

**MINUTES  
REGULAR MEETING  
DESTIN CITY COUNCIL  
SEPTEMBER 8, 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 Prebble Ramswell (Virtual) |
| Councilmember Parker Destin                        | Councilmember Skip Overdier (Virtual)    |
| Councilmember Cyron Marler                         | Councilmember Steven Menchel (Virtual)   |
| Councilmember Chatham Morgan (arrived – 6:25 p.m.) |                                          |

**Destin City Staff**

|                                                 |                                          |
|-------------------------------------------------|------------------------------------------|
| City Manager Lance Johnson (Virtual)            | Deputy City Manager Webb Warren          |
| Public Info Manager Catherine Card (Virtual)    | City Clerk Rey Bailey                    |
| HR Manager Karen Jankowski (Virtual)            | Public Services Director Michael Burgess |
| Parks/Recreation Director Lisa Firth (Virtual)  | IT Technician James Lauria               |
| Grants/Project Manager Jeffrey Cozadd (Virtual) | Finance Director Krystal Strickland      |
| City Land Use Attorney Kimberly Kopp            | City Attorney Kyle Bauman                |

**CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE**

Mayor Gary Jarvis called the meeting to order at 6:00 p.m., which was then followed by the recitation of the Pledge of Allegiance.

**AGENDA APPROVAL**

**Motion by Councilmember Destin, seconded by Councilmember Marler, to approve the agenda passed 4-0 (Council members Destin, Marler, Overdier and Menchel voted “yes”; Council members Morgan, Ramswell and Braden were not present when a roll call vote was taken).**

**1. APPROVAL OF MINUTES**

A. Approval of minutes of August 24, 2020 Council Executive Session

**Motion by Councilmember Destin, seconded by Councilmember Marler, to approve minutes of August 24, 2020 Council Executive Session passed 5-0 (Council members Destin, Marler, Overdier, Menchel and Ramswell voted “yes”; Council members Morgan, and Braden were not present when a roll call vote was taken).**

B. Approval of minutes of August 17, 2020 Regular City Council Meeting

**Councilmember Marler moved for approval of minutes of August 17, 2020 Regular City Council Meeting; seconded by Councilmember Destin. Motion passed 5-0 (Council members Destin, Marler, Overdier, Menchel and Ramswell voted “yes”; Council members Morgan, and Braden were not present when a roll call vote was taken).**

C. Approval of minutes of June 1, 2020 Regular City Council Meeting

**Councilmember Destin moved for approval of minutes of June 1, 2020 Regular City Council Meeting; seconded by Councilmember Marler. Motion passed 5-0 (Council members Destin, Marler, Overdier, Menchel and Ramswell voted “yes”; Council members Morgan, and Braden were not present when a roll call vote was taken).**

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

A. Presentation on US98 Traffic Signal Synchronization, Q&A Scott Bitterman PE, Okaloosa County Engineer

Mr. Scott Bitterman, Okaloosa County Engineer, provided the following presentation:

Ideal Conditions for Signal Coordination

- Equal Signal Spacing – ½ mile
- Uniform Speed
- Available Roadway Capacity

Speeds in Destin

- Steady in off-peak times
- 0-30 mph in peak times
  - ❖ Traffic backs into 98 from business driveways
  - ❖ Right turns slow groups of cars traveling between signals
    - Right turns stop to yield to pedestrians
  - ❖ Through traffic stops for pedestrians not in crosswalks
  - ❖ Through traffic stops to wave through left turns

Other Factors Affecting Traffic Signal Coordination

- Construction
  - ❖ Reduced speeds
  - ❖ Reduced capacity
  - ❖ Signal reconstruction
  - ❖ Replace loops
- Traffic crashes
- Fire truck preemption

Major Signal Retiming Effort

- October 2016 report

- ❖ 20 signals in Destin
  - After new pedestrian signal
- ❖ Before study of travel times
- ❖ Traffic counts (July 2016)
- ❖ Reprogrammed controllers
- ❖ After study of travel times
- ❖ 884-page report

#### Signal Retiming Conclusions (from 2016 FDOT Study)

- The State Road 30 (US 98) arterial in Destin, Florida currently services an average of 368,000 vehicles per week within the retiming project area
- Twenty traffic signals were retimed/coordinated along the approximately 7 mile corridor from Stahlman Avenue on the west end of the project area to Tequesta Drive on the east end of the project area which also included the feeder signal at the intersection of State Road 293 and Commons Drive
- All 20 of the signalized intersections are operating coordinated signal timing plans in the AM, weekday, mid-day weekday, and PM weekend time periods
- Based on the non-intrusive Bluetooth detection data, there is a weekly time savings of approximately 5000 vehicle-hours along the corridor resulting from the retiming efforts
- According to the Sychro model calculations, there is also a weekly fuel savings of approximately 10,000 gallons
- The Benefit/Cost Ratio of the SR 30 (US 98) Destin Signal Retiming Project is 96:1 over the estimated three year life of the project

#### Signal Timing Recommendations (from 2016 FDOT Study)

- It is recommended that the City of Destin should consider reconstructing the northbound approach of Harborwalk Village and the southbound approach of Stahlman Avenue to include a dedicated right turn lane, a dedicated thru lane, and a dedicated left turn lane. It is recommended that the southbound left turn lane on Stahlman Avenue should be at least 250 feet
- It is recommended that the City of Destin should reduce the southbound skew on Stahlman Avenue as much as practical to allow for 8-Phase Signal Operations and removal of the existing Split Phase Signal Operations
- Five of six of signal timing recommendations were for US 98 and Stahlman Avenue

#### Split Phasing (From Federal Highway Administration Signal Timing Manual)

- Split phasing represents an assignment of the right-of-way to all movements of a particular approach, followed by all of the movements of the opposing approach. This is depicted in Figure 4-9. Split phasing may be necessary when intersection geometry results in partially conflicting vehicle paths through the intersections

#### What is being done?

- Voters
  - ❖ Approved ½ cent surtax in November 2018
    - Stahlman improvements are on the needs list

- ❖ Being patient during studies and construction
- City of Destin
  - ❖ US 98 and Stahlman
    - Intersection Improvement Study
  - ❖ Support to advance PD&E Study for US 98 between Calhoun and Airport
- Okaloosa County
  - ❖ Work daily with FDOT and contractors to adjust for construction impacts
  - ❖ Recommend to FDOT major signal retiming in 2021 as construction nears completion
  - ❖ Designing a Transportation Management Center
- FDOT
  - ❖ Stahlman Overlay Improvements
    - Dual left turns for westbound traffic
    - Working with property owner on receiving lanes for dual left turns
    - Warning flashers on bridge
  - ❖ PD&E Study
    - Advertise Fall of 2020
    - Study begins Spring 2021

#### Other Ideas

- Adaptive Signal Control
  - Advantages
    - Adjust for unanticipated traffic
    - Single system arterials
  - ❖ Disadvantages
    - Cost
    - Little benefit when arterial is saturated
  - ❖ Could benefit Destin when Stahlman is no longer phased

Councilmember Ramswell asked what they could do to avoid hot spots where they always have the problem of traffic congestion such as on the Mid-Bay Bridge Road and around the Commons Drive area.

Mr. Bitterman noted that traffic congestions they are seeing are likely related to construction traffic. For instance, the intersection of Matthew Blvd and US Hwy 98 is down to two lanes. They had 3 lanes going in each direction prior to construction.

