

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
OCTOBER 5, 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 Prebble Ramswell
Councilmember Rodney Braden
Councilmember Steven Menchel (Virtual)
Councilmember Skip Overdier (Virtual)

Destin City Staff

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

City Clerk Rey Bailey
Public Services Director Michael Burgess
Grants/Project Manager Jeffrey Cozadd
Library Director Wen Livingston
City Engineer Assistant II Joe Bodi
IT Technician James Lauria
Code Enforcement Manager Joey Forgione
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 Steve Farris, of First Baptist Church, gave the invocation, which was then followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Marler requested that the following item be listed under his name on the agenda: *DFCD Lease at Clement Taylor Park – update.*

Councilmember Ramswell requested that the following item be listed under her name on the agenda: *Phase 3 Norriego Point Project Boundary.*

Motion by Councilmember Marler, seconded by Councilmember Braden, 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 September 8, 2020 Regular City Council Meeting

Councilmember Braden moved for approval of minutes of September 8, 2020 Regular City Council; seconded by Councilmember Destin. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted “yes”).

2. PROCLAMATIONS / RECOGNITIONS / SPECIAL PRESENTATIONS / ANNOUNCEMENTS

A. Waste Management Update Ronnie Bell

Mr. Ronnie Bell of Waste Management, Inc., reported that Emerald Coast Utility Authority (ECUA) where all of the City’s recycling materials are being taken was severely damaged by Hurricane Sally, but they expect to be back in operation by mid-October this year. In the interim, the City’s recycles will be taken to IREP Recycling Facility in Montgomery, Alabama. If ECUA is unable to re-open within a reasonable amount of time, they will come back before the City Council and request for an adjustment in the rate.

Councilmember Ramswell wants to make sure consumers can expect no change in the level of service at this time; to which Mr. Bell replied affirmatively.

B. Certificate of Achievement William Ellison, Code Compliance Officer

The Mayor read the Certificate of Achievement, and then presented it to Code Compliance Officer William Ellison.

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

Ms. Marcie Bell, a Destin resident, reported that Hurricane Delta seemed to be following the path of Hurricane Sally. She requested that if and when the City decides to declare a state of emergency, that the Mayor and Council work closely with the Sheriff’s Office in preventing sightseers from speeding through flooded neighborhoods and pushing water into properties, which happened following Hurricane Sally.

Ms. Bell also recommends the fire department utilizing the two slips closest to the Marler Bridge for their wave runners instead of placing them at Clement Taylor Park to have an easier and quicker access to the Destin Harbor, East Pass and Crab Island.

Ms. Kerri Harbarger, a Destin resident, stated she is tired of the consistent bickering on social media about Clement Taylor Park. She stated that the citizens pay the Destin Fire Control District and so they have their own budget. She continued that the reason the Fire District lost at a referendum election a few years ago when they were requesting a tax increase was, they were asking for too much. However, a lot of people would rather pay a few more dollars a year so that

the Fire District can purchase their own parcel rather than having a fire house at one of their parks.

Ms. Harbarger also inquired as to the status of the environmental study at the Concrete Plant.

Grants and Project Manager Jeffery Cozadd reported that a request has been made to FDEP to include a Phase II Environmental Study as part of the Design Engineering Work. The request has been granted. Once a contract is negotiated with the design engineer, it would be included in the contract.

Ms. Debby Brunson (online), a Destin resident, asked why Clement Taylor Park was neglected during the last few years.

The City Manager noted that the City's maintenance crew had been keeping up with the routine maintenance of the park, and that the City has not received any complaints from the public about the park other than the seawall damage caused by Hurricane Michael. The delay in getting the seawall fixed was caused by the delay in funding from FEMA. The seawall has since been repaired. They are waiting for the money from the Treasury Department to implement the \$750,000 renovation of the park.

Ms. Brunson also expressed her objection to allowing a fire house at Clement Taylor Park. She stated that if Mr. Peter Bos decides to build the "Baby Grand", he may be amenable to allowing the Fire District to utilize a couple of boat slips.

