Motion by Councilmember Ramswell, seconded by Councilmember Braden, to set aside the order of the day, allowing the Council to vote on this matter passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

Councilmember Ramswell moved to direct staff to draft an amendment to the City Council meeting resolution specifying that the Council is to receive their agenda packet no later than Wednesday prior to a regular council meeting day and then bring it back for Council's approval; seconded by Councilmember Dixon.

Councilmember Braden asked if the Council will receive all the materials by Wednesday.

The City Manager stated that they normally do their very best to send the full agenda to the Council in a timely manner; however, sometimes there are extenuating circumstances that prevent them from obtaining information right away but they try to get the materials to Council as soon as possible.

The Mayor noted that the City Clerk normally notifies the Council when the agenda that has been published is not complete, and that items missing will be provided to Council as soon as possible.

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

C. Councilmember Dixon
D. Councilmember Overdier
E. Councilmember Marler

Nomination of Ms. Barbara Mizell for membership to the Harbor CRA Advisory Committee

Motion by Councilmember Marler, seconded by Councilmember Dixon, to appoint Ms. Barbara Mizell to the Harbor CRA Advisory Committee passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

Councilmember Marler requested that placement of boat parking signs on the harbor side of Norriego Point be added to the next agenda for discussion. He also asked staff to look into the installation of a four-way stop sign or traffic light at the Henderson Beach to Commons Drive intersection behind Wal-Mart.

F. Councilmember Destin
G. Councilmember Morgan
H. Mayor Jarvis
I. Land Use Attorney
J. City Attorney

Having no further business at this time, the meeting was adjourned at 7:15 PM.

ADOPTED THIS 2ND DAY OF JULY 2018
By:

_____

ATTEST: **Gary Jarvis, Mayor**

_____
Rey Bailey, City Clerk

Carisse LeJeune

From: Jeff Burns <jlburns@asglegal.com>
Sent: Monday, June 25, 2018 5:31 PM
To: Council
Subject: Fwd: Heritage Park Grant Abatement

Council, see the response from the County's attorney. I will talk to him tomorrow to get a more detailed explanation.

Sent from my iPhone

Begin forwarded message:

> **From:** Greg Stewart <gstewart@myokaloosa.com>
> **Date:** June 25, 2018 at 5:09:30 PM CDT
> **To:** 'Jeff Burns' <jlburns@asglegal.com>
> **Cc:** Jane Evans <jevans@myokaloosa.com>, John Hofstad <jhofstad@myokaloosa.com>
> **Subject: RE: Heritage Park Grant Abatement**
>
> Jeff – We received word from Treasury that the application for Heritage Park will remain open until September 28, 2018 and will not take down or abated during the month of July. This should provide more than enough time to obtain direction from the City Council. Let me know if you have any question
>
> Gregory T. Stewart
> County Attorney
> Okaloosa County, Florida
>
> Please note: Due to Florida's very broad public records laws, most written communications to or from County employees regarding County business are public records, available to the public and media upon request. Therefore, this written e-mail communication, including your e-mail address, may be subject to public disclosure.

> **From:** Jeff Burns <jlburns@asglegal.com>
> **Sent:** Friday, June 22, 2018 12:32 PM
> **To:** Greg Stewart <gstewart@myokaloosa.com>
> **Subject:** Heritage Park Grant Abatement
>
> Greg,
>
> Since this appears to have crossed from a simple request into what could be a looming legal issue, then I only feel comfortable reaching out directly to you since you are legal counsel for the County.
>
> The Destin City Council has a special meeting set for next Thursday evening to both (1) clarify for staff, a motion that was made this past Monday regarding the City Council's desire to redesign certain elements of the Heritage Park, and (2) to discuss the City staff's response to our firm's appearance before the County Commission this past Tuesday.

At the meeting this past Tuesday, the Commission directed Mr. Hofstad to abate the City's application for the Heritage Park project, to allow the City Council to finish their redesign of certain elements of the Park. Mr. Hofstad, and Jane Evans indicated it would be abated at the Commission meeting.

Considering that the deadline to submit the City's application is July 1st, then I would think it would be prudent for the County to wait until the issue is clarified next Thursday, by the Destin City Council, before submitting the application. In fact, I would encourage the County to send a representative (Ms. Evans?) so there is no delay after the meeting in implementing whatever the Council decides.

Thank you for your time,

Jeffrey L. Burns, Esq.*
Attorney At Law

***Licensed to practice law in Florida and Alabama**

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Carisse LeJeune

From: Rey Bailey
Sent: Wednesday, June 20, 2018 11:47 AM
To: Carisse LeJeune
Subject: FW: Royal Melvin Heritage Park

FYI

From: John Hofstad [mailto:jhofstad@myokaloosa.com]
Sent: Wednesday, June 20, 2018 11:44 AM
To: Prebble Ramswell
Cc: Jeff Burns; Rey Bailey
Subject: Re: Royal Melvin Heritage Park

I believe it was email correspondence with our grants office. I'll research with our grants staff and let you know when the exchange took place. Thanks for reaching out and I'll be back in touch.