Councilmember Ramswell pointed out that some cities have a set of traffic lights that would turn green simultaneously, and then turn red simultaneously. She asked if this is something FDOT has discussed or considered as something that might work in this area.

Mr. Bitterman stated that locations where they would usually see those traffic patterns are in downtown areas such as in New York City where there are close signal spacing; adding that the traffic signal on US Hwy 98 is timed a little bit better for the traffic condition they have in Destin.

Councilmember Menchel asked how often traffic signal timing is adjusted in a community.

According to Mr. Bitterman, a major signal re-timing is normally conducted every 3 to 5 years; but they are constantly doing minor adjustments.

Councilmember Menchel asked staff whether FDOT's recommendations relating to the intersection have been passed through the firm conducting the intersection improvements study for the City.

Public Services Manager Michael Burgess stated he would coordinate matters with Volkert Engineering to determine what resources they have considered as part of their improvement analysis. He added that Volkert is closed to completing all their recommendations. Staff would place the information on the City's website within the next few weeks for the public's review and comments.

Councilmember Menchel noted that the traffic light at the intersection of Henderson Beach Road and US Hwy 98 is changing too fast for motorists heading either west bound or east bound on the highway. The light is cycling too fast and needs some adjustments.

Mr. Bitterman stated that FDOT will investigate that matter and will make the necessary adjustments.

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

Mr. Mike Buckingham, a Destin resident, asked for Council's consideration to direct City staff to prepare an amendment to the Land Development Code to allow High End RV Resorts as a conditional use in the CMU-V zoning district in Destin.

Councilmember Marler stated that he would address that issue during his portion on the agenda.

Councilmember Menchel asked whether Mr. Buckingham's request was for short-term or long-term term.

Mr. Buckingham replied it was for short-term RV rentals only and no long-term rental would be allowed.

Ms. Marcie Bell, a Destin resident, noted that the City of Destin website provides a link to the County for people to find places to eat and stay in the area. She stated that not all establishments in Destin that contribute to the tax base in Destin are included, and so the City might want to consider removing that link.

Ms. Bell recommends that regulations that apply to short-term rentals be also applied to long-term rentals as well as private property homeowners. She continued that they have a situation on Holiday Isle where a long-term rental owner is abusing the trash can regulation. She

added it could also make it easier for Code Compliance to enforce the rules when they are applied across the board.

#### **4. CITY MANAGER REPORTS**

##### **A. RFQ 20-03-CD - Destin Undergrounding Project Management**

Grants/Project Manager Jeffrey Cozadd noted that the Council had directed staff to put out a Request for Qualification (RFQ) for the Gulf Power Project Management Project. The City received 4 proposals for this RFQ. The City's Bid Committee evaluated these proposals in collaboration with the City's Special Counsel Schef Wright, who was also largely involved in the preparation of the RFQ and has been involved at every step of this process. At the conclusion of the evaluation, one submission was disqualified from consideration because it was deemed significantly incomplete, and that the 3 remaining submissions were discussed and scored by the committee members. Given the high priority and significant investment of this project, the Bid Committee recommends that the 3 finalists make presentations to the City Council during a future Council meeting or workshop.

The City Attorney recommends Council schedules a special meeting rather than a workshop so they would have the option to vote and select a firm following the presentations.

**Councilmember Menchel moved to schedule a special City Council meeting for the three finalists to present to the City Council; seconded by Councilmember Overdier.**

Attorney Schef Wright stated that he fully supports allowing all 3 firms to make a presentation and meet each one in person.

**Motion passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).**

##### **B. Resolution 20-23 - Crosstown Connector**

**Councilmember Destin moved to authorize the City Manager or his designee, to accept and sign the current PD&E study, including the Environmental Impact Report with proposed modifications and approve Resolution 20-23; and to approve the revised Scope of Work, Quote and Schedule from Atkins North America, Inc., to be incorporated into a new contract and encumbered from FY 2021 adopted budget effective October 1, 2021. Councilmember Marler provided a second to the motion.**

Community Development Director Louis Zunguze asked the Council to accept the current Project Development and Environment (PD&E) Study that includes the four-lane roadway section previously approved, as opposed to a new PD&E, as it would minimize cost and time, as well as provide more information. He continued that a re-evaluation would be performed during the completion of the design of the two-lane road section. He also asked Council to approve the resolution authorizing a redesign of the roadway from-four lane to two-lane.

**The Mayor called for a vote on the motion, which passes 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Ramswell voted “yes”; Councilmember Braden was absent from the meeting).**

**C. Resolution 20-17 - Providing for access to embayments located at Norriego Point.**

The Deputy City Manager noted that on August 3, 2020, Council directed staff to draft a resolution in line with the intent of cordoning off the southerly embayments for the public to enjoy swimming, snorkeling, or other water-based activities, and leaving the northerly embayment access open for private recreational boating. Commercial activity is forbidden at all embayments.

**Councilmember Marler moved to adopt Resolution 20-17, providing for access to embayments located at Norriego Point; seconded by Councilmember Destin. Motion passed 5-1 (Council members Morgan, Destin, Marler, Overdier, and Menchel voted “yes”; Councilmember Ramswell voted “no”; Councilmember Braden was absent from the meeting).**

**D. Interlocal Agreement for TDC funding**

The Deputy City Manager noted that on April 8, 2020, they submitted two project funding requests to the Okaloosa County TDC for their FY 2021 budget. The first funding request was for the waterfront parks program that included funding for the annual expenses of operating and maintaining beach and harbor amenities for \$459,000. The second funding request was for additional public safety services from both the Okaloosa County Sheriff's Office and Destin Fire Control District. This project was to include additional beach and harbor units from the Sheriff's Office and year-round lifeguards for Norriego Point from the Destin Fire Control District for \$528,564. The TDC has provided the interlocal agreement for the City of Destin to execute. It is for the waterfront parks funding for \$459,000.

**Motion by Councilmember Overdier, seconded by Councilmember Marler, to authorize and direct the Mayor to execute the Interlocal Agreement with Okaloosa County for waterfront access maintenance and capital improvements passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Ramswell voted “yes”; Councilmember Braden was absent from the meeting).**

**E. Debt Financing Update**

Finance Director Krystal Strickland provided an update on debt financing and beach acquisition. She stated they would like to align the payment of \$4.3 million for beach property acquisitions with the remaining 9 years of Okaloosa Half-Penny Discretionary Surtax receipts. In addition, because rates are currently very low, they would also like to look into potential savings of refinancing the \$4 million 2015A bank loan. One option considered was to issue two separate bank loan request for proposals. One in October for \$5.3 million to refund the bank loan and to reimburse the general fund for the first beach acquisition. The second RFP for \$3 million in February 2021 to reimburse general fund for the second round of beach acquisitions. The second option considered was to issue only one bank loan RFP for \$8.3 million in spring 2021. After

careful review of the pros and cons of both options, they have decided that the potential interest rate risk and bank qualification issues are not significant enough to offset the potential savings on costs of issuance and rate benefits related to issuing one larger debt instrument.

Ms. Strickland also noted that Council previously requested additional information regarding the history of the 2015A Bonded Debt. Research revealed that the City of Destin issued revenue bonds in the amount of \$20,245,000 in 1999 to finance various municipal facilities improvements and other capital improvement projects. These funds were used during FY 1999 – 2002 to build the City's library, sports complex, and public works facility. This bonded debt was refinanced in 2005 and again in 2015.