4. CITY MANAGER REPORTS

A. Discussion Updates to Ordinance 109, Section 35, Vacation Leave

The City Manager explained that each year, all employees with vacation leave balances over 160 hours must use the excess hours by December 31st, or the excess hours are forfeited. To be competitive with the surrounding municipalities and sympathetic to the effects of the pandemic, Human Resources staff surveyed seven neighboring organizations. The survey data ranged from 240 hours to no vacation leave caps. Staff recommends increasing the amount of annual leave which can be carried over from one calendar year to the next from 20 days (160 hours) to 30 days (240 hours). The proposed amendment to the vacation leave policy also specifies that any requests for 4 consecutive days or more of vacation shall be made at least two weeks in advance of the actual use. In the event that extenuating circumstances exist preventing the employee from providing the required two-week notice, the City Manager has discretion to grant or deny the request.

Councilmember Destin moved to direct staff to bring back a proposed ordinance amending the City's Personnel Rules and Regulation for first reading was seconded by Councilmember Ramswell and passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted "yes").

B. IMLS Cares Act Grant Destin Library

The City Manager explained that the City of Destin submitted an Institute of Museum and Library Services Cares Act grant application this year. This grant application request was for funding that would support the library with technology designed to respond to the Corona Virus pandemic by offering a variety of new services that assist patrons and staff with minimizing personal interactions and increasing on site internet access. The City was recently notified that the application was approved and fully funded; and that the grant award amount was \$75,272.

Councilmember Ramswell moved to accept the IMLS Cares Act grant award for the City of Destin Library and adopt Resolution 20-26, amending the budget accordingly. Councilmember Braden provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted “yes”).

C. COMPASS (Energov) Update

The IT Manager reported that the COMPASS system is taking shape and there are a few remaining modules that need adjustments. The other components of COMPASS have been reported at 100%. The additional support for configuration has been extremely helpful in assisting staff to complete outstanding items needed for implementation. Staff has entered the testing and training phase of this project. Even with the challenges faced by staff over the preceding months, a great deal of effort has been placed on the configuration and testing in anticipation of the go-live in 2021. He has continued to stay in touch with Vital Records Control (VRC), the company tasked with scanning the City’s files. With the interruption of Hurricane Sally, VRC has sustained some damage to their facility. However, they have been working on completing the City’s project as close to the agreed upon deadline as possible. The City has procured the necessary networking equipment to make the files available to City staff as well as the EnerGov implementation team.

D. Purchase Agreement with Trust for Public Land, Inc. for Shore at Crystal Beach East Expansion #1

The City Manager noted that the City’s 2020 Strategic Plan identified public beach acquisition as the Council’s top priority for Fiscal Year 2020. The Purchase and Sale Agreement that is before the Council tonight is for the property located immediately east of the Shore at Crystal Beach Park. This property has been identified as the Shore at Crystal Beach East Expansion #1. He asked for Council’s authorization to enter into purchase agreement for this property.

Councilmember Menchel moved to authorize and direct the City Manager to enter into a purchase agreement for the property identified as Crystal Beach East Expansion #1 and enter into minor addendums thereto if necessary. Councilmember Overdier provided a second to the motion.

Councilmember Ramswell request clarification of the term “minor addendum” which is included in the motion.

Ms. Kate Brown of the Trust for Public Land explained that minor addendums would be related to timing; for instance, a change in the closing date, if necessary.

Councilmember Braden asked which funding source will be used to purchase the property.

Finance Director Krystal Strickland explained that most of the funding is coming from Okaloosa County Tourist Development Council. Some of the money is coming from the Okaloosa County Half-Penny Discretionary Surtax Fund; and that about \$2,000,000 will come from the City's General Fund balance.

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

E. Purchase Agreement with Trust for Public Land, Inc. for Shore at Crystal Beach East Expansion #2

According to the City Manager, the Purchase and Sale Agreement is for the property located immediately east of the Shore at Crystal Beach Park East Expansion #2. This property has been identified as the Shore at Crystal Beach East Expansion #2.

Councilmember Menchel moved to authorize and direct the City Manager to enter into a purchase agreement for the property identified as Crystal Beach East Expansion #2 and enter into minor addendums thereto if necessary; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted "yes").

F. New Flood Insurance Rate Maps

Public Services Director Michael Burgess explained that the City of Destin participates in the National Flood Insurance Program. Periodically, FEMA will issue revised Flood Insurance Rate Maps to communities in an effort to more accurately reflect flood inundation areas and to assist the community in making land use decisions. The City's current Flood Insurance Rate Maps are 18 years old. These maps and base flood elevation changes can impact flood insurance premium for covered structures within the Special Flood Hazard Area based on any flood elevation change and/or classifications in the zone where the structure is located. The City has received a Letter of Final Determination from FEMA stating that the City's revised maps, which have been in a preliminary state since 2016, will become effective on March 9, 2021. He invites residents to call his department for additional information and guidance as it relates to this matter.

Councilmember Ramswell noted that the staff report included a page with a list of parcels and a heading "Reasons Determination Will Be Superseded." She asked for clarifications regarding this portion of the report.

Mr. Burgess explained that owners of properties that are listed went through a formalized process with FEMA to have their home officially removed from the flood plain, which is

possible if the lowest adjacent grade of the property that touches the earth is above the flood elevation. However, that status may be affected based on these map changes, and that these homes may no longer qualify for that exemption.

Councilmember Menchel recommends placing a link to the revised Flood Insurance Rate Maps on the City's website to allow people to review the map and call City staff if they have questions to prevent City staff from being inundated with phone calls when people realize the revised map could potentially impact them negatively.

G. Announcements

The City Manager announced that staff is following Tropical Storm Delta and working closely with the County and is ready to implement whatever is necessary to prepare for the storm.

5. PUBLIC HEARINGS

- A. Second reading of Ordinance 20-14-LC – Relating to right-of-way protection, providing for the amendment to Article 8, Transportation of the Land Development Code by creating Section 8.01.00G, Right-of-way protection, trenchless technologies

The City Attorney read proposed Ordinance 20-14-LC by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO RIGHT OF WAY PROTECTION; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT TO ARTICLE 8, TRANSPORTATION, OF THE LAND DEVELOPMENT CODE BY CREATING SECTION 8.01.00.G., RIGHT-OF-WAY (ROW) PROTECTION, TRENCHLESS TECHNOLOGIES; 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.

Ms. Marcie Bell noted that she had recently made a call to the City's Code Compliance Division and reported a work being done in the right-of-way in Holiday Isle which appeared unusual to her.

Having none, the Mayor closed the public hearing portion and turned the matter over to the City Council for their deliberation and consideration.

Councilmember Ramswell moved for approval of Ordinance 20-14-LC on second reading; seconded by Councilmember Marler. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted "yes").

- B. First reading of Ordinance 20-28-CC Amending Sections 47 and 48 of the Code of Ordinances to regulate roosters

The City Attorney read proposed Ordinance 20-28-CC by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING SECTIONS 4-7 AND 4-8 OF THE CODE OF ORDINANCES TO REGULATE ROOSTERS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Morgan moved for approval of Ordinance 20-28-CC on first reading; seconded by Councilmember Marler.

Councilmember Morgan stated that he knows of several roosters that exist in the City and that there have been no known code enforcement complaints against roosters in the City. He admires the self-sufficiency of people that raise poultry in their backyard. They live in an incredibly conservative place and that the core of conservatism is property rights, individual liberty and limited government interaction in their daily lives. He added they have an enforcement mechanism in place in case anyone complains about bad roosters.

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

6. CONSENT AGENDA

- A. Amendment No. 1 to Contract By and Between City of Destin, Florida and J. Miller Construction, Inc; and Change Order No. 1 for Project RFB 20-09-PS - NFWF Drainage improvements 825 Cross St. and 445 Calhoun Ave.

Councilmember Marler moved to approve Consent Agenda item 5A, as printed above; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted "yes").

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

- A. Councilmember Braden

- 1) City Parks

Councilmember Braden noted there have been a lot of oppositions on allowing the fire department to lease a portion of Clement Taylor Park to build a firehouse. He recommends treating this issue like the way they are treating the issue relative to the vacation of waterfront right-of-way by placing it in the ballot for a charter amendment in the March 2021 election. He added that taxpayers should have the right to vote on this issue and prohibit the conveyance, sale, lease or other transfer of interest of City parks.

Councilmember Braden moved to direct the City Attorneys to prepare a referendum language for a charter amendment for a vote at the March 2021 special election prohibiting the conveyance, sale, lease or other transfer of interest of City parks; seconded by Councilmember Menchel.

Councilmember Ramswell noted they have been presented with two different petitions related to the Clement Taylor Park issue with each reportedly containing about 500 signatures. It shows a pretty even divide which justify allowing the people to get involved in the decision-making process as it relates to this issue.

Councilmember Destin wants to make sure they are allowed to present this question to the electorate.

According to the Land Use Attorney, her understanding is that Councilmember Braden is not asking the voters to vote on one specific park but all parks in the City similar to the waterfront right-of-way vacation. She asked if Councilmember Braden's intent is to put into the charter a process for a non-binding referendum as well; for which Councilmember Braden replied affirmatively.

The Land Use Attorney explained that the charter amendment will be binding, and the question to the voters if there was a subsequent referendum on a specific park would be non-binding.

The Mayor asked if this action would prevent an opportunity for a land swap. For instance, if someone is offering to bequeath to the City a more desirable parcel in exchange for one that the City already owns.

According to the Land Use Attorney, it would depend on how the charter amendment is written and what it would cover; however, a land swap is difficult because every property has unique characteristics. It is hard to determine when some properties are equivalent and so it is very difficult to memorialize this portion in the charter. She added she would bring back a language for Council to review.

Councilmember Destin recommends waiting until the Land Use Attorney comes up with the proper language for Council to review before voting to put this issue on the ballot.

Councilmember Braden withdrew his motion on the floor.

Councilmember Ramswell stated she sees no difference between this issue and the waterfront right-of-way vacation issue they voted to place in the ballot for the general election.

According to the Land Use Attorney, there is no difference besides from the fact this issue is about City parks and the other is waterfront rights-of-way. However, from what she had heard City parks issue, they have to have exceptions for land swaps that would not be prohibited if they are non-waterfront and of equal value.

Councilmember Braden stated he would like to avoid having the newly seated Council vote on this issue.

The Land Use Attorney noted that the only possible way to avoid that is to bring back an ordinance for first reading on the second meeting in October and second reading on the first meeting in November.

Councilmember Braden brought back his motion to direct the City Attorneys to prepare a referendum language for a charter amendment for a vote at the March 2021 special election prohibiting the conveyance, sale, lease or other transfer of interest of City parks; seconded by Councilmember Ramswell.

Councilmember Braden stated they could get the process started and go forward with it if they feel they are heading in the right direction.

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

Councilmember Braden asked when construction of Capt. Royal Melvin Heritage Park is due to commence.

Grants/Project Manager Jeffrey Cozadd noted they are currently waiting for authorization from the Treasury Department to move forward with the project. The City has submitted all the required documentation to the County, which in turn provided it to the Treasury Department.

Councilmember Braden inquired as to the status of the harbor pump.

Mr. Burgess reported having concerned citizens when Hurricane Sally was coming through and the pump was running. They did not want the City to place additional water into the harbor. The pump only runs a few hours every day, and so they turned it off temporarily as a courtesy for several days. However, it is back to its normal schedule now. He added there is funding available in Fiscal Year 2021 to replace the pump as well as two other components of the pumping station as planned.

B. Councilmember Ramswell

1) Linear Trail Discussion

Councilmember Ramswell asked what work, if any, has been accomplished with regards to the linear trail.

Community Development Director Louis Zunguze noted that the Town Center CRA Advisory Committee has this project as one of their top priorities for this year. They plan to formally recommend to the City Council to enter into a design phase for this project at their next meeting. He continued that the City has money set aside to begin that process if Council approves moving forward with it.