John Hofstad
Okaloosa County Administrator

County Administration Building
1250 N. Eglin Parkway, Suite 102
Shalimar, FL 32579

Jhofstad@myokaloosa.com
www.myokaloosa.com

(Portable devise used)

Please note: Due to Florida's very broad public records laws, most written communications to or from County employees regarding County business are public records, available to the public and media upon request. Therefore, this written e-mail communication, including your e-mail address, may be subject to public disclosure.

On Jun 20, 2018, at 11:26 AM, Prebble Ramswell <pramswell@cityofdestin.com> wrote:

> Mr. Hofstad:
>
> Thank you for your patience and understanding with this situation. I do wish to acknowledge that after reviewing both the video of the BCC meeting and our city council meeting, I support the presentation and request by Kyle Bauman.
> I wanted to further ask you a question. I note that during the BCC meeting, you mentioned that you were aware of two communications from staff and one from outside the city requesting that our application be expedited.
> From who did these three requests come?
> This will be helpful as we move forward.
>
> Thank you!
>
> Prebble

<image006.png>

From: John Hofstad <jhofstad@myokaloosa.com>
Sent: Tuesday, June 19, 2018 3:28 PM
To: Carisse LeJeune <clejeune@cityofdestin.com>; Jane Evans <jevans@myokaloosa.com>
Cc: Council <council@cityofdestin.com>; Kay Godwin <kgodwin@myokaloosa.com>; Stephanie Herrick <sherrick@myokaloosa.com>; Rey Bailey <rbailey@cityofdestin.com>
Subject: RE: Royal Melvin Heritage Park

Thank you for the clarification Carisse,

Our staff has been informed and we will cease taking any action until further notification from your office.

John Hofstad
County Administrator
Okaloosa County Administration Building
1250 Eglin Parkway N. STE 102
Shalimar, FL 32579
jhofstad@co.okaloosa.fl.us

850-651-7515 Office
850-651-7551 Fax

From: Carisse LeJeune [mailto:clejeune@cityofdestin.com]
Sent: Tuesday, June 19, 2018 1:11 PM
To: John Hofstad <jhofstad@myokaloosa.com>; Jane Evans <jevans@myokaloosa.com>
Cc: Council <council@cityofdestin.com>
Subject: Royal Melvin Heritage Park

Dear Mr. Hofstad,

I apologize for the confusion that this email may cause, but I would ask that you delay acting on the request to abate the City of Destin application for Royal Melvin Heritage Park. Clear direction was not given to the City Attorney to make the statement that the County Commission heard this morning, and I will be calling a special meeting to receive clarification from the entire governing body of the City Council as soon as possible. Please feel free to contact me if you have any questions.

Thank you,

Carisse LeJeune
City Manager
City of Destin, FL
Phone: (850) 837-4242
Fax: (850) 650-9250
clejeune@cityofdestin.com
www.cityofdestin.com
<image007.jpg>
Leave No Trace

Take Only Memories, Leave Only Footprints

<image008.jpg> <image009.jpg> <image010.jpg> <image011.jpg>

"Please Note: Florida has a very broad public records law. Most written communications to or from the City of Destin officials are public records available to the public and media upon request. Your e-mail address and communications may therefore be subject to public disclosure."

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Carisse LeJeune

From:	Carisse LeJeune
Sent:	Wednesday, June 20, 2018 6:26 PM
To:	Rodney Braden
Cc:	Kimberly Kopp; Jeff Burns; John Hofstad
Subject:	RE: Heritage park

Tracking:	**Recipient**	**Delivery**	**Read**
	Rodney Braden	Delivered: 6/20/2018 6:26 PM	Read: 6/21/2018 3:37 PM
	Kimberly Kopp		
	Jeff Burns		
	John Hofstad		

Dear Councilmember Braden,

Yes sir, I understand. However, your intent and the actual motion & vote are in conflict. Staff is to act only upon the vote of the Council. And as your City Manager, I was not communicated your intent, and of course, neither was the rest of the Council. You are one Councilmember, and even if your intent was different, that does not mean that the rest of the Council would have voted to approve your intent. They voted to approve the motion you made, which was different then what was presented to the County Commission as direction from the Destin City Council.

At the Special Meeting on Monday, you can propose a new motion to reflect your intent, and if the Council agrees with your new motion, then they can vote on that and we will no longer have an issue. But please keep in mind that the Council never voted to abate or put on hold the grant. If that is the will of the Council, then there needs to be a public vote on that. Neither the City Attorney or the City Manager has the authority to take action unless it is clear direction from the entire governing body. That is why I am always asking the Council to vote on issues, as tedious as that may sometimes feel, and why I advise you and other Council members to allow me to put your issues on upcoming agendas...so staff can have clear direction through motion and vote.

Staff action needs to match the vote. Neither the City Attorney or the City Manager can take action upon the "will of the Council" based on phone calls to or from individual Councilmembers. It must be transparent and publicly put to a vote, especially with issues as politically sensitive as the Royal Melvin Heritage Park. That is why the State of Florida has a Sunshine Law.

But no worries, we can clear all this up on Monday night. You can clarify your intent and the Council can vote on it.