#### F. Purchase Agreement with The Trust for Public Land, Inc. for Crystal Port

The Deputy 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 City has partnered with The Trust for Public Land in this endeavor. The Trust is under contract to purchase 3 properties located adjacent to the City's existing public access, The Shore of Crystal Beach Park. The Bulk Purchase and Sale Agreement is for Crystal Port located west of the Shore at Crystal Beach Park. Purchase agreements between the City and the Trust for the two properties located east of the Shore at Crystal Beach Park will be brought to Council for consideration as quickly as possible. Attorneys for both the County and City continue drafting an interlocal agreement between the parties.

**Councilmember Overdier moved to authorize and direct the City Manager to enter into a purchase agreement as presented for the property identified as Crystal Port and enter into minor addendums thereto, if necessary; seconded by Councilmember Destin.**

Councilmember Marler announced he will abstain from voting as he is currently employed by the owner of the property.

**The Mayor called for a vote on the motion, which passed 5-0 (Council members Morgan, Destin, Overdier, Menchel and Ramswell voted "yes"; Councilmember Marler abstained from voting; Councilmember Braden was absent from the meeting).**

#### G. Wayfinding Master Plan Presentation

City Planner Samantha Brisolara gave the Wayfinding Master Plan presentation:

##### Purpose of a Wayfinding Master Plan

- Defining a sense of place
  - ❖ It is imperative to define and display the community's beauty and culture to preserve its sense of place
- Highlighting destinations
  - ❖ Wayfinding will display the City's unique neighborhoods, beaches, and places of interest
- Enhancing the City's Economic brand

- ❖ Highlighting the City's vitality as a tourist, family oriented, and economically vibrant community
- Traffic Controls and Parking Identification
  - ❖ Wayfinding will promote pedestrian and cyclists to navigate much faster to their destinations. Parking identification also help minimize illegal parking
- Consistency and Sense of Organization
  - ❖ Create a coordinated urban brand, a sense of organization, and improved vehicular and pedestrian flow within the City

#### Wayfinding System Goals

- Promote Tourism
- Emphasize the City as a destination
- Highlight key attractions
- Enhance urban design
- Reinforce community identity
- Enhance visitor experience
- Reduce driver and pedestrian frustration
- Improve traffic flow
- Improve roadway safety

#### Components of a Wayfinding Master Plan

- Gateway and area identification
- Vehicular wayfinding
- Street identity
- Pedestrian wayfinding
- Information kiosks

#### Implementation and Management

- Financing
- Regulation
- System Management
  - ❖ Design process
  - ❖ Plan management

#### Financing (City Manager/Finance/Public Services/Public Information/Community Development)

- Possible funding sources include:
  - ❖ Local and State grants
  - ❖ Donations
  - ❖ Capital improvement program
  - ❖ Institutional and corporate grant
  - ❖ Impact fees
  - ❖ Tax increment financing
  - ❖ For initial planning and design stages, financing must be flexible and unencumbered to account for planning and design issues

- ❖ Tourist Development Council (TDC) partnership (2021)

#### Wayfinding System Management (Public Services)

- There are 3 key management areas that should be considered
  - ❖ Maintenance
    - Cleaning
    - Repairs
    - Replacement
    - Landscaping
  - ❖ Change
    - Additions to sign
    - Reductions to size
    - New sign destinations
  - ❖ Removal
    - Unauthorized signs
    - Obsolete elements

#### Regulatory Framework (Community Development)

- Regulations for unique areas in the City
  - ❖ Crystal Beach Planning Area
  - ❖ Town Center Planning Area
  - ❖ Village “Old Destin” Planning Area
  - ❖ Harbor Planning Area
  - ❖ Holiday Isle Planning Area

#### Existing Approved Logos

- Sea Oats logo/tagline
- City facility/signs
- Master directional signs
- Crystal Beach wayfinding signage
- The Harbor wayfinding signage
- Town Center wayfinding signage
- Holiday Isle wayfinding signage
- Gulf Resort wayfinding signage
- The Village “Old Destin” wayfinding signage

#### Family of Signs Initiative

- Family of Signs initiative from 2004
  - ❖ Harbor CRA district only
    - Estimated cost was \$60,736
  - ❖ Consumer Price Index (CPI) rate has increased 33% since 2004 (per Bureau of Labor and Statistics)
  - ❖ Accounting for inflation, the Family of Signs initiative for the Harbor CRA in today’s market would cost an estimated \$80,778.88
- The cost estimate was prepared by Guidance Pathway Systems, Inc. in 2004 for the Harbor CRA district only
  - ❖ Design costs - \$3,000

- ❖ Materials - \$300 - \$550 per unit
- ❖ Installation - \$300 – 550 per unit
- ❖ Contract services - \$25 - \$150 per hours

#### Issues for Consideration

- Level of comfort with plan/staff approach
- Level of comfort with existing logos and signage

#### Next Steps

- Staff to return with budget and concept for entrance signs into the City
- Staff to return with budget and concept for remaining signs throughout the City

**Councilmember Destin moved to direct staff to prepare a budget for City entrance signage and return to City Council for discussion; and for staff to prepare a budget for the remaining Wayfinding signage and return to City Council for discussion. Councilmember Marler provided a second to the motion.**

Councilmember Ramswell stated that she likes the idea of having a distinct signage for each area of the City; however, she is concern it would create some confusion with tourists and visitors to the City in trying to distinguish among the different signage. She recommends staying with just three different signage: Harbor CRA, Town Center CRA, and possibly for the areas on the other side of Crystal Beach.

Councilmember Ramswell also requests staff brings back the idea of numbering the streets as one of the options for Council to consider and to possibly use the sample signs from Gulfport, Mississippi which she previously presented.

There were no objections from other members of the Council.

**The Mayor called for a vote on the motion on the floor, which passes 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Ramswell voted “yes”; Councilmember Braden was absent from the meeting).**

#### H. Strategic Plan Update

The Deputy City Manager gave the following presentation:

- The 2020 Strategic Plan was formally adopted by the City Council on January 6, 2020
- 2020 Strategic Plan Process
  - ❖ 2019 Annual Fall Visioning Session with City Council, staff and public
  - ❖ January 2020 adoption of 2020 plan by Council
  - ❖ Staff executes plan – current phase
  - ❖ Final report – Winter 2020
- Prioritized key customer groups
  - ❖ Year-round residents
  - ❖ Destin-based businesses