2) Shopping carts in rights-of-way along Commons Drive

Councilmember Ramswell reported some problems about shopping carts being left on Commons Drive and becoming an eyesore. She asked if they should contact the County since a great portion of that road belongs to the County.

The City Manager noted that this issue has been discussed amongst City staff. They have already sent a letter to some of the apartment complexes in the area asking the occupants to help the City keep the shopping carts where they belong. He has also requested the City's parks crew, public works crew and code compliance officers if they could retrieve any cart they see on the road, if they could safely do it, and return it to the retail business; or take it to the public works yard and call and ask the retailers to pick them up.

3) Post Hurricane Sally Report

Councilmember Ramswell asked if a post Hurricane Sally report has been compiled in terms of financial damage to the beach and the beachfront.

According to the City Manager, the County has been working with FEMA to evaluate the losses on their beaches due to Hurricane Sally. The City would have to work with the County to remedy the situation, but the County would have to take the lead because of the TDC funding for items not covered by FEMA. He added that staff would bring back some information from the County.

4) Phase 3 Norriego Point Boundary

Councilmember Ramswell noted that the property line that is showing up on the surveys and preliminary drawings that have been provided for the project does not match the actual deeded property line. There is a difference of 25-30 feet. She recommends having the City Attorneys to look into this issue before they start phase 3 of the project.

It was the consensus of the Council to have the Land Use Attorney investigate this matter before they start the phase 3 improvements, to include the ROW extension, to make sure they are following the correct property line.

C. Councilmember Menchel

Councilmember Menchel recommends they give serious consideration to the suggestion to move the fire department to the cement plant, of which Fire District Commissioner Mike Buckingham, who was speaking on behalf of the Fire District, have indicated that he was in

favor. He stated that he prefers this option rather than placing the fire station at Clement Taylor Park.

1) Submerged Land Lease - Norriego Point survey - update

Councilmember Menchel inquired as to the status of the submerged land lease application on Norriego Point; stating it has been 5 months since the request was made by Councilmember Ramswell.

The Land Use Attorney will finalize the draft of the submerged land lease application and survey and bring it to Council on October 19th for review and approval before submitting to FDEP.

Councilmember Menchel wants to make sure they have the proper surveys before they submit the application since they have had some issues with the past surveys.

Mr. Burgess stated he would confer with the Land Use Attorney and Councilmember Ramswell again to make sure they have the correct surveys .

2) Update on the Attorney General's opinion by the City Attorney

D. Councilmember Overdier

E. Councilmember Marler

1) Clement Taylor Park - Update

Councilmember Marler reported having a lot of people contacting him wanting this Council to decide on the Clement Taylor Park issue with the fire department. He requests staff informs the Council at the October 19th meeting whether they could bring the ordinance authorizing the DFCD to lease at Clement Taylor Park for a second reading on November 2nd.

The Land Use Attorney stated they need to obtain some answers to the list of questions posed at the special meeting. They need to address these outstanding issues before going to second reading. She added they need to determine if the lease has to be modified, and if so, the ordinance would have to go back to first reading. She would try to contract the Fire District and try to obtain some information so the Council could discuss this issue on October 19th.

F. Councilmember Destin

G. Councilmember Morgan

H. Mayor Gary Jarvis

I. Land Use Attorney

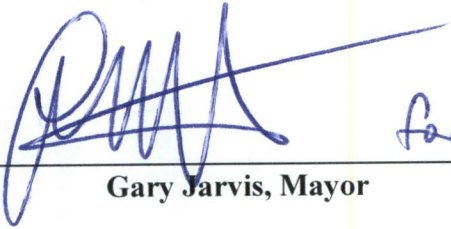
J. City Attorney

- 1) Request to schedule an executive session pursuant to section 286.011(8), *Florida Statutes*, in the case of *William C. Carter v. City of Destin, Florida, et al.*, Case Number 2016CA3085, in the Circuit Court of the First Judicial Circuit, in and for Okaloosa County Florida.

Motion by Councilmember Overdier, seconded by Councilmember Marler, to schedule an executive session on Monday, October 19, 2020 at 5:30 PM to discuss the above case passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted "yes").

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 7:55 PM.



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk