

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
AUGUST 17, 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 (Virtual)
Engineering Assistant Joe Bodi
Public Info Manager Catherine Card (Virtual)
HR Manager Karen Jankowski (Virtual)
Comm. Dev. Director Louis Zunguze
Finance Director Krystal Strickland (Virtual)
Parks/Recreation Director Lisa Firth (Virtual)
City Land Use Attorney Kimberly Kopp

Deputy City Manager Webb Warren
City Clerk Rey Bailey
Grants/Project Manager Jeffrey Cozadd
Code Compliance Manager Joey Forgione
Public Services Director Michael Burgess
IT Technician James Lauria
IT Manager Matthew Pace (Virtual)
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 David J. Butler of Faith Assembly Christian Church gave the invocation, which was then followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Overdier requested to add agenda item 7D – *Agreement to conduct training exercises between 75th Ranger Regiment and the City of Destin.*

Councilmember Destin asked that agenda item 2C – *Request for installation of speed bumps* – be added to the agenda.

The City Attorney asked that the topic, *Request for direction in East Pass dredge litigation*, be added under his name on the agenda.

Councilmember Morgan requested that item 7G(1) be pulled from this agenda.

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

1. APPROVAL OF MINUTES

A. Approval of minutes of August 3, 2020 Regular City Council Meeting

Councilmember Marler moved for approval of minutes of August 3, 2020 regular City Council meeting; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

B. Approval of minutes of May 4, 2020 Regular City Council Meeting

Motion by Councilmember Marler, seconded by Councilmember Ramswell, to approve minutes of May 4, 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. Mike Stubblefield – Manager, Destin Airport Tower – Presentation on Drones and Kites

Mr. Mike Stubblefield, Destin Airport Tower Manager, provided a brief presentation on Drones and Kites.

➤ Accidents and Incidents: Drones

- ❖ September 2015: A drone crashed into empty seating of the US Open at Louis Armstrong Stadium, Queens, New York causing no injuries according to the USTA. It happened during a match. A teacher named Daniel Verley was arrested on charges of reckless endangerment, reckless operation of a drone and operating a drone outside of a prescribed area in a New York City park. He was released and ordered to attend court at a later date. It is expressly forbidden to bring drones onto the grounds of the National Tennis Center. In October 2015, Daniel Verley was sentenced to community service involving tutoring disenfranchised students. He has cooperated fully with the investigation.
- ❖ October 2015: A drone collided with power lines in West Hollywood, California causing a loss of power to 700 Southern California Edison customers.
- ❖ December 2016: A drone flying near the Space Needle in Seattle, Washington collided with the tower while pyrotechnicians were setting up fireworks for the New Year.
- ❖ February 2017: An Unmanned Aerial Vehicle (UAV) flew into the window of a 27th story apartment in Miami, Florida, breaking it while the occupant was at home.
- ❖ May 2017: A UAV filming the Golden State Race Series in California collided with a tree and spun out of control into a group of cyclists. Part of the drone lodged in the front wheel of a cyclist, causing him to flip over his

handlebars and suffer abrasions. The drone operator reportedly offered to buy the cyclist a new front wheel and helmet

- ❖ May 2017: A track and field meeting at a high school in Mission Viejo, California was targeted by a drone dropping water balloons on the event, though only one person was hit. The drone had been spotted the previous evening and the sports coach had sent people out to find the drone operators. Police were notified the following morning
- ❖ May 2017: A GoPro from a drone hit a seat at Petco Park in San Diego, California narrowly missing fans during a match between the Padres and the Diamondbacks. Major League Baseball said that UAVs are not allowed at baseball grounds
- ❖ Unauthorized drones at Crab Island – 4th of July
 - Drones flew under the bridge to take pictures. This activity is unauthorized, and the information was turned into the FAA
 - Drones are not to be operated over crowds of people
 - People are launching from boats, cars on/near the bridge, at the base of the Bridge.
- ❖ Florida Drone Regulations
 - Must follow FAA regulations at all times
 - HB 1027 / 2017 allows local governments to enact drone ordinances pertaining to nuisances, voyeurism, harassment, reckless endangerment, property damage, or other illegal acts
 - Florida Administrative Code 51-4.003 / 2016 prohibits drones on State managed lands including State parks and forests except with permission from Department of Agriculture and consumer services