Carisse LeJeune
City Manager
City of Destin, FL
Phone: (850) 837-4242
Fax: (850) 650-9250
clejeune@cityofdestin.com
www.cityofdestin.com

Leave No Trace
Take Only Memories, Leave Only Footprints

From: Rodney Braden
Sent: Tuesday, June 19, 2018 6:33 PM
To: Carisse LeJeune
Cc: Kimberly Kopp; Jeff Burns; John Hofstad
Subject: Heritage park

Carisse,
Now that I am off of work I have had the opportunity to think about what went on with the City attorney at the county commissioners meeting today. I would like to clarify that the motion I made Monday night was intended to authorize the city attorney to address Royal Melvin heritage Park issues in writing and or verbal Communication,as the counsel may want to make some minor changes to the design before final approval. I apologize if this Motion created any confusion. That was not my intention.
Respectfully,
Rodney Braden
Sent from my iPad

Carisse LeJeune

From: Jeff Burns <jlburns@asglegal.com>
Sent: Tuesday, June 19, 2018 11:58 AM
To: Council
Cc: Carisse LeJeune
Subject: FW: Royal Melvin Heritage Park - Destin City Council Request to Abate Application Processing

Council,

A member of our firm appeared at the County Commission meeting this morning to communicate to them the status of the Heritage Park design. The Commission directed County staff to work with the City to abate (pause) the application processing and submittal.

The Restore Act Coordinator, Jane Evans, indicated that the City's application has not been submitted to the state, and that if it is submitted to the state, then it could not be amended if the re-design work increases the cost of the construction of the Park.

Thankfully, Ms. Evans also indicated that it would not jeopardize the overall project if the application is not submitted by July 1st. It would just push back the processing of the application by approximately 6 months.

We will follow all of this up with the letter from the City Manager, and I will stay on this until I get confirmation in writing from the County that they are not going to submit an application with the plans that were submitted shortly before your special meeting last week.

Jeffrey L. Burns, Esq.*
Attorney At Law

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From: Jeff Burns
Sent: Tuesday, June 19, 2018 11:48 AM
To: 'jevans@myokaloosa.com' <jevans@myokaloosa.com>
Cc: Kyle Bauman (kbauman@asglegal.com) <kbauman@asglegal.com>; 'managerinfo@myokaloosa.com' <managerinfo@myokaloosa.com>; 'jhofstad@co.okaloosa.fl.us' <jhofstad@co.okaloosa.fl.us>; Carisse LeJeune (clejeune@cityofdestin.com) <clejeune@cityofdestin.com>; Keishla Hernandez (khernandez@asglegal.com) <khernandez@asglegal.com>
Subject: Royal Melvin Heritage Park - Destin City Council Request to Abate Application Processing

Jane,

Kyle Bauman with our firm talked with you earlier today at the Board Of County Commissioners meeting. Thank you for taking the time to provide Kyle with a good overview of where the application is currently at.

This email is to confirm, and add to what Kyle stated to the Commissioners at the meeting:

- The Destin City Council voted last Wednesday to re-design certain elements of the Royal Melvin Heritage Park in Destin. This meeting had been noticed for some time, and it was a special meeting set for the sole purpose of finalizing a design plan for the Park. Apparently, a set of plans was submitted several days before this meeting. Those plans can be discarded.

- The Destin City Council voted last night to have our firm communicate to the County and State that they want to re-design elements of the park, and they do not want to be locked into the unapproved plans that were submitted.

- The Destin City Council voted to have our firm work with the City Manager to write a formal letter detailing what the Council has indicated they may re-design, and a timeframe they expect to get the design decisions made. This letter shall be sent in the next day or two.

I would appreciate some information on any deadlines for submitting completed applications to the Restore Act officials. Kyle Bauman indicated to me that you explained: (1). There are 2 deadlines per year for application submittal, one on July 1st, and the other presumably on January 1st; (2). Application submittals can be amended after they are submitted, so long as they amendments do not increase the cost of the project.

After last Wednesday's meeting, it is clear that the City Council wants to avoid "shaving the bluff", and potentially they will change what direction the band-shell faces. The bluff is a key concern to the majority of the City Council. Also, it appeared at the meeting that maybe 1 or 2 Councilmembers were interested in moving the bathrooms, but the majority did not agree with that idea.

Ultimately, it is too difficult at this point to determine whether shaving the bluff and redirecting the band-shell will increase the cost of the project. If the bluff is not shaved, then the Council was told it will require an ADA compliant switchback to be added to the project. The City Council was fine with adding the switchback, and they understand it may increase the cost.

Given these uncertainties on what the City Council's final approved design might look like, and the corresponding potential cost increases, then it would not make sense to submit any final design plans to the Restore Act at this time if the plans cannot be amended after submittal.

The City Council is planning on meeting next month to discuss the re-designs in more detail, and I am comfortable stating that, so long as the entire project is not jeopardized, that the City Council would like to wait a few more months to submit the application.

The City Manager and I will discuss this further over the next few days, and a formal written letter on City letterhead will follow. Also, if you have time to talk later today, then that would be great.

Thanks!

Jeffrey L. Burns, Esq.*
Attorney At Law

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