- ❖ Visitors
- Vision 2035
  - ❖ “Destin is a family-oriented beach and fishing community where people want to live, work and play and where guests are welcomed to respectfully enjoy our community and its resources
- Strategic Focus 2025
  - ❖ Public beach initiative
  - ❖ Transparent and equitable governance
  - ❖ Financially sound city providing service value
  - ❖ World class beach, fishing, and harbor
  - ❖ Improved mobility and connectivity
  - ❖ High quality of life and safety for residents
  - ❖ Quality development and revitalization through clear vision and unified approach
- Council Objectives – FY 2020 (listed in priority order)
  - ❖ #1 - Public Beach Initiative
    - Over \$22 million committed to this initiative; \$13.5 million funding from external agencies
    - 3 parcels under contract by Trust for Public Land (TPL) in Crystal Beach
    - TPL is pursuing other opportunities
  - ❖ #2 - Underground Utilities
    - Gulf Power franchise agreement being finalized
    - RFQ for undergrounding consultant – submissions received 6/18/20
    - RFQ submissions under review by the Bid Committee, and the City is consulting with an electrical franchise attorney to serve as a subject matter expert during the selection process
  - ❖ #3 – Short-Term Rentals Compliance with Regulations
    - Total STRs – 1077
    - Total non-registered STRs - 85
      - Notice of Violations (NOV) – 46
    - Parking
      - Citation – 1818
      - Code Citations – 248
      - Over Parking Limit – 38
    - Total Garbage Citations – 313
    - Total Noise Citations – 29
    - Total Events – 14
    - Total Stop Work – 11
    - Miscellaneous – 37
    - Community Development presentation complete and ready for Council review
  - ❖ #4 – Recruit Project and Grants Manager
    - New position for FY 2020 – Hire date 3/2/20
    - Organization created a Project Review Team (PRT) and process to improve project design and management

- Helping to manage existing grants
- \$10.25 million City administered
- \$15.1 million administered by other agencies
- \$16 million in potential co-administered grants
- Chairs the revamped Bid Committee
- ❖ #5 – Request TDC Funds for Additional OCSO Services
  - 2/26/20 -Request sent to Council for input for TDC application
  - 4/8/20 – Application submitted
  - 4/29/20 – COVID-19 impacted future TDC budget. All new TDC requests were cut. Existing beach funding levels retained
- ❖ #6 – Research Viability of Multi-Use Convention/Sports/Community Center
  - Workshop held on February 24, 2020
  - Before moving forward, Council would like to conduct a feasibility study
  - Will bring to Council in the near future for additional consensus on direction/prioritization on a 5-year/10-year plan, if desired
- ❖ #7 – Complete Two-Lane Crosstown Connector
  - Proposed two-lane crosstown connector presented and approved by Council on June 1, 2020
  - Received the estimate July 9, 2020. Reviewing and preparing recommendation
  - Item up for consideration on September 8, 2020
  - If approved, project redesign is slated to begin in the fall
- ❖ #8 – Calhoun Avenue Multi-Use Trail – Phase I
  - Enhanced multi-use pathway from community center to Clement Taylor Park
  - This item has been re-advertised; bids are due mid-September
  - The project could be completed in early 2021
- ❖ #8 – Calhoun Avenue Multi-Use Trail – Phase II
  - Community Development completed identification of scope of work
  - Community Development Director and City Manager to determine funding and timing of RFP for design phase
- ❖ #9 – Improve Parking: Explore Options, Garage, and Surface Parking
  - Beach parking zones activated July 1, 2020
  - Free resident beach parking passes are available
  - Paid parking Paid parking revenue is earmarked for future parking solutions
  - Program is freeing up parking spaces for intended use and preventing unintended use
  - Additional business parking will be available in upcoming Zerbe expansion lot (under design)
- ❖ #10 – Beach Renourishment Planning and Schedule
  - 2020 dredging operations provided emergency sand placement of approximately 193,310 cubic yards on Holiday Isle beaches

- Although no immediate and comprehensive renourishment plan is in place, the TDC and BOCC are researching options and is in regular communications with City administration
- ❖ #11 – Improve Communications with Council/Public/Staff
  - Council Task/Project Tracking Report
  - Improved turnaround time for meeting minutes
  - Revamped project management processes
  - Website currently under redesign
  - Website and social media metrics
    - Since October 2019, there were over 369,400 visits to the City of Destin website/over 10,100 likes on Facebook and over 1,400 public engagement posts/160 press releases distributed
- ❖ #12 – Implement Enhanced Signage Control
  - Staff will bring back a report to Council before the end of the year
- ❖ #13 – Develop/Implement Wayfinding Program
  - Community Development finalized draft master plan and is ready for Council review
  - TDC has budgeted some funds for this initiative and staff is coordinating efforts
- ❖ #14 – Update Golf Cart/Low Speed Vehicle Rules
  - This item is slated to be incorporated in the Land Development Code (Chapter 8)
  - LPA met August 20, 2020 and approved the proposed LSV ordinance. The proposed ordinance will be provided to the City Council for review and adoption
- ❖ #15 – Continuity of Streetlights/Conversion to LED
  - Staff has recently completed the City's first ever GIS-based streetlight inventory
  - Based on current data, 98+% of the City's inventory is non-LED
  - The PD&E for US98 slated for advertisement in the Fall of 2020 will include a street-lighting evaluation
  - Based on a replacement estimate conversion could approach \$1.2 million for materials and installation (cost-distribution over a 5-year period, \$240,000/year)
- ❖ #16 – Improvement of City's Gateways
  - This strategic goal is part of the wayfinding master plan
  - Community Development finalized draft master plan and ready for Council review
  - Presentation will be given to Council on 9/8/20
  - Staff is in communication with Mid-Bay Bridge Authority, Okaloosa County and Tourist Development Council for coordination potential funding
- ❖ #17 – Implement a Roadway Striping Program

- Public Works Department has focused its re-striping efforts for FY 20 and FY 21 on collector-class streets only. In the past, City staff has ordered the optional striping and installation of raised pavement markers on local or neighborhood streets when those roadways have been resurfaced. Based on estimates, restriping collector-class streets every 7 years will require approximately \$120,000 to be dedicated each year to keep this pace
- FY 20 Projects – Gulf Shore Drive, Scenic Hwy 98, Dolphin-Regatta Bay, Calhoun Avenue, Sibert Avenue
- ❖ #18 – Provide Board and Committee Training to Members
  - City Clerk and staff is reviewing and revising the City Council and committee appointee orientation process (November 2020 election)
  - The City Attorney currently conducts annual Sunshine and Public Records refresher training with each board/committee
- ❖ #19 – Improve Sidewalks
  - This initiative also includes providing a sustainable funding and planning process, improve ADA access as well as ensure sidewalks meet the LDC requirements
  - During FY 20, approximately 4613 square feet, the equivalent to 1150' of damaged 4' sidewalk, has been removed and replaced
- ❖ #20 – Re-establish Environmental Committee
  - Beach Committee – members consist of staff, committee members, Council, beach vendors, beach safety and law enforcement
  - Met 5/26/20 and 6/30/20 and discussed ideas and areas of concern
  - Will bring Environmental Committee item for discussion at future Council meeting
- ❖ #21 – Enforce Residential Boat and RV Parking Regulations
  - Officers are trained in these regulations and pro-actively seek compliance from residents
  - Code Compliance has issued 19 citations to date in 2020
- ❖ #23 – Regulate Building Height Limits to Six Stories
  - Ordinance 20-22-CN for six story limit and referendum language approved by Council on July 20, 2020

#### I. Complaint Policy Status & Updates

Human Resources Manager Karen Jankowski informed the Council a draft of the policy was provided to Senior Leaders for their review and recommendations. She then compiled all the inputs from Senior Leaders and provided an updated draft to the City Manager and City Attorney. The policy will be finalized following a legal review of the document.

#### J. Drones and Kites Status Update

Mr. Zunguze noted that staff is currently drafting an ordinance to be based on the existing Federal Aviation Administration (FAA) regulations and restrictions for the City of Destin air space regarding drone and kite flying activities, as well as ordinance information they received from other jurisdictions. The City Attorneys will engage the Sheriff's Office legal counsel to obtain their acceptance and support with respect to enforcement protocols. They will bring back recommendations to the City Council possibly by October 2020.

#### K. Announcements

The Deputy City Manager made the following announcements:

- Wrapping up final details for waterfront constructions at Clement Taylor Park. Staff expects the park to be accessible by end of week
- Staff is coordinating with the founding family for the Ribbon cutting ceremony for the Leonard Destin Park. Staff will announce the date as soon as it is confirmed
- Destin Fishing Rodeo staff would like to move their trailer to the front of the Destin Community Center parking lot. The trailer will be relocated down by AJ's on the Harbor by September 16<sup>th</sup>.

### 5. PUBLIC HEARINGS

#### A. First reading of Ordinance 20-25-CN - Adopting the Fiscal Year 2021 Millage Rate

The City Attorney read proposed Ordinance 20-25-CN by title, and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN OF OKALOOSA COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF DESTIN FOR FISCAL YEAR 2021; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Attorney announced that the Fiscal Year 2021 operating millage rate for the City of Destin is 1.6150 mills which is more than the rolled back rate of 1.5491 mills by 4.25%.

Finance Director Krystal Strickland gave the following presentation:

#### Ad Valorem – Actual vs Projected

|                        | <u>FY2020</u>       | <u>FY2021</u>       | <u>Amount of</u>  |                 |
|------------------------|---------------------|---------------------|-------------------|-----------------|
|                        | <u>Actual</u>       | <u>Projected</u>    | <u>Increase</u>   | <u>% Change</u> |
| GF Ad Valorem @ 1.6150 | \$ 7,556,223        | \$ 8,099,316        | \$ 543,093        | 7%              |
| Town Center CRA        | 257,304             | 290,297             | 32,993            | 13%             |
| Harbor CRA             | 319,174             | 331,449             | 12,275            | 4%              |
|                        | <u>\$ 8,132,701</u> | <u>\$ 8,721,062</u> | <u>\$ 588,361</u> |                 |

## Millage and Ad Valorem

### **Amount payable at Millage of 1.6150**

#### **Property Taxable Value**

\$100,000                      \$161.50

\$400,000                      \$646.00

Zip code 32541 median real property value = \$420,000

| <b>Taxing Authority</b>  | <b>Tax Rate</b> | <b>Tax Rate</b> |              |
|--------------------------|-----------------|-----------------|--------------|
|                          | <b>2019</b>     | <b>2020</b>     |              |
| Okaloosa County          | 3.83080         | 3.83080         | 30.6%        |
| School District (combine | 6.20600         | 6.03500         | 48.2%        |
| NW FL Water Mgmt         | 0.03270         | 0.03110         | 0.2%         |
| Destin Fire District     | 1.00000         | 1.00000         | 8.0%         |
| <i>City of Destin</i>    | <i>1.61500</i>  | <i>1.61500</i>  | <i>12.9%</i> |
| <b>TOTAL MILLAGE</b>     | <b>12.68450</b> | <b>12.51190</b> |              |

Per \$100,000 Value                      \$ 1,268.45    \$ 1,251.19

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 Overdier moved for approval of Ordinance 20-25-CN on first reading adopting a proposed FY 2021 millage rate of 1.6150 mills which is more than the rollback rate of 1.5491 mills by 4.25%; seconded by Councilmember Marler. Motion passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).**

B. First reading of Ordinance 20-26-CN – Adopting the Fiscal Year 2021 Budget

The City Attorney read proposed Ordinance 20-26-CN by title, and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN MAKING APPROPRIATIONS FOR CERTAIN EXPENDITURES, EXPENSES, CAPITAL IMPROVEMENTS AND CERTAIN INDEBTEDNESS OF THE CITY OF DESTIN, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021; AND PROVIDING FOR AN EFFECTIVE DATE.

The Finance Director gave the following presentation:

## Budget Summary

|                            | ACTUALS           | ADOPTED BUDGET    | PROJECTED ACTUALS | PROPOSED BUDGET   |          |
|----------------------------|-------------------|-------------------|-------------------|-------------------|----------|
|                            | 2019              | 2020*             | 2020              | 2021              |          |
| <b>ALL FUNDS</b>           |                   |                   |                   |                   |          |
| Ad Valorem Taxes           | 7,905,791         | 8,369,171         | 8,453,161         | 8,721,062         |          |
| Intergovernmental (Grants) | 3,494,078         | 3,500,132         | 3,249,924         | 12,146,470        |          |
| Other                      | 6,325,994         | 6,720,695         | 6,234,684         | 6,462,237         |          |
| <b>TOTAL REVENUES</b>      | <b>17,725,863</b> | <b>18,589,998</b> | <b>17,937,769</b> | <b>27,329,769</b> | <b>A</b> |
| Operations                 | 11,367,624        | 14,000,772        | 13,065,702        | 14,226,176        |          |
| Debt Service               | 2,327,337         | 2,392,206         | 2,540,739         | 2,389,950         |          |
| Capital Outlay             | 839,398           | 2,735,180         | 1,624,131         | 18,564,808        |          |
| <b>TOTAL EXPENDITURES</b>  | <b>14,534,359</b> | <b>19,128,158</b> | <b>17,230,572</b> | <b>35,180,934</b> | <b>B</b> |
| Net change in fund balance | 3,191,504         | (538,160)         | 707,197           | (7,851,165)       | A-B      |
| Beginning fund balance     | 21,401,440        | 24,592,944        | 24,592,944        | 25,300,141        |          |
| Ending fund balance        | 24,592,944        | 24,054,784        | 25,300,141        | 17,448,976        |          |

\*includes prior year encumbrances rolled forward

### CITY OF DESTIN 5-YEAR CAPITAL IMPROVEMENT PLAN

| COUNCIL OBJECTIVE                                               | FY 2021             | FY 2022             | FY 2023             | FY 2024             | FY 2025             | Total               |
|-----------------------------------------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| <b>PRIORITY Renewal &amp; Replacement - Facilities</b>          |                     |                     |                     |                     |                     |                     |
| RR051 General Government                                        | \$ 62,200           | \$ 95,000           | \$ 22,500           | \$ 71,500           | \$ 28,500           | \$ 279,700          |
| RR052 Public Safety                                             | 392,500             | 41,687              | 134,187             | 47,187              | 49,687              | 665,249             |
| RR053 Physical Environment (Stormwater, Cemetery)               | 300,000             | 6,307               | 6,307               | 6,307               | 6,307               | 325,227             |
| RR057 Parks and Recreation                                      | 1,003,800           | 231,828             | 297,828             | 411,828             | 253,828             | 2,199,113           |
| RRVEH Vehicles                                                  | 272,500             | -                   | -                   | -                   | -                   | 272,500             |
| <b>Renewal &amp; Replacement - Infrastructure</b>               |                     |                     |                     |                     |                     |                     |
| 15, 17, 19 RR054 Roads, Sidewalks, Street Lighting (Gas Tax #1) | 468,000             | 318,000             | 462,000             | 801,901             | 801,901             | 2,851,802           |
| <b>Growth Necessitated &amp; Comp Plan</b>                      |                     |                     |                     |                     |                     |                     |
| SW54 Stormwater Improvements (FDEP funded)                      | 50,000              | 50,000              | -                   | -                   | -                   | 100,000             |
| PW612 Norreigo Point Road                                       | 250,000             | -                   | -                   | -                   | -                   | 250,000             |
| 8 TR618 Zerbe-Calhoun Pedestrian Pathway                        | 852,000             | -                   | -                   | -                   | -                   | 852,000             |
| 9 TR619 Sibert-Zerbe Parking Lot Consolidation                  | -                   | 75,000              | -                   | -                   | -                   | 75,000              |
| TR620 ADA Transition - Pedestrian Facilities                    | 100,000             | -                   | -                   | -                   | -                   | 100,000             |
| LB002 Library Impact Fee Projects                               | 47,000              | -                   | -                   | -                   | -                   | 47,000              |
| RC004 Park Impact Fee Projects                                  | 35,000              | -                   | -                   | -                   | -                   | 35,000              |
| <b>Citizen/Council Directed Projects</b>                        |                     |                     |                     |                     |                     |                     |
| 1 CM001 Beach Acquisition                                       | 10,600,000          | 11,400,000          | -                   | -                   | -                   | 22,000,000          |
| 7 EN615 Cross-Town Connector                                    | 1,475,000           | -                   | -                   | -                   | -                   | 1,475,000           |
| 2 UNDER Undergrounding                                          | 250,000             | 60,000              | 60,000              | -                   | 910,000             | 1,280,000           |
| <b>Other Capital Projects</b>                                   |                     |                     |                     |                     |                     |                     |
| IT001 COMPASS/Energov                                           | 100,000             | 200,000             | -                   | -                   | -                   | 300,000             |
| IT002 CD Tech Fund Hardware/Software Replacements               | -                   | 150,000             | 150,000             | -                   | -                   | 300,000             |
| IT003 Other Hardware/Software Replacements                      | -                   | 129,000             | 100,000             | 100,000             | -                   | 329,000             |
| LB001 Library Tablet Station & Biblioteca RFID and Mobil Ap     | 76,200              | -                   | -                   | -                   | -                   | 76,200              |
| CRH63 Captain Royal Melvin Heritage Park and Plaza (RESTORE)    | 1,335,690           | -                   | -                   | -                   | -                   | 1,335,690           |
| CRH64 Harbor CRA Wayfinding Plan Signage                        | 30,000              | 10,000              | 10,000              | -                   | -                   | 50,000              |
| CRT17 Town Center CRA Easement Trail/Park Main to Mattie Kelly  | 10,000              | 50,000              | 550,000             | -                   | -                   | 610,000             |
| RC124 Morgan's Children's Park Playground Structure             | -                   | 26,745              | -                   | -                   | -                   | 26,745              |
| RC125 Buck Destin Restrooms                                     | 95,000              | -                   | -                   | -                   | -                   | 95,000              |
| RC127 Pickleball Court                                          | 30,000              | -                   | -                   | -                   | -                   | 30,000              |
| RC216 Clement Taylor Park Renovations                           | 729,918             | -                   | -                   | -                   | -                   | 729,918             |
| FM637 Clement Taylor Park Seawall (FEMA)                        | -                   | -                   | -                   | -                   | -                   | -                   |
| <b>Total Funded Projects</b>                                    | <b>\$18,564,808</b> | <b>\$12,843,567</b> | <b>\$ 1,792,822</b> | <b>\$ 1,438,723</b> | <b>\$ 2,050,223</b> | <b>\$36,690,143</b> |

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 Menchel moved to adopt Ordinance 20-26-CN on first reading to provide for a balanced budget for FY 2021 and schedule the second reading for September 21, 2020; seconded by Councilmember Marler. Motion passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Ramswell voted “yes”; Councilmember Braden was absent from the meeting).**

- C. CORE Engineering & Consulting on behalf of Old Town Cottages Development LLC; Brad Shoults, is requesting approval of a Planned Unit Development and Major Subdivision identified as “Southern Oaks.” The proposed single-family subdivision includes 8 lots and associated infrastructure improvements. The proposed project is generally located south of Calhoun Avenue, addressed as 138 and 146 Calhoun Avenue. Property can also be identified by Okaloosa County Property Appraiser’s Parcel I.D. numbers 002S220310000D072B and 002S220310000D0720. The total site area is 1.43 acres, more or less.

The City Attorney sworn in the following individuals for testimony:

Joe Bodi, Engineering Assistant II  
Samantha Brisolaro, City Planner  
Curtis Gwin, applicant

At this time, the City Attorney asked the members of the Council to reveal any ex-parte communications they have had regarding this project. Hearing none, the City Attorney turned the matter over to the Land Use Attorney.

Mr. Curtis Gwin, representing the applicant, requested approval of the project identified as “Southern Oaks.” The proposed single-family subdivision includes 8 lots and associated infrastructure improvements.

The Mayor opened a public hearing to receive comments for or against the project.

Ms. Marcie Bell, a Destin resident stated that this is a responsible development and that she supports it.

Ms. Teresa Hebert, a Destin resident, expressed her support of the development stating that it will be a good addition to the Calhoun area.

Having no further comments from the public, the Mayor closed the public hearing portion of this item and turned the matter over to the Council members for discussion and consideration.

At this time, the Land Use Attorney requested that the staff report and all attachments be entered into the record as the City’s Composite Exhibit A.

Having no objections from the applicant, the staff report and all attachments are entered into the record as the City's Composite Exhibit A.

**Councilmember Marler moved to approve the Planned Unit Development and Major Subdivision identified as "Southern Oaks" with the following conditions of approval:**

- 1) Construct 5-foot sidewalks on both sides of the private street,
- 2) Reduce the turning radius of the Calhoun Avenue intersection to 15 feet,
- 3) Any protected tree located outside of the principal structure area which is removed shall be replaced with an indigenous tree meeting the minimum planting requirements.

**Councilmember Overdier provided a second to the motion. Motion passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).**

#### **6. CONSENT AGENDA**

- A. Miscellaneous Stormwater Maintenance Services, authorization to award and execute Contract
- B. Miscellaneous Road Striping Services, authorization to award and execute contract
- C. Draft minutes of standing board/committee meetings
- D. Miscellaneous Concrete Services, authorization to renew contract
- E. Information Sharing Access Agreement, Flood Insurance Information
- F. Special Magistrate for Code Compliance Proposed Contract for Casey P. Waterhouse
- G. Extensions 20 and 21 to the Amended COVID-19 Declaration of State of Emergency
- H. Resolution 20-15 - Authorization to renew FDOT Right-of-Way Maintenance Agreement with Ferrovia Services Infrastructure, Inc.

**Councilmember Marler moved for approval of Consent Agenda items 6A thru 6H, as printed above; seconded by Councilmember Destin. Motion passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).**

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

- A. Councilmember Braden
- B. Councilmember Ramswell
  - 1) Dredging Report

Councilmember Ramswell recommends reaching out to the Dredge Company that performed the dredging of Norriego Point to possibly obtain a dredge report that would show the amount of sand placed on Norriego Point as well as the amount of sand placed on private property owner's parcel.

- 2) Status of Norriego Point right-of-way road

Councilmember Ramswell stated that she previously pointed out that Pointe One/Point Mezzanine, LLC would build the right-of-way road for the City as part of their development order; however, she later learned that the Norriego Point dedication actually states that the County would build and maintain that Gulf Shore Drive extension. She asked staff to provide status as soon as possible.

According to Mr. Zunguze, City staff is currently reviewing this issue; adding they would have to consult with the City Attorney to make sure they avoid any complication with the current Point Mezzanine application.

### 3) Playground at Morgan Sports Center

Councilmember Ramswell noted she received some complaints from citizens about rusty spots, rusty nails, and very sharp edges on some of the playground equipment at Morgan Sports Center. She asked staff to investigate this matter to make sure no one gets hurt.

### 4) Adopt-A-Street Program

Councilmember Ramswell noted they used to have an Adopt-A-Street Program with very organized gathering and collection points throughout the year. It was well attended by citizens coming together to do something for the City. Suddenly, the program has ceased to exist. She asked what steps need to be taken to bring back this initiative.

Public Services Director Michael Burgess explained that they tried to reach out to many of the volunteer groups that have participated through the years to see if they want to continue to participate in the program. Some of the groups they were able to contact replied affirmatively. He continued that they also recorded a public service announcement last year soliciting participation into the program and put it up on the City's Facebook page and YouTube and came up with very disappointing results.

Councilmember Menchel noted that he and former Council member Jim Wood were perhaps the two longest serving people on the Adopt-A-Street Program. The format of the program was changed from having a dedicated day – usually on a Saturday morning – for all the volunteer groups to meet at City Hall to obtain the necessary supply and then disperse to conduct the cleanup. He added that the program probably fell apart when the City switched to an honor system where each individual group conducts the cleanup at their leisure.

Councilmember Ramswell stated that the City's Public Information Manager has done such an excellent job with the City's public relations and marketing, and that she sees this as something she could really market well and get many people interested.

The Deputy City Manager stated that staff would look at how they could reinvigorate this program and bring that information back to Council at a future meeting.

### 5) Haas Survey

Councilmember Ramswell noted that the most recent survey is driven towards economic data which heavily involves tourists and visitors. She recommends doing something similar to obtain feedback from the residents.

#### 6) Norriego Point Survey Status

Councilmember Ramswell announced they recently received a survey which incorporated the end of Norriego Point; but they are still missing the second part of that survey. She also pointed out that the parcel numbers are incorrect on the survey that was just completed, which was disconcerting to her especially when they are paying to get a professional survey done to make sure all the elements in it are correct.

Mr. Burgess noted he had already contacted the surveyor to have him correct the error on the survey.

#### D. Councilmember Menchel

##### 1) Enclave Condominium Foliage (Project Task Tracking Atty-003)

Councilmember Menchel noted that in addition to the presentation they had at the last Council meeting on this subject, they have also received numerous emails from citizens complaining about this issue. He pointed out that a copy of the court document has been included in their agenda packet. It shows that emergency motion number 6 clearly states that the foliage was trimmed down after the accident. The denial was to remove the foliage; not to cut the foliage. The City had been put on notice several times in public and by email that there is a site problem which is an extreme public safety issue. They should be able to draft a statement to not remove the foliage but work in conjunction with the Enclave to trim it back.

The City Attorney explained that the Enclave trimmed the foliage back, but it was not approved by the court. It came to the Enclave's attention that the plaintiff planned to use it as evidence against the Enclave. That was the reason the Enclave filed a motion to remove all the foliage because the plaintiff is trying to demonstrate that the City and/or the Enclave has control over the subject area, which is the nature of the dispute. He continued they specifically asked the City's special counsel Bill Warner if cutting the foliage is something he would recommend to the City. Mr. Warner is not in favor of such action. He added they have a mediation scheduled on September 29<sup>th</sup>. Mr. Warner is optimistic that the entire issue will be resolved, and to include in the agreement who will maintain the subject area moving forward. Since it will be done outside the court's purview, there will be no possible evidentiary issue that can be used against the City because the City will also obtain general releases as part of any negotiated settlement. The negotiated settlement will be brought back to Council at an executive session for further discussion. He added that the Enclave and the City are both agreeable to cutting the foliage; but the plaintiff has stated in a hearing that if such action is taken, then the plaintiff will use that evidence against the City or the Enclave at trial. He also added that Mr. Warner's concern is not limited to this case, but there are other similarly situated parcels throughout the City. If the City starts demonstrating control on this parcel, the City also puts itself at risk to all those other parcels when Mr. Warner's position is there is specific language in the Land Development Code

that exempts it and takes it away from the City's control and puts it on the homeowners' associations.

## 2) Airport Road Construction Update

Councilmember Menchel announced that since their last Council meeting, there has been a vehicle that flipped over on Airport Road resulting in more emails coming to the City asking the Council to take some action. He announced that based on the current information they received; it will be around November/December time frame before FDOT starts construction on Airport Road.

## 3) Third Party Review Anchors Smith Grimsley (ASG) Investigation

Councilmember Menchel noted that ASG has conducted an internal investigation. When it first started, the City Manager informed the Council that ASG has agreed to pay for another third-party investigator if the City decides to pursue it.

According to the City Manager, he initially contacted Mr. Anchors of ASG who stated that if the Council was not satisfied with the result of the original internal review, his firm would pay for the cost of another review.

**Councilmember Menchel moved to contract with Ms. Barbara Peterson to conduct another third-party review of the ASG investigation and direct the City Manager to coordinate matters with ASG and accept their offer to pay for the cost of the review. Councilmember Ramswell provided a second to the motion.**

Councilmember Overdier pointed out that ASG has already hired what other consider a distinguished lawyer to conduct a third-party interview. He feels that a thorough and complete investigation has been conducted and has exonerated anyone from any wrong doings; and that conducting another third-party investigation is not going to prove anything.

Councilmember Menchel pointed out that the investigator did not even contact the complainant; or Councilmember Ramswell who was named as the point of contact in the complaint document for any input. He stated that another third-party investigator could at least review the investigative report for completeness.

Councilmember Morgan noted he read an email from the complainant stating he had contacted the attorney that conducted the review.

Councilmember Ramswell clarified that she has nothing to do with filing a complaint.

Councilmember Morgan stated he is satisfied with the result of the review that has been conducted.

**The Mayor called for a vote on the motion which fails 1-5 (Councilmember Menchel voted "yes"; Council members Morgan, Destin, Marler, Overdier and Ramswell voted "no"; Councilmember Braden was absent from the meeting).**

#### 4) Complaint Process Update

Councilmember Menchel complimented staff for all their hard work on this issue.

#### 5) Letter of Counseling

Councilmember Menchel stated that one of the most effective management practices is to discuss any performance issue with an employee privately, not publicly. The Council has hiring and firing authority over their attorneys and the City Manager. He does not believe any of the Council members should air any criticism of the City Manager publicly; rather, they should have the opportunity to discuss it privately with the City Manager. Each of them should be able to address any performance issue in written form and provide it to the City Manager and place a copy in his personnel file without having to bring it before the City Council. He also stated that he disagrees with their labor attorney's assessment that each member of the Council has the authority to write appraisal, but they do not have the authority to privately write up a counseling report.

**Councilmember Menchel moved to allow a member of the Council to use a counseling report to document performance issues and correct the action of any City employees which the Council has the ability to hire and fire without having to present that issue to the rest of the Council. Councilmember Marler provided a second to the motion.**

Councilmember Destin stated that any Councilmember who is dissatisfied with the City Manager or the City attorneys' performance could simply send an email documenting their complaint to them. If the issue is not corrected, the Councilmember could then bring up the issue before the rest of the Council who could then take the necessary action, be it a reprimand or a termination of employment. He added they have seven elected members of the Council who are required to handle this type of issue in a transparent manner.

Councilmember Menchel explained that the purpose of a counseling report is not to simply build a case to fire an individual. It also allows a manager to talk to their employee and express the seriousness of the situation. Sometimes a counseling report serves as a motivation for corrective action.

Councilmember Ramswell asked about the annual evaluation process for the City Manager.

The City Attorney explained that the annual evaluation and mid-year evaluation processes are unique and treated differently because in the City Manager contract with the City, the City is required to conduct these evaluations. The Council also adopted a resolution that outlines the steps involved in this process.

Councilmember Morgan stated that he has always operated under the assumption that the City Manager is not his employee as an individual, but an employee of this Council as a body. If the City Manager is not comfortable doing something that an individual Council member has asked for personally, the City Manager should be able to bring it before the Council for direction.

**The Mayor calls for a vote on the motion, which fails 1-5 (Councilmember Menchel voted “yes”; Council members Morgan, Destin, Marler, Overdier and Ramswell voted “no”; Councilmember Braden was absent from the meeting).**

6) Update on Development Order information to be provided to Council

7) OCSO Request for increased traffic enforcement on Airport Road

Councilmember Menchel noted that prior to the pandemic, an extensive traffic enforcement program has been instituted on Airport Road. He asked for an update on the enhanced traffic enforcement on Airport Road.

Capt. Howell of the Sheriff's Office stated that he ran the data for Airport Road from January 1<sup>st</sup> thru August 10<sup>th</sup> of 2018, 2019 and 2020. They had 35 crashes on Airport Road in 2018, 31 crashes in 2019, and 16 crashes so far in 2020, which shows their enforcement efforts are paying off. To make sure that the decrease was not due to the pandemic and having less cars on the street, he also compared minors in possession of alcohol cases using the same time frame. The numbers mirrored each other over the similar time frame in 2018, 2019 and 2020.

8) OCSO notifications to City Manager/Council

Councilmember Menchel noted that on other non-routine issues such as shooting and drowning incidents, Capt. Howell's predecessor used to routinely provide that information to the City Manager and the City Manager provided it to the Council. The Council wants to know about these issues before they read about them in the newspaper.

Capt. Howell stated this is still being done, but they have to take precaution on how the information is released to make sure they provide accurate details and that pertinent individuals have been made aware of the situations before they are released.

9) Temporary Welcome Signs (made inhouse) update

Councilmember Menchel inquired as to the status of the temporary welcome signs and using the blue Adopt-A-Street signs which he previously recommended.

Public Services Director Michael Burgess noted they have created a preliminary design for the temporary Welcome to Destin signs and forwarded the design to the Community Development Department for review to determine how it conforms to the Family of Signs. They estimate a cost of \$250 to \$350 for each 26 x 48 sign. As soon as they receive concurrence from Community Development Department, they could have the design manufacturer polish the design.

10) Update on Cares Act Funding

Councilmember Menchel asked for an update on Cares Act Funding.

According to Grants/Program Manager Jeffrey Cozadd, they would be bringing an agreement to the Council for the next meeting that would cover the Cares Act Funding from the County. They have a list of future expenditures for which they would ask for reimbursement from the County.

#### 11) Harbor Capacity Study

Councilmember Menchel requested an update on the Harbor Capacity Study.

Community Development Director Louis Zunguze noted that their survey proposal is being reviewed the Office of Project and Management in Washington DC and that they expect a response within the next two weeks. The committee appointed by the Council will then review the survey for distribution early in the spring next year.

#### 12) Update by City Attorney on Section 3.09 of the City Charter (Vacancies, forfeiture of office, filling of vacancies)

Councilmember Menchel requested an update from the City Attorney on his efforts related to Section 3.09 of the City Charter.

The City Attorney stated that necessary documents are currently being assembled. A final report should be finalized and submitted to the Attorney General within the next two weeks.

E. Councilmember Overdier

F. Councilmember Marler

#### 1) Reconfiguration of 1st and 4th Street Intersection

Councilmember Marler discussed the line of sight problem that exist because of the way this particular intersection is configured and the plan to eliminate that problem.

Mr. Burgess noted that staff has contacted its continuing services contractor Baskerville-Donovan for a scope of work and a quote to perform the surveying and design of the intersection, and they provided an estimate of \$23,025. The construction cost will be determined once they complete the design.

**Councilmember Marler moved for the City to hire Baskerville-Donovan to perform the survey and design for the intersection; seconded by Councilmember Ramswell.**

Councilmember Menchel asked if this project has been put out for competitive bidding.

According to the City Attorney, the City can use its continuing services contractor as long as the project does not reach the monetary threshold. He would need to check the statute to determine the monetary threshold for this type of project.

Councilmember Marler withdrew his motion on the floor and asked that the item be continued to the next meeting.

Next, Councilmember Marler addressed an earlier request from Mr. Mike Buckingham to direct City staff to prepare an amendment to the Land Development Code to allow High End RV Resorts as a conditional use in the CMU-V zoning district in Destin.

**Councilmember Marler moved to amend the Land Development Code to allow Short-Term Rental RV resort at CMU-V zoning district, and that no long-term rentals at the RV resort will be allowed; seconded by Councilmember Menchel. Motion passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).**

G. Councilmember Destin

H. Councilmember Morgan

1) Sunday parking at Marler Street lot

**Councilmember Morgan moved to waive parking fees at Marler Street Parking Lot on Sunday until 1:00 PM; seconded by Councilmember Overdier. Motion passed 6-0. (Council members Morgan, Destin, Marler, Overdier, Menchel and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).**

I. Mayor Gary Jarvis

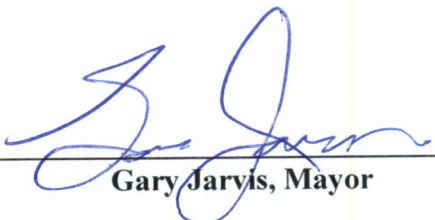
J. Land Use Attorney

K. City Attorney

## **8. PUBLIC COMMENTS**

### **ADJOURNMENT:**

Having no further business at this time, the meeting was adjourned at 9:15 PM.

  
\_\_\_\_\_  
Gary Jarvis, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Rey Bailey, City Clerk

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

|                                                                          |                    |                                                                                                                      |  |
|--------------------------------------------------------------------------|--------------------|----------------------------------------------------------------------------------------------------------------------|--|
| LAST NAME—FIRST NAME—MIDDLE NAME<br><del>CYRON</del> MARLER CYRON EUGENE |                    | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE<br>DEISTEN CITY COUNCIL                                  |  |
| MAILING ADDRESS<br>525 KELLY STREET                                      |                    | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:                                |  |
| CITY<br>DEISTEN                                                          | COUNTY<br>OKALOOSA | <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY |  |
| DATE ON WHICH VOTE OCCURRED<br>09-08-20                                  |                    | NAME OF POLITICAL SUBDIVISION:<br>N/A                                                                                |  |
|                                                                          |                    | MY POSITION IS:<br><input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE                  |  |

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

## APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

## DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, CYRON E MARLER, hereby disclose that on SEPTEMBER 9, 20 20:

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_;
- ☐ inured to the special gain or loss of my relative, \_\_\_\_\_;
- ☐ inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I AM EMPLOYED BY THE CEO OF THE PARENT COMPANY OWNER OF  
THE PROPERTY KNOWN AS CRYSTAL POINT

09-08-20

Date Filed

Cyron E Marler  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.