➤ Kites

- ❖ Covered under 14 CFR Part 101.13 – Operating Limitations
 - Except as provided in paragraph (b) of this section, no person may operate a moored balloon or kite:
 - Less than 500 feet from the base of any cloud
 - More than 500 feet above the surface of the earth
 - From an area where the ground visibility is less than 3 miles
 - Within 5 miles of the boundary of any airport
 - Paragraph (a) of this section does not apply to the operation of a balloon or kite below the top of any structure and within 250 feet of it, if that shielded operation does not obscure any lighting on the structure

➤ Need to get the word out:

- ❖ Short-term rentals, condo associations, all beach visitors
- ❖ Explore a local ordinance to govern these items within City limits

Councilmember Ramswell noted that an FAA representative addressed this issue at the previous Council meeting and spoke about their concerns and the difficulties they are facing; and to hear it from the tower manager's perspective really reinforces the fact that this Council needs to do something.

Councilmember Ramswell moved to direct the City attorneys and staff to draft an ordinance based off the existing FAA regulations and restrictions for the City of Destin regarding drone and kite flying activities; for the City attorneys to engage the Sheriff's Office legal counsel to obtain their acceptance and support; and for staff to bring back some ideas to Council with regards to making sure restrictions on drones and kites are properly communicated to residents and visitors. Councilmember Marler provided a second to the motion.

Councilmember Menchel asked whether Capt. Howell was able to coordinate matters with Mr. Mike Wilson from the FAA following the last Council meeting when this issue was also discussed.

Capt. Howell replied he was not able to contact Mr. Wilson; however, there is simply no rule they could enforce statutorily at this point; adding there are federal guidelines which they do not have the authority to enforce.

Mr. Stubblefield noted that House Bill 1027 that was passed in 2017 allows local governments to enact drone ordinances pertaining to the nuisances, harassment, voyeurism and other illegal acts.

Councilmember Menchel suggests staff briefs the Council at each meeting with status until this issue is resolved.

Councilmember Menchel asked whether the tower notify the Sheriff's Office when they observe unauthorized drones being flown.

According to Mr. Stubblefield, they notify the Sheriff's Office so they could make contact with the person flying the drone and obtain some information. He added that the drone they recently observed was reported by a pilot. The FAA now considered flying drones as a suspicious activity.

Mr. Robert Martin, a Destin resident, asked if signs could be posted at the public entrances to the beach with information such as the maximum altitude for drones, and that drones are not to be operated over crowds of people. Also, if short-term rental owners could provide this information to their guests upon registration.

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").

B. Proclamation Overdose Awareness Day

The Mayor read the Proclamation designating August 31, 2020 as Overdose Awareness Day in the City of Destin.

C. Request for Speed Bumps - Mr. Eric Divins, 534 Third Avenue, Destin

Mr. Eric Divins, who resides at 534 Third Avenue in Destin, expressed concern about the traffic in his neighborhood. He stated that more and more drivers are turning on to Third Avenue to avoid traffic at Kelly Street and Benning Drive intersections to get to Calhoun Avenue. They are driving too fast and passing each other on that road. He is concerned about the safety of the children in that neighborhood especially his young daughter when she is outside riding her bicycle. He requests speed bumps be installed to slow traffic down in that area.

Councilmember Destin moved to instruct City staff to work with the Land Use Attorney to determine requirements for moving forward with placement of speed bumps; seconded by Councilmember Morgan.

Councilmember Ramswell noted that a similar problem occurred in their neighborhood, during which they determined it requires two-third of the impacted neighborhood to agree to installation of speed bumps.

Public Services Director Michael Burgess pointed out they have an application process for speed humps. It requires a petition from property owners that live on that street; and that majority of the residents must agree to it.

Councilmember Marler asked staff to investigate the feasibility of 3-way stop signs (5th Street / 3rd Avenue/ Mimosa Street) if speed hump is not appropriate.

Mr. Divins will obtain an application form from the City and will go through the application process for installation of speed humps in his neighborhood.

Councilmember Ramswell suggests a speed trailer be installed in that neighborhood to slow traffic down in the interim.

Capt. Howell stated they would look into it.

Councilmember Destin withdrew his motion on the floor.

Councilmember Menchel recommends asking the Sheriff's Office to increase speed enforcement in that area and have the City's Public Information Officer alert the public via social media, which is similar to the campaign they had on Airport Road.

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

Mr. Bruce Craul, a Destin resident, spoke of the need to cut back the overgrown median landscaping in the City's right-of-way along Old Hwy 98 in front of the Enclave Community property for safety. He stated there was an accident at that entrance point years ago between a bicycle and a car that resulted in injuries. The City of Destin and the Enclave Community Property Association are named in a lawsuit and so no one wants to talk about it to avoid any admissions of guilt. He recommends having all the parties involved getting together, including the lawyers, and have an agreement that a problem exists and doing something about it without

any admissions of guilt. Otherwise, they would all be blamed for not doing something about it if there is another fatality.

The City Attorney noted there is an active litigation as to the ownership and maintenance responsibility on that property. The City's insurance carrier hired the Warner Law Firm, with Mr. Bill Warner as the lead attorney, to defend the City on this matter. Mr. Warner seek some sort of relief such that the City would be allowed to cut the trees back and the court did not grant it. However, they could revisit that or seek other options.

It was the consensus of the Council to have the City's attorneys communicate matters with Attorney Bill Warner and find out what options are still available to the City with regards to the litigation.

At this point, the City Attorney reiterated for the record that the City's position is that the area in question is not the City's maintenance responsibility.

Next, Mr. Robert Martin stated that he lives in the Enclave property. There had been some other minor accidents and near accidents in that area. He recommends the placement of speed humps and some signage in that area to slow people down if they will not be able to do anything more because of the litigation.

Ms. Chris Leneaux, who also lives in the Enclave property, noted that the City put up some blind corner signs about a year ago; one for the pedestrians and another for the vehicles. However, the sign for the vehicles has disappeared a few weeks ago and has not been replaced. She suggests placing speed bumps to slow cars down because the drivers do not see pedestrians and people on bicycles until they get on the road.

Councilmember Destin asked staff to investigate the missing sign and replace it if necessary.

Ms. Pati Brown, a Destin resident, stated that she has been following the aviation strings about Destin Executive Airport on Nextdoor. There have been a lot of displeasure with the tour helicopters and seaplanes and it is spinning out of control. It has since evolved to World War 2 planes, and military aircraft that look like contractor aircraft. There is only a small group of people who are posting, and they are big complainers who consistently blow things out of proportion with unsubstantiated claims. They are harassing the airport tower manager by calling in when he is trying to manage aircraft traffic, which is quite unsafe. They do not understand or desire to compromise, but rather demand their way and will go to whatever extent to win. They even spout off tactics and use buzz words such as "touch and go's" or "people are going to die" to shut down student pilot training at other airports. It is now becoming an anti-airport movement which affects all pilots. As a pilot herself, she has been trying her best to provide "aviation 101" about the very basic aviation procedure to calm people down. She urged the Council to conduct due diligence as this group might come before this Council and ask that they restrict all aircraft operations. She added that the majority of the pilots she knows all try to be good neighbors. The FAA is aware of this matter and they see no violations.

CITY MANAGER REPORTS

A. Captain Royal Melvin Heritage Park Covenant of Purpose Use and Ownership

The Deputy City Manager noted that the Covenant of Purpose, Use and Ownership document is required for Restore Act projects. It identifies the amount of federal financial assistance that is being provided, the amount of funding the subrecipient, with is the City, is providing, the estimated useful life of the project, land use restrictions, and property use restrictions. Once the County approved the selection of a contractor for this project, they will send the City a Construction Review Checklist consisting of items that they would require before allowing construction on this project to begin.

Grants and Program Manager Jeff Cozadd added that once this document is executed and recorded, they can provide it to the County. The County will then forward it to the Treasury Department for review and approval. Once approved, they will receive permission to proceed with executing a construction contract and then work may begin.

Councilmember Ramswell noted that a portion of the staff report states, *"The City has some unspent funding available from multiple accounts that were used for design work related to Captain Royal Melvin Heritage Park. These funds will be applied to the construction phase of this project."* She also pointed out that over the past several years, they have received requests to get additional funding because there were multiple changes, including design changes, that the Council has seen and approved. She asked how it was possible to have extra money when they had to approve additional funds.

Mr. Cozadd stated that the Finance Department went to the MUNIS system and identified funds from different accounts that are no longer needed for the design work for the park and they decided to incorporate them into the construction phase of the project.

Councilmember Braden asked staff to provide the Council a list of those accounts and the amount of money left in each account.

Councilmember Ramswell moved to authorize the City Manager, or his designee, to execute the Covenant of Purpose document for the Captain Royal Melvin Heritage Park project, then have the document recorded at the Office of the Clerk of Court for Okaloosa County; seconded by Councilmember Marler. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

B. Bond Counsel

Finance Director Krystal Strickland explained that the City has several major projects that may require tax-exempt and/or taxable financing in the near and long-term. It is prudent and common practice for municipalities to maintain a relationship with bond counsel to draft the necessary ordinance, resolutions, and other finance-related agreements in this highly specialized area of law. Duane Draper of Bryant Miller Olive has serves as Bond Counsel for the City of Destin on all of the City's current major finance agreements. Brant Miler Olive is a highly

respected firm within the State of Florida and has many professionals who have specialized experience in the fields of municipal financing and tax-exempt financing. Staff and the City Attorney recommend confirming this relationship in a formal retainer agreement with Bryant Miller Oliver.

Councilmember Menchel moved to direct the City Manager, or his designee, to sign the Retainer Agreement with Bryant Miller Olive to confirm this firm as the City's Bond Counsel; seconded by Councilmember Marler. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

C. Resolution 20-16 - Reimbursement Intent

Ms. Strickland explained that a reimbursement intent resolution will allow the City to front cash to secure the properties with the understanding the General Fund will be reimbursed with a tax-exempt debt issuance as soon as reasonable. This allows the General Fund to temporarily use cash that has otherwise been set aside for operating and capital purposes. Any beach access capital expenditures happening within 60 days after the adoption of this resolution will be eligible to be replaced with debt funding. This resolution does not require or obligate the City to borrow any funds.

Motion by Councilmember Marler, seconded by Councilmember Ramswell, to approve and adopt Resolution 20-16 to establish intent to reimburse certain expenditures in connection with certain capital improvement projects with proceeds of a future taxable or tax-exempt financing or financings passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

D. Tentative Financing Plans Beach Acquisition and Callable Debt

Ms. Strickland noted that staff is currently working closely with the City's Financial Advisor John Ford of Ford and Associates to plan financing for the upcoming beach acquisitions. While reviewing the City's current debt in preparation for beach acquisitions, it has been noted that they have one financing agreement that is currently callable and they may be able to refinance it at a lower rate.

Mr. John Ford described the City's tentative plans for contemplated financing. Firstly, the City would finance the beach acquisitions using proceeds from the Half-Cent Sales Tax, which goes out to 2029. They are creating a debt structure that goes out that length of time that would allow the City to pay for approximately \$4.3 millions of beach property acquisitions. Sales taxes had been fairly volatile, and so rather than assigning the sales tax as the sole pledge of revenue in the current environment, they have been discussing using a covenant to budget and appropriate, which is essentially a pledge of the City's non-ad valorem General Fund revenues. Putting it as a security on this debt while still paying it from the sales tax revenues. Secondly, they would also seek to refinance the City's 2015A Regions Bank Loan maturing in 2029. This gives the City the ability to ask the bank to borrow a little more money to refinance that prior loan if the interest rate is low enough.

Councilmember Destin asked staff to research the source of the 2015A loan and send the information back to Council.

E. Storm Water Master Plan Update

Community Development Director Louis Zunguze explained that Stormwater Master Plans are one of the key policy tools in the land development process. Their primary function is to act as a long-range planning tool focusing on existing and future developments and project. The goal of Stormwater Master Plans for cities is to provide criteria for prioritization of Capital Improvement Projects associated with stormwater management and flood control. The last City of Destin Stormwater Master Plan was purported in May 2004; and that there is an urgent need to update this plan.

Mr. Scott Jenkins of Jenkins Engineering, the lead consultant in the update of the City's Storm Water Master Plan provided the following presentation:

- Purpose and Background
 - ❖ The primary function of a Stormwater Master Plan is to act as a long-range planning tool considering existing and future developments and projects with the City of Destin
 - ❖ Masterplan documents typically consist of:
 - Water quantity assessments – Evaluations of existing watersheds
 - Water quality assessments – Evaluation of major discharge points for stormwater runoff
 - Assessment of existing stormwater and drainage facilities
 - Criteria of prioritization of capital improvement projects associated with the stormwater management and flood control
 - Proposed capital improvement projects
 - Suggested revisions to land regulation codes associated with stormwater management and flood control
 - ❖ Original Stormwater Master Plan was finalized in May 2004 by Jones Edmunds and Associates, Inc.
- Priority Projects of the 2004 Stormwater Master Plan
 - ❖ The original Master Plan included 18 priority project areas for evaluation and corrective action

Project Name	Project Description	Project Status
Bay Court Subdivision	Wetland and outfall improvements	Completed
Highway 98 West (Fishing Fleet)	Hydrodynamic Separator	Completed
Indian Bayou Trail and Two Trees Road	Pond Expansion	Completed
Destin/FWB Airport	Culvert and Exfiltration installation	Completed (County)
Sandalwood Drive	Swales and Exfiltration	Completed

Project Name	Project Description	Project Status
Dune of Destin Lake (Gulf Shore Drive)	Culvert Installation	Completed
4 th Street and Beach Drive	Swales and Hydrodynamic Separator	Completed
Legion Drive	Swale construction	Completed
Indian Woods Subdivision	Culvert modifications	Incomplete
Calhoun Avenue	Swale construction to existing culvert	Completed
Spring Street and Whippoorwill Avenue	Swales and Hydrodynamic Separator	Completed
Forest Street and Stahlman Avenue	Swale construction and pond	Completed
Industrial Area/Legion Drive/Seagull Lane	Swale construction and connection	Completed
Kelly Street East of Main Street	Construction of Swales and Culverts	Completed
Mountain Drive	Swale construction and connection	Completed
Maltezos Street	Swale construction and connection	Completed
Juanita Avenue and Snapper Drive	Swales and Hydrodynamic Separator	Completed
Tuscany / Emerald Heights / Destin NE	Extensive construction of swales	Incomplete

- Proposed Areas of Focus for Stormwater Master Plan Update
 - ❖ Stormwater master plan update consists of evaluation of drainage basins and watersheds
 - ❖ Mapping of flood plain areas based upon latest LiDAR elevation data and updated FEMA mapping
 - ❖ Establishing an updated list of proposed projects and mitigation strategies for the City
 - ❖ Evaluation of proposed improvement projects as outlined by City staff
 - ❖ Suggested land regulation code revisions associated with land development and flood control. Consistency between the Comprehensive Pan and Land Development Code will be one primary focus
 - ❖ Proposed Areas of Focus
 - Burning Tree Court
 - Cross Street
 - Diamond Lakes
 - First and Second Street
 - Four Prong Lake
 - Heritage Run Ditch
 - Quail Run
 - Reddin Brunson

- Trista Terrace Court
- Zerbe Street
- Swale Reconstruction – City wide
- City wide swale reconstruction should include the following:
 - ❖ Reconstruction and stabilization of existing swales and ditch areas
 - ❖ Limiting impervious areas within right of ways
 - ❖ Improving conveyance across access connections such as replacement or size analysis of culvert pipes
 - ❖ Revegetation of swale areas to improve nutrient removal and stormwater treatment
 - ❖ Potential enhancement of swales with underdrain systems to minimize nuisance water
 - ❖ Evaluation of runoff velocity to determine areas where permanent armoring may be warranted
- Conclusion:
 - ❖ When the areas of focus are all accomplished, the results will be as follows:
 - The known major stormwater quantity issues will be mitigated
 - A foundation will be set for the City to transition from a focus on water quantity issues to a focus on water quality issues

The Mayor noted he did not see any outfall going into Destin Harbor; adding there is one on the east side of Harbor Docks, one right by the Harbor Walk, two by the Fishing Fleet, and one by Dewey's Restaurant.

Mr. Jenkins stated it is not on the priority list at this time, but the Council can add things to the priority list.

Mr. Burgess noted they have 5 stormwater treatment units that service the harbor. The one by the Harbor Docks was cleaned out last year; and then about two months ago the Council authorized spending about \$18,000 to have it cleaned out again. There is about 5 or 6 feet of sediments at the bottom of it and it is currently being cleaned.

Councilmember Menchel asked whether they have some type of routine maintenance schedule for these units.

According to Mr. Burgess, these units are inspected in-house periodically and cleaned as needed.

Councilmember Ramswell pointed out that behind the houses at the front end of Indian Bayou Drive is Indian Lake. Whenever it rains the lake fills up and then goes out and spread. There used to be an existing lake or area where the water used to go; but when they built Indian Lake they built over that area and so now there is nowhere for the water to drain and part of the neighborhood becomes one gigantic lake with mosquitoes all over it. It is considered the worst flooding section in Destin, and that she is one of the residents affected by it. She added that the City is aware of this situation, and that it should be part of the stormwater master plan.

Mr. Jenkins stated they will go out and investigate this matter with the City and see if there is an immediate solution to the problem.

Councilmember Ramswell noted that City staff brought up a list of stormwater projects a few years back. The Council approved funding through two resolutions 17-13 (Phase 1) and 18-06 (Phase 2). She asked for an update on those projects.

Mr. Zunguze noted the work that has been completed was the result of those two phases approved by the Council.

Councilmember Menchel moved to authorize the City Manager, or his designee, to finalize the Stormwater Master Plan Update with Jenkins Engineering, Inc., and be brought forward to the Local Planning Agency and City Council for approval, adoption and implementation. Councilmember Ramswell provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

F. Complaint Policy Status & Updates

HR Manager Karen Jankowski provided an update on the status of the City's policy regarding external complaints received and investigative procedures. She stated that she contacted Mr. Jeff McInnis, Okaloosa County School Board Attorney, as directed by the Council, and requested a copy of the School Board's complaint Policy. City staff and the attorneys will continue drafting the City's new complaint policy using the School Boards policy as a template. Draft copies of the new policy will then be provided to the senior leaders for their review and recommendations. Staff will continue to provide updates to the City Council until the new policy is finalized.

G. Request for Approval to award RFB 20-09-PS - NFWF Drainage Improvements 825 Cross St. and 445 Calhoun Ave to J. Miller Construction, Inc.

Grants and Project Manager Jeff Cozadd noted that in 2015, the City of Destin was awarded a \$3,593,600 National Fish and Wildlife Foundation (NFWF) grant for restoration and conservation of 3 different projects. In 2018, the City submitted 3 proposals to NFWF requesting a budget and scope change to allow the remaining funds in the grant to be used for additional stormwater project that would mitigate existing outfall discharging into Marler Bayou and Choctawhatchee Bay, which was approved by NFWF. The City subsequently advertised RFB 20-09-PS NFWF Drainage Improvements 825 Cross Street and 445 Calhoun Avenue. The City's Bid Committee evaluated the bid proposals and voted to recommend J. Miller Construction to Council for approval. City staff consulted with NFWF as to the bid evaluation process and action recommended by the bid committee. The City received approval from NFWF to proceed with the recommendation to Council.

Councilmember Overdier moved for approval of the City's Bid Committee selection and award RFB 20-09-PS NFWF Drainage Improvements, 825 Cross St. and 445 Calhoun Avenue to J. Miller Construction, Inc., and authorize the City Manager, or his designee, to

execute the contract for this project. Councilmember Marler provided a second to the motion. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

H. Compass project (EnerGov) update

The City’s Information Technology Manager Matthew Pace provided a brief update on the COMPASS software system (Energov). He announced that the COMPASS system is taking shape and the configuration phase should be nearing completion. Once configuration is completed, staff will be entering the testing and training phase. The City's EnerGov Project Manager was able to work with the Tyler Project Manager and Consultant to assist staff to get back on track due to the several setbacks the City has endured. The additional support for configuration has been extremely helpful in assisting staff to complete outstanding items needed for implementation. He has been in touch with Vital Records Control (VRC), the company tasked with scanning the City's files. The VRC has assured that production will be increased to meet a completion of scanning in September. This will allow time for Tyler/EnerGov to work with the files provided. The VRC is providing the City with the digitized files that have been scanned up until the end of July. As of July 2020, there have been 202,270 images scanned into the system. Setbacks attributed to the pandemic has altered business for VRC, just as it has for the City, but they are working hard to meet the demands of their clients. IT has made it clear that all scans should be delivered to the City by the end of September so that EnerGov staff can assist with importing these files. IT will make a network share for staff to conduct records searches in the transition period until COMPASS is live.

I. Announcements

The Deputy City Manager made the following announcements:

- There will be a drive-through COVID-19 Testing at the Morgan’s Sports Center on Thursday, August 20th, from 8:00 to 10:30 AM.
- City facilities will be closed for business on September 7th, Labor Day. Next regularly scheduled Council meeting, and budget hearing, is Tuesday, September 8th

4. PUBLIC HEARINGS

5. CONSENT AGENDA

- A. Extensions 17, 18, and 19 to the Amended COVID-19 Declaration of State of Emergency
- B. Miscellaneous Mechanical Services, authorization to renew contract
- C. Miscellaneous Electrical Maintenance Services, authorization to renew contract
- D. Miscellaneous Fencing Services, authorization to renew contract
- E. Miscellaneous Generator Maintenance Services, authorization to renew contract
- F. Miscellaneous Pest Control Services, authorization to renew contract

Motion by Councilmember Marler, seconded by Councilmember Ramswell, to approve Consent Agenda items 6A thru 6F, as printed above, 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 spoke of the letter to the editor that appeared in the paper talking about the beach and the concern that the beach is being taken up by the beach vendors. She expressed her concern over the following quote, *“According to them this was the twelfth time the Sheriff’s Office had been called out in the past week. They faulted the Destin City Council for allowing the situation.”*

Capt. Howell stated that he reviewed all the body cameras worn by all deputies who responded to the calls for service, and at no time did anyone mentioned the Destin City Council; and so, this was an inaccurate information. The other inaccuracy was the deputies made the vendors move because they were in a wrong location of the beach, and the author of the letter to the editor was never seen on any of the body worn cameras, but her husband and son spoke with the deputies. He could only assume the author of the letter got her information from her husband and son. He also stated that one of his deputies provided some inaccurate information about the public/private beach access, and so he has instructed his lieutenant and the deputy’s supervisor to correct that information at the next shift briefing.

Next, Councilmember Ramswell inquired as to the status of the Norriego Point survey.

Mr. Burgess informed the Council that Baskerville Donovan has received the task order, and that he would follow up with them to find out when they can provide the deliverables.

Councilmember Ramswell pointed out that it has been a long time since they held a CRA Board meeting. She asked why they do not hold a CRA Board meeting as often as they used to in the past.

Councilmember Destin noted that meetings of the CRA advisory committees that provide recommendations to the CRA Board have been suspended to a degree due to the pandemic. The last time the CRA Board met was when they approved the CRAs budget last year.

- C. Councilmember Menchel

- 1) Discussion on the creation of a Policy/Standard Operating Procedure regarding Memo for the Record/Trip Report/After Action Report

Councilmember Menchel noted that in many organizations with which he had been involved require a trip report or a memorandum for record when high-ranking officials attend meetings to document the results in writing. The City does not have such a policy. As an example, when the City Manager travelled to Tallahassee to meet with FDEP, nothing was documented or memorized in writing. He recommends City staff drafts a policy that when a senior manager travels out of town or have phone conversation with other government officials to create a memorandum of record of official conversations.

Councilmember Morgan asked whether staff is being asked to document every phone conversation throughout the day. He stated that the City Manager for one is always on official business during the workday and it would not be practical to expect him to document every conversation he had throughout the day.

Councilmember Menchel mentioned that when City staff talked to FDEP about the Norriego Point embayments, no memorandum was written that memorializes what was discussed at that meeting. Likewise, when they met with Gulf Power and had significant discussions regarding the undergrounding, the conversation should have been reduced in writing. He added these are examples of situations when important conversation and agreements were made that a memorandum for record should have been written.

Councilmember Destin explained that his meeting with Gulf Power did not result in an agreement. It was merely fact finding which he then shared with the rest of the Council at a public session. He added they should establish a threshold for what is important enough to memorialize in written form and under what circumstances. He would support allowing staff to research this issue and come back with recommendations.

Councilmember Menchel moved to direct City staff to conduct a review and come back to Council with some suggestions or ideas as to when to prepare a Memorandum for Record, Trip Report, or some types of meeting notes; seconded by Councilmember Destin.

The Mayor pointed out that the main responsibility of the City Council is to legislate. It is the City Manager's job is to establish the criteria or to administrate his team to accomplish Council's directions.

Councilmember Marler states it is the City Manager's job to manage the day to day operations of the City, and that the Council should not micro-manage him.

Councilmember Menchel maintains that the purpose of his recommendation is merely to prevent losing information; adding he is not advocating that every single phone call or action to be documented.

Councilmember Braden stated that if the taxpayers are paying staff or reimbursing the Council's expenses to travel to Tallahassee or other places to conduct an official business of the City, he sees nothing wrong with writing notes on what was discussed during that trip especially if there is something the Council needs to know.

Councilmember Ramswell stated that she concurs with the suggestion Councilmember Menchel made this evening. Creating such a policy will help things become more efficient; adding that having come from a government background, she sees the importance of that in an organization.

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

Councilmember Menchel pointed out that most of the problems he has been bringing forward are those that current staff has inherited. There are a lot of issues they are dealing with at this time and may not have had the time to catch these mistakes. For instance, they recently received a notice from the HR Manager that the City Manager’s Interim Performance Feedback is due. The packet that was provided included Resolution 13-08 which outlines the entire evaluation process. It also included the 2013 strategic goals. He stated that he cannot evaluate a current City Manager based on strategic objectives from 2013; adding it is the type of things to which Council needs to pay more attention.

Next, Councilmember Menchel stated that the weekly report the Council used to get every Friday was an excellent document as it advertised all the good work by City staff. It clearly showed what is going on in every department on a weekly basis. It also provided each member of the Council with information such as the status of all the current development orders. The tracking sheet they now receive does not provide that information. He requested that the status of all current development order applications be included in the Friday report to Council.

Councilmember Menchel reported that the County put up some no parking signs in James Lee Park areas where people are parking their vehicles illegally; adding it is a step in the right direction.

Councilmember Menchel asked for an update on Council’s direction to have the City Attorney obtain an opinion from the Attorney General regarding Section 3.09 of the City Charter.

The City Attorney stated it is a very intricate process because he would need to create an entire memo or proposed order for the Attorney General to consider adopting; adding it could take a month or two to complete this process.

D. Councilmember Overdier

- 1) Regimental Military Intelligence Battalion (RMIB), 75TH Ranger Regiment Training Exercise – October 19-29, 2020

Councilmember Overdier reported that the Regimental Military Intelligence Battalion (RMIB) plans to hold a training exercise in Destin from October 19-29, 2020. The participants will be unnoticeable. They will be wearing civilian clothing, using civilian vehicles and try to

blend in with the tourists in this area. He asked for Council's authorization to have the Mayor sign the letter of approval for RMIB to conduct the training exercise in Destin.

Councilmember Overdier moved to authorize the Mayor to sign a letter of approval for the RMIB to conduct their training exercise on October 19-29, 2020 in Destin; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

E. Councilmember Marler

Councilmember Marler requested the following item be added to the next meeting agenda: *Reconfiguration of 1st and 4th Street Intersection*. He stated that the purpose of this item is to try to correct a line of sight issue at that location.

F. Councilmember Destin

Councilmember Destin reported that he went before the County Commissioners, as instructed by Council, and asked for them to earmark a significant amount of funding from bed taxes from the TDC. They unanimously supported the City's request, and the City is in line for a robust acquisition of not only the Hutchinson Beach access area, but several other beach access points.

G. Councilmember Morgan

1) Sunday parking at Marler Street Lot

Councilmember Morgan asked that this item be pulled from this agenda and placed on the next agenda.

H. Mayor Gary Jarvis

I. Land Use Attorney

J. City Attorney

1) East Pass Litigation – Update/Request for Direction

The City Attorney reported that the City prevailed on both administrative cases filed by petitioners; both of which are now in appeal process. The City has filed a motion to dismiss. The City also filed a motion to try to recover attorneys' fees because they felt the City has a good case because they feel the second petition was frivolous; but that motion was denied. The City has to decide whether to file a motion to appeal of that order. Attorney Ken Oertel has represented the City on this case and has done a great job. He has agreed that if the City decides to pursue this appeal, he would do it for an hourly rate of \$250.00 per hour; not to exceed \$15,000. If the City were to prevail, they could recover about \$100,000 in attorneys' fees. He asked for Council's direction whether to have him and Ken Oertel to pursue the appeal.

After a brief discussion, the Council agreed to schedule an executive session to discuss this case.

The City Attorney announced that an executive session will be held on Monday, August 24, 2020, at 6:00 PM for the City Council and attorneys to discuss the following case:

CITY OF DESTIN, *Petitioner* vs. THOMAS WILSON, DAVID H. SHERRY, REBECCA R. SHERRY, AND JOHN S. DONOVAN, *Respondents*, Case No. 20-2023F Division of Administrative Hearing

6. PUBLIC COMMENTS

Ms. Michelle Melancon, a Destin resident, reported that 121A Gulf Wind Court was in violation of City regulation by not having a contract for trash pickup with Waste Management. The City's Code Enforcement was contacted and took action which forces the occupants of the property to sign a contract with Waste Management. However, since they were forced to get a contract, they are now trying to punish the community. They have tied their trash cans to a tree blocking the beach access for 26 property owners. She asked Council to direct Code Enforcement to take actions on this matter.

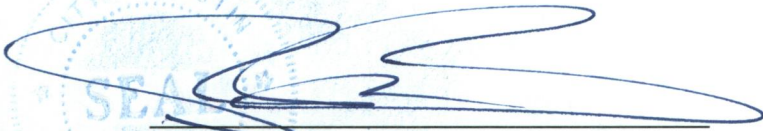
ADJOURNMENT:

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



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk