

**REGULAR MEETING
DESTIN CITY COUNCIL
JULY 2, 2018
ANNEX COUNCIL CHAMBERS
6:00 PM**

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

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

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

1. APPROVAL OF MINUTES

- A. Approval of minutes of June 18, 2018 regular city council meeting
- B. Approval of minutes of June 13, 2018 special city council meeting

2. PROCLAMATIONS / RECOGNITIONS / **SPECIAL PRESENTATIONS / ANNOUNCEMENTS (No public comments)

3. PUBLIC COMMENTS ON AGENDA ITEMS THAT ARE NOT PUBLIC HEARINGS AND ANY OTHER MATTERS NOT ON THE AGENDA (All agenda items other than those under Number 5)

(Note: Individual speakers will be limited to 3 minutes. At the discretion of the Mayor, this 3 minute allowance may be adjusted depending on the level of business coming before the City Council)

4. CITY MANAGER REPORTS

- A. Resolution 18-19 - Schedule of Fees
- B. Library Director Confirmation
- C. Norriego Point Boat Parking Restriction
- D. Resolution 18-22 - Amending Rules of Procedures for Council Meeting - Agenda Process
- E. Update on Norriego Point Recreational Activities
- F. Updates on Henderson Beach Road and Commons Drive intersection and 820 Beach Drive Concrete Plant Boat Trailer Parking.
- G. Update on City Grants Procurement and Awards Process

5. PUBLIC HEARINGS

- A. First reading of Ordinance Number 18-14-CC Relating to Prohibiting Gambling within the Destin City Limits.

6. *CONSENT AGENDA (No public comments)

A. TORO GM4300D Lease-Purchase

B. National Fish and Wildlife Foundation, Chickasaw Drive Drainage Improvements Project

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

A. Councilmember Braden

Review City Manager's performance

Discuss dissolving the Deputy City Manager position

B. Councilmember Ramswell

C. Councilmember Dixon

D. Councilmember Overdier

E. Councilmember Marler

F. Councilmember Destin

G. Councilmember Morgan

Nomination of Mr. James Galloway for membership to the Board of Adjustment

H. Mayor Gary Jarvis

I. Land Use Attorney

Executive Session - July 16, 2018, 5:00 PM

B.I. Inc, Dewey Destin Harborside LLC, Plaintiff, vs. CITY OF DESTIN, FLORIDA, Defendant, in the Circuit/County Court of the First Judicial Circuit, in and for Okaloosa County, Florida, Case No. 2016-CA-003672F

Consideration of Special Magistrate's Recommendation in Proceedings Pursuant to the Florida Land Use and Environmental Dispute Resolution Act, Section 70.51, Florida Statutes, regarding the following City Code Enforcement Matter: Destin v. Garguilo, Code Enforcement Case 16-1094.

Vested Rights Procedures Ordinance - discussion

J. City Attorney

Motion and discussion to ratify all of the motions passed at the June 28, 2018, Special City Council Meeting (public comment should be allowed at the time of the vote on the motion).

8. ADJOURN

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

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

***** Any invocation that is offered before the official start of the City Council meeting shall be the voluntary offering of a private person, to and for the benefit of the City Council. The views or beliefs expressed by the**

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

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

Persons with disabilities who require assistance to participate in City meetings are requested to notify the City Clerk's Office at (850) 837-4242 in advance. Hearing Impaired: TTY: 711. Assistance also available through Human Resources, Title VI Coordinator, at (850) 837-4242.

Personas con discapacidades que necesitan asistencia o personas que necesiten ayuda con un idioma para participar en las reuniones de la ciudad, deberán notificar la oficina de la Secretaria Municipal al (850) 837-4242 antes de la reunión. Discapacidad auditiva: TTY: 711 (Solicitar Espanol CA). La ayuda tambien está disponible por Recursos Humanos, Coordinador del Título VI, al (850) 837-4242.

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

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

All regularly scheduled city council meetings will be streamed live via the city's YouTube channel, www.youtube.com/CityofDestin. Past council meetings can also be viewed here.

Please visit our agenda center on the city website at www.cityofdestin.com/agendas

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
JUNE 18, 2018
CITY HALL ANNEX COUNCIL CHAMBERS
6:00 PM**

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

Destin City Council

Mayor Gary Jarvis
Councilmember Chatham Morgan
Councilmember Parker Destin
Councilmember Cyron Marler

Councilmember Tuffy Dixon
Councilmember Rodney Braden
Councilmember Prebble Ramswell
Councilmember Skip Overdier

Destin City Staff

City Manager Carisse LeJeune
Deputy City Manager Steve Schmidt
Parks & Recreation Director Lance Johnson
Land Use Attorney Kimberly Kopp
City Attorney Jeffrey Burns

City Clerk Rey Bailey
IT Manager Webb Warren
Finance Director Bragg Farmer
Public Information Manager Doug Rainer

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

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

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

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

1. APPROVAL OF MINUTES

A) Approval of minutes of May 17, 2018 city council workshop

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

2. PROCLAMATIONS / RECOGNITIONS / **SPECIAL PRESENTATIONS / ANNOUNCEMENTS (No public comments)

A. Pointe Resort Marina – Net Positive Public Benefit – Mr. Matt Trammell, Taylor Engineering, Inc.

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

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

4. CITY MANAGER REPORTS

5. PUBLIC HEARINGS

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

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

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO ESTABLISHING THE TECHNICAL REVIEW COMMITTEE (TRC) TO STREAMLINE THE PROCESS OF DEVELOPMENT REVIEW; PROVIDING FOR AMENDMENT TO ARTICLE 2 – ADMINISTRATION REVISING THE DEVELOPMENT REVIEW PROCESS; PROVIDING FOR AMENDMENTS TO ARTICLE 3 – DEFINITIONS, YARD; PROVIDING FOR AMENDMENT TO ARTICLE 5 – GENERAL PROVISIONS; PROVIDING MODIFICATION TO ARTICLE 6 – CONCURRENCY MANAGEMENT SYSTEM; PROVIDING FOR AMENDMENT TO ARTICLE 20 – BUILDING REGULATIONS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. *CONSENT AGENDA

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

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

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

A. Councilmember Braden

Discussion of ordinance regarding vehicles on the beach

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

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

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

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

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

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

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

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

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

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

Councilmember Braden replied affirmatively.

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

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

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

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

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

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

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

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

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

Councilmember Braden agrees with the City Attorney's suggestion.

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

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

Councilmember Braden replied that was the intent of his motion.

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

B. Councilmember Ramswell

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ADOPTED THIS 2ND DAY OF JULY 2018
By:

ATTEST:

Gary Jarvis, Mayor

Rey Bailey, City Clerk

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

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

Destin City Council

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

Destin City Staff

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

CALL TO ORDER

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

NEW BUSINESS

1. Capt. Royal Melvin Heritage Park and Plaza

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

Councilmember Ramswell moved to direct staff to do the following:

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

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

Councilmember Dixon provided a second to the motion.

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

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

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

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

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

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

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

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

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

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

ADJOURNMENT

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

ADOPTED THIS 2ND DAY OF JULY 2018

By:

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018**TYPE OF AGENDA ITEM:** Resolution

TO: City Council

THRU: Jennifer Bryla, Community Development Directory
Carisse LeJeune, City Manager

FROM: Bragg Farmer, Finance Director

DATE: June 25, 2018

SUBJECT: Resolution 18-19 - Schedule of Fees

I. BACKGROUND:

Annually as part of the budget process and occasionally during the fiscal year, staff evaluates the City's fee schedule to determine the feasibility of current revenue rates. The fee schedule is a comprehensive schedule of all revenues and fees that the City collects for each department. It is in the City's benefit that these revenues and fee schedules are contained in one document and updated annually or when fee changes are approved by the City Council.

II. DISCUSSION:

There are minor changes to the fees for Short Term Rentals (page 13), the addition of the Parking Fines account (page 26) and the addition of a fee for upright headstones in phase II (page 27). All of the changes are highlighted in blue. This resolution incorporates these changes in the Schedule of Fees.

A. Link to Strategic Goals / Objectives:

III.A.2. Develop sustainable Operating & Capital budgets ensuring the City is managed in a fiscally sound manner and complies with legislative mandates.

B. Effect on Budget (EOB): The fee changes will have a minimal effect on our FY2018 revenue budget.

C. Level of Service (LOS):

This fee schedule provides the rates and manner in which all revenues and fees are collected and recorded within the City coffers.

III. CONCLUSION: The proposed amendments to the FY2018 fee schedule accomplish the budget and cost recovery goals of the City Council.

IV. RECOMMENDED MOTION: I move that City Council adopt Resolution 18-19 and the associated Schedule of Fees for Fiscal Year 2018.

Attachments:

1. 2018 Fee Resolution 18-19
2. Schedule of Fees FY 2018 Resolution 18-19

RESOLUTION 18-19

A RESOLUTION OF THE CITY OF DESTIN, FLORIDA PROVIDING FOR AUTHORITY; AMENDING THE SCHEDULE OF FEES FOR FISCAL YEAR 2018; PROVIDING FOR REPEALER AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Charter, Section 3.13, stipulates that the City Council shall by ordinance adopt a budget on or before September 30th of each year; and

WHEREAS, the Government Finance Officers Association (GFOA) and National Advisory Council on State and Local Budgeting (NACSLB) provide established guidelines and standards for *Best Practices in Public Budgeting* and promote the adoption of an Account Guide establishing Schedule of Fees; and

WHEREAS, City Council has determined through previous adoptions that the City can benefit by establishing a comprehensive revenue and fee schedule;

NOW, THEREFORE, BE IT RESOLVED by the City council of the City of Destin, Florida:

Section 1. Authority. Authority for enactment of this Resolution is Section 166.021, Florida Statutes, and Section 1.01 of the Destin City Charter.

Section 2. Account Guide – Revenues. The City of Destin hereby amends and establishes the Schedule of Fees set forth in Attachment A and adopted by City Council.

Section 3. Repealer Clause. All sections or parts of sections of any City of Destin's Ordinance or parts of Ordinances, and any City of Destin's Resolutions or parts of Resolutions, and any City of Destin's Policy or parts of Policy, which are in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Resolution shall take effect on July 02, 2018 upon approval by the City Council and signature by the Mayor.

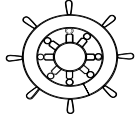
ADOPTED THIS 02nd DAY OF JULY 2018.

By: _____

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk



FY 2018
Budget

Schedule of Fees

REVENUES

General Property Tax

Ad valorem taxes levied on an assessed valuation of real and/or personal property. The distinguishing characteristics of general property taxes are that revenues are (1) derived from taxes (2) levied by the government reporting entity and (3) assessed on the general property.

311100 Current Ad Valorem Taxes

Revenues from annual taxes levied on all property, real and personal, within the City of Destin. A mill is one dollar of tax per \$1,000 of value. Taxable value is assessed value less exemptions. The County collects the tax and pays the proceeds to City.

Code Reference: F.S. Chapter 200.065
Responsible Dept: Finance

311200 Delinquent Ad Valorem Taxes

Taxes are due on November 1 of each year and become delinquent on April 1 or 60 days from the mailing of the original notice, whichever is later. The County collects the tax and pays the proceeds to City.

Code Reference: F.S. Chapter 200, 166.211
Responsible Dept.: Finance

Franchise Fees

Fees levied on a corporation or individual by the reporting entity in return for granting a privilege, sanctioning a monopoly, or permitting the use of public property, usually subject to regulation.

323300 Sewer/Water Franchise Fees

Company gross receipts within the City limits are levied a fee on the sale of water. The fee is paid by public service businesses for use of City streets, alleys, and property in providing their services.

Responsible Dept: Finance

323400 Gas Franchise Fees

Company gross receipts within the City limits are levied a fee on the sale of electricity and natural gas. The fee is paid by public service businesses for use of City streets, alleys, and property in providing their services.

Responsible Dept: Finance

323700 Solid Waste Franchise Fees

Company gross receipts within the City limits are levied a fee on the collection of solid waste. The fee is paid by public service businesses for use of City streets, alleys, and property in providing their services.

Responsible Dept: Finance

Other Taxes

Amusement machines, per machine	\$10.00
1 to 10 vending machines	\$50.00
11 to 25 vending machines	\$100.00
26 or more vending machines	\$150.00
1 to 25 coin-operated washing machines and dryers	\$50.00
26 to 50 coin-operated washing machines and dryers	\$100.00
51 or more coin-operated washing machines and dryers	\$150.00

(Note: Vending machines are those coin-operated devices which dispense a product in exchange for a coin; i.e., soft drinks, candy, grooming aids, cigarettes, etc. Amusement machines include devices such as pinball, electronic games, pool tables, skeet ball, juke boxes, etc. Laundry machines include washers, hot air dryers and dry cleaning machines).

- (C) *Commercial fishing.* Net boats, long line and all other commercial non-charter fishing businesses which sell seafood for profit, either retail or wholesale, shall pay a fee based upon the greatest number of vessels.

1 boat	\$50.00
Each additional boat	\$25.00

- (D) *Contractors and subcontractors.*

General contractor	\$125.00
Building contractor	\$100.00
Residential, sheet metal, roofing, electrical, class A air conditioning, mechanical, plumbing and commercial swimming pool contractors or subcontractors	\$75.00
Class B air conditioning and residential swimming pool contractors or subcontractors	\$50.00
Class C air conditioning and swimming pool service contractors or subcontractors	\$50.00
(Note: The classifications above are as defined in Florida Statutes Section 489.105.)	
Handymen and similar craftsmen	\$25.00
All other contractors or subcontractors not listed herein	\$50.00

- (E) *Food and beverage establishments.*

- (1) Restaurants, cafes, snack bars, dining rooms, lounges, taverns, nightclubs and the like, whether operated in conjunction with some other line of business or not, one dollar (\$1.00) per seat with a minimum of fifty dollars (\$50.00).
- (2) Snack counters, drive-ins, catering services, take-out services which maintain no seats, or like businesses which may provide some seating but whose primary nature of business is take-out or delivery of food and/or beverages \$50.00

(F) *Reserved.*

(G) *Gasoline stations (including marinas).* The annual BT fee shall be based upon the maximum number of vehicles/vessels which can be serviced at any given time, in addition to other fees as may be required pursuant to this article.

1 to 4 vehicles/vessels	\$50.00
5 to 10 vehicles/vessels	\$100.00
11 to 15 vehicles/vessels	\$150.00
16 or more vehicles/vessels	\$200.00

(H) *Insurance.*

Each insurance company writing any class of insurance upon any person or property residing or located within the city	\$50.00
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Insurance agent or firm doing such business as agent or other representative of insurance company or companies, for each place of business	\$100.00
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Each traveling or itinerant insurance agent or solicitor soliciting business within the city	\$100.00
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Insurance solicitors employed by, or representing, insurance agents who have an annual license as provided by this section	\$50.00
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(I) *Leisure rentals.* Businesses renting boats, yachts, jet skis, beach equipment, sailboats, motorcycles, mopeds, bicycles or other similar equipment shall pay a BT fee based upon the number of units. The local business tax fee will be determined based upon the total number of leisure rentals the business or activity rents to the public within the corporate limits of Destin, with a list of individual locations of leisure rental setups to be provided by the business or activity making application for a BT receipt. The business owner or manager shall be responsible for making copies of the issued receipt, with a copy of said license to be distributed to each location site.

1 to 10 units	\$50.00
11 to 20 units	\$100.00
21 to 30 units	\$150.00
31 or more units	\$200.00

(J) *Marinas, dry docks, boat storage.* Marinas, dry docks and boat storage annual license fees will be based upon the number of spaces for rent.

Spaces	Wet	Dry
1 to 3	\$50.00	\$50.00
4 to 10	\$100.00	\$50.00
11 to 20	\$150.00	\$75.00
21 to 40	\$200.00	\$100.00
41 to 60	\$250.00	\$125.00
61 or more	\$300.00	\$150.00

- (K) *Professionals.* The fees referenced in this section apply to each individual pursuing such profession or professional activities and not against the firm, partnership or corporation. Therefore, each individual must obtain a separate receipt rather than one (1) receipt being acquired by a firm, partnership or corporation. It shall be the responsibility of the principle of each firm to provide to the city a list of individual professionals working from or in the firm's office at the time of application, and to notify the city each time additional professionals assume professional working activities from the office. Each professional is responsible for acquiring his/her individual license BTR and shall post the issued BTR in a conspicuous place in the office in which the professional conducts business activities.

<i>Class 1</i>	\$150.00
Includes professionals such as accountants/certified public accountants, architects, attorneys, chiropractors, dentists, engineers, medical doctors, opticians, optometrists, psychiatrists, psychologists, surveyors and veterinarians.	

<i>Class 2</i>	\$100.00
Includes professionals such as real estate brokers and stock brokers.	

<i>Class 3</i>	\$25.00
Includes professionals such as real estate agents, barbers, beauticians, cosmetologists, electrologists and others not referenced in class 1, class 2 or in the insurance category (subsection (10) of this section).	

- (L) *Rental units.* All hotels, motels, houses, cottages, condominium units, trailer spaces, boardinghouses and all other units or spaces rented. The local business tax fee will be determined based upon the total number of rental units the business or activity manages within the corporate limits of Destin, with a list of individual locations of rental units to be provided by the business or activity making application for a BTR. The business owner or manager shall post the issued BTR in a conspicuous place in the office which manages the rental units.

1 to 4 units	\$25.00
5 to 10 units	\$50.00
11 to 50 units	\$100.00
51 to 100 units	\$200.00
101 to 200 units	\$300.00
201 to 500 units	\$400.00
501 or more units	\$500.00
Mini-warehouse storage facilities	\$200.00

- (M) *Retail, wholesale, manufacturing, services, financial institutions, clubs, pawnshops, private schools, car rentals, hospitals, clinics, advertising agencies, consultants, etc.* All financial institutions and businesses selling goods, either wholesale or retail; businesses for the manufacture or assembly of goods; businesses providing services; all clubs, including golf, racquetball, swimming, health, social and the like; miniature golf, water slides and bowling alleys; private schools of any description; automobile rental agencies; and wrecker towing services shall pay a fee based upon the total number of employees. An employee shall be defined as any person actively connected with the business working within the city limits. An affidavit may be requested to accompany the application for such BTR stating the greatest number of individuals employed during any twenty-four-hour period during the preceding business tax year. The city manager or his designee shall be supplied proof of the number of employees upon demand.

1 to 5 employees	\$50.00
6 to 20 employees	\$100.00
21 to 50 employees	\$150.00

- (N) *Taxicabs, limousines, buses, private ambulances, courtesy cars, delivery cars, etc.* The annual BT fee shall be a per-unit charge.

Taxicabs, per unit	\$50.00
Limousines, per unit	\$100.00
Buses:	
- up to 40 passengers, per unit	\$100.00
- 41 or more passengers, per unit	\$150.00
Courtesy/delivery cars, private ambulances, per unit	\$50.00
(O) <i>Theaters.</i> Annual BT fees will be based upon seating capacity.	
1 to 30 seats	\$50.00
31 to 100 seats	\$100.00
101 to 300 seats	\$150.00
301 to 500 seats	\$200.00
501 to 750 seats	\$250.00
751 or more seats	\$300.00

- (P) *Miscellaneous.*
Any business activity not hereinbefore listed \$200.00

316100 Florida League and City Collected Delinquent and Escaped Business Tax

The Florida League of Cities, Inc. collects and disburses delinquent and escaped business taxes from insurance companies to Florida municipalities in accordance with the agreement between our city and the FLC, Inc. The FLC, Inc. continually researches and contacts insurance companies to recover additional revenue, which according to their investigation, owe business taxes to Florida municipalities.

Code Reference: F.S. Chapter 166.201, 205.042, 205.043, 205.053
Responsible Dept.: Community Development/Building Division

316200 Administrative fee for Contractors

An administrative fee will be charged on all contractors not licensed under FS 489 engaging in business in the City of Destin for which a permit is required. The administrative fee is for verification of state, county and local licenses, as required by city ordinance and certificate of insurance from a Florida Licensed Insurance Company for General Liability 61G4-15.003(2)(c), and Worker's Compensation as required by FS 440.103, 440.41, 440.42, and 489.144.

Code Reference: Chapter 13 Art. IV, Sec. 13-75, Code of Ordinances
Responsible Dept.: Community Development/Building Division

The following annual administrative fees for Contractors are set at:

1. **Specialty Contractors:** The fee is \$52.00 for all contractors engaging in the practice of contracting in the City of Destin whose scope of work is identified in a specialty contractor's category.

Building Construction Permit Fees

322100 Building Division
341910 Planning Division
341940 Harbor/Code Division
322200/322300 Surcharge

Building Permit Fees

The governing bodies of local governments may provide a schedule of fees, as authorized by statutes for the enforcement of the provisions of its building code. Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. NOTE: 10% of

all fees collected within this section shall be accounted for and deposited in a separate account designated to support development review/compliance quality process improvement initiatives.

Code Reference: Section 125.56, F.S. Chapter 166.222; FS Section 553.80;
Responsible Dept.: Community Development/Building Division

A. Construction Permits:

1. **Development Activity Permit Processing Fee:** Any development activity where the value ("value" is the fair market cost of labor and materials) of construction is less than \$500.00, the permit processing fee is \$50.00, and any development activity where the value of construction exceeds \$500.00, the permit processing fee is ~~\$36.00~~ \$50.00, plus the applicable permit fees, plan checking, re-inspection, certificate of occupancy and penalties. All required fees shall be paid prior to the issuance of any permit and at the commencement of any construction.
2. **Electrical, Plumbing, Mechanical and Gas Permit Processing Fee:** Any electrical, plumbing, mechanical or gas activity, the permit processing fee is \$50.00 plus appropriate permit, re-inspection and penalty fees. All required fees shall be paid prior to the issuance of any permit and prior to the commencement of any construction.
3. **Non-refundable Fees:** All permit, processing, and plan review fees are non-refundable unless extenuating circumstances are submitted, in writing, and approved by the Building Official.
4. **Penalty Fee:** Any work which commences prior to securing the appropriate permit or permits shall be charged a rate double the permit fee, which shall be collected by the Building Division. (Note: in accordance with Ordinance 336, the Building Official may issue a citation to the contractor.)
5. **Review Fee:** All projects are subject to a review fee, which equals the greater of (50%) of the permit fee or actual cost, incurred by the City to include one resubmittal.
 - (1) Second resubmittal for review shall be assessed an additional review fee of \$25.00 or 25% of the permit fee whichever is greater.
 - (2) Projects greater than or equal to four stories and assembly occupancy over 5,000 square feet shall be submitted to the International Code Council (ICC), Birmingham office, for formal plan review. The applicant shall pay the fee to ICC at the time plans are submitted.
 - (3) The City may require, at the Building Official's discretion, a review of the single family dwelling plans by a structural engineer. In this case, the applicant shall be required to pay the cost of this review.
 - (4) **Public Swimming Pool and Applicable Water Features Review Fee:**
 - a. Review Fee New Pool – Greater than 25,000 gallons \$450.00 to be paid upon submittal.
 - b. Review Fee New Pool – 25,000 gallons or less \$300.00 to be paid upon submittal.
 - c. Renovations and Modifications
 - a. Level I- No Review fee required.
 - b. Level II- Renovations and Modifications Review \$50.00 to be paid upon submittal.
 - c. Level III- Renovations and Modifications Review \$200.00 to be paid upon submittal.
6. **Re-inspection Fee:** The initial inspection is included in the permit fee. A re-inspection fee to the Building Division of \$35.00 for the first re-inspection (per unit/building or

structure). The fee for a second re-inspection shall be \$70.00, and the fee for a subsequent re-inspection shall be \$140.00 each. (Note: See FS Section 553.80(4)(c)). Planning Division's Certificate of Occupancy (As-Built) site re-inspection fees: Residential (Single Family or Duplex) \$100.00, Minor Tier 1 Development Order \$310.00, Minor Tier 2 Development Order \$460.00 and Major Tier 3 Development Order \$615.00.

7. **Stop By/Walk Through Inspection Request Fee:** The fee will be \$50.00.
8. **Re-Permit Fee:** The fee for re-permitting any permit will be 50% of the original building permit fee a \$50.00 processing fee, plus applicable state fees.
9. **All New (Heated and Cooled) Buildings or Structure Additions** (includes Manufactured Buildings). The following fees are established:
 - a. The applicant for a permit for any new building or structure, or for any addition to an existing building or structure, or portion thereof, shall pay for each and every building or structure at the time of making application and issuance of a permit, the building division permit fees, which are based on square footage of gross floor area multiplied by \$0.15 per square foot.
 - b. **Residential (Single Family – Attached/Detached or Duplex).** The Planning Division permit fee is \$0.05 per square foot of gross floor area. This fee includes the initial Certificate of Occupancy as-built site inspection.
10. **Building Permit Surcharge Fee** is 3% of the total building permit fees, associated with the enforcement of the Florida Building Code, will be charged on all building permits, i.e., building, plumbing, electrical, mechanical, etc. with a minimum charge of \$4.00. One half of the fee is provided to the Department of Business and Professional Regulation (DBPR) and one half of the fee is provided to the Department of Community Affairs (DCA). F.S. 553.721, F.S. 468.631
11. **Other Structure Fee:** The following fees are established:
 - a. For all other structures to include non-heated and cooled buildings, renovations, interior build-outs, sheds, decks, fences, etc. the permit fee is \$6.00 per \$1,000.00 (or fraction thereof) of estimated cost, up to \$20,000.00 plus \$5.00 per \$1,000.00 (or fraction thereof) of the estimated cost in excess of \$20,000.00 up to \$100,000.00 plus \$4.00 per \$1,000.00 (or fraction thereof) of estimated cost in excess of \$100,000 (or fraction thereof).
 - c. **Residential (Single Family Attached/Detached or Duplex):** The Planning Division permit fee is \$60.00. This fee includes the Certificate of Occupancy or Certificate of Completion and as-built site inspection.
 - d. **Multiple Family and Commercial Structures:** The Planning Division permit fee is \$120.00. This fee includes the Certificate of Occupancy or Certificate of Completion and as-built site inspection.
12. **Commercial Signs.** The following fees are established:
 - a. **The Building Division** Permit fee for all permanent signs is based on the total area of each sign (two-sided signs on the same structure are considered as one sign). The following fees are established:
 - (1) The fee for each signs up to twenty square feet is \$36.00.
 - (2) The fee for each signs over twenty square feet is \$48.00.

- (3) The fee for each self-illuminated commercial signs is an additional \$20.00.
- b. The Planning Division Permit** fees for signs are established:
- (1) If the sign will be mounted to an approved, existing structure, the permit fee is \$36.00.
- (2) If the sign will be mounted to a new structure, the permit-processing fee is \$72.00.
13. **Mobile/Manufactured Homes.** The following fees are established:
- a. **The Building Division Permit** fee for mobile/manufactured homes, blocked, with skirts and tie-downs, is \$30.00.
- b. **The Planning Division Permit** fee for mobile/manufactured homes, blocked, with skirts and tie-downs fee is \$60.00. This fee includes the initial Certificate of Occupancy or Certificate of Completion as-built site inspection.
14. **In Ground Swimming Pools and applicable water features (which includes all pool and water feature equipment, except electrical).** The following fees are established:
- a. **Building Permit Fee:**
1. The fee for new **residential** swimming pools and applicable water features (excluding electrical fee) is \$60.00.
 2. The fee for new **public** swimming pools and applicable water features is \$150.00.
 3. The fee for renovations/repair/modifications to existing public swimming pools and applicable water features based on the level of modification as set forth in the Public Pool Modification Matrix Table is:
 - i. Level I- \$50.00.
 - ii. Level II--\$100.00
 - iii. Level III- \$150.00
- b. **Planning Division Permit Fee:** The fee for swimming pools and applicable water features is \$96.00. Planning Permit fee not required on Level I or II renovations.
15. **Antennas - Dish and tower, roof and ground installations.** The following fees are established:
- a. **Domestic (Residential R3) installation:** A permit is required only for those towers that are of such height that they cannot be contained on an owner's property if they fall. The permit fee is \$30.00.
- b. **Commercial (Non Residential) installations:** The fee is \$6.00 per \$1,000.00 (or fraction thereof) of the estimated cost up to \$20,000, plus \$5.00 per \$1,000.00 (or fraction thereof) of the estimated cost in excess of \$20,000 up to \$100,000.00, plus \$4.00 per \$1,000.00 (or fraction thereof) of the estimated cost in excess of \$100,000.00 (or fraction thereof).
16. **Moving Buildings or Structures (excluding mobile homes):** The fee to move any non-portable building or structure from one location to another location is \$90.00.
17. **Demolition of Buildings or Structures:** The following fees are established:
- a. **Building Division Permit Fee:** For the demolition of any building or structure, the fee is \$84.00. In addition to the demolition permit, you must submit a notice of asbestos removal form to the asbestos Coordinator for Northwest Florida District of Florida Department Environmental Protection (FDEP). (Note: The present address is

160 Government Center, Pensacola, Florida 31501).

- b. **Planning Division Permit Fee:** The demolition permit fee is \$60.00.
18. **Docks, Boathouses, Bulkheads and Seawalls:** The following fees are established:
- a. **Building Division Permit Fee:** The fee for construction of docks, boathouses, bulkheads or seawalls is \$12.00 per \$1,000.00 (or fraction thereof) of estimated cost up to \$10,000.00, plus \$6.00 per \$1,000.00 (or fraction thereof) of the estimated cost in excess of \$10,000.
 - b. **Harbor Division Permit Fee:** The permit fee is \$30.00.
19. **Land clearing:** The following fees are established:
- a. **Building Division Processing Fee:** The fee for clearing, filling, excavating, grading, dredging, or otherwise significantly disturbing the soil of a site prior to obtaining a building permit shall be charged the Development Activity Permit processing fee \$50.00.
 - b. **Planning Division Permit Fee:** The fee for all land clearing permits is \$60.00.
20. **Protected Tree removal:** The following fees are established:
- a. **Building Division Processing Fee:** The fee for removing any protected or preserved tree shall be charged the Development Activity Permit processing fee of \$50.00.
 - b. **Planning Division Permit Fee:** The fee for removing any protected or preserved tree shall be \$60.00.
21. **Portable Buildings:** The following fees are established:
- a. **Building Division Processing Fee:** \$50.00
 - b. **Planning Division Permit Fee:** \$80.00
22. **Temporary Tents:** The following fees are established:
- a. **Building Division Permit Fee:** \$25.00
 - b. **Planning Division Permit Fee:** \$25.00
23. **Electrical Permit Fees:** The following fees are established:
- a. **Electrical Service:** The following fees for electrical service are established:
 - (1) Temporary and construction service through 100 amperes: \$30.00.
 - (2) Early Service Power \$40.00 first service and \$12.00 for each additional.
(NOTE: Required prior to final inspection and no occupancy shall occur prior to issuance of a Certificate of Occupancy, by the Building Official. If the premises are occupied prior to the issuance of a Certificate of Occupancy, or a Certificate of Completion, the power company may be notified to disconnect the power and the permit will be subject to action by the Code Enforcement Board).
 - (3) Permanent Service up to 100 amperes: \$45.00.
 - (4) 101 amperes through 200 amperes: \$60.00.
 - (5) 201 amperes through 400 amperes: \$75.00.

- (6) 401 amperes through 600 amperes: \$90.00.
 - (7) 601 amperes through 800 amperes: \$120.00.
 - (8) 801 amperes and over, \$120.00 plus \$0.05 per ampere over 800 amperes.
 - (9) Circuits: \$5.00 each.
 - (10) **Low Voltage Systems:** The permit fee for new construction hardwired low voltage systems, including but not limited to television, phone, sound systems, fire alarm, security, or other low voltage system shall be \$6.00 per system. Wireless security systems for 1 & 2 family are excluded from permitting.
 - (11) Electrical repair wiring or renovations is \$12.00 per \$1,000.00 (or fraction thereof) of estimated cost, up to \$10,000.00 plus \$6.00 per \$1,000.00 (or fraction thereof) in excess of \$10,000.00.
 - (12) Meter/service change outs (to include gang meters) are \$33.00 per meter.
 - (13) Functional Checks: \$36.00.
 - b. **Swimming Pools and applicable water features:** The permit fee, which includes all pool and applicable water feature equipment grounding, and underwater lights, is \$40.00.
24. **Mechanical Permit Fees:** The following fees are established:
- a. Heat and Air Conditioning Unit (including heat pump):
 - (1) Up to five tons, the fee is \$60.00 per system.
 - (2) Over five tons, the fee is \$60.00 per system, plus \$3.50 per ton over 5 tons.
 - b. Refrigeration system is \$24.00 each.
 - c. Commercial kitchen Hood system is \$24.00 each.
 - d. Incinerator or Boiler is \$24.00 each.
 - e. Solar Collector is \$10.00 each.
 - f. Mechanical repair or air conditioning change outs is \$12.00 per \$1,000.00 (or fraction thereof) of estimated cost, up to \$10,000.00 plus \$6.00 per \$1,000.00 (or fraction thereof in excess of \$10,000.00).
25. **Plumbing Permit Fees:** The following fees are established:
- a. Each fixture, roughed-in and/or final inspection is \$5.00 per plumbing fixture.
 - b. Each individual tap for sewer, septic, grease trap/interceptor, back-flow protector, roof drain and water connection is \$12.00.
 - c. Plumbing repair/re-piping or renovations is \$12.00 per \$1,000.00 (or fraction thereof) of estimated cost, up to \$10,000.00 plus \$6.00 per \$1,000.00 (or fraction thereof in excess of \$10,000.00).
26. **Gas Installation Permit Fees:** The following fees are established:

- a. Each fixture is \$5.00.
- b. Gas piping (Natural or LP) to a unit or building is \$24.00 per connection, to include installation of generators to existing homes/structures.
- c. Gas repair/re-piping or renovations is \$12.00 per \$1,000.00 (or fraction thereof) of estimated cost, up to \$10,000.00 plus \$6.00 per \$1,000.00 (or fraction thereof in excess of \$10,000.00).

27. Fire Sprinkler/Suppression Systems Permit Fees:

a. Commercial kitchen hood suppression:

- (1) \$60.00 up to 4 nozzles heads
- (2) \$10.00 per additional nozzle head thereafter

b. Fire Sprinkler system:

- a. The fee is \$0.80 per sprinkler head/nozzle for new construction.
- b. The fee is \$10.00 per water line feeding above systems.
- c. The fee is \$10.00 per stand pipe.
- d. The fee is \$12.00 for repair or modification per \$1,000.00 (or fraction thereof) of estimated cost, up to \$10,000.00 plus \$6.00 per \$1,000.00 (or fraction thereof) in excess of \$10,000.00.

28. Utility Site/Infrastructure Permit Fees:

- a. Systems up to 20 devices (manholes, catch basin, storm drains) is \$200.00
- b. Systems with over 20 devices is \$350.00
- c. Processing Fee is \$36.00.

29. Parking Lot Resurface, Restripe and Overlay Permit Fees:

- a. Building Division fee is \$100.00
- b. Planning Division fee is \$120.00

329100 Right-of-Way Fees

The Land Development Code provides that City Council will establish and collect fees for issuing Right of Way Construction Permits for work in the City's rights of way.

Code Reference: LDC 8.01.00 & Resolutions 02-06, 02-23, 04-13, 04-15

Responsible Dept.: Public Services

UTILITY	\$260.00 PER PERMIT
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RIGHTS-OF-WAY – Administration Fee

SINGLE FAMILY RESIDENTIAL OR DUPLEX	\$40.00 PER ROW CONSTRUCTION PERMIT
COMMERCIAL OR MULTI-FAMILY	\$125.00 PER ROW CONSTRUCTION PERMIT

RIGHTS-OF-WAY (ROW) CONSTRUCTION

COMMERCIAL (NON RESIDENTIAL)	\$11.00 PER 100 LINEAR FEET AND \$78.00 PER ROAD BORE \$260.00 PER ROAD CUT \$78.00 FOR LANDSCAPING /IRRIGATION
COMMERCIAL (NON RESIDENTIAL) INDIVIDUAL SIMPLE OWNER FEE FOR HOLD HARMLESS & MAINTENANCE AGREEMENT	\$50.00
OTHER OWNERSHIP (CORPORATE OR TRUST) FEE FOR HOLD HARMLESS &	

MAINTENANCE AGREEMENT	\$85.00
RESIDENTIAL (SINGLE OR 2-FAMILY LOT)	\$11.00 PER 100 LINEAR FEET AND \$21.00 PER BORE AND \$260.00 PER ROAD CUT AND \$21.00 PER LANDSCAPING / IRRIGATION
RESIDENTIAL (SINGLE OR 2-FAMILY LOT)) INDIVIDUAL SIMPLE OWNER FEE FOR HOLD HARMLESS & MAINTENANCE AGREEMENT	\$50.00
OTHER OWNERSHIP (CORPORATE OR TRUST) FEE FOR HOLD HARMLESS & MAINTENANCE AGREEMENT	\$85.00

INSPECTIONS:

RIGHTS-OF-WAY – COMMERCIAL SATISFACTORY COMPLETION

INITIAL INSPECTION	NO CHARGE, INCLUDED WITH PERMIT FEE
FIRST SITE RE-INSPECTION	\$80.00
EACH SUBSEQUENT SITE RE- INSPECTION	\$130.00

RIGHTS-OF-WAY – RESIDENTIAL SATISFACTORY COMPLETION

INITIAL INSPECTION	NO CHARGE, INCLUDED WITH PERMIT FEE
FIRST SITE RE-INSPECTION	\$65.00
EACH SUBSEQUENT SITE RE- INSPECTION	\$85.00

RIGHTS-OF-WAY (ROW), VACATION/EASEMENT

\$515.00

329200 Rental Registration

The collection of administrative fees for the processing of applications for long and short term rental according to the following schedule:

Long Term Rentals:

Rental unit	\$50.00
Multiple rental units (i.e. apartment complex) located on one single parcel with onsite property management	\$50.00 single registration fee via the onsite property management
Multiple rental units not located on one single parcel and no available onsite property management	\$50.00 per unit

Short-Term Rentals:

Rental unit (Single-family dwelling as defined in Chapter 13, Code of Ordinances)	\$200.00.
Reapplication Fee (ST & LT)	\$25.00
Administrative Fee (Paper Application) (ST & LT)	\$25.00
Late Fee 30 Days after notice to register (ST & LT)	\$100.00
Late Fee 60 Days after notice to register (ST & LT)	\$500.00

Code Reference: Chapter 13, Code of Ordinance Article 6 and Article 7;
Responsible Dept.: Community Development/Code Enforcement

329300 Livery Vessel Permitting

The Land Development Code provides that City Council will establish and collect fees for the issuance of Livery Vessel Permits.

Permit Fee: \$75

Late Fee: \$25

Code Reference: Ordinance 17-02-CC

Responsible Department: Community Development

329400 Beach Management

The Land Development Code provides that City Council will establish and collect fees for the issuance of Beach Vendor Permits.

Permit Fee: \$75

Code Reference: LDC 11.08.03

Responsible Department: Community Development

INTERGOVERNMENTAL REVENUE

Includes all revenues received from federal, state, and other local government sources in the form of grants, shared revenues, and payments in lieu of taxes. When a grant originates from two or more funding sources, the revenues must be recorded into the separate intergovernmental sources.

STATE GRANTS:

Includes those monies, which originate from state agencies.

334390 DEP – STATE GRANTS

Reimbursement from the state.

Responsible Dept.: City Manager's Office/Grants Manager

334490 MEDIAN MAINTENANCE/GRANT

Grants from the state for specific median maintenance projects.

Responsible Dept.: City Manager's Office/Grants Manager

STATE SHARED REVENUES:

Revenues received by the State and proportionately shared with units of local Government.

335122 MUNICIPAL SHARING/CIGARETTE

Revenue received by the state from sales tax, 8th Ct Fuel Tax and Special fuel & motor Fuel tax and distributed as shared revenue to municipalities based on a percentage. The municipal fuel tax portion (29.5%) of this distribution is restricted to road use only.

Code Reference: Section 210.20, F.S.

Responsible Dept.: Finance Department

335140 MOBILE HOME TAX

Revenues from an annual license tax charged in lieu of ad valorem taxes on mobile homes, park trailers, and all travel trailers and fifth wheels exceeding 35 feet in length that is paid upon registration or renewal of registration.

Fee Schedule: The amount derived from license tax, less the amount of \$1.55 per license is equally divided between the district school board (50%) and the city or county in which the unit is located (50%). Monthly payment by warrant drawn by the State Comptroller upon the Treasury out of the License Tax Collection Trust Fund.

Code Reference: F.S. 320.08 (11-11); 320.081
Responsible Dept.: Finance Department

335150 ALCOHOL AND BEVERAGE TAX

Portion of state license tax levied by the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco that is distributed to the City.

Fee Schedule: 38% of the license taxes imposed under Florida Statutes collected within an incorporated municipality shall be returned to the appropriate municipality. Funds collected by the state under the beverage law are paid into the State Treasury to the credit of the General Revenue Fund. Funds are distributed to the municipality monthly on or before the 10th day of the month succeeding the beginning of the taxable year and quarterly thereafter.

Code Reference: Florida Statute 561.342
Responsible Dept.: Finance Department

GRANTS FROM OTHER LOCAL UNITS:

Contributions from other governmental reporting entities to be used for specified purposes. These accounts do not include shared revenues or payments in lieu of taxes from local units, or any revenues received for the provisions of services such as fire control or ambulance service.

337300 LOCAL GRANT/NORTHWEST FLORIDA WATER MANAGEMENT DISTRICT

An annual amount of money given to the City from the Northwest Florida Water Management District for the continued operation of the Old Pass Lagoon Pumping Station, after the pump station permit was taken over by the City many years ago.

Responsible Dept.: City Manager's Office/Grants Manager

337700 COUNTY GRANTS/BOATING IMPROVEMENT FUND

Grants available to Counties or municipalities through the Department of Environmental Protection for waterway projects that enhance recreational boating. Projects that may qualify for this are improvement of boat launching facilities, channel marking, and artificial reef projects for the public.

Responsible Dept.: City Manager's Office/Grants Manager

SHARED REVENUES FROM OTHER LOCAL UNITS:

Revenues received by local units that are shared among them on a proportionate basis. Revenues recorded in this account should be substantially controlled by the local unit, which levied the tax, and should be directly disbursed by the governing body of that local unit.

338000 COUNTY OCCUPATIONAL LICENSES

Portion of revenues received from Okaloosa County Occupational Licenses issued to businesses located in City limits.

Code Reference: Florida Statutes 205.0535; 205.0536
Responsible Dept.: Community Development/Building Division

338001 COUNTY LIBRARY COOPERATIVE

An entity which enables all 6 municipal libraries in Okaloosa County to share resources. While all these municipal libraries are autonomous, as members of the Cooperative they share a common circulation system and in exchange for funding, extend their services to unincorporated areas of the county.

Responsible Dept.: Library

GENERAL GOVERNMENT (NOT COURT RELATED)

341910 LAND DEVELOPMENT REVIEW FEES

The Land Development Regulations provide that the City Council of the City of Destin, Florida will establish land development review, permit and other fees. Fees are set to cover the cost of the work associated with review, permitting, inspection and other activities associated with land development. The City may require, at its discretion, the review and advise of an expert consulting professional on any development application. Applicants will be responsible to reimburse the City for these outside costs plus a 10% Administrative Fee. NOTE: 10% of all fees collected within this section shall be accounted for and deposited in a separate account designated to support development review/compliance quality process improvement initiatives.

Code Reference: Land Development Code 18.01.00

Responsible Dept.: Community Development

DEVELOPMENT ORDER RELATED APPLICATIONS:

The following development order related application fees include first submittal reviews only. Subsequent submittal reviews and advertisement costs and mailing costs will be invoiced to the applicant at actual cost plus a 10% Administrative Fee. All invoices must be paid in full prior to submittal of additional submittal packages and/or the issuance of the Final Development Order.

<i>TYPE OF APPLICATION:</i>	<i>APPLICATION FEE:</i>
DEVELOPMENT OF REGIONAL IMPACT	\$9,000.00
REGIONAL ACTIVITY CENTER	\$9,000.00
DEVELOPER'S AGREEMENT	\$4,500.00
MINOR TIER 2 DEVELOPMENTS	\$6,000.00
MAJOR DEVIATIONS TO A TIER 2 DEVELOPMENT	\$4,000.00
MINOR DEVIATIONS TO A TIER 2 DEVELOPMENT	\$2,000.00
MINOR TIER 1 DEVELOPMENTS	\$2,500.00
MAJOR DEVIATIONS TO A TIER 1 DEVELOPMENT	\$3,000.00
MINOR DEVIATIONS TO A TIER 1 DEVELOPMENT	\$2,000.00
SIMPLE DEVIATION	\$1,000.00
PLANNED UNIT DEVELOPMENT (PUD) PLUS THE FEE FOR SUBDIVISION, MAJOR DEVELOPMENT ORDER OR MINOR DEVELOPMENT ORDER	\$2,500.00
LANDSCAPING PLAN REVIEW (IF NOT SUBMITTED AS PART OF A D.O. APPLICATION)	\$750.00
OUTDOOR LIGHTING PLAN REVIEW (IF NOT SUBMITTED AS PART OF A D.O. APPLICATION)	\$750.00
DEVELOPMENT ORDER EXEMPTION	\$500.00

SUBDIVISION RELATED APPLICATIONS:

The following subdivision related application fees include first submittal reviews only. Subsequent submittal reviews and advertisement costs and mailing costs will be invoiced to the applicant at actual cost plus a 10% Administrative Fee. All invoices must be paid in full prior to submittal of additional submittal packages and/or final approval.

<i>TYPE OF APPLICATION:</i>	<i>APPLICATION FEE:</i>
MAJOR SUBDIVISIONS	\$3,000.00
MINOR SUBDIVISIONS	\$1,500.00
REPLAT OF SUBDIVISION / LOT RECONFIGURATION	\$1,300.00
DEED OF GIFT	\$750.00
IF EASEMENTS FOLLOW THE PLAT, REPLAT	\$300.00

OR LOT RECONFIGURATION AND ARE EXECUTED BY A SEPARATE DOCUMENT	(PER EASEMENT)
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ORDINANCE AMENDMENT RELATED APPLICATIONS:

An applicant applying for any one of the following ordinance amendment related applications is responsible for paying to the City: administrative expenses, cost recovery for the use of outside consultants by the City to review the application, legal notice costs, and mailing cost at actual cost plus a 10% Administrative Fee.

<i>TYPE OF APPLICATION:</i>	<i>APPLICATION FEE:</i>
COMPREHENSIVE PLAN TEXT AMENDMENT	\$1,200.00
CP FUTURE LAND USE MAP AMENDMENT	\$1,200.00
LAND DEVELOPMENT CODE TEXT AMENDMENT	\$1,200.00
LDC REZONING MAP AMENDMENT	\$1,200.00
CODE OF ORDINANCE TEXT AMENDMENT	\$1,200.00

BOARD OF ADJUSTMENT RELATED APPLICATIONS:

An applicant applying for any one of the following Board of Adjustment applications is responsible for paying to the City: administrative expenses, cost recovery for the use of outside consultants by the City to review the application, legal notice costs, and mailing cost, at actual cost plus a 10% Administrative Fee.

<i>TYPE OF APPLICATION:</i>	<i>APPLICATION FEE:</i>
ADMINISTRATIVE DECISION APPEAL	\$600.00
CONDITIONAL USE	\$600.00
VARIANCE	\$600.00
EXCEPTION (MARINA SITING ONLY)	\$600.00

TABLING AND/OR REHEARING:

The following fees are established for an applicant initiating tabling and/or re-hearing of an application at City Council, Local Planning Agency (LPA), Board of Adjustment (BOA), or Technical Review Team (TRT). The applicant is responsible for paying to the City administrative expenses, cost recovery for the use of outside consultant by the City to review the application, legal notice costs, and mailing cost, at actual cost plus a 10% Administrative Fee.

<i>TYPE OF HEARING:</i>	<i>FEE:</i>
CITY COUNCIL	\$120.00
LOCAL PLANNING AGENCY (LPA)	\$120.00
BOARD OF ADJUSTMENTS	\$120.00
TECHNICAL REVIEW TEAM	\$120.00

**CERTIFICATE OF OCCUPANCY (AS-BUILT)
SITE RE-INSPECTION FEES:**

<i>TYPE OF DEVELOPMENT:</i>	<i>RE-INSPECTION FEE:</i>
MINOR TIER 1 DEVELOPMENT ORDER	\$350.00
RESIDENTIAL (SINGLE-FAMILY OR DUPLEX)	\$100.00

MISCELLANEOUS APPLICATIONS, FEES, & LETTERS:

<i>TYPE OF APPLICATION, <u>FEE</u>, OR LETTER:</i>	<i>FEE (Per Application or Letter):</i>
ALCOHOL LICENSES	\$35.00
ZONING COMPLIANCE LETTER	\$50.00

FDEP REVIEW LETTER	\$70.00
RE-ADDRESSING FOR CONVENIENCE	\$50.00
HOME OCCUPATION	\$55.00
WHITE SANDS COMPLIANCE INSPECTION	\$35.00
EACH RE-INSPECTION DUE TO FAILURE OF A PREVIOUS INSPECTION	\$87.00
DOG FRIENDLY DINING	\$540.00
PROPERTY STATUS LETTER (LEIN REQUESTS)	\$35.00
HOME SOLICITATION SALES	\$55.00
MULTIMODAL TRANSPORTATION CONCURRENCY MITIGATION FEE (Land Development Code - Article 6): <u>Account: 325100</u>	\$1,000.00 per mitigation point
SEXUALLY ORIENTED BUSINESS LICENSE Initial Application Fee:	\$250.00
Annual Renewal Fee:	\$100.00
SEXUALLY ORIENTED BUSINESS EMPLOYEE LICENSE Initial Application Fee:	\$50.00
Each additional license:	\$20.00
Annual Renewal Fee:	\$25.00
Each additional license:	\$10.00

341911 MAPS & PUBLICATIONS

Monies collected for providing copies, to include but not limited to, maps, plats and documents.

Responsible Dept.: Public Services/City Manager's Office (GIS)

Standard data fees: \$3.10 / standard CD and \$13.40 / standard aerial DVD. Standard CD types are base vectors and aerial rasters. (Land use vectors available in future.) Base vector CD includes roads, water, 7.5-minute quads, quarter-quads, fire stations, city government buildings, libraries, parks, police stations, schools, flood zones, category storm surge, county border, city limits, zoning, future land use, community redevelopment agencies/areas, building footprints, digital elevations & aerial index.

For parcels, contact Okaloosa County at 850-651-7958.

In the future, free copies of standard CDs will be given quarterly to public library.

\$13 / Aerial DVD: Standard DVD types are base vectors and aerial rasters. Base vector DVD includes same layers as a Standard CD in un-zipped format. Aerial Raster DVD has same capacity as (3) CD's.

Standard map fees:	Size	Sparse shading	Dense shading
8.5 x 11	A	\$2.60	\$5.15
8.5 x 14		\$2.60	\$5.15
11 x 17	B	\$5.15	\$10.30
13 x 19		\$5.15	\$10.30
17 x 24	C	\$10.30	\$15.45
24 x 36	D	\$15.45	\$25.75
34 x 44	E	\$25.75	\$36.05

Based on map type, ink shading, and printing time.

Based on color-copy fees at local company for small densely-shaded maps.

A map with over 25% of page shaded with solid ink is considered densely shaded.

Paper costs are included.

Extra printing can take staff and printers away from printing in-house assignments.

Custom request: Considered case by case with additional costs. Cost agreement may be in writing. Fulfilled only if costs are agreed upon, time is permitting, and media is practical.

Includes but is not limited to:

Any creation of new data.

Any modification to existing data and maps.

Any non-standard media (other than inkjet paper and CD's).
Any non-standard format such as AutoCAD .dxf

Custom fees: \$22.65 / hr staff rate (calculated in 15-min increments, no charge for first 15 min),
plus media. \$3.10 / 650mb CD media, \$13.40 DVD media.

341920 ENGINEERING FEES

The Land Development Code provides that City Council will establish and collect certain fees for engineering services.

STORMWATER REVIEW FEES:

<i>TYPE OF APPLICATION:</i>	<i>INITIAL FEE:</i>
SINGLE FAMILY/DUPLEX	\$85.00
DEVELOPMENT OF REGIONAL IMPACT	\$460.00
REGIONAL ACTIVITY CENTER	\$460.00
DEVELOPERS AGREEMENT	\$460.00
MAJOR TIER 2 DEVELOPMENT	\$200.00
MINOR TIER 2 DEVELOPMENT	\$200.00
MAJOR TIER 1 DEVELOPMENT	\$200.00
MINOR TIER 1 DEVELOPMENT	\$200.00
SIMPLE DEVIATION	\$115.00
PLANNED UNIT DEVELOPMENT	\$240.00
LANDSCAPE PLAN	\$115.00
OUTDOOR LIGHTING (PARKING LOT) LIGHTING PLAN	\$115.00

**Review
Fees are the same
as the fees listed
above based on
time.**

Responsible Dept.: Community Development

Code Reference: Resolutions 02-06, 02-23, 04-13, 04-15

341930 ELECTION QUALIFYING FEES

Elections for candidates running for office in accordance with the City's charter, Section 5.03 Qualifications. "Candidates for the offices of city council member and mayor shall qualify for such office by the filing of a written notice of candidacy with the designated city official, by the payment of any applicable qualifying fee at such time and in such manner as may be prescribed by ordinance." For the March 2004 election is was \$25 per candidate.

Code Reference: City Charter Section 5.03

Responsible Dept.: Finance/City Clerk's Office

341940 MARINE APPLICATION FEES

The collection of \$40.00 for residential and \$80.00 for commercial for an application fee for review by the Harbor Board and Staff. NOTE: 10% of all fees collected within this section shall be accounted for and deposited in a separate account designated to support development review/compliance quality process improvement initiatives.

Code Reference: 11.05 Code of Ordinance

Responsible Dept.: Community Development/Harbor Management

FLAT FEE, RESIDENTIAL	\$40.00
FLAT FEE, COMMERCIAL	\$80.00
VARIABLE FEE, (NPEB)	25% OF THE COST OF CONSTRUCTION FOR ALL WORK PERFORMED IN THE DESTIN HARBOR

TRANSPORTATION

Transportation Planning is responsible for all professional activities necessary for the planning and coordination of improvements to the City's major road network, public transportation, airports, bicycle and pedestrian facilities.

344901 TRAFFIC SIGNAL/HWY LIGHT MAINTENANCE

Monies received from DOT for an agreement for partially reimburse to the City for any maintenance our contractors perform to ensure these devices operate properly.

Responsible Dept.: Public Services

CULTURE/RECREATION

Fees to utilize specific recreational facilities to continue the operations and improvements of the park area. Fees are established for reservations and permits of recreational and park facilities to provide a user fee for programs wherever applicable within the City and to establish procedures for the collection of such fees.

347100 LIBRARY SERVICE FEES

Fees collected for library membership and late audio, book, and videos.

Responsible Dept.: Library

FINES

BOOKS AND AUDIO BOOKS	\$.15 PER DAY (\$5.10 MAXIMUM)
VIDEOTAPES	\$1.00 PER DAY (\$5.00 MAXIMUM)

MEMBERSHIP FEES (RESOLUTION 01-27)

OKALOOSA CO. RESIDENTS	NO CHARGE
NON-RESIDENTS	\$36.00 PER FAMILY PER YEAR
TEMPORARY/SEASONAL	\$26.00 PER FAMILY PER YEAR

REPLACEMENT CARDS \$1.00**347110 LIBRARY MISC. FEES**

Fees collected for lost or damaged audio, books, or videos.

Responsible Dept.: Library

LOST OR DAMAGED ITEMS

LOST ITEMS	REPLACEMENT COST
SANDY BOOKS	\$3.00 RE-WRAP CHARGE

347200 PARK SERVICE FEES

Fees collected for any type of program open to the public that is not athletic.

Code Reference: Florida Statutes 166.201

Responsible Dept.: Recreation

SPECIAL EVENT PERMITS (ALL PARKS)

Ordinance 15-40 § (c-h) requires all groups of 20 or more wishing to hold events in City parks to obtain a permit from the City in advance of the event.

Groups Less than 20:	No Fee Required
Groups 20-49:	\$ 50.00 Fee per day
Groups 50-99:	\$ 100.00 Fee per day
Groups 100-499:	\$250.00 Fee per day
Groups 500+	\$500.00 Fee per day

DEWEY "BUCK" DESTIN PARK**NON-PROFIT GROUPS AND RESIDENT FAMILY GATHERINGS (PER FOUR HOUR INCREMENT)**

BUILDING USE, GROUPS 1-25	\$20.00/ Hour + \$26.00 CLEANING FEE
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BUILDING USE, GROUPS 26-50	\$30.00/ Hour + \$26.00 CLEANING FEE
INSTRUCTIONAL CLASSES	\$2.00 - \$40.00 PER PARTICIPANT PER COURSE Up to 12 WEEKS

PRIVATE GROUPS OR ORGANIZATIONS OR NON-RESIDENT GATHERINGS (PER FOUR HOUR INCREMENT)

BUILDING USE, GROUPS 1—25	\$30.00/Hour + \$26.00 CLEANING FEE
BUILDING USE, GROUPS 26-50	\$55.00/Hour + \$26.00 CLEANING FEE
INSTRUCTIONAL CLASSES	\$4.00 - \$80.00 PER PARTICIPANT PER COURSE

**CLEMENT TAYLOR
PAVILION RENTAL
LIMITED TO GROUPS OF 100 OR LESS**

ALCOHOLIC BEVERAGE PERMIT	\$30.00/Day + CLEANING FEE OF \$30.00
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NON PROFIT GROUPS AND RESIDENT FAMILY GATHERINGS (PER FOUR HOUR INCREMENT)

GROUPS 1-25	\$20.00 + \$26.00 CLEANING FEE per 4 hours
GROUPS 26-100	\$30.00 + \$26.00 CLEANING FEE per 4 hours

PRIVATE GROUPS OR ORGANIZATIONS OR NON-RESIDENT GATHERINGS (PER FOUR HOUR INCREMENT)

GROUPS 1-25	\$30.00 + \$26.00 CLEANING FEE per 4 hours
GROUPS 26-100	\$60.00 + \$26.00 CLEANING FEE per 4 hours

347210 FOOTBALL REVENUE

Fees collected for football activities. See Rate Table below

Code Reference: Florida Statutes 166.201
Responsible Dept.: Recreation

347220 SPORTS COMPLEX SOCCER REVENUE

Fees collected for soccer activities. See Rate Table below

Code Reference: Florida Statutes 166.201
Responsible Dept.: Recreation

347230 CHEERLEADING REVENUE

Fees collected for cheerleading activities. See Rate Table below

Code Reference: Florida Statutes 166.201
Responsible Dept.: Recreation

347240 SPORTS COMPLEX SOFTBALL REVENUE

Fees collected for softball activities. See Rate Table below

Code Reference: Florida Statutes 166.201
Responsible Dept.: Recreation

RATE TABLE – Apply to all Categories

GROUP ACTIVITIES & SPECIAL EVENTS OUTSIDE THE ATHLETIC FIELDS

SINGLE-DAY EVENT NO CONCESSIONS	\$52.00 - \$515.00
SINGLE-DAY EVENT W/ CONCESSIONS	\$52.00 - \$515.00
ALCOHOLIC BEVERAGES PERMIT	\$30.00 PER VENDOR/PER DAY
VENDOR FEE (For tournament and Special Event vendors)	\$30.00 PER VENDOR/PER DAY / NO HOOKUPS
SPECIAL EVENT APPLICATION FEE	\$25.00 NON-REFUNDABLE
GATE/ADMISSION FEE	15% OF GROSS PAID TO THE CITY

LEAGUE ACTIVITIES/ INSTRUCTIONAL CLASSES (RESIDENTS)

CITY-ADULT ACTIVITIES	\$16.00 – \$100.00
CITY-YOUTH ACTIVITIES	\$16.00 - \$100.00
ADULT INSTRUCTIONAL CLASSES	\$6.00 - \$35.00 PER PARTICIPANT (MAX 10HRS)
YOUTH INSTRUCTIONAL CLASSES	\$6.00 - \$20.00 PER PARTICIPANT (MAX 10HRS)
SENIOR PROGRAMS	\$2.00 - \$100.00

LEAGUE ACTIVITIES/INSTRUCTIONAL CLASSES (NON-RESIDENTS)

CITY-ADULT ACTIVITIES	\$31.00 - \$200.00
CITY-YOUTH ACTIVITIES	\$20.00 - \$155.00
ADULT INSTRUCTIONAL CLASSES	\$11.00 - \$70.00 PER PARTICIPANT (MAX 10HRS)
YOUTH INSTRUCTIONAL CLASSES	\$6.00 - \$35.00 PER PARTICIPANT (MAX 10HRS)
DAILY USER FEE	\$6.00 - \$40.00

EXPERT INSTRUCTORS (Services the City cannot offer)**RECREATIONAL/INSTRUCTIONAL CLASSES – CONTRACTUAL LEADERSHIP**

FEES RECEIVED FROM INDIVIDUALS PARTICIPATING IN CITY SPONSORED PROGRAMS, ACTIVITIES or CLASSES THAT ARE FACILITATED BY NON-CITY EMPLOYEES WITH EXPERTISE IN THAT PARTICULAR AREA. (EG. AEROBICS, FLY-FISHING, DANCE...) PERCENTAGE BASED ON SKILL LEVEL OF THE INSTRUCTOR, ASSISTANCE REQUIRED FROM CITY STAFF AND FACILITY/EQUIPMENT/SUPPLIES MAY BE FURNISHED BY THE CITY. THIS STRUCTURING WILL ALLOW THE DEPARTMENT TO EXPAND PROFESSIONALLY LEAD PROGRAMMING FOR YOUTH, TEENS, ADULTS AND SENIORS WHILE GENERATING ADDITIONAL REVENUES FOR THE CITY. THE INCREASE IN REVENUES WILL BE DEPENDENT ON THE NUMBER OF PROGRAMS OFFERED AND THE PERCENTAGE AGREED UPON. THIS IS A WIDELY USED MODEL IN PARKS & RECREATION AGENCIES NATIONWIDE THAT TAPS INTO COMMUNITY RESOURCES THAT COULD OTHERWISE NOT BE AFFORDABLE TO THE AGENCY.

OPTIONS	PERCENTAGE OF FEES RETAINED BY THE CITY	PERCENTAGE OF FEES RETAINED BY THE FACILITATOR.
SPLIT 1	60%	40%
SPLIT 2	50%	50%
SPLIT 3	40%	60%

Split 1 – City provides Material

Split 2 – Instructor Only

Split 3 – Instructor provides Material

347260 JOE’S BAYOU RECREATION FEES

Fees collected for boating activities.

Code Reference: Florida Statutes 166.201

Responsible Dept.: Recreation

RESIDENTIAL DAILY LAUNCH/RECOVERY FEE \$20.00 PER TRAILER

COMMERCIAL DAILY LAUNCH/RECOVERY FEE \$20.00 PER TRAILER

ANNUAL LAUNCH/RECOVERY FEE PER TRAILER

RESIDENT/NON-COMMERCIAL	\$0.00 PER HOUSEHOLD (1 Pass) \$0.00 PER SENIOR HOUSEHOLD 65+ (1 Pass) \$50.00 Per Additional Pass
NON-RESIDENT/NON-COMMERCIAL	\$205.00 PER HOUSEHOLD per year

DESTIN BASED COMMERCIAL LAUNCH	\$1,030.00 per year
COMMERCIAL LAUNCH, NON-DESTIN	\$2,060.00 per year

Pump Out Fee: Destin resident, no charge, non-resident \$5.00 per usage.

347265 HENDERSON BEACH STATE PARK FEES

Fees for the use of Henderson Beach State Park

Code Reference: Florida Statutes 166.201

Responsible Dept.: Recreation

DAILY ENTRANCE RECOVERY FEE

DAILY ENTRANCE RECOVERY FEE	
DAILY ENTRANCE PASS	\$30.00 PER HOUSEHOLD (1 per household) \$25.00 PER SENIOR HOUSEHOLD 65+ (1 per household)

347520 COMMUNITY CENTER RENT

The City shall levy fees for the rental of the Community Center facilities for activities including, but not limited to arts and crafts, league/team activities, adult sports, theatre productions, concerts, and specialty activities (card games, board games, etc) for both commercial and noncommercial use. The amount of the rental fee will be assessed as per facility required and/or participation.

Code Reference: City Resolution 01-05

Responsible Dept.: Recreation Department/Community Center

ADMINISTRATIVE CHARGES / NON-RESIDENTS	
PERSONNEL COST FOR HOURS OTHER THAN NORMAL HOURS OF OPERATION OR HOLIDAYS	\$20.00 PER HOUR PER EMPLOYEE

COMMERCIAL USE	
ENTIRE FACILITY	\$150.00 PER HOUR min 4 hrs.
MEETING ROOM	\$30.00 PER HOUR \$20.00 PER HOUR EACH ADDITIONAL ROOM
KITCHEN	\$50.00 WITH GYM OR ROOM RENTAL ONLY, 4 HOURS
GYMNASIUM	\$60.00 + 15% GATE CHARGE
PARKING LOT	\$240.00 PER 4 hrs. (CLOSING THE CENTER) 4 hr min.

NON-COMMERCIAL USE / RESIDENT	
ENTIRE FACILITY	\$80.00 PER HOUR min 4 hrs.
MEETING ROOM	\$20.00 PER HOUR \$15.00 PER HOUR EACH ADDITIONAL ROOM
KITCHEN	\$30.00 WITH GYM OR ROOM RENTAL ONLY, 4 HOURS
GYMNASIUM	\$30.00 + 15% GATE CHARGE 4HR MIN.
PARKING LOT	\$120.00 PER 4 hrs. (CLOSING THE CENTER) 4 hr. min.

NON PROFIT PLAY OR INSTRUCTIONAL CLASSES	
PER MEETING ROOM	\$15.00 PER HOUR
GYMNASIUM	\$25.00 PER HOUR

PENALTIES	
15% ADMINISTRATION FEE + COST OF RENTAL FEE	

347530 COMMUNITY CENTER MEMBERSHIP/MISCELLANEOUS

Monies received in other than a program fee or rental, such as tablecloths, membership, coffee, t-shirts etc.

Responsible Dept.: Recreation/Community Center

347540 COMMUNITY CENTER PROGRAMS

Monies received for camps, programs that are sponsored by the Community Center.

LEAGUE ACTIVITIES/INSTRUCTIONAL CLASSES (RESIDENTS)

CITY-ADULT ACTIVITIES	\$10.00-\$105.00
CITY-YOUTH ACTIVITIES	\$10.00-\$105.00
ADULT INSTRUCTIONAL CLASSES	\$3.00 - \$52.00 PER PARTICIPANT (MAX 10HRS)
YOUTH INSTRUCTIONAL CLASSES	\$3.00 - \$52.00 PER PARTICIPANT (MAX 10HRS)
SENIOR PROGRAMS	\$2.00 - \$105.00

LEAGUE ACTIVITIES/INSTRUCTIONAL CLASSES (NON-RESIDENTS)

CITY-ADULT ACTIVITIES	\$30.00 - \$412.00
CITY-YOUTH ACTIVITIES	\$22.00 - \$375.00
ADULT INSTRUCTIONAL CLASSES	\$6.00 - \$300.00 PER PARTICIPANT (MAX 10HRS)
YOUTH INSTRUCTIONAL CLASSES	\$6.00 - \$225.00 PER PARTICIPANT (MAX 10HRS)
DAILY USER FEE	\$2.00 - \$40.00
SENIOR PROGRAMS	\$3.00 - \$160.00

LEAGUE/ACTIVITY SPONSORSHIP	\$30.00 - \$500.00
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RECREATIONAL/INSTRUCTIONAL CLASSES – CONTRACTUAL LEADERSHIP

FEES RECEIVED FROM INDIVIDUALS PARTICIPATING IN CITY SPONSORED PROGRAMS, ACTIVITIES OR CLASSES THAT ARE FACILITATED BY NON-CITY EMPLOYEES WITH EXPERTISE IN THAT PARTICULAR AREA. (EG. AEROBICS, FLY-FISHING, DANCE...) PERCENTAGE BASED ON SKILL LEVEL OF THE INSTRUCTOR, ASSISTANCE REQUIRED FROM CITY STAFF AND FACILITY/EQUIPMENT/SUPPLIES MAY BE FURNISHED BY THE CITY. THIS STRUCTURING WILL ALLOW THE DEPARTMENT TO EXPAND PROFESSIONALLY LEAD PROGRAMMING FOR YOUTH, TEENS, ADULTS AND SENIORS WHILE GENERATING ADDITIONAL REVENUES FOR THE CITY. THE INCREASE IN REVENUES WILL BE DEPENDENT ON THE NUMBER OF PROGRAMS OFFERED AND THE PERCENTAGE AGREED UPON. THIS IS A WIDELY USED MODEL IN PARKS & RECREATION AGENCIES NATIONWIDE THAT TAPS INTO COMMUNITY RESOURCES THAT COULD OTHERWISE NOT BE AFFORDABLE TO THE AGENCY.

OPTIONS	PERCENTAGE OF FEES RETAINED BY THE CITY	PERCENTAGE OF FEES RETAINED BY THE FACILITATOR.
SPLIT 1	60%	40%
SPLIT 2	50%	50%
SPLIT 3	40%	60%

Split 1 – City provides Material

Split 2 – Instructor Only

Split 3 – Instructor provides Material

347550 SPORTS COMPLEX CHILDREN'S PARK

Monies collected for events held at the children's park.

Responsible Dept.: Recreation

PICNIC AREA

NON PROFIT GROUPS AND RESIDENT FAMILY GATHERINGS (PER FOUR HOUR INCREMENT)

GROUPS 1-25	\$15.00 + \$26.00 CLEANING FEE per 4 hours
GROUPS 26-100	\$30.00 + \$26.00 CLEANING FEE per 4 hours

PRIVATE GROUPS OR ORGANIZATIONS OR NON-RESIDENT GATHERINGS (PER FOUR HOUR INCREMENT)

GROUPS 1-25	\$30.00 + \$26.00 CLEANING FEE per 4 hours
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GROUPS 26-100	\$55.00 + \$26.00 CLEANING FEE per 4 hours
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PAVILION AREA

NON PROFIT GROUPS AND RESIDENT FAMILY GATHERINGS (PER FOUR HOUR INCREMENT)

GROUPS 1-25	\$30.00 + \$26.00 CLEANING FEE per 4 hours
GROUPS 26-100	\$55.00 + \$26.00 CLEANING FEE per 4 hours

COMMERCIAL, PRIVATE GROUPS OR ORGANIZATIONS OR NON-RESIDENT GATHERINGS (PER FOUR HOUR INCREMENT)

GROUPS 1-25	\$55.00 + \$26.00 CLEANING FEE per 4 hours
GROUPS 26-100	\$85.00 + \$26.00 CLEANING FEE per 4 hours

347551 SPORTS COMPLEX/DESTIN ELEMENTARY SCHOOL SPORTS FIELD FEES

Code Reference: Florida Statutes 166.201

Responsible Dept.: Recreation

ADMINISTRATIVE CHARGES

PERSONNEL COST FOR HOURS OTHER THAN NORMAL HOURS OF OPERATION	\$20.00 PER HOUR PER EMPLOYEE
HOLIDAY/HOLIDAY WEEKEND HOURS	\$30.00 PER HOUR PER EMPLOYEE
APPLICATION FEE	\$25.00 PER EVENT

FIELD RENTALS (NON-TOURNAMENT PLAY)

NON-PROFIT

FIELD RENTAL	\$20.00 PER FIELD PER HOUR W/O LIGHTS
FIELD RENTAL	\$35.00 PER FIELD PER HOUR WITH LIGHTS
LINING/SET UP	\$20.00 PER FIELD PER OCCURRENCE

COMMERCIAL

FIELD RENTAL	\$35.00 PER FIELD PER HOUR W/O LIGHTS
FIELD RENTAL	\$50.00 PER FIELD PER HOUR WITH LIGHTS
LINING/SET UP	\$20.00 PER FIELD / PER OCCURRENCE

FIELD RENTALS (TOURNAMENT FUNCTIONS)—UP TO 12 HOURS

NON-PROFIT

ONE FIELD	\$80.00 PER DAY WITHOUT LIGHTS \$60.00 EACH ADDITIONAL FIELD \$20.00 EACH ADDITIONAL HOUR
LIGHTS	\$15.00 PER HOUR PER FIELD
ADDITIONAL FIELD PREPARATION	\$20.00 PER FIELD / PER OCCURRENCE
GATE FEE	%15
CENTER UTILIZATION FEE	\$515.00 UP TO
VENDER PERMIT FEE	\$30.00 PER VENDOR PER DAY

COMMERCIAL

FIRST (ONE) FIELD EACH ADDITIONAL FIELD	\$150.00 PER DAY WITHOUT LIGHTS \$90.00 EACH ADDITIONAL FIELD \$30.00 EACH ADDITIONAL HOUR
LIGHTS	\$25.00 PER HOUR PER FIELD
ADDITIONAL FIELD PREPARATION	\$20.00 PER FIELD
GATE FEE	15%
CENTER UTILIZATION FEE	\$1,545.00 UP TO
SPORTS EQUIPMENT USAGE FEE (EG, TEMPORARY MOUNDS/FENCE)	Up to \$25.00 per item/per day
VENDER PERMIT FEE	\$30.00 PER VENDER PER DAY

347560 SPORTS COMPLEX CONCESSIONS

Monies collected from the sale of refreshments at athletic events, tournaments, and special events.

Responsible Dept.: Recreation

347570 SC TOURNAMENTS/SPONSORSHIPS

Monies collected for tournaments held on City facilities.

Responsible Dept.: Recreation

347590 SPECIAL EVENTS FEES

The Recreation Department collects user fees for various activities such as New Year's Eve and 4th of July fireworks

Responsible Dept.: Recreation

JUDGMENTS AND FINES

Monies derived from fines and penalties imposed for the commission of statutory offenses, violation of lawful administrative rules and regulations, and for the neglect of official duty.

351000 TRAFFIC FINES

A police officer may issue a ticket for any moving violation as set forth in the provision of the Code of Ordinances.

Code Reference: Florida Statutes 34.191; 142.03; 316.660; 318.21

Responsible Dept.: Community Development

PARKS AND RECREATION FINES

353000 PARKS AND RECREATION FINES

A sworn officer may issue citations for violations as set forth in the provisions of the code of ordinances.

Responsible Dept.: Parks and Recreation

LIBRARY FINES

352000 LIBRARY FINES

Charges for overdue or lost materials

Responsible Dept.: Library

VIOLATIONS OF LOCAL ORDINANCES

354100 CODE VIOLATION FINES

These are fines assessed by the Code Board for non-compliance of violations. In the case of a first violation, the code enforcement board may order the violator to pay a fine not to exceed two hundred fifty dollars (\$250.00) for each day the violation continues past the date set by the board's order for compliance.

In cases where the code enforcement board has found that a repeat violation has been committed, the board may order the violator to pay a fine not to exceed five hundred dollars (\$500.00) for each day the repeat violation continues beginning with the date the repeat violation is found to have occurred by the code inspector.

Code Reference: Chapter 14 of the Code Ordinances, Section 14-81.

Responsible Dept.: Community Development/Code Enforcement

354100 Special Magistrate

The Code of Ordinances provides that City Council will establish and collect fees for the prosecution of cases heard before the Special Magistrate.

Administrative Fee: \$250

Code Reference: Code of Ordinance Section 14-81

Responsible Department: Community Development

354300 Parking Fines: \$30.00

Payments collected from parking fines related to parking issues throughout the City limits.

Responsible Dept.: Code Enforcement

OTHER FINES AND/OR FORFEITS

359100 MISCELLANEOUS FORFEITURES

Monies derive from confiscating deposits held as performance guarantees.

Responsible Dept.: Community Development and Finance Department

INTERESTS AND OTHER EARNINGS:

All interest earned on investments, contracts and notes.

361100 INTEREST EARNINGS

Interest made on investments throughout the year.

Code Reference: F.S. Section 658.49; 658.491; 330.37; 687.12

Responsible Dept.: Finance

361101 INTEREST EARNINGS – 99 BOND SERIES

Interest made on investments throughout the year.

Code Reference: F.S. Section 215.84; 215.845

Responsible Dept.: Finance

361102 INTEREST EARNINGS/ 99 BOND RESERVE

Interest made on investments throughout the year.

Code Reference: F.S. Section 215.84; 215.845

Responsible Dept.: Finance

RENTS AND ROYALTIES:

Rents and percentages of proceeds for use of public property or other assets. Exclude rents incident to a specific governmental service recorded in the 340.00 series of accounts.

DISPOSITION OF FIXED ASSETS:

In governmental funds, the proceeds of the sale of fixed assets would be recorded in this account. In proprietary funds, the gain or loss from the sale or disposal of fixed assets would be recorded.

364200 CEMETERY LOT SALES

The City Code provides for City ownership and operation of cemeteries. The City has separate fees for both residents and non-residents.

Code Reference: Resolution 01-23, 11/05/01

Responsible Dept.: City Clerk

	RESIDENTS	NON-RESIDENT
BURIAL LOT, EACH	\$1,030	\$1,545
UPRIGHT HEADSTONE PHASE II	\$1,236	\$2,060
DISINTERMENT FEE	\$257.50	
MAUSOLEUM NICHE	\$618.00	\$875.50
SEA MEMORIAL ENGRAVING	\$200.85 per visit	
WEEKEND/HOLIDAY GRAVE MARKING	\$77.25	

CONTRIBUTIONS AND DONATIONS FROM PRIVATE SOURCES:

This account would be used by governmental funds only. Gifts, pledges, grants, or bequest from private sources. Proprietary funds would use the grants and donation account series under non-operating sources.

366110 LIBRARY MEMORIAL DONATIONS

Monetary gifts in memory of deceased loved ones and are generally used to purchase books in an area of interest to the aforementioned.

Responsible Dept.: Library

366120 “ROOTS RUN DEEP” BOOK REVENUE

Proceeds from the sale of Vivian Mettee’s Book “Roots Run Deep.”

Responsible Dept.: Library

366140 OTHER DONATIONS/CONTRIBUTIONS

Revenue received from individuals as contributions for the Fourth of July fireworks, other donations not specified.

Responsible Dept.: Finance

366150 CHILDREN’S PARK DONATIONS

Funds received for the children’s park.

Responsible Dept.: Recreation

366160 CHRISTMAS PARADE DONATIONS

Funds received for the Christmas parade.

Responsible Dept.: Recreation

OTHER MISCELLANEOUS REVENUES

369000 OTHER MISCELLANEOUS REVENUE

Revenue received for miscellaneous copies, public records requests, East Pass photos, etc. A lot of revenue recorded to this account this year has been for the sale of GIS maps

Responsible Dept.: Finance

PUBLIC RECORDS DUPLICATION

Note: The city of Destin will expect/exclude all governmental agencies from photocopying and/or duplicating charges. This policy applies to federal, state, county, or municipal governments, their agencies and divisions. All other exceptions are at the discretion of the city manager.

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COPIES, CERTIFIED COPY	\$1.05 PER PAGE + PHOTOCOPY CHARGE
COPIES, COMPUTER DISC	\$6.20 PER DISC
FAXED (LOCAL)	\$0.10 PER PAGE
FAXED (LONG DISTANCE)	\$0.30 FLAT RATE + PHOTOCOPY CHARGE
PHOTOCOPIES, AERIAL (LARGE-36"x60")	\$10.30 PER PAGE
PHOTOCOPIES, AERIAL (SMALL- 24"x 36")	\$5.15 PER PAGE
SITE PLAN Copies (36" x 24")	\$2.05 PER PAGE
PHOTOCOPIES, DUPLEXED	\$0.20 PER PAGE
PHOTOCOPIES, ONE-SIDED	\$0.15 PER PAGE
SPECIAL SERVICE CHARGE	\$21.65 PER HOUR OR \$3.60 PER TEN MINUTE INCREMENT

**FAXED COPIES LIMITED TO 25 PAGES OR LESS AND 8.5"x14"

369001 LIBRARY COPIER FEES/MISCELLANEOUS

Monies received from library patrons using the copier.

Responsible Dept.: Library

369300 HOLIDAY PARADE CANDY DONATIONS

Monies received for donation for the holiday parade candy.

Responsible Dept.: Recreation

369400 RISK MANAGEMENT REIMBURSEMENT

Reimbursement from insurers for property, injury or vehicle damage as a result of disasters (natural or otherwise) or accidents.

Responsible Dept.: Human Resources/Risk Management

INTERFUND TRANSFER:

Transfers between individual funds of a reporting entity, which are not repayable and are not considered charges for goods or services provided by other funds. Includes balances of discontinued funds, but does not include general government contributions of capital to a proprietary fund or payments made by an enterprise to a general government fund in support of its operation

381000 INTER-FUND TRANSFERS

Transfer made between funds.

Responsible Dept.: Finance Department

381302 CRA INTER-FUND TRANSFERS

Transfer made between funds.

Responsible Dept.: Finance Department

[Adopted July 02, 2018](#)

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018

TYPE OF AGENDA ITEM: City Manager Report

TO: City Council

THRU: Karen Jankowski, HR Manager

FROM: Carisse LeJeune, City Manager

DATE: June 27, 2018

SUBJECT: Library Director Confirmation

I. BACKGROUND: Twenty individuals applied for the Library Director position. From this group, seven finalists were selected with interviews conducted during May 21st – May 25 and June 11th – 15th.

II. DISCUSSION:

Ms. Newell's credentials include:

- Master of Arts in Library Science, University of Missouri at Columbia
- Bachelors of Science in Management, Bellevue University
- American Library Association Leadership Institute
- Nebraska Library Commission Public Librarian Certification level 4
- Kansas Public Library Administrator Certification level 4
- Mountain Plains Library Association Leadership Institute
- Nebraska Library Leadership Institute
- Computer Information Systems Diploma, North Metro Technical Institute

Multiple Grants and Awards annotated on resume (attached), as well as Community Leadership & Involvement, and Professional Memberships.

A. Link to Strategic Goals / Objectives: Financially Sound City Providing Service Value.

B. Effect on Budget (EOB): Costs associated with this position are within the current FY18 budget.

C. Level of Service (LOS): The Library staff has kept up with summer programming and high customer service standards; they should be

commended for a job well done.

III. CONCLUSION: Ms. Newell's experience, numerous achievements and honors are contained in her resume attached for your review. I am very pleased to ask for her confirmation at the July 2nd City Council meeting.

IV. RECOMMENDED MOTION: I am recommending City Council confirm Ms. Robin Newell as the Library Director.

Attachments:

1. Newell Resume

EDUCATION

Master of Arts in Library Science - University of Missouri at Columbia 2007 3.96 GPA
Bachelor's of Science in Management - Bellevue University, Bellevue, NE — 2002 – Summa cum laude 4.0 GPA
American Library Association Leadership Institute, 2013
Nebraska Library Commission Public Librarian Certification Level 5 – 2008-2014
Kansas Public Library Administrator Certification Level 4 – 2007
Mountain Plains Library Association Leadership Institute – 2010, Mentor 2016
Nebraska Library Leadership Institute – 2001, Mentor 2009
North Metro Technical Institute, Acworth, GA - Computer Information Systems Diploma - June 1998 - 4.0 GPA

PROFESSIONAL LIBRARY EXPERIENCE

Library Director

Emporia Public Library, Emporia, KS - 3/2015 – present

- Lead and direct daily operations of a municipal library through complex administrative and professional library work including budgeting. Oversee management of the library facility, materials, personnel and programs in order to ensure the efficient provision of excellent library services to the community.

Library Director

Sump Memorial Library, Papillion, NE – 12/2008 – 2/2015

- Lead and direct daily operations of a municipal library through complex administrative and professional library work including budgeting. Oversee management of the library facility, materials, personnel and programs in order to ensure the efficient provision of excellent library services to the community.

Library Manager

Turner Community Library, Kansas City, Kansas – 12/2007 – 12/2008

- Manage all aspects of a public library location including personnel, budgeting, collection development, and programming. Taught computer classes on a variety of subjects from beginner basics to how to use ebay.

Public Services Specialist

Topeka & Shawnee County Public Library – 2005-2008

- Performed circulation, programming and collection development as well as bookmobile operation
- Programs included Princess Pageturner, Native Americans, William Allen White Book Talks, Get Wired

Assistant Director and Youth Services Director (dual position)

Kilgore Memorial Library, York, NE – 2002-2005

- Served as Assistant Library Director: Community liaison, programming, hiring and supervision of employees, grant writer, computer support for 20 Windows based pcs, Assistant Systems Administrator.
- Served as Children and Youth Services Director: budgeting, programming development and implementation and collection development and maintenance

Computer Support Technician/Library Assistant I

Keene Memorial Library, Fremont, NE – 2000-2002

- Provide computer support to staff and library patrons - Responsible for maintenance of computers
- Service 8 Senior Citizen facilities in Fremont through Keene's Senior Outreach Program
- Track overdue books and print and mail overdue notices and lost book invoices
- Maintain new book collection on a monthly basis – Design monthly new book newsletter for distribution
- Rotation of duties at Circulation Desk including checking-in/shelving books

Media Center Paraprofessional

Shelton Elementary School, Dallas, Georgia – 1996-1998

- Assisted School Librarian in performance of all aspects of circulation, programming and collection development for new 600 student elementary school. Media Center volunteer 1994-1996.

LIBRARY LEADERSHIP EDUCATION

- Mountain Plains Library Association Leadership Institute Mentor 2016
- American Library Association Leadership Institute 2013
- Mountain Plains Library Association Leadership Institute Fellow 2010
- Nebraska Library Leadership Institute Mentor 2009
- Learning Times – Executive Decision Making for Library Directors and Managers, Pat Wagner, 2004
- Leadership, Trusteeship, and Board/Staff Relationships, Pat Wagner, 2004, 2010, 2012
- Basic Skills, Nebraska Library Commission Public Librarian Certification Program Level 3/2003, Level 5/2008
- Nebraska Library Leadership Institute Graduate 2001

Additional leadership and library training available upon request.

PROFESSIONAL MEMBERSHIPS

Kansas Library Association – 2005-2009, 2015-present

Second Vice President, 2017-2018, Kansas Library Trustee Association Board, 2017

Bylaws Committee, 2017-2018, Mentoring Committee, 2016

Promotions Chair – 2006, 2007, Promotions and Membership Chair, Newsletter committee member – 2008

Kansas Library Association Educational Foundation Board Member – 2006-2008

Mountain Plains Library Association – 2002-present

Bylaws Committee Chair, 2013-2014

Nominating Committee Chair, 2011-2012

Recording Secretary, 2009-2010

Membership Committee, 2006-2007

Nebraska Library Association – 2001-2015

Past President 2014-2015 Chair, NLA/Nebraska Library Leadership Institute, 2015

President, 2013-2014

Vice President/President Elect 2012-2013

Annual Conference co-chair 2013

Public Library and Trustee Section – Past Chair 2011-2012, Chair, 2010-2011, Vice Chair 2009-2010

Legislative (Advocacy) Committee Chairperson 2009-2012

Finance committee, 2009

Paraprofessional Section – Past Chair 2004-2005 Chair 2003-2004 Vice Chair 2002-2003

Public Library Section – Vice Chair 2003-2004

Information Technology Access Round Table – Chair 2004-2005 Vice Chair 2003-2004

Eastern Library System, Continuing Education Committee, 2012

Nebraska Pioneer Consortium President - Statewide shared koha ILS among 23 libraries 2013-2015

Nebraska Southeast Library System Board member 2004-2005

American Library Association – 2001-present

Library Administration and Management Association

Public Library Association

Library Support Staff Interests Roundtable – Nebraska delegate to Cope III - 2002

GRANTS AND AWARDS

- Health and Wellness Grant, Healthier Lyon County, 2018
- Mobilizing Literacy Continuing Education Grant, 2018
- North Central Kansas Library System Continuing Education Grant, 2018
- Kansas Library Association Educational Foundation Continuing Education Grant, 2017
- Emporia Community Foundation, Makerspace/3-D printer, 2016
- United Way of the Flint Hills, Early Literacy Grant, 2016
- Emporia Lions Club, Cleve Cook Foundation, 2016
- Eastern Library System Continuing Education Grant, Papillion, 2014
- American Library Association Programming Grant, Papillion, 2014
- Midlands Community Foundation grant, 2014
- Nebraska Library Commission Youth Services Grant, Papillion, 2014
- Mountain Plains Library Association Continuing Education Grant, Papillion, 2013
- Eastern Library System Continuing Education Grant, Papillion, 2013
- Nebraska Library Commission Continuing Education Grant, Papillion, 2011, 2012
- Nebraska Library Commission LSTA Grant – Papillion, 2011
- Mountain Plains Library Association Continuing Education Grant, Papillion, 2009
- Mountain Plains Library Association Continuing Education Grant, Turner KCKPL, 2007
- Kansas Library Association Continuing Education Grant, 2007
- Dick and Donna Crawford TSCPL Scholarship, Topeka, 2007
- Public Library Association/TSCPL *Grow Your Own* mentoring grant, Topeka, 2006
- Nebraska Library Commission Master of Library Science Scholarship , 2005
- Nebraska Library Association Louise A. Nixon Scholarship - 2005
- York, NE Community Foundation Grant – LCD Projector, Notebook Computer, Oak Display Case, 2005
- Nebraska Library Association Beginning Professional of the Year, 2004
- Nebraska Library Association Paraprofessional of the Year, 2004
- Nebraska Educational Media Association Continuing Education Scholarship, 2004
- Nebraska Library Commission Continuing Education Grant, York, 2003, 2004
- Nebraska Library Commission LSTA Grant – York, 2003
- Nebraska Library Commission Children’s Grant for Excellence - York, 2003
- Nebraska Library Association Paraprofessional Section Continuing Education Grant, 2003, 2005
- Eastern Library System Continuing Education Grant, 2001

COMMUNITY LEADERSHIP

- Emporia Rotary Club, 2015-present, Board Member 2016-2018
- Level 1 Certification, Kansas Leadership Center, 2017
- Leadership Emporia fellow 2015, mentor 2016, 2017
- Emporia Lions Club, 2015-2017, President 2016-2017
- Emporia Outlook Club, 2015-2018
- Papillion Area Lions Club, 2009-2015, Past President
- Papillion Arts Council, city representative 2011-2013
- Papillion Junior Women’s Club 2013-2014
- Leadership Sarpy, 2011
- Leadership York X, 2004
- York Rotary, 2004-2005
- Youth Leadership York Committee, 2002-2004
- York Health Coalition, 2003-2004

Previous community involvement available on request

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018**TYPE OF AGENDA ITEM:** City Manager Report

TO: City Council**THRU:** Carisse LeJeune, City Manager
Steve Schmidt, Deputy City Manager**FROM:** David Campbell, Public Services Director**DATE:** June 26, 2018**SUBJECT:** Norriego Point Boat Parking Restriction

I. BACKGROUND: The deed the City received from Okaloosa County for Norriego Point states in part *"This conveyance is made and accepted with the covenant and understanding that the harbor side shoreline of this property shall remain accessible for the use and enjoyment of boaters unless the City's coastal engineers determine armoring is necessary to protect this side of the property."* It further states *"In the event of violation of any of the covenants and understandings, Grantee, its successors and assigns, shall forfeit all right and title to the property, and all interests therein shall revert to the Grantor."*

At the regular City Council meeting on June 4, 2012, staff was instructed to develop a plan to establish an approximate 400 foot area from the tip of Norriego Point for placement of signs restricting boat parking. The lack of stabilization to the tip of Norriego Point caused a portion of the navigation channel to be filled in, and boats that were beached on the shoreline were protruding into the channel. Because of the covenants in the deed regarding boat parking on the harbor shoreline, staff needed approval from the County to restrict boat parking on the shoreline. At the Okaloosa County Board of Commissioners meeting on September 20, 2011, staff secured approval of the BOCC to temporarily limit boat parking inside the entrance to the harbor until such time as permanent stabilization is completed. "No Boat Parking" signs were placed along the shoreline from the tip a distance of 450'.

II. DISCUSSION: The stabilization project is complete and the shoreline no longer extends into the channel (see attachment). The mouth of the Harbor now contains rock stabilization and a 100 ft. long retaining wall with a concrete cap extending along the shoreline into the harbor. This area is not appropriate for

boat parking and should be posted accordingly. The remaining shoreline no longer conflicts with the channel.

A. **Link to Strategic Goals / Objectives**: Goal 4B: Improve public use and safety of city parks, waterways, and harbor.

B. **Effect on Budget (EOB)**: No effect on Budget

C. **Level of Service (LOS)**: There will be no significant impact to the level of service.

III. CONCLUSION: “No Boat Parking” signs should be placed along the rock tip of the point extending into the harbor shoreline 150’ to protect the retaining wall. Placement of any additional “No Boat Parking” signs shall be at the discretion of City Council and will have to be brought before the Okaloosa Board of County Commissioners for approval.

IV. RECOMMENDED MOTION: None

Attachments:

1. Norriego Point Deed 2010 (copy)
2. 18-7-02 No Boat Parking exhibit

DEED DOCSTAMPS: \$0.70

DEED

DEPUTY CLERK KSCHOCLORAFT
DON W. HOWARD, CLERK OF COURTS, OKALOOSA COUNTY, FL

THIS DEED, made this 13th day of July, 2010, by Okaloosa County, Florida, party of the first part, and The City of Destin, a Florida Municipality, 4200 Indian Bayou Drive, Destin, Florida 32541, the party of the second part,

WITNESSETH that the said party of the first part, for an in consideration of the sum of \$100.00 and other valuable consideration, to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has conditionally granted, bargained and sold to the party of the second part, its successors and assigns forever, the following described land lying and being in Okaloosa County, Florida, hereinafter "the property":

The Northwesterly 1600 feet of that portion of land which formerly comprised a part of Santa Rosa Island that lies east of the New East Pass Channel, more particularly described as: Being at a concrete monument on the South right-of-way line of Highway 98, on the East line of Calhoun's subdivision as per plat recorded in the Office of the Clerk of Circuit Court of Okaloosa County, Florida, thence run South 2147.80 feet to a concrete monument; thence run N 85° 08' W 1232.68 feet to a point; thence run N 78° 02' W 1437.22 feet to a point; thence run N 76° 56' W 1180.53 to a point; thence run N 56° 16' W 981.30 feet to a point; thence run N 45° 41' W 748.90 feet to a concrete monument for the point of beginning of the parcel to be described. Thence run S 44° 19' W to the shore of New East Pass; thence meander Northwesterly along the shore of New East Pass a Northwest distance of 1620 feet more or less; thence follow the meander around the point and meander Southeasterly to a point on the shore of Old East Pass bearing N 44° 19' E of the point of beginning, thence S 44° 19' W 175 feet, more or less to the point of beginning; subject to an easement in the Northwesterly 800 feet thereof in favor of the Corps of Engineers to dump dredge spoilage from operations in East Pass, in Okaloosa County, Florida.

This conveyance is subject to the terms and conditions set forth in the Dedication of this property as recorded in Book 194 at Page 573 of the official records of Okaloosa County, Florida.

This conveyance is made and accepted with the covenant and understanding that the use of the property is solely and exclusively for Public Park and recreational purposes.

This conveyance is made and accepted with the covenant and understanding that any sale or lease of any interest in the property to a non-governmental person or organization is prohibited.

This conveyance is made and accepted with the covenant and understanding that the operation of any concession on the property by a non-governmental person or organization is prohibited.

This conveyance is made and accepted with the covenant and understanding that any sales contract or option to buy or sell things attached to the property to be severed from the property with a non-governmental person or organization is prohibited.

This conveyance is made and accepted with the covenant and understanding that any use of the property by a non-governmental person other than in such person's capacity as a member of the general public is prohibited.

This conveyance is made and accepted with the covenant and understanding that a management contract, except contracts for maintenance of the property, is prohibited.

This conveyance is made and accepted with the covenant and understanding that the harbor side shoreline of this property shall remain accessible for the use and enjoyment of boaters unless the City's coastal engineers determine armoring is necessary to protect this side of the property.

The foregoing covenants and understandings are covenants running with the land.

In the event of violation of any of the foregoing covenants and understandings, Grantee, its successors and assigns, shall forfeit all right and title to the property, and all interests therein shall revert to Grantor.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair of said board, the day and year aforesaid.

By its Board of County Commissioners

(OFFICIAL SEAL)

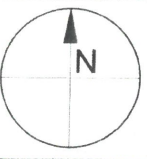
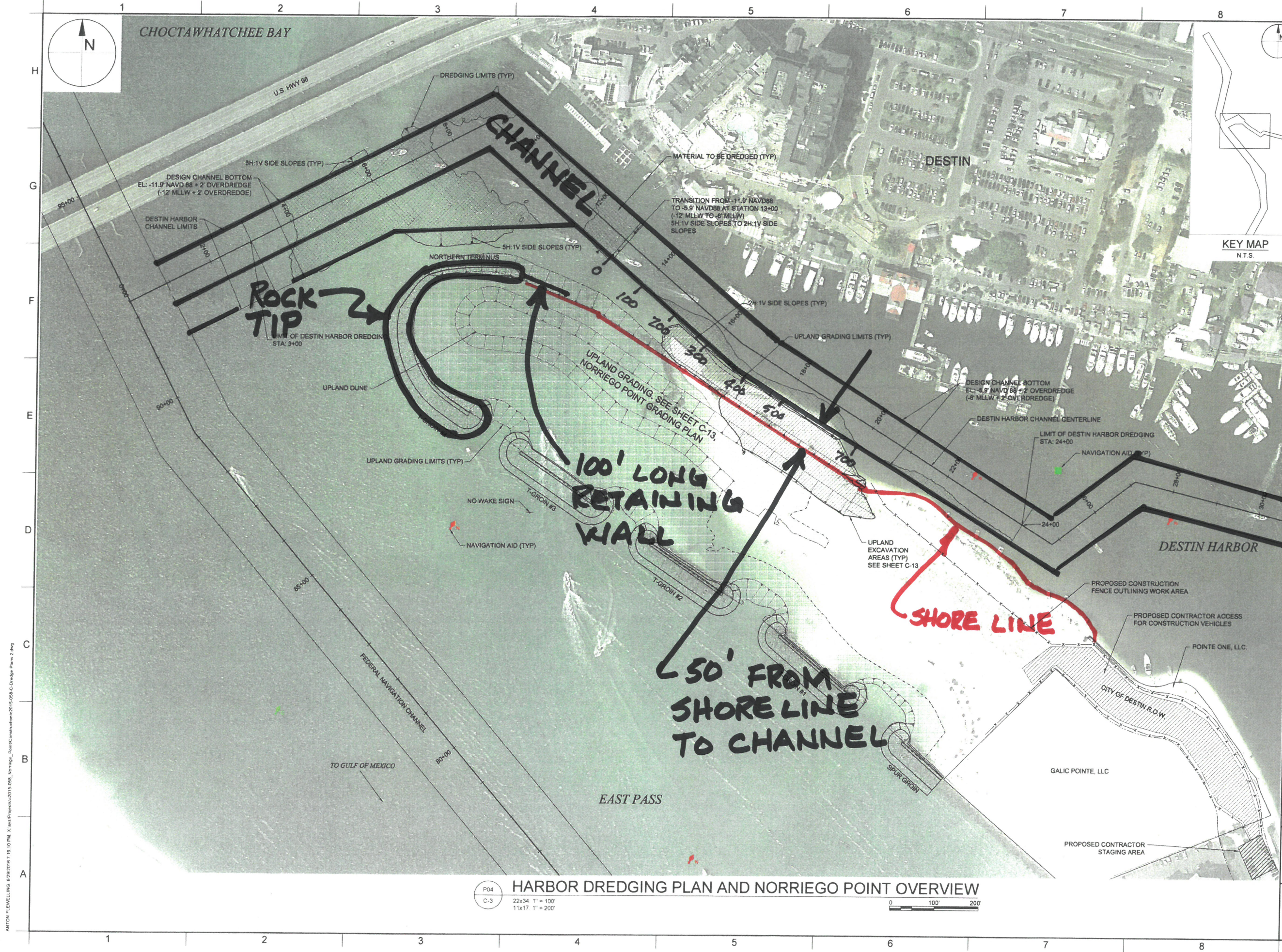
Wayne Harris
CHAIRMAN
Board of County Commissioners
Okaloosa County Florida



ATTEST:

Dany J. Stafol
Clerk of Circuit Court





KEY MAP
N.T.S.



TAYLOR ENGINEERING INC.
1221 AIRPORT ROAD, SUITE 210
DESTIN, FL 32541
(850) 460-7040
10151 DEERWOOD PARK BLVD.
BLDG. 300, SUITE 300
JACKSONVILLE, FLORIDA 32256
(904) 731-7040
CERTIFICATE OF AUTHORIZATION # 4815

MATTHEW TRAMMELL P.E. # 69244

PROJECT TITLE
**NORRIEGO POINT
STABILIZATION AND
RESTORATION PROJECT
DESTIN, FLORIDA**

SUNSHINE STATE ONE CALL OF
FLORIDA
SUNSHINE 811 - ALWAYS CALL 811
BEFORE YOU DIG
1-800-638-4097

DATE	REVISIONS / SUBMISSIONS	NO	ZONE
		2	2
		2	2
		1	1

PROJECT NO	C2015-058
DATE	JUNE 2016
DESIGNED	MAT
DRAWN	AF
CHECKED	KAK/JTA/CLT
REVIEWED	MAT
SCALE	AS SHOWN

DRAWING TITLE
**HARBOR DREDGING PLAN AND NORRIEGO POINT
OVERVIEW**

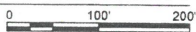
C-7

SHEET 7 OF 25

P04
C-3

HARBOR DREDGING PLAN AND NORRIEGO POINT OVERVIEW

22x34 1" = 100'
11x17 1" = 200'



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CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018

TYPE OF AGENDA ITEM: City Manager Report

TO: City Council

THRU: Carisse LeJeune, City Manager

FROM: Rey Bailey/City Clerk

DATE: June 26, 2018

SUBJECT: Resolution 18-22 - Amending Rules of Procedures for Council Meeting - Agenda Process

I. BACKGROUND: At their June 18, 2018 meeting, the City Council directed staff to draft an amendment to City Council meeting resolution specifying that the Council is to receive their agenda items not later than Wednesday prior to a regularly scheduled council meeting.

II. DISCUSSION: Proposed Resolution 18-22 amends Resolution 13-15, Rules of Procedure for Council Meetings, by incorporating Council's direction.

A. Link to Strategic Goals / Objectives: Service Excellence

B. Effect on Budget (EOB): None

C. Level of Service (LOS): New process will help ensure adequate consideration of all issues and help meetings run more effectively and efficiently

III. CONCLUSION: Proposed resolution revises the current agenda process as directed by the Council. Getting the agenda items a day earlier will give the Council more time to study the materials and conduct the necessary research.

IV. RECOMMENDED MOTION: I move to adopt Resolution 18-22

Attachments:

1. Resolution 18-22
2. Resolution 13-15 Adopting rules of

- procedure for Council Meeting
- 3. Resolution 17-24 Amending
Resolution 13-15 Rules of Procedure
- 4. Resolution 18-15 City Council
Amended Procedures

RESOLUTION 18-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AMENDING RESOLUTION 13-15, RULES OF PROCEDURE FOR COUNCIL MEETINGS; AMENDING THE AGENDA PROCESS FOR COUNCIL MEETINGS; PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 17, 2013, the City Council adopted Resolution 13-15, establishing rules of procedure for City Council meetings; and

WHEREAS, the City Council recognizes the need to further amend its rules of procedure for Council Meetings in order to increase efficiency and public participation; and

WHEREAS, it is recognized that such amended rules of procedure will provide for consistent agendas and orderly meetings; and

WHEREAS, the City Council feels it in the best interest of the City of Destin to accept and adopt by Resolution Council meeting Rules of Procedure;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Destin, Florida, as follows:

SECTION 1: Resolution 13-15, which sets forth the City of Destin City Council Rules of Procedure, is hereby amended as follows:

(NOTE: Language in this Resolution 18-22 that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language that is not ~~struck through~~ or underlined is not to be changed, and * * * represents sections of Resolution 13-15 that have been skipped and remain unchanged.)

* * *

6. ORDER OF BUSINESS:

- 6.2 Agenda:** The order of business of each regular meeting shall be as contained in the Agenda. The Agenda shall be a listing by topic of subjects to be considered by Council. A request to be on the agenda shall be presented in the prescribed form to the City Clerk by 12:00 noon on ~~Wednesday~~ Tuesday prior to the regular meeting. A preliminary agenda shall be published by 12:00 noon on ~~Wednesday~~ Tuesday, prior to the regular meeting. Items may be deleted from the printed preliminary agenda, but items shall not be added. A final agenda with any items deleted, will be printed

by 12:00 noon ~~Thursday~~ Wednesday, prior to the regular meeting. When practical, backup material relating to agenda items are to be presented for the record, and shall be given to the City Clerk by 12:00 noon ~~Thursday~~ Wednesday, prior to the regular meeting. Council meeting packets shall be prepared by the City Clerk's office and ready for distribution by mid-afternoon on ~~Thursday~~ Wednesday, prior to the meeting to which it pertains. If regular meetings are held other than on the scheduled meeting dates, a similar lead time schedule for agenda and packet materials shall be followed.

SECTION 2: This resolution shall supersede any previous rules, policies, procedures, or resolutions to the extent of any conflict with this resolution.

SECTION 3: Effective Date. This Resolution shall become effective immediately upon its adoption.

ADOPTED THIS 2ND DAY OF JULY 2018

By:

Gary Jarvis, Mayor

ATTEST:

**Approved as to form and legal sufficiency for the
City of Destin, only:**

Rey Bailey, City Clerk

Jeff Burns, City Attorney

RESOLUTION 13-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN ADOPTING RULES OF PROCEDURE FOR COUNCIL MEETINGS; PROVIDING FOR AUTHORITY; GENERAL RULES; TYPES OF MEETINGS; PRESIDING OFFICER AND DUTIES; ORDER OF BUSINESS; ORDINANCES, RESOLUTIONS, AND OPINIONS; CITIZEN PRESENTATIONS; SUSPENSION AND AMENDMENT OF RULES; AND AN EFFECTIVE DATE.

WHEREAS, the City Council recognizes the need to amend and adopt rules of procedure for Council Meetings; and

WHEREAS, it is recognized that rules of procedure will establish consistent agendas and orderly meetings; and

WHEREAS, recent general law amendments have affected municipal meeting procedures; and

WHEREAS, the City Council feels it in the best interest of the City of Destin to accept and adopt by Resolution Council meeting Rules of Procedure;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Destin does hereby adopt the following as Rules of Procedure for the City of Destin Council meetings:

1. AUTHORITY:

1.1 Authority: The authority for this resolution is the City Charter and Sec. 286.0114, Florida Statutes.

1.2 Rule Power: The Charter of the City of Destin provides that the Council may determine its own rules of procedure for meetings. Limiting mandates are provided by general law.

2. RULES ESTABLISHED:

2.1 Rules Established: The following set of rules shall be in effect upon their adoption by the Council and until such time as they are amended or new rules adopted in the manner provided by these rules.

3. GENERAL RULES:

3.1 Meetings to be Public: All meetings of the Council shall be open to the public, except for such meetings as are exempt by general law.

3.2 Quorum: A majority of the members of the Council, free of voting conflict, shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time.

3.3 Compelling Attendance: The Council may adjourn from time to time to compel the attendance of absent members.

3.4 Minutes of Proceedings: Minutes of the meetings of the Council shall be kept by the City Clerk, except for such meetings as are exempt by general law.

3.5 Right of Floor: Any Council member desiring to speak shall first be recognized by the Presiding Officer, and shall confine his or her remarks to the one subject under consideration or to be considered.

3.6 City Manager: The City Manager or his or her designee is expected to attend all meetings of the Council and shall have the right to take part in all discussions of the Council.

3.7 City Attorney: The City Attorney or his or her designee is expected to attend all meetings of the Council and provide guidance and opinions, on questions of law and shall act as the Council's parliamentarian by advising the Presiding Officer regarding matters of procedure.

3.8 City Clerk: The City Clerk or his or her designee shall attend all meetings of the Council and shall keep the official minutes of proceedings and perform such other duties as may be requested by the City Manager or Council.

3.9 Rules of Order: *Roberts Rules of Order Revised* shall serve as a guide to the proceedings of the Council to the extent they are not in conflict with these rules.

3.10 Motion to Reconsider: An action of the Council may be reconsidered only at the same meeting at which the action was taken. A motion to reconsider may be made only by a Councilmember who voted on the prevailing side of the question and must be concurred in by a majority of those present at the meeting. Adoption of a motion to reconsider shall rescind the action reconsidered.

3.11 Motion to Rescind: An action of the Council taken at a previous meeting (the "previous action") may generally be rescinded at a subsequent meeting. Motions to Rescind shall be governed by the following process:

1. A Councilmember seeking rescission of a previous action shall place a Motion to Consider Rescission on the agenda of a regular Council meeting. If a majority of the full membership of the Council approves the Motion to Consider Rescission, the Motion to Rescind shall be placed on the agenda of the next regular Council meeting. If less than a majority of the full membership vote in favor of the Motion to Consider Rescission, no Motion to Rescind the previous action shall be considered by the Council.
2. Approval of a Motion to Rescind requires the affirmative vote of a majority of the full membership of the Council.
3. If a Motion to Rescind is approved, the Council shall, at the same meeting, either consider the previous action or set a date certain for its consideration.
4. Notwithstanding anything stated above, a Motion to Rescind initiated by a Councilmember who voted on the losing side in connection with the previous action shall not be in order unless the Council determines:
 - a. Subsequent information has become known that (i) would have been material to the Council's decision on the previous action and (ii) would have militated for a different result; or
 - b. A rescission of the previous action is imperative to avoid a material cost, risk, harm, or other jeopardy to the City or its citizens, and the material cost, risk, harm, or other jeopardy could not have been known at the time of the Council's previous action.
5. For purposes of the Motion to Rescind, a Councilmember who was

absent for a vote on the motion in connection with the previous action is deemed to have been on the prevailing side of the vote.

6. There may be actions of Council taken regarding which the Council is estopped from rescinding.

3.12 Action Savings: No action taken by the Council shall be deemed void or invalid because of the failure to adhere to Robert's Rules of Order or the provisions of these rules of order and procedure, except as may otherwise be provided by general law.

4. TYPES OF MEETINGS:

4.1 Regular Meeting: The Council shall meet in the Council Chambers or another designated place within the City boundaries, for meetings. Regular Council Meetings are to commence at 6:00 p.m. unless otherwise specified, on the first and third Monday of each month except for National Holidays which fall on a Monday when the regular meetings shall be on the next Tuesday.

4.2 Special Meetings: Special Meetings may be held on the call of the Mayor or any three (3) Councilmembers. The call for a Special meeting shall be filed with the City Clerk, except that an announcement of a special meeting during any regular meeting shall be sufficient for such special meeting unless otherwise provided by general law. When practical there shall be a twelve hour notice to each Councilmember and local news media.

4.3 Adjourned Meetings: Any meeting of the Council may be adjourned to a later date and time.

4.4 Workshop Meetings: The Council may meet informally in workshop meetings (open to the public), at the call of the Mayor or of any three (3) members of the Council. No ordinances, resolutions or other actions may be adopted at such meeting provided that the Council may direct staff to take actions that do not entail the expenditure of City funds.

4.5 Emergency Meetings: Emergency meetings may be held on the call of the Mayor or a majority of the Councilmembers whenever there is a public emergency affecting life, health, property or the public peace, and whenever practicable, upon no less than one (1) hours' notice to each Councilmember and local news media.

4.6 Telephonic Participation: If a quorum of the City Council is physically present, other members of the City Council may participate, but not vote, by phone provided they can be heard on the record and they can hear the other members of the City Council and the participating public.

5. PRESIDING OFFICER AND DUTIES:

5.1 Presiding Officer: The Mayor, if present, shall preside at all meetings of the Council. In the absence of the Mayor, the Mayor Pro Tem shall preside. In the absence of both the Mayor and the Mayor Pro Tem, the meeting shall be called to order by the City Clerk for the purpose of electing a temporary presiding officer.

5.2 Call to Order: The meetings of the Council shall be called to order by the Presiding Officer.

5.3 Preservation of Order: The Presiding Officer shall preserve order and decorum; prevent attacks on personalities or the impugning of members' or motives, and confine members in debate to the question under discussion.

5.4 Points of Order: The Presiding Officer shall determine all points of order, subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be, "Shall the decision of the presiding officer be sustained?" A majority of the Council sitting and eligible to vote is required to reverse the ruling of

the Presiding Officer.

5.5 Voting: Voting by registering votes on the electronic voting board meets the Charter requirement for roll call vote.

6. ORDER OF BUSINESS:

6.1 Order of Business: The general rule as to the order of business in regular meetings shall be as follows:

- Call to Order;
- Invocation and Pledge of Allegiance;
- Special Presentations;
- Approval of Minutes;
- Public Hearings;
- Public Opportunity to Speak on Council Propositions
(subject to limitations provided in Sec. 286.0114(3)(a)
Florida Statutes);
- Consent Agenda;
- Resolutions;
- Committee Reports;
- Scheduled Presentations from the Public
(Only those persons who have completed a speakers' form and complied with the advance notice requirements will be scheduled here);
- Project Reports and Comments from Mayor and Council;
- Staff Reports and Recommendations
(Ordinance readings not requiring public hearing will usually appear under this item);
- Comments from Audience
(any unscheduled presentations will be heard here);
- Adjournment

6.2 Agenda: The order of business of each regular meeting shall be as contained in the Agenda. The Agenda shall be a listing by topic of subjects to be considered by Council. A request to be on the agenda shall be presented in the prescribed form to the City Clerk by 12:00 noon on Wednesday, prior to the regular meeting. A preliminary agenda shall be published by 12:00 noon on Wednesday, prior to the regular meeting. Items may be deleted from the printed preliminary agenda, but items shall not be added. A final agenda with any items deleted, will be printed by 12:00 noon Thursday, prior to the regular meeting. When practical, backup material relating to agenda items are to be presented for the record, and shall be given to the City Clerk by 12:00 noon Thursday, prior to the regular meeting. Council meeting packets shall be prepared by the City Clerk's office and ready for distribution by mid-afternoon on Thursday, prior to the meeting to which it pertains. If regular meetings are held other than on the scheduled meeting dates, a similar lead time schedule for agenda and packet materials shall be followed.

6.3 Presentation by Members of Council: The Agenda shall provide times when the Mayor, Councilmember, City Manager and City Attorney may bring before the Council any business that he or she feels should be deliberated upon by the Council. These matters need not be specifically listed on the Agenda, but may be acted upon only upon an extraordinary vote of the Council members present and eligible to vote on the matter. Except in instances where extraordinary conditions are necessitated, the Mayor and Council shall notify the City Manager of forthcoming agenda topics in keeping with the above deadlines and strive to supply backup materials for timely

distribution with the agenda packets.

6.4 Consent Agenda: The Consent Agenda may be used to handle routine matters on the agenda expeditiously. There is no separate discussion of these items unless a Councilmember or a member of the public requests an item be removed for consideration in its normal sequence on the Agenda. The approval of the Consent Agenda is usually handled in one motion from the Council table, "I move that the Consent Agenda, (item numbers may be included) be approved; or if items are to be removed, "for good cause" or "discussion", a typical motion might be, "I move that we approve the Consent Agenda items____through_with the exception of item_____."

7. ORDINANCES, RESOLUTIONS, AND MOTIONS:

7.1 Requests for Ordinances, Resolutions or Opinions: Any Council member may request the City Manager or City Attorney to prepare or have prepared proposed ordinances or resolutions. Any Council member or the Mayor may request a legal opinion of the City Attorney.

8. CITIZENS PRESENTATIONS:

8.1 Presentation by Public on Proposition before the Council: The agenda shall provide times when the public is given a reasonable opportunity to be heard on a proposition before the City Council. The opportunity to be heard may not occur at the same meeting in which the Council takes official action on the proposition, provided when the opportunity has been extended within sixty (60) days before the meeting at which the Council takes the official action. Public opportunity hereunder does not extend to:

- (a) An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or Council to act;
- (b) An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
- (c) A meeting that is exempt from Sec. 286.011 Florida Statutes; or
- (d) A meeting during which the board or Council is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

8.2 Addressing the Council -- Scheduled Presentations: Any person desiring to address the Council by oral communication on any subject not already on the Council meeting agenda shall first secure the permission of the Presiding Officer and will be recognized under "Scheduled Presentations from the Public" at the end of the regularly scheduled business. Only those persons who have completed a speaker's form and who have notified the City Clerk by 12:00 noon of the Wednesday immediately preceding the regular meeting will have their name placed on the Agenda and be recognized under the heading "Scheduled Presentations from the Public."

8.3 Addressing the Council -- Public Opportunity on Council Propositions: Any person desiring to address the Council by oral communication regarding agendaed Council propositions shall complete and deliver a Request to Speak Card to the City Clerk then secure the permission of the Presiding Officer and will be recognized under "Public Participation on Council Propositions" where that item occurs on the regularly scheduled Agenda.

8.4 Addressing the Council -- Comments from Audience: Any person desiring to address the Council by oral communication shall complete and deliver a

Request to Speak Card to the City Clerk then secure the permission of the Presiding Officer and will be recognized under "Comments from the Audience" where that item occurs on the regularly scheduled Agenda.

8.5 Addressing the Council – Public Opportunity on Public Hearings:

Any person desiring to address the Council regarding Agendaed Public Hearings by oral communication shall complete and delivery a Request to Speak Card to the City Clerk then secure the permission of the Presiding Officer and will be recognized under "Public Hearings" where that item occurs on the regularly scheduled Agenda.

8.6 Manner of Addressing the Council -- Time Limit: Each person addressing the Council shall approach the microphone, shall give his or her name and address and the organization or group they represent if any, in an audible tone of voice for the record and, unless further time is granted by the Council, shall limit their address to five minutes. All remarks shall pertain to City business and shall be addressed to the Council as a body, and not to any member thereof. No person, other than members of the Council or Mayor, and the persons having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Council. No questions shall be asked the Councilmembers or staff, except through the Presiding Officer.

8.7 Personal and Slanderous Remarks: Any person making personal, impertinent or slanderous remarks, or who shall become boisterous or use offensive language, while addressing the Council, may be requested to leave the meeting. No reference by name to any individual present or absent, including Councilmembers and staff, shall be used in a negative manner by any person addressing the Council. All participants and speakers shall refrain from belittling or insulting remarks or making personal attacks.

8.8 Reading of Protests: Interested persons, or their authorized representatives, may address the Council for the reading of protests, petitions, or communications relating to any matter over which the Council has control when the item is under consideration by the Council.

8.9 Referral of Citizens' Complaints: While in session, the Mayor or Councilmembers, individually, or the City Council collectively, through motion, may refer citizen's complaints to staff or an appropriate City Committee.

8.10 Written Communications: Interested parties, or their authorized representatives, may address the Council by written communication on any matter of business. However, in order to preserve the public record as well as comply with Florida's Public Records Law, an exact copy of said written communication must be provided to the City Clerk.

8.11 Presentations by Representatives of Groups or Factions: At meetings, in which four (4) or more individuals of a group or faction wish to be heard, a representative of a group or faction may address the Council rather than all members of the group or faction and in such instances shall limit their address to twenty (20) minutes.

8.12 Challenges to Staff and Advisory Body Recommendations: Anyone who is challenging a staff and advisory body recommendation must submit a request in writing to be placed on the agenda by 12:00 noon on the Wednesday before the upcoming regular meeting. The request must contain a written memorandum setting forth in detail the specific rulings or findings to which they object and stating any Florida Statutes, case law, or sections of the Land Development Code, Comprehensive Plan or ordinances of the City of Destin on which they are basing their objection. Council may not consider a challenge to administrative decisions requiring Board of Adjustment review or decisions of City Boards over which the Council lacks review jurisdiction.

9. SUSPENSION AND AMENDMENT OF THESE RULES:

9.1 Suspension of Rules: Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended by a vote of a majority of all the Councilmembers.

9.2 Amendment of Rules: These rules may be amended, or new rules adopted, by a majority vote of all members of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.

10. REPEAL OF CONFLICTING RESOLUTIONS:

10.1 Repeal of Conflicting Resolutions: Resolution 04-10, a copy of which is attached hereto and made a part hereof by reference, is hereby repealed.

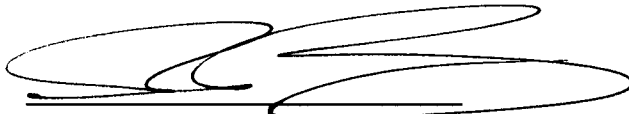
11. EFFECTIVE DATE: This resolution shall be effective upon its adoption by the City Council.

SO DONE THIS THE 17TH DAY OF SEPTEMBER 2013

By:


Sarah "Sam" Seevers, Mayor

ATTEST:


Rey Bailey, City Clerk

RESOLUTION 17-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AMENDING RESOLUTION 13-15, RULES OF PROCEDURE FOR COUNCIL MEETINGS; AMENDING ORDER OF BUSINESS AT COUNCIL MEETINGS; PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council recognizes the need to amend and adopt rules of procedure for Council Meetings; and

WHEREAS, it is recognized that rules of procedure will establish consistent agendas and orderly meetings; and

WHEREAS, the City Council feels it in the best interest of the City of Destin to accept and adopt by Resolution Council meeting Rules of Procedure;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Destin, Florida, as follows:

SECTION 1: The City of Destin City Council Rules of Procedure is hereby amended:

(*NOTE:* Additions are underlined; deletions are ~~stricken~~)

6. ORDER OF BUSINESS

6.1 Order of Business: The general rule as to the order of business in regular meetings shall be as follows:

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

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

~~Special Presentations~~

APPROVAL OF MINUTES

1. PROCLAMATIONS/RECOGNITIONS/SPECIAL PRESENTATIONS/ANNOUNCEMENTS (*No public comments*)

~~Public Hearings~~

~~Public Opportunity to Speak on Council Propositions (subject to limitations provided in Sec. 286.0114(3)(a) Fla. Statutes)~~

2. PUBLIC COMMENTS ON AGENDA ITEMS THAT ARE NOT PUBLIC HEARINGS *(All agenda items other than those under Number 5)*

(Note: Individual speakers will be limited to 5 minutes. At the discretion of the Mayor, this 5 minute allowance may be adjusted depending on the level of business coming before the City Council).

3. CITY MANAGER REPORTS

4. FIRST READING OF ORDINANCES NOT REQUIRING PUBLIC HEARINGS *(No public comments)*

5. PUBLIC HEARINGS

Consent Agenda

Resolutions

Committee Reports

Scheduled Presentation from the Public

(Only those persons who have completed a speaker's form and complied with the advance notice requirements will be scheduled here)

6. CONSENT AGENDA *(No public comments)*

Project Reports and Comments from Mayor and Council

Staff Reports and Recommendations

(Ordinance readings not requiring public hearing will usually appear under this item)

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

Comments from the Audience (any unscheduled presentations)

8. COMMENTS/CONCERNS FROM THE AUDIENCE / PUBLIC ON ANY MATTERS CONSIDERED AT MEETING, OR ON ANY MATTERS NOT ON THE AGENDA

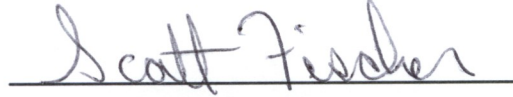
9. ADJOURN

SECTION 2: This resolution shall supersede any previous rules, policies, procedures, or resolutions to the extent of any conflict with this resolution.

SECTION 3: This resolution shall take effect upon its adoption and signature of the Mayor.

SO DONE THIS THE 1ST DAY OF MAY 2017

By:

A handwritten signature in blue ink, appearing to read "Scott Fischer", written over a horizontal line.

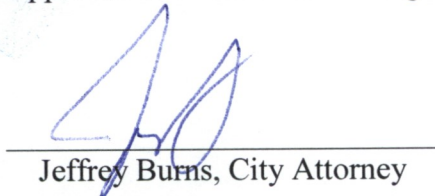
Scott Fischer, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Rey Bailey", written over a horizontal line.

Rey Bailey, City Clerk

Approved as to the form and legal sufficiency:

A handwritten signature in blue ink, appearing to read "Jeffrey Burns", written over a horizontal line.

Jeffrey Burns, City Attorney

RESOLUTION 18-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AMENDING RESOLUTION 17-24, RULES OF PROCEDURE FOR COUNCIL MEETINGS; AMENDING ORDER OF BUSINESS AT COUNCIL MEETINGS; PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 17, 2013, the City Council adopted Resolution 13-15, establishing rules of procedure for City Council meetings; and

WHEREAS, on May 1, 2017, the City Council amended such procedures for City Council meetings by passing Resolution 17-24; and

WHEREAS, the City Council recognizes the need to further amend and its rules of procedure for Council Meetings in order to increase efficiency and public participation; and

WHEREAS, it is recognized that such amended rules of procedure will provide for consistent agendas and orderly meetings; and

WHEREAS, the City Council feels it in the best interest of the City of Destin to accept and adopt by Resolution Council meeting Rules of Procedure;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Destin, Florida, as follows:

SECTION 1: Resolution 17-24, which sets forth the City of Destin City Council Rules of Procedure, is hereby amended as follows:

(NOTE: Language in this Resolution 18-15 that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language that is not ~~struck through~~ or underlined is not to be changed, and * * * represents sections of Resolution 13-15 that have been skipped and remain unchanged.)

* * *

6. ORDER OF BUSINESS

6.1 Order of Business: The general rule as to the order of business in regular meetings shall be as follows:

**CALL TO ORDER
INVOCATION**

PLEDGE OF ALLEGIANCE

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

1. APPROVAL OF MINUTES

1. 2. PROCLAMATIONS/RECOGNITIONS/SPECIAL PRESENTATIONS/ANNOUNCEMENTS *(No public comments)*

2. 3. PUBLIC COMMENTS ON AGENDA ITEMS THAT ARE NOT PUBLIC HEARINGS AND ANY OTHER MATTERS NOT ON THE AGENDA *(All agenda items other than those under Number 5)*

(Note: Individual speakers will be limited to ~~5~~ 3 minutes. At the discretion of the Mayor, this ~~5~~ 3 minute allowance may be adjusted depending on the level of business coming before the City Council).

3. 4. CITY MANAGER REPORTS

~~4.~~ ~~FIRST READING OF ORDINANCES NOT REQUIRING PUBLIC HEARINGS~~ *(No public comments)*

5. PUBLIC HEARINGS

6. CONSENT AGENDA *(No public comments)*

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

8. ~~COMMENTS/CONCERNS FROM THE AUDIENCE / PUBLIC ON ANY MATTERS CONSIDERED AT MEETING, OR ON ANY MATTERS NOT ON THE AGENDA~~

9. ADJOURN

SECTION 2: This resolution shall supersede any previous rules, policies, procedures, or resolutions to the extent of any conflict with this resolution.

SECTION 3: Effective Date. This Resolution shall become effective immediately upon its adoption.

ADOPTED THIS 7TH DAY OF MAY 2018

By:



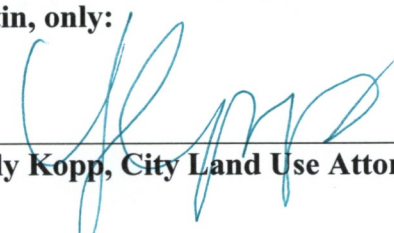
Gary Jarvis, Mayor

ATTEST:

Approved as to form and legal sufficiency for the
City of Destin, only:



Rey Bailey, City Clerk



Kimberly Kopp, City Land Use Attorney

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018**TYPE OF AGENDA ITEM:** City Manager Report

TO: City Council**THRU:****FROM:** Carisse LeJeune, City Manager**DATE:** June 26, 2018**SUBJECT:** Update on Norriego Point Recreational Activities

I. BACKGROUND: The hardening and build up of the dune on Norriego Point is complete. The dune has been secured with fencing and signage and the plantings for natural grass and shubery will be underway shortly. The recent work completed at Norriego Point resulted in the establishment of four embayment areas that will be used as public swimming areas.

In the meantime, the FDEP Project Manager for the project and grant recently informed staff that the state is opening Norriego Point to the public until which time the Phase II Recreational Elements will begin construction sometime this winter.

II. DISCUSSION: On Wednesday, June 20, 2018, the City Manager met with Fire District Chief Kevin Sasser and and Life Guard Chief Joe D'Agostino to discuss the current use of Norriego Point by the public and the approaching July 4th holiday.

Previous understanding from both the City and the Fire District was that Norriego Point would not be open to the public until both phases of contruction were complete, and neither agency made budgetary requests of the TDC for this current summer season.

Now that the public is using the waterfront at Norriego Point, serious safety concerns have been identified. The City Manager and the Fire District Chief and Lifeguard Chief went before the TDC Tuesday morning, June 26, 2018 and requested additional funding for lifeguards this summer season and in the coming year budget. The TDC was agreeable to providing the additional funding and the Fire District will begin their lifeguard patrol on Friday, June 29, 2018.

To help protect the users of the embayment areas staff has ordered swimming buoys, ropes, anchors and appropriate signage. The ropes and buoys will be installed at the outer edge of each of the embayment areas to help define the swimming areas and protect the swimmers. Appropriate signage will also be installed outlining safety protocols and park rules.

- A. **Link to Strategic Goals / Objectives:** Commitment to public safety.
- B. **Effect on Budget (EOB):** Overall cost for the materials is estimated at \$3,000. Adequate funds are available in the current beach/boardwalk budget to cover these expenditures.
- C. **Level of Service (LOS):** Increased safety to the residents and visitors.

III. **CONCLUSION:** This update is for informational purposes.

IV. **RECOMMENDED MOTION:** None

Attachments:
None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018

TYPE OF AGENDA ITEM: City Manager Report

TO: City Council

THRU:

FROM: Carisse LeJeune, City Manager

DATE: June 28, 2018

SUBJECT: Updates on Henderson Beach Road and Commons Drive intersection and 820 Beach Drive Concrete Plant Boat Trailer Parking.

I. BACKGROUND: At the June 18, 2018 City Council meeting, members of Council requested that information be provided regarding improvements to the Henderson Beach Blvd and Commons Drive Intersection and potential Boat Trailer Parking at the former Cemex Plant at 820 Beach Drive.

Please see the attached memorandums from Mr. David Campbell, Public Services Director/City Engineer.

II. DISCUSSION:

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

1. Memo To CM boat trailer parking1
2. Memo To CM Henderson and Commons

OFFICE OF PUBLIC SERVICES

MEMORANDUM

June 22, 2018

TO: City Manager/Carisse LeJeune
FROM: Public Services Director/ David O. Campbell, PE
SUBJECT: 820 Beach Drive – Concrete Plant Boat Trailer Parking

Members of the Public Services staff conducted an inspection of the concrete plant property to determine the suitability of the property for overflow boat trailer parking. Although there is ample space on the site, we do not have enough crushed concrete or gravel to cover the unstabilized area, approximately 25,000 sq ft. (0.6 ac) at a cost of approximately \$39,000. Stabilization is necessary if we are to invite the public to park their trucks and trailers..

cc:
PS Files

OFFICE OF PUBLIC SERVICES

MEMORANDUM

June 22, 2018

TO: City Manager/Carisse LeJeune

FROM: Public Services Director/ David O. Campbell, PE

SUBJECT: Intersection Improvements to Henderson Beach Blvd and Commons Drive

Commons Drive and Henderson Beach Boulevard are County roads. As part of an inter-local agreement, the City and County jointly review any development plans along Commons Drive whether the development is located in the County or the City. As part of the Sea Glass Apartment development review the City received \$100,000 from the apartment development in 2017 towards the intersection improvements of Henderson Beach Boulevard and Commons Drive. The money has a 5 year time frame to be spent. Staff has been in contact with the County's Engineering and Public Works Departments to encourage them to place the intersection improvements in their 5 year Capital Improvement Plan. The County is looking for a funding source in addition to the \$100,000 Sea Glass Apartment contribution in order to put it in their CIP.

City Staff is investigating whether the \$100,000 can be transferred to the County so they can put the project in their CIP next fiscal year while they identify other possible funding sources such as sales tax, TDC, etc. I will update you as I gather more information.

cc:
PS Files

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018

TYPE OF AGENDA ITEM: City Manager Report

TO: City Council

THRU:

FROM: Carisse LeJeune, City Manager

DATE: June 29, 2018

SUBJECT: Update on City Grants Procurement and Awards Process

I. BACKGROUND: In lieu of recent issues and concerns regarding the City's Grants Procurement and Award process, the City Manager is currently working with staff to review and revise processes and procedures to create a standardized Grants Guidelines Manual.

II. DISCUSSION: The City Manager and staff will be using Best Practice examples from municipalities and county's throughout the State of Florida that have successfully been awarded and manage grants according to established, adopted processes and procedures that meet all local, state and federal guidelines.

When complete, the draft document will be brought forward to City Council for review and discussion, and adoption by resolution. The Grants Manual will be the guiding document for every stage in the grant process.

The City Manager and staff will also be requesting additional software purchase in the upcoming budget workshops to efficiently track, manage and research grants and grant opportunities. This will provide a single repository for all grant related documents, additional oversight tracking and review by the City Manager, and greater access to State and Federal grant opportunities.

With the potential for decreasing revenue streams through unfunded mandates, additional Homestead Exemptions, and changing State Tax Laws, we need to aggressively take advantage of grant opportunities for projects and infrastructure improvements that will move the City forward according to the will and direction of the City Council.

A. Link to Strategic Goals / Objectives: Goal #1-FINANCIALLY SOUND

CITY PROVIDING SERVICE VALUE: 1A2-Evaluate and recommend alternative revenue sources and grant opportunities

B. Effect on Budget (EOB): To be brought forward and discussed at upcoming budget workshops

C. Level of Service (LOS): Potential increased revenue through creating standardized guidelines and efficiencies to effectively and aggressively pursue grant opportunities.

III. CONCLUSION: Staff is also looking for direction from City Council regarding the Clement Taylor Park Renovation Project. This construction grant has been moving on the same track as the Royal Melvin Heritage Park grant and staff would like direction as to either continue the grant process on its current trajectory, or would Council prefer that the City Manager request the County put this grant submittal on hold and bring back the 90% plans to Council for review and approval prior to final submittal for award?

IV. RECOMMENDED MOTION: I move to direct the City Manager to continue on the current trajectory for the Clement Taylor Park Renovation Project with submittal for final award of grant to Okaloosa County grants administrative staff.

OR

I move to direct the City Manager to bring forward to Council the 90% design plans for Clement Taylor Park Renovation Project and request Okaloosa County Commission and staff to hold submittal of grant until approved by the Destin City Council.

Attachments:
None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018**TYPE OF AGENDA ITEM:** Ordinance

TO: City Council

THRU: Carisse LeJeune, City Manager

FROM: Kimberly Kopp, Land Use Attorney

DATE: June 20, 2018

SUBJECT: First reading of Ordinance Number 18-14-CC Relating to Prohibiting Gambling within the Destin City Limits.

I. BACKGROUND: The City Council previously provided direction to the City Attorney and the City Land Use Attorney to prepare and review an ordinance regulating gambling activities within the City of Destin. Prohibiting gambling activities within City limits is in the best interests of the City, and its citizens because: (1) gambling exploits the poor and disadvantaged, (2) the increased availability of gambling leads to gambling addiction, and (3) gambling attracts fraud and corruption. Currently, Section 7.12.00 of the City's Land Development Code prohibits gambling industries and casino hotels in all zoning districts. The proposed Ordinance establishes additional and consistent regulations to be placed in the Code of Ordinances.

II. DISCUSSION: The proposed Ordinance establishes a detailed framework for regulating gambling activities within City limits, consistent with Florida law. Specifically, the Ordinance creates Article VII of Chapter 14, Prohibiting Gambling Activities, and including:

- * Definitions;
- * Prohibition on any gambling within City limits, other than lotteries administered by the State Lottery system, and Bingo games;
- * Methods of enforcement, including authorization for code enforcement proceedings, civil citations, and criminal penalties to the extent authorized by law;
- * State notification processes in cases of violation; and
- * Limited exceptions for charitable organizations.

A. Link to Strategic Goals / Objectives: Goal #4: Enhanced Quality of Life and Safety for Families

B. Effect on Budget (EOB): None at this time

C. **Level of Service (LOS):** N/A

III. CONCLUSION: The proposed Ordinance is consistent with existing land development code regulations, and provides additional regulations to further the objectives of reducing exploitation of the poor and disadvantaged, prevention/reduction of gambling addictions, and prevention/reduction of fraud and corruption.

IV. RECOMMENDED MOTION: "I move that the City Council approve Ordinance 18-14-CC on first reading and direct the City Clerk to advertise for second reading."

Attachments:

1. Ordinance 18-14-CC

ORDINANCE 18-14-CC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO PROHIBITING GAMBLING WITHIN CITY LIMITS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE CREATION OF CODE OF ORDINANCES, CHAPTER 14, ARTICLE VII, GAMBLING PROHIBITED WITHIN CITY LIMITS; ARTICLE VII, SEC.14-200. – LEGISLATIVE INTENT; ARTICLE VII, SEC. 14-201. – DEFINITIONS; ARTICLE VII, SEC. 14-202. – PROHIBITED GAMBLING AND GAMING ACTIVITIES; ARTICLE VII, SEC. 14-203. – OPERATIONS; ARTICLE VII, SEC. 14-204. – ENFORCEMENT OF THIS ARTICLE; ARTICLE VII, SEC. 14-205. – NOTICE TO AUTHORITIES; ARTICLE VII, SEC. 14-206. – ENFORCEMENT OF THIS ARTICLE; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. The authority for enactment of this Ordinance is Article 1, Section 1.01(b) of the City Charter, and Section 166.021, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City Council has deemed it necessary to amend the existing Code of Ordinances to prohibit any gambling within City limits, other than lotteries administered by the State Lottery system, and Bingo games; and

WHEREAS, the City Council has determined that this ordinance is consistent with the City Charter, Florida Statutes, the City Code of Ordinances, the Land Development Code, and the adopted Comprehensive Plan;

WHEREAS, the Council has determined that prohibiting gambling within City Limits, is in the best interests of the City and its citizens because: (1) gambling exploits the poor and disadvantaged, (2) the increased availability of gambling leads to gambling addiction, and (3) gambling attracts fraud and corruption; and

WHEREAS, a public hearing has been conducted by the City Council after due public notice.

NOTE: *Language in all sections of this ordinance that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language that is not ~~struck through~~ or underlined is not to be changed, and * * * represents sections of the Code of Ordinances that have been skipped and remain unchanged.*

SECTION 3. CREATION OF CODE OF ORDINANCES CHAPTER 14, ARTICLE VII., GAMBLING PROHIBITED WITHIN CITY LIMITS. Code of Ordinances Chapter 14, Article VII., *Gambling Prohibited* is hereby created as follows:

Chapter 14 Offenses and Miscellaneous Provisions

Article VII: Gambling Prohibited Within City Limits

Sec. 14-200 - Legislative intent.

The intent of the City of Destin in adopting this article is to broadly prohibit any form of gambling within the City of Destin city limits, other than lotteries administered by the state of Florida pursuant to Chapter 24, Florida Statutes, and any legal Bingo business operated pursuant to section 849.0931, Florida Statutes.

The interests of the citizens of the City of Destin will be better served if gambling is prohibited, because: (1) gambling exploits the poor and disadvantaged, (2) the increased availability of gambling leads to gambling addiction, and (3) gambling attracts fraud and corruption.

Sec. 14-201. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Adult arcade amusement center” means a place of business, having games or machines, which operate by means of insertion of a coin or other device, in order to receive points or coupons which may be exchanged for merchandise or prizes.

“Card room” shall mean a location where gambling or gaming is conducted where money or anything of value and to which the public is invited to participate in such games and charged a fee for participation by the operator of such facility.

“Card table” shall mean any table or any other surface upon which any game is played.

“Casino gambling” shall mean playing or engaging in any game of skill or chance for money or any other thing of value, regardless of how such game is named, labeled, or otherwise characterized.

“Commence” shall mean and include the terms “commence,” “begin,” “initiate,” “start,” “open” and “establish.”

“Conduct” shall mean and include the terms “conduct,” “transact,” “maintain,” “prosecute,” “practice,” “manage,” “operate,” “permit,” “allow,” “suffer” and “carry on.”

“Conviction or convicted” shall mean a plea of guilty, a final verdict of guilty or a conviction following a plea of nolo contendere, irrespective of whether the conviction is expunged.

“Council” shall mean the City Council of the City of Destin.

“Day” shall mean “calendar day” unless otherwise expressly stated.

“Employee” shall mean every person who is engaged in the operation or conduct of any gaming club whether as an associate, agent, manager, employee or representative and each and every other person employed or working at or for such a business for a wage, salary, commission, room, board or any other remuneration.

“Financial interest” shall mean any direct or indirect interest in the management, operation, ownership, profits or revenue (gross or net) of a gaming club.

“Gambling” or “gaming” shall mean playing or engaging in any game of skill or chance for money or any other thing of value, regardless of how such game is named, labeled, or otherwise characterized. Lotteries administered by the state of Florida pursuant to Chapter 24, *Florida Statutes*, and Bingo businesses operated pursuant to section 849.0931, *Florida Statutes*, are not governed or prohibited by the Article. Gambling/Gaming shall include but are not limited to electronic and non-electronic forms of: sports betting, games of cards, keno, roulette, faro, dice, numbers, hazards, adult arcades, proposition betting or wagering, slot machines, simulated gambling devices, or other game of chance, for money, property or thing of value.

“Gambling house” shall mean any place that has, keeps, exercises or maintains a gaming table or room, or gaming implements or apparatus for the purpose of playing for money or other valuable thing at any game whatever. The definition shall include any Adult arcade amusement center, Casino, and Gaming club.

“Game” shall mean legal gambling or gaming as defined below.

“Lease” shall mean any formal or informal, written or oral contract or understanding or arrangement whereby any person operating a gaming club obtains the use or possession of any property, real or personal, to be used, occupied, or possessed in connection with the conduct of games at any gaming club. The term “lease” includes without limitation payments to an affiliated person under a real property lease, a personal property lease, an unsecured note, a deed of trust, a mortgage, or a trust indenture.

“Lessor” shall mean any person who leases any property, real or personal, to a person operating a gaming club for use in connection with the conduct of games or related activities.

“Operator or operation” shall mean any person whose business operation includes a drawing by chance conducted in connection with the sale of a consumer product or service, sweepstakes, or game promotion that utilizes simulated gambling device or a premises in which a simulated gambling device is conducted.

“Person” shall mean any individual, association, pointholder, partnership, joint venture, corporation, or any other type of organization, whether conducted for profit or not for profit, or a director, executive, officer, manager, or employee of an association, partnership, joint venture, corporation, or other organization.

“Playing cards” or “card games” shall mean the participation in gambling or gaming at a gaming club.

“Pointholder” shall mean any person or entity having a financial interest or beneficial interest in gambling or gaming business.

“Premises” shall mean a parcel, or location, along with its grounds, together with all buildings, improvements and personal property located thereon and related to gambling or gaming.

“Propositional player” shall mean an individual, other than an owner, key management employee, or other supervisor, who provides third-party propositional player services in a game.

“Simulated gambling device” shall mean any electronic or mechanical device provided by or on behalf of the operator that is used or adapted for use to conduct and/or reveal the results of a drawing by

chance conducted in connection with the sale of a consumer product or service, sweepstakes or game promotions that display results by simulating a game or games ordinarily played on a slot machine. This includes the software which is used to conduct the simulated game notwithstanding whether the operator provides the hardware on the premises.

“Slot machine” shall mean any mechanical or electrical contrivance, terminal that may or may not be capable of downloading slot games from a central server system, machine, or other device that, upon insertion of a coin, bill, ticket, token, or similar object or upon payment of any monetary consideration whatsoever, including the use of any electronic payment system, is available to play or operate, the play or operation of which, including any element of chance, may deliver or entitle the person or persons playing or operating the contrivance, terminal, machine, or other device to receive cash, billets, tickets, tokens, or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether the payoff is made automatically from the machine or manually. Slot machines may use spinning reels, video displays, cathode ray tubes, microprocessors or other similar technology, and have as their object, the presentation or lining up, arrangement, or juxtaposition of symbols, alphanumeric signs, colors, or figures to determine a result or outcome.

“Sports betting” shall mean the activity of predicting sports results and placing a wager on the outcome. This definition includes propositional betting on any sports, wherein a wager is placed on the occurrence or non-occurrence of things occurring during a sporting event.

“Sports Book” is a term that can be used to describe a business or location wherein sports betting takes place.

Sec. 14-202. – Prohibited Gambling and Gaming Activities.

(A). Playing or Engaging in Games Generally.

No person or entity shall play or engage in any sports betting, game of cards, keno, roulette, faro, dice, numbers, hazards or other game of chance, for money, property or thing of value.

(B). Gambling Houses or Casinos

No person or entity may operate, lease, or allow on property owned by the person/entity the operation of a Casino, Sports Book, or Gambling House within the jurisdictional limits of the City of Destin. No person shall have, keep, operate or maintain a gambling table or room or gambling implement, apparatus, or device, or any casino, house, booth, tent, shelter or other place for the purpose of gaming or gambling, or in any such place of which he/she shall, directly or indirectly, have charge, control or management, either exclusively or with others, procure, suffer or permit any person to play for money or other valuable thing at any game whatsoever, whether the game shall be prohibited or not.

(C). Prohibition of simulated gambling devices.

It is unlawful within the City of Destin for any person or entity to design, develop, manage, supervise, maintain, provide, produce, possess or use a simulated gambling device. Each individual act to design, develop, manage, supervise, maintain, provide, produce, possess or use a simulated gambling device constitutes a separate violation of this article.

(D). Setting Up or Playing Other Games of Chance.

No person or entity shall set up, promote or play at any game of chance by lot or with dice, cards, numbers, hazards or any other gambling devices whatsoever for, or for the disposal of money, property or thing of value, under the pretext of a sale, gift or delivery thereof, or of any right, share or interest therein.

(E). Betting on Elections, etc.

No person or entity shall stake, bet or wage any money, property or thing of value upon the result of any election, trial, contest of skill, speed, power or endurance of man, beast, vehicle, boat or airplane, or of any uncertain or dubious event; provided, however, that this section shall not make unlawful the award of prizes for actual competitions in athletic or scholastic contests where the same is otherwise permitted by law or ordinance, or by permits granted by the City Council, or under its authority.

(F). Gambling Machines.

No person or entity shall manufacture, own, store, keep, possess, sell, rent, lease, let on shares, lend, give away, transport or offer so to do, or permit to be operated, placed, maintained, used or kept in any room, space or building owned, leased, rented or occupied by him, or under his management or control, any machine or device described in and prohibited by Florida Statutes §§ 849.15 and 849.16.

(G). Lotteries.

Other than the lotteries administered through the Florida Lottery, no person shall set up, promote or conduct any lottery for money, property or thing of value; or, by means of a lottery dispose of any money, property or thing of value; or conduct any lottery drawing for the distribution by lot or chance, or advertise any such lottery scheme or device in any newspaper or by circular, poster, pamphlet or otherwise; or sell, offer for sale or transmit by mail or otherwise, any lottery ticket or coupon, or share in or fractional part of any lottery ticket, coupon or share, whether such ticket, coupon or share represents an interest in a live lottery not yet played, or whether it represents or has represented, an interest in a lottery that has already been played; or attempt to operate, conduct or advertise any lottery scheme or device; or have in his possession any lottery wheel, implement or device whatsoever designed or intended for use, or used, in conducting any lottery or scheme for the disposal by lot or chance of any property or anything of value; or have in his possession any lottery ticket, or evidence of any share or right in any lottery ticket, or in any lottery scheme or device, whether such ticket or evidence of share or right represents an interest in a live lottery not yet played or whether it represents, or has represented, an interest in a lottery that has already been played; or have in his possession any lottery advertisement, circular, poster or pamphlet, or any list or schedule of any lottery prize, gift or drawing; or aid or assist in the setting up or conducting of any lottery, either by writing, printing or otherwise; or be interested in, or connected in any way with, any lottery or lottery drawing; or, aid or assist in the sale, disposal or procurement of any lottery ticket, coupon, share or right to any drawing therein, or in the payment or delivery of any prize or award resulting from a lottery or drawing. The word "lottery" shall include bolita, policy, numbers and the like by whatsoever name known.

(H). Gambling Vessel

No person or entity shall offer cruises on any vessel, that depart or return to the jurisdictional waters of the City of Destin, and which permit any prohibited gambling or gaming (as prohibited by this article) on the vessel to take place at anytime the vessel is either docked, moored, or in transit.

Sec. 14-203. – Operations.

(A). Stakeholders.

No person or entity shall be, or become the custodian, depository or stake-holder of any money, property or other thing of value staked, bet or wagered in violation of this Article.

(B). Renting.

No person or entity, whether as owner or agent of a house, room, booth, shelter or other place, or any tenant or lessee thereof, shall rent, lease or subrent or sublease the same to a person or business engaged in gambling or gaming that is prohibited by this Article.

(C). Employees.

No persons or entities shall act as a servant, clerk, agent, employee, contractor, volunteer, or collector of or for any person or in furtherance of any gambling or gaming prohibited by this Article.

Sec. 14-204. – Enforcement of this Article.

The provisions of this Article shall be enforced as provided in Chapter 14, Offenses and Miscellaneous Provisions, of the Code of Ordinances of the City of Destin, and by such other means as are specified herein below:

(A). Code Enforcement: The Code Enforcement Division may enforce the terms of this article by bringing a case to the Code Enforcement Special Magistrate or Code Enforcement Board, whichever is applicable, as provided in Chapter 14, Offenses and Miscellaneous Provisions, Article III, Code Enforcement Board or Special Magistrate, of the Code Ordinances of the City of Destin and Chapter 162, Part 1, Florida Statutes.

(B). Civil Citation: The Code Enforcement Division, or other duly authorized officer or authority, may enforce the terms of this article through issuance of civil citation as provided in Chapter 14, Offenses and Miscellaneous Provisions, Article III, Code Enforcement Citation Program and Procedures, of the Code Ordinances of the City of Destin and Chapter 162, Part 2, Florida Statutes.

(C). Criminal Penalties: A violation of this article shall be punishable as a misdemeanor by a fine of up to five hundred (\$500.00) dollars per violation and a definite term of imprisonment of not more than sixty (60) days as provided in F.S. § 162.22.

(D). The City Manager shall revoke any and all Business Tax Receipts for any businesses located on a parcel of property that is found to house gambling activities that violate this Chapter. The City Manager may refuse to issue or re-issue Business Tax Receipts to any businesses that are found, or charged with being connected in any way to gambling activities that violate this Chapter.

(E). Nothing contained herein shall prevent the city from taking such other lawful action in law and equity as may be necessary to remedy any violation of, or refusal to comply with, any part of this article, including but not limited to: (a). Pursuit of injunctive and/or declaratory relief in a court of law; and (b). Utilizing any other action or enforcement method allowable by law.

Sec. 14-205. – Notice to Authorities.

If an individual, or entity, is charged with violating this Chapter, either criminally, civilly, or administratively, then within ten (10) days of the City Manager being informed of said charges, the City Manager shall send a written notice to the United States Attorney for the Northern District of Florida, providing notice that there are pending allegations that the individual, or entity, is operating an “Allegedly Illegal Gambling Operation”. This written notice shall also be forwarded to the State Attorney’s Office for the First Judicial Circuit of Florida, Okaloosa County Sheriff’s Office, and the Internal Revenue Service.

Sec. 14-206. – Limited Exception for Charitable Organizations.

Charitable organizations that have been in existence for at least three (3) calendar years, and other non-profit entities that have been in existence for at least three (3) calendar years (together which shall be termed “Charitable Organizations” for this section), that are recognized as tax-exempt under the Internal Revenue Code, may conduct one (1) fundraising event a year, that is no more than five (5) hours in duration, wherein gaming takes place as the primary focus of the charitable event. Such an event, for purposes of this section will be defined as a “Gaming Fundraiser”.

(A). Winners’ prizes at Gaming Fundraisers must be donated, and cash prizes may not be awarded. No individual prize awarded may exceed a cash value of \$500, and the total value of prizes awarded may not exceed a cash value of \$5000. Persons under the age of 18 may not participate. At least 90 percent of revenues generated at Gaming Fundraisers must go directly to the nonprofit organization, and no more than 10 percent of gross receipts may be paid as compensation to the entity or persons conducting the Gaming Fundraiser, excluding a facility rental fee.

(B). No more than one (1) Gaming Fundraiser shall be permitted to be hosted on or at any parcel of property within a calendar year.

(C). If a Charitable Organization, who has already held one Gaming Fundraiser within the Destin City Limits in a calendar year, wants to hold an additional Gaming Fundraiser, then the Charitable Organization shall fill out an application for a Single Use Charity Gaming Fundraiser Permit, and provide the application to the City Clerk or City Manager. A completed application will then be presented to the Destin City Council, at a regularly scheduled City Council Meeting. The Destin City Council will then vote on whether to grant the Single Use Charity Gaming Fundraiser Permit. If the permit is granted, then it will allow for one additional Gaming Fundraiser to be held by the Charitable Organization, on a different parcel than the first Gaming Fundraiser was held on. Permits are not transferrable, and expire within sixty (60) days of issuance. No entity may receive more than one (1) permit in any calendar year.

Sec. 14-207. – Enforcement of this Article.

The provisions of this article shall apply within the City of Destin. If any form of gambling prohibited by this Chapter is deemed by the Florida Legislature to be an action that municipalities may not prohibit, then the remainder of this Chapter shall remain in full force and effect as it pertains to other forms of gambling or gaming that the Florida Legislature does not expressly forbid municipalities from prohibiting or regulating.

SECTION 4. INCORPORATION INTO CODE OF ORDINANCES. This ordinance shall be incorporated into the City of Destin's Code of Ordinances and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 6. SEVERABILITY. Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor, or Mayor Pro Tem if Mayor is unable to sign.

ADOPTED THIS ____ DAY OF JULY, 2018

By:

Gary Jarvis, Mayor

ATTEST:

The form and legal sufficiency of the foregoing
has been reviewed and approved by the City Attorney.

Rey Bailey, City Clerk

Jeffrey L. Burns, City Attorney

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018

TYPE OF AGENDA ITEM: Consent Agenda

TO: City Council

THRU: Carisse LeJeune, City Manager
Bragg Farmer, Finance Director

FROM: Lance Johnson, Recreation Manager

DATE: June 27, 2018

SUBJECT: TORO GM4300D Lease-Purchase

I. BACKGROUND: On June 18, 2018 Council approved the five-payment lease-purchase proposal dated June 13, 2018 for a TORO GM4300D sports-turf mower from Jerry Pate Turf & Irrigation with the annual payments being \$10,115.11.

Staff was subsequently contacted by TORO on Monday June 25, 2018 (see attached) and informed that the June 13, 2018 proposal had a calculation error in it. The corrected proposal dated June 25, 2018 (Attached) is for five annual payments of \$11,355.22.

II. DISCUSSION: On June 18, 2018 Council approved the five-payment lease-purchase proposal dated June 13, 2018 for a TORO GM4300D sports-turf mower from Jerry Pate Turf & Irrigation, through existing Florida State contract, with the annual payments being \$10,115.11.

Staff was subsequently contacted by TORO on Monday June 25, 2018 (see attached) and informed that the June 13, 2018 proposal had a calculation error in it. The corrected proposal dated June 25, 2018 (Attached) is for five annual payments of \$11,355.22.

Staff is requesting Council to approve the corrected proposal.

A. Link to Strategic Goals / Objectives: *Improve public use and safety of City parks.

*Sustaining sports tourism events and their economic impact.

B. Effect on Budget (EOB): There are adequate funds available. Price provided by TORO reflects Florida State Contract number 21100000-15-1

C. Level of Service (LOS): Approval of this item will enable staff to maintain the current LOS.

III. CONCLUSION: This program has proven to be efficient and effective with little to no equipment down time, improved aesthetics and reduced staff time required to complete the work.

IV. RECOMMENDED MOTION: I move to approve the corrected TORO GM4300 lease-purchase proposal dated June 25, 2018 and authorize the City Manager to negotiate terms and execute the final lease-purchase agreement on behalf of the City.

Attachments:

1. Toro GM4300 Revised 6.25.18
2. TMorris Email 6.25.2018_TORO
GM4300 Revised
3. Signed Resolution 18-20



Jerry Pate Turf & Irrigation

Jerry Pate Turf & Irrigation
301 Schubert Drive
Pensacola, FL 32504
Ph# (800) 700-7001
Fax# (850) 484-8596
www.jerrypate.com

DATE: June 25, 2018
EXPIRATION DATE: Valid 30 Days

Proposed Order

Exclusively For: City of Destin
Attn: John Podjed
3949 Commons BLVD
Destin, FL 32541
[Ph#] 850-837-4242
[Fax#] 850-269-2343
[Customer Acct#] 208500
[Email] jpodjed@cityofdestin.com

Prepared By: Jake Holbrook Ext. 1217
jholbrook@jerrypate.com
Account Executive: Tony Morris 850-393-4556 cell
tmorris@jerrypate.com

Per your request, I am pleased to submit a proposal on the following equipment:

Qty	Model #	Description	FL	ST	CNT	\$	Extension
1	30864	Toro Groundsmaster 4300-D Tier 4	\$		48,648.99	\$	48,648.99
1	03667	Air-Ride Seat Suspension	\$		473.21	\$	473.21
5	117-0149	Roller Scraper	\$		69.19	\$	345.94
1	CTFC-17	Cool Top Fan & Canopy	\$		720.00	\$	720.00
Equipment Subtotal							\$ 50,188.14

\$1.00 Buyout Lease Purchase Information:

6.39% APR	Five Annual Payments, (1) in Advance, (4) Additional Annual Payments Total Term 49 Months	\$	11,355.57
6.59% APR	Six Annual Payments, (1) in Advance, (5) Additional Annual Payments Total Term 61 Months	\$	9,796.22

Toro Pricing Reflects Florida State Contract # 21100000-15-1

Purchase Orders Must Be Made Out To:

**Wesco Turf, Inc.
2101 Cantu Court
Sarasota, FL 34232**

Prices Do Not Include Sales Tax or Applicable Documentation Fees

This is a proposal on the goods named, subject to the following conditions: The prices and terms on this proposal are not subject to verbal changes or other agreements unless approved in writing by the Home Office of the Seller. All proposals and agreements are contingent on availability of product from the manufacturer. Prices are based on costs and conditions existing on date of proposal and are subject to change without notice. Typographical errors are subject to correction.

To accept this proposal, sign here and return: _____ Date: _____

Thank you, we appreciate your business!



Lance Johnson

From: Tony Morris <TMorris@jerrypate.com>
Sent: Monday, June 25, 2018 5:17 PM
To: Lance Johnson; Jacob Holbrook
Cc: Bragg Farmer; Carisse LeJeune
Subject: RE: Toro GM4300 Lease
Attachments: Toro GM4300 Revised 6.25.18.pdf

Lance,

First of all, thank you for the opportunity to serve you. Our goal is to develop a long-term relationship with our customers and continue to build on it. Unfortunately, sometimes errors are made or communications are not clear and mistakes are made. This is one of those times.

The original proposal should have read 6 payments. The payments are made in advance and you would make your last payment on the 60 month. We did a poor job of explaining and we now find ourselves in a situation where we are unable to accept the order as interpreted. Again we are sorry but unable to finance the GM4300 at 60 months 5 payments at \$10,115.11.

We have rewritten the proposed order in a way that is easier to understand. Please review and let me know if you have any questions.

Again, we value your business and will try in the future to make sure our communications are clear.

Sincerely,

Tony Morris, SCPS

Commercial, Irrigation, & Golf
Account Executive



301 Schubert Drive | Pensacola, FL 32504

Office: 850-479-4653

Cell: 850-393-4556

www.jerrypate.com

From: Lance Johnson <ljohnson@cityofdestin.com>
Sent: Monday, June 25, 2018 3:05 PM
To: Tony Morris <TMorris@jerrypate.com>; Jacob Holbrook <JHolbrook@jerrypate.com>
Cc: Bragg Farmer <BFarmer@cityofdestin.com>; Carisse LeJeune <clejeune@cityofdestin.com>
Subject: RE: Toro GM4300 Lease

Gentlemen:

The original TORO GM4300D lease-purchase proposal dated June 13, 2018 that was approved by the Destin City Council on 6/18/18 was for 60 months (5 payments) with annual payments of \$10,115.11 each which totals \$50,575.55 over the life of the lease-purchase. The proposal dated June 25, 2018 for the same equipment is for 60 months (5 payments) with annual payments of \$11,355.57 with annual payments totaling \$56,777.85 over the life of the lease-purchase an increase of \$6,202.30. The proposal dated June 25, 2018 for the same equipment also lists an option for 72 months (6 payments) with annual payments of 9796.22 each which totals \$58,777.32 over the life of the lease-purchase an increase of \$8,201.77.

After reviewing this with the City's Finance Director we would request that you honor the original proposal dated June 13, 2018 to avoid further delays. Increasing the proposal after approval was obtained will basically require us to start the process over. Please let me know if you have another solution that may be mutually acceptable.

Thank You.

Lance A. Johnson, MS
City of Destin, Florida
Director of Parks & Recreation
(850) 837-4242
4200 Indian Bayou Trail
Destin, FL 32541



From: Tony Morris [<mailto:TMorris@jerrypate.com>]
Sent: Monday, June 25, 2018 1:22 PM
To: Lance Johnson <ljohnson@cityofdestin.com>
Cc: Jacob Holbrook <JHolbrook@jerrypate.com>
Subject: Toro GM4300 Lease

Lance,

Here's the information from when we talked this morning.

When we started to process the order we found two errors.

1. We used the new Florida State contract price. (\$51,821.86) The new contract has not went into effect yet and the current Florida State Contract is (\$50,188.14) This is good news as is \$1,633.72 less. See Attachment.
2. The \$1.00 buyout lease we quote the city of Destin was a 6 payment 72 month not a 5 payment 60 month lease. I have corrected and resent for you records.

Let me know if you want the 6 payment of 5 payment option?

Sorry for the inconvenience but wanted to correct as soon as we recognized.

Call me if we need to discuss.

Thank you

Tony Morris, SCPS

Commercial, Irrigation, & Golf
Account Executive



301 Schubert Drive | Pensacola, FL 32504

Office: 850-479-4653

Cell: 850-393-4556

www.jerrypate.com

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RESOLUTION 18-20

A RESOLUTION OF THE CITY OF DESTIN, FLORIDA, AUTHORIZING THE EXECUTION OF A PROPOSAL FROM JERRY PATE TURF & IRRIGATION AND A LEASE-PURCHASE AGREEMENT WITH DLL FINANCE, LLC, FOR A 2018 TORO MODEL GM-4300-D SPORTS TURF MOWER

WHEREAS, the City of Destin, Florida (the "Lessee"), a municipal corporation of Okaloosa County, Florida is authorized by the laws of the State of Florida to purchase, acquire and lease certain equipment and other property for the benefit of the Lessee and its inhabitants and to enter into contracts thereto; and

WHEREAS, the City Council, as the governing body has determined that a true and very real need exists for the acquisition of the equipment; and has further determined that the equipment will be used solely for essential governmental functions and not for private business use; and

WHEREAS, the Lessee has taken the necessary steps, including, without limitation to compliance with legal bidding requirements, under applicable law to arrange for the acquisition of such equipment; and

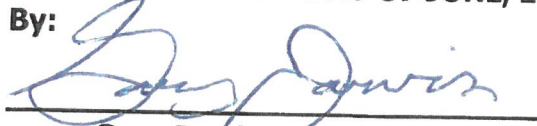
WHEREAS, the pricing reflected in the proposal from Jerry Pate Turf & Irrigation for the TORO GM-4300-D reflects Florida State Contract #21100000-15-1; and

WHEREAS, some non-price related terms remain to be negotiated, such as venue selection, public records, indemnification, and attorney's fees; and

NOW, THEREFORE, BE IT RESOLVED, by the Destin City Council that, the general terms of said Proposal and Lease are in the best interest of the City of Destin for the acquisition of a TORO GM-4300-D, however, the Destin City Council desires the venue selection, public records, indemnification and attorney's fees provisions to be negotiated, and upon conclusion of the negotiations the Destin City Council designate and confirms Carisse LeJeune, City Manager, to execute the Proposal and Lease-Purchase Agreement and any related documents necessary to the consummation of the transactions contemplated by the Lease Agreement.

ADOPTED THIS 4TH DAY OF JUNE, 2018

By:



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018

TYPE OF AGENDA ITEM: Consent Agenda

TO: City Council

THRU: Carisse LeJeune, City Manager
Bragg Farmer, Finance Director

FROM: David Campbell, Public Services Director

DATE: June 26, 2018

SUBJECT: National Fish and Wildlife Foundation, Chickasaw Drive Drainage
Improvements Project

I. BACKGROUND: The City is currently in the process of identifying and replacing damaged and corroded metal drainage piping and inlet boxes in the Indian Bayou subdivision. In September 2016, at the corner of Chickasaw and Country Club Dr. West, the ground had sunk near the drain boxes at both sides of the intersection. After investigation of the system in the areas, it was determined that the boxes at the intersection of Chickasaw and Indian Bayou Drive were leaking as well. All of the boxes are leaking from the bottom of the box and where the pipe connected to the boxes, for a total of 6 boxes and 9 pipe connections. The leaks are causing the pavement to sink and causing large sink holes adjacent to the boxes; both types of sinks are a safety hazard.

II. DISCUSSION: After conversations with the National Fish and Wildlife Foundation (NFWF), they agreed to include this project in the Stormwater Grant and will allow the City's continuing services stormwater contractor H & T Constructors, LLC to perform the repairs. They provided a quote for repairs in amount of \$ 64,052.30, attachment A. NFWF approved the quote and will pay for the repairs from the stormwater grant, attachment B.

A. Link to Strategic Goals / Objectives: 2B1 Design and Construct existing stormwater priority projects.

B. Effect on Budget (EOB): The City received a grant for \$3,593,617.95 in CIP SW51L. Approximately \$700,000 is available from the proceeds of the grant after all initial projects are complete; therefor there is sufficient funds available for this project.

C. Level of Service (LOS): There will be an increase in the level of service for the stormwater facilities on Chickasaw Drive in Indian Bayou

subdivision.

III. CONCLUSION: NFWF has agreed to fund the project and has approved H & T Constructors, LLC to complete the work. The budget for the project is \$64,052.30.

IV. RECOMMENDED MOTION: I move that the City Council authorize the City Manager to execute a work order for the Chickasaw Drive Drainage Improvements with H & T Constructors, LLC. in the amount of \$64,052.30.

Attachments:

1. Chickasaw Drainage estimate
2. NFWF Chickasaw Approval

CONTRACTOR: H&T Contractors, LLC.

Date: 6/4/2018

Work Order Number:

Completion Date:

Calendar Days:

Description: Chickasaw Way

Item No.	Description	Unit	Unit Price	Quantity	Extension
1	2" Type SP – 12.5 Asphalt Concrete Superpave (Coarse)	SY	\$9.50	0.00	\$ -
2	1 ½" Type SP – 12.5 Asphalt Concrete Superpave (Fine)	SY	\$8.50	192.00	\$ 1,632.00
3	1" Type SP - 9.5 Asphalt Concrete Overlay (Fine)	SY	\$7.00	0.00	\$ -
4	Milling of existing asphalt (average 1 in depth)	SY	\$3.00	0.00	\$ -
5	Milling of existing asphalt (average 2 in depth)	SY	\$4.00	0.00	\$ -
6	8" Graded Aggregate Base, delivered and compacted (LBR 100 compacted to 98% modified proctor density per AASHTO T-180)	SY	\$9.50	192.00	\$ 1,824.00
7	6" Graded Aggregate Base, delivered and compacted (LBR 100 compacted to 98% modified proctor density per AASHTO T-180)	SY	\$8.50	0.00	\$ -
8	4" Graded Aggregate Base, delivered and compacted (LBR 100 compacted to 98% modified proctor density per AASHTO T-180)	SY	\$7.00	0.00	\$ -
9	Stabilized Subbase (12") (LBR 40 compacted to 98% modified proctor density per AASHTOT-180)	SY	\$3.50	0.00	\$ -
10	Stabilized Subbase (6") (LBR 40 compacted to 98% modified proctor density per AASHTOT-180)	SY	\$3.00	0.00	\$ -
11	Prime Coat	SY	\$0.75	0.00	\$ -
12	Tack Coat	SY	\$0.75	0.00	\$ -
13	Asphalt Cut with Abrasive Blade	LF	\$4.00	180.00	\$ 720.00
14	Concrete Cut with Abrasive Blade	LF	\$4.00	0.00	\$ -
15	Silt Fence	LF	\$2.00	0.00	\$ -
16	Straw Waddle	LF	\$3.00	0.00	\$ -
17	Manhole Adjustment	EACH	\$400.00	0.00	\$ -
18	Valve Box Adjustment	EACH	\$150.00	0.00	\$ -
19	Removal of Concrete over 6 inches	SY	\$7.50	30.00	\$ 225.00
20	Removal of Asphalt up to 4 inches thick	SY	\$6.00	0.00	\$ -
21	Removal of Asphalt over 4 inches	SY	\$6.00	30.00	\$ 180.00
22	Fill Dirt provided, delivered, spread and compacted on grade	CY	\$12.00	40.00	\$ 480.00
23	Clear & Grub	SY	\$0.22	0.00	\$ -
24	Debris Hauling	CY	\$12.00	0.00	\$ -
25	Tree trimming	HR	\$150.00	0.00	\$ -
26	Aluminum Pipe Guardrail (FDOT Index 870)	LF	\$150.00	0.00	\$ -
27	Guardrail (FDOT Index 400)	LF	\$125.00	0.00	\$ -
28	Mobilization	LUMP	\$2,500.00	1.00	\$ 2,500.00
29	12" inch RCP provided, delivered, and installed	LF	\$28.00	0.00	\$ -
30	15" inch RCP provided, delivered, and installed	LF	\$29.00	0.00	\$ -
31	18" inch RCP provided, delivered, and installed	LF	\$34.00	0.00	\$ -
32	24" inch RCP provided, delivered, and installed	LF	\$42.00	0.00	\$ -
33	30" inch RCP provided, delivered, and installed	LF	\$55.00	0.00	\$ -
34	36" inch RCP provided, delivered, and installed	LF	\$65.00	0.00	\$ -
35	42" inch RCP provided, delivered, and installed	LF	\$90.00	0.00	\$ -
36	48" inch RCP provided, delivered, and installed	LF	\$120.00	0.00	\$ -

37	12" inch ADS Culvert Pipe provided, delivered, and installed	LF	\$20.00	0.00	\$ -
38	15" inch ADS Culvert Pipe provided, delivered, and installed	LF	\$22.00	0.00	\$ -
39	18" inch ADS Culvert Pipe provided, delivered, and installed	LF	\$25.00	0.00	\$ -
40	24" inch ADS Culvert Pipe provided, delivered, and installed	LF	\$30.00	0.00	\$ -
41	30" inch ADS Culvert Pipe provided, delivered, and installed	LF	\$38.00	0.00	\$ -
42	36" inch ADS Culvert Pipe provided, delivered, and installed	LF	\$47.00	0.00	\$ -
43	42" inch ADS Culvert Pipe provided, delivered, and installed	LF	\$85.00	0.00	\$ -
44	48" inch ADS Culvert Pipe provided, delivered, and installed	LF	\$95.00	0.00	\$ -
45	Concrete Headwall or Drainage Structure	CY	\$600.00	0.00	\$ -
46	Mitered end section – medium 12 inches to 15 inches	EACH	\$800.00	0.00	\$ -
47	Mitered end section – large 18 inches to 24 inches	EACH	\$4,000.00	0.00	\$ -
48	Concrete flume (4 in thick)	SY	\$48.00	27.00	\$ 1,296.00
49	Inlet Apron (4 in thick)	SY	\$48.00	0.00	\$ -
50	Raise existing inlet (assume 3 in adjustment)	EACH	\$1,000.00	0.00	\$ -
51	Lower existing inlet (assume 3 in adjustment)	EACH	\$800.00	0.00	\$ -
52	6 in Diameter Yard Inlet, installed, maximum 2 in depth	EACH	\$600.00	0.00	\$ -
53	Excavation and Haul Off	CY	\$8.00	0.00	\$ -
54	Well Points	DAY	\$3,500.00	7.00	\$ 24,500.00
55	Grout (joint)	EACH	\$500.00	5.00	\$ 2,500.00
56	Compaction of Subgrade, Soil, and Backfill (Up to 6" Thick)	SY	\$8.00	0.00	\$ -
57	Swale Installation (grading)	CY	\$10.00	200.00	\$ 2,000.00
58	Concrete Collar (any size)	EACH	\$400.00	2.00	\$ 800.00
59	Rip Rap Rubble (up to 12" stone, 18" thick)	SY	\$200.00	0.00	\$ -
60	Rip Rap Rubble (up to 24" stone, 36" thick)	SY	\$400.00	0.00	\$ -
61	6 inch Drain pipe	LF	\$15.00	0.00	\$ -
62	Type "C" inlet installed (maximum depth 6 ft)	EACH	\$2,500.00	0.00	\$ -
63	Concrete Driveway 6 inches thick-fiber reinforced	SY	\$48.00	0.00	\$ -
64	Concrete Sidewalk – 4 inches thick installed	SY	\$43.00	0.00	\$ -
65	Concrete Flat/Ribbon Curb fiber reinforced (12" wide by 8" deep)	LF	\$15.00	100.00	\$ 1,500.00
66	Concrete Type "D" Curb fiber reinforced	LF	\$25.00	0.00	\$ -
67	Concrete Type "E" Curb & Gutter fiber reinforced	LF	\$18.00	0.00	\$ -
68	Concrete Type "F" Curb & Gutter fiber reinforced	LF	\$18.00	0.00	\$ -
69	Concrete Modified (18") Type "F" Curb & Gutter fiber reinforced	LF	\$17.00	0.00	\$ -
70	ADA truncated dome mat installation	SF	\$40.00	0.00	\$ -
71	Traffic Control (MOT) cost	DAY	\$1,500.00	7.00	\$ 10,500.00
72	Bermuda Sod installed	SY	\$5.40	0.00	\$ -
73	St Augustine Sod installed	SY	\$6.75	750.00	\$ 5,062.50
74	Centipede Sod installed	SY	\$3.30	200.00	\$ 660.00
75	Irrigation Repair	HR	\$75.00	20.00	\$ 1,500.00
76	Type "C" inlet installed (depth 6-10 ft)	EACH	\$4,000.00	0.00	\$ -
77	Type "C" inlet installed (depth 10 -14 ft)	EACH	\$6,000.00	0.00	\$ -
78	Type "C" inlet installed (maximum depth 6 ft)	EACH	\$2,500.00	0.00	\$ -
Total					\$ 57,879.50

Additional Contract Items					
Item No.	Description	Unit	Unit Price	Quantity	Extension
79	Asph Reinforcing Fibers for 2" Thick Pvm Contractor Provided	SY	\$ 1.20	-	\$ -
81	Asph Reinforcing Fibers for 1.5" Thick Pvm Contractor Provided	SY	\$ 0.90	192	\$ 172.80
83	Asph Reinforcing Fibers for 1" Thick Pvm Contractor Provided	SY	\$ 0.55	-	\$ -
				Total	\$ 172.80
Contingent Items from Price Sheet		LS	Total		\$ 6,000.00
				Grand Total	\$ 64,052.30

CONTRACTOR REPRESENTATIVE: _____

DATE _____

DIRECTOR OF PUBLIC SERVICES: _____

DATE _____

CONTRACTOR: H&T Contractors, LLC.

Work Order Number: Contingent Item Pricing Sheet

Date:

Completion Date:

Calendar Days:

Description of Work:

Item No.	Description	Unit	Unit Price	Quantity	Extension
901	Mud pipe a Box connections	EA	\$1,200.00	5.00	\$ 6,000.00
902				0.00	\$ -
903				0.00	\$ -
904				0.00	\$ -
905				0.00	\$ -
906				0.00	\$ -
907				0.00	\$ -
908				0.00	\$ -
909				0.00	\$ -
910				0.00	\$ -
911				0.00	\$ -
912				0.00	\$ -
913				0.00	\$ -
914				0.00	\$ -
915				0.00	\$ -
916				0.00	\$ -
917				0.00	\$ -
918				0.00	\$ -
919				0.00	\$ -
920				0.00	\$ -
				Total	\$ 6,000.00

CONTRACTOR REPRESENTATIVE: _____

DATE _____

DIRECTOR OF PUBLIC SERVICES: _____

DATE _____

* Pricing for items on this list are specific to this work order.

Joe Bodi

From: Lorraine Berish
Sent: Tuesday, June 26, 2018 10:00 AM
To: David Campbell; Joe Bodi; Nancy Perea
Subject: FW: Task 2: Indian Bayou, request to reimburse for additional repairs

From: Amanda Green [mailto:Amanda.Green@NFWF.ORG]
Sent: Tuesday, June 19, 2018 3:32 PM
To: Lorraine Berish <lberish@cityofdestin.com>
Subject: RE: Task 2: Indian Bayou, request to reimburse for additional repairs

Hi Lorraine,

Thank you for the detailed email. NFWF has reviewed and approved the City's request to complete another repair to the Indian Bayou Subdivision. Could you please confirm the remaining balance for the Task once the repair has been included?

Thank you,
Amanda

From: Lorraine Berish [mailto:lberish@cityofdestin.com]
Sent: Thursday, June 14, 2018 11:02 AM
To: Amanda Green <Amanda.Green@NFWF.ORG>
Subject: RE: Task 2: Indian Bayou, request to reimburse for additional repairs

Hi Amanda,

The City is requesting approval from NFWF to use some of the remaining budget funds in Task 2 to complete another repair needed in the Indian Bayou Subdivision.

A little background on this area, in 9/2016, at the corner of Chickasaw and Country Club Dr. we had a cave in near the drain box. Our continuing services contractor performed the repair by sealing the interior of the boxes (these boxes are from the early 1970's) and installing concrete pads. (SE and SW Corners) (google maps only shows one but both sides were done) In 9/2017, additional work was performed further down on Chickasaw on the manhole structure and a new box was installed at the end of the street. (repair is working as expected) The City has paid around \$33,000 for both of these repairs.

Unfortunately, the repair from 2016 (sealing from the inside) did not resolve the issue as we have another cave in near the drain box and electrical box.

We have a quote (64,052.30) from our continuing services contractor to excavate around the inlet boxes and seal them from the outside and to repair the roadway/irrigation/sod. We believe this is the long term repair solution for this issue and with our new pipe jetter we will be able to catch any deficiencies early.

1. Remove concrete flume, seal inlet box, reconstruct missing ribbon curb (reset curb grade), place new flume.
2. Remove concrete flume, seal inlet box, reconstruct missing ribbon curb (reset curb grade), place new flume. Space between 1. And 2. Remove damaged asphalt, reconstruct compromised base, place 1 ½" SP 9.5.
3. Appears to be a separated pipe, dig to pipe wrap with filter fabric and place concrete collar.

4. Remove concrete flume, seal inlet box (if needed)
5. Remove concrete flume, seal inlet box, reconstruct missing ribbon curb (reset curb grade). Remove damaged asphalt, reconstruct compromised base, place 1 ½" SP 9.5.
6. Appears to be a separated pipe, dig to pipe wrap with filter fabric and place concrete collar.
7. Remove concrete flume, seal inlet box.
8. Repair irrigation damaged by project and match sod for each area.

Thank you for your consideration, please let me know if you need any additional information.

Lorraine

From: Amanda Green [<mailto:Amanda.Green@NFWF.ORG>]
Sent: Wednesday, May 30, 2018 1:12 PM
To: Lorraine Berish <lberish@cityofdestin.com>
Subject: RE: Task 1: Indian Bayou, request to reimburse for emergency repair

Hey Lorraine,

Thanks for getting back to me. This all sounds fine so please feel free to move forward with the emergency repair.

Please let me know if you have any questions.

Best,
Amanda

From: Lorraine Berish [<mailto:lberish@cityofdestin.com>]
Sent: Wednesday, May 30, 2018 9:38 AM
To: Amanda Green <Amanda.Green@NFWF.ORG>
Subject: RE: Task 1: Indian Bayou, request to reimburse for emergency repair

Hi Amanda,

Sorry for the delayed response, I have been out of the office.

1. Is this work that was done by the previously-identified "problem" contractor?
This work was not done by BKW. The City was aware that stormwater was backing up in this area.
2. Has the City identified what the problem was – design or implementation? A little background, in 2017 the City purchased a pipehunter combination jetter. Prior to this purchase the city contracted for inspection based on available funding. During a recent inspection (with our new pipejetter) the camera was lost in the system and we had to do some digging to locate our device. That is when we found the inlet, the discharge structure had been covered up (by property owner?) and it appears to have been this way for many (20+)years. After the repair, it is now working properly. A design or implementation issue determination is difficult to nail down; with as old as the system is and the information for that time being limited.
3. What is the City doing to remedy the situation to ensure that this won't be a repeat issue? The City now has the ability to scope the piping systems and identify such deficiencies, which would be placed into our work order system to be corrected as a matter of maintenance. Scoping the piping is being integrated into the City's maintenance program.

Please let me know if you need any more information to made a decision.

Thank you for your consideration.
Lorraine

From: Amanda Green [<mailto:Amanda.Green@NFWF.ORG>]
Sent: Thursday, May 24, 2018 1:30 PM
To: Lorraine Berish <lberish@cityofdestin.com>
Subject: RE: Task 1: Indian Bayou, request to reimburse for emergency repair

Hi Lorraine,

Thanks for the update. NFWF has no problem with the City moving forward to fix the issue, but we do have a few questions I was hoping you could answer:

1. Is this work that was done by the previously-identified "problem" contractor?
2. Has the City identified what the problem was – design or implementation?
3. What is the City doing to remedy the situation to ensure that this won't be a repeat issue?

Please let me know if you have any questions about this.

Thank you,
Amanda

From: Lorraine Berish [<mailto:lberish@cityofdestin.com>]
Sent: Friday, May 18, 2018 10:26 AM
To: Amanda Green <Amanda.Green@NFWF.ORG>
Subject: Task 1: Indian Bayou, request to reimburse for emergency repair
Importance: High

Hi Amanda,

During a recent inspection of the Indian Bayou Subdivision drainage, the City found sunken spots in the swales and dirt in the piping. Upon further investigation, the pipes were compromised around the inlet boxes and the sand/soil from these areas are being transported to Indian Bayou. A total of five inlet structures and piping were discovered to be compromised (leaking) and one outfall was completely blocked. The City unblocked the outfall and replaced piping to the outfall; our continuing services contract assisted and the repair on the outfall was completed on May 10th. The landscaping and irrigation repair associated with the outfall repair is currently ongoing. The five inlet structures and piping repairs have not started yet. Four of these inlets have partially collapsed the edge of the roadway on Chickasaw Drive, Indian Bayou Drive and Country Club Drive West. There will be some minor curbing and roadway asphalt repairs needed to complete this task.

Please see the attached summary of the costs, we are requesting approval from NFWF to cover estimated \$22,560.00 repair costs.

Thank you for your consideration,
Lorraine

LORRAINE BERISH
Senior Administrative Professional

CITY OF DESTIN | *Office of the City Manager*
4200 Indian Bayou Trail
Destin, Florida 32541
Main: 850-837-4242
Fax: 850-650-9250



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WWW.CITYOFDESTIN.COM

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CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018

TYPE OF AGENDA ITEM: Presentation

TO:

THRU:

FROM:

DATE:

SUBJECT: Councilmember Braden

I. BACKGROUND:

II. DISCUSSION:

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018

TYPE OF AGENDA ITEM: Action Item

TO:

THRU:

FROM:

DATE:

SUBJECT: Review City Manager's performance

I. BACKGROUND:

II. DISCUSSION:

- A. Link to Strategic Goals / Objectives:**
- B. Effect on Budget (EOB):**
- C. Level of Service (LOS):**

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:
None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018

TYPE OF AGENDA ITEM: Action Item

TO:

THRU:

FROM:

DATE:

SUBJECT: Discuss dissolving the Deputy City Manager position

I. BACKGROUND:

II. DISCUSSION:

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018

TYPE OF AGENDA ITEM: Presentation

TO:

THRU:

FROM:

DATE:

SUBJECT: Councilmember Ramswell

I. BACKGROUND:

II. DISCUSSION:

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018

TYPE OF AGENDA ITEM: Presentation

TO:

THRU:

FROM:

DATE:

SUBJECT: Councilmember Dixon

I. BACKGROUND:

II. DISCUSSION:

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018

TYPE OF AGENDA ITEM: Presentation

TO:

THRU:

FROM:

DATE:

SUBJECT: Councilmember Overdier

I. BACKGROUND:

II. DISCUSSION:

- A. Link to Strategic Goals / Objectives:**
- B. Effect on Budget (EOB):**
- C. Level of Service (LOS):**

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:
None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018

TYPE OF AGENDA ITEM: Presentation

TO:

THRU:

FROM:

DATE:

SUBJECT: Councilmember Marler

I. BACKGROUND:

II. DISCUSSION:

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018

TYPE OF AGENDA ITEM: Presentation

TO:

THRU:

FROM:

DATE:

SUBJECT: Councilmember Destin

I. BACKGROUND:

II. DISCUSSION:

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018

TYPE OF AGENDA ITEM: Presentation

TO:

THRU:

FROM:

DATE:

SUBJECT: Councilmember Morgan

I. BACKGROUND:

II. DISCUSSION:

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018

TYPE OF AGENDA ITEM: Action Item

TO:

THRU:

FROM:

DATE:

SUBJECT: Nomination of Mr. James Galloway for membership to the Board of Adjustment

I. BACKGROUND:

II. DISCUSSION:

- A. Link to Strategic Goals / Objectives:**
- B. Effect on Budget (EOB):**
- C. Level of Service (LOS):**

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

1. BOA Application - James Galloway

First Name	James
Last Name	Galloway
Home Address	192 Durango
City	DESTIN
State	FL
Zip	32541-2963
Phone	8504499164
Email	jsethgalloway@gmail.com
Business Name	Ward & Ketchersid, P.A.
Business Address	1241 Airport Road
City	DESTIN
State	FL
Zip	32541-2963
Brief description of education and experience:	Business and real estate ligation attorney in Destin since 2011. Born and raised in Fort Walton Beach, Florida.
How long have you lived in Destin?	7 years
Are you currently a resident of Destin?	Yes
Are you a registered voter in Okaloosa County?	Yes
Do you currently hold a public office?	No
Have you ever been convicted of a felony?	No

If you have been convicted of a felony, please explain and provide date(s).	Field not completed.
List any city boards or committees you are currently a member of.	None
Select the board or committee you are interested in serving on.	Board of Adjustment
List your qualifications to serve on the selected board or committee.	Law degree. Extensive knowledge of Florida law related to real estate.
What do you consider the purpose of this board/committee to be?	Consider adjustments and variances relating to zoning laws.
What would you like to see this board/committee accomplish?	Smart sustainable approval of variances that take into consideration business development and local interests.
If you have discussed this application with any member(s) of the Destin City Council, please identify them.	DESTIN

BY CHECKING THE ELECTRONIC SIGNATURE VERIFICATION BOX BELOW, I INDICATE MY DESIRE TO SERVE THE CITY OF DESTIN IN A VOLUNTARY CAPACITY AS A MEMBER OF ONE OF ITS BOARDS, COMMITTEES, PANELS OR COMMISSIONS. I ALSO CONFIRM MY UNDERSTANDING OF THE MEETING TIMES AND ATTENDANCE REQUIREMENTS, AND WHERE APPLICABLE, THE REQUIREMENT TO FILE AN ANNUAL FINANCIAL DISCLOSURE FORM (FORM 1). I UNDERSTAND THAT I WILL BE REQUIRED TO FILE THIS FORM ANNUALLY IF SELECTED AS A MEMBER OF THE LOCAL PLANNING AGENCY OR BOARD OF ADJUSTMENT. INITIAL FILING WILL BE REQUIRED WITHIN 30 DAYS OF APPOINTMENT; FOLLOWING THAT, I WILL BE NOTIFIED BY MAIL BY THE COMMISSION ON ETHICS OR THE SUPERVISOR OF ELECTIONS OFFICE.

Signature	Electronic Signature Verification
Date	6/11/2018

Email not displaying correctly? [View it in your browser.](#)

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018

TYPE OF AGENDA ITEM: Presentation

TO:

THRU:

FROM:

DATE:

SUBJECT: Mayor Gary Jarvis

I. BACKGROUND:

II. DISCUSSION:

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018

TYPE OF AGENDA ITEM: Presentation

TO:

THRU:

FROM:

DATE:

SUBJECT: Land Use Attorney

I. BACKGROUND:

II. DISCUSSION:

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018

TYPE OF AGENDA ITEM: Presentation

TO:

THRU:

FROM:

DATE:

SUBJECT: Executive Session - July 16, 2018, 5:00 PM

B.I. Inc, Dewey Destin Harborside LLC, Plaintiff, vs. CITY OF DESTIN, FLORIDA, Defendant, in the Circuit/County Court of the First Judicial Circuit, in and for Okaloosa County, Florida, Case No. 2016-CA-003672F

I. BACKGROUND:

II. DISCUSSION:

- A. Link to Strategic Goals / Objectives:**
- B. Effect on Budget (EOB):**
- C. Level of Service (LOS):**

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:
None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018**TYPE OF AGENDA ITEM:** Action Item

TO: City Council**THRU:** Carisse LeJeune, City Manager**FROM:** Kimberly Kopp, Land Use Attorney**DATE:** June 19, 2018**SUBJECT:** Consideration of Special Magistrate's Recommendation in Proceedings Pursuant to the Florida Land Use and Environmental Dispute Resolution Act, Section 70.51, Florida Statutes, regarding the following City Code Enforcement Matter: Destin v. Garguilo, Code Enforcement Case 16-1094.

I. BACKGROUND:

This item is before the City Council because Florida Statutes requires the City Council to review the Recommendation made by a statutory special magistrate and determine whether to approve, modify, or reject the recommendation. This matter was initially a code enforcement case before the City's special magistrate, but the Garguilos (through Mr. David Powell, their attorney) appealed the decision via the "Florida Land Use and Environmental Dispute Resolution Act" (Section 70.51, Florida Statutes), which requires the matter to be reviewed by a second special magistrate.

Through this statutory process, the Garguilos requested relief from an Order of the City of Destin Code Enforcement Special Magistrate. The alleged violation was that "the first floor (grade level) of the Garguilo's residence is located in a flood zone, and has been modified into habitable space without permits or approval by the city", and "is being used for other than storage, building access or parking, as originally approved and permitted."

The hearing before the Magistrate resulted in an Order to correct the alleged violation by making an application for a permit to convert the first floor back to a garage, building access and storage using flood resistant material or before March 23, 2017, and pay an administrative fee of \$250 on or before 10 days from February 23, 2017. As part of the Order, the City of Destin was ordered to submit a 44 C.F.R. §73.3 Declaration to Federal Insurance Administrator, record the Declaration in the public records of Okaloosa County, and provide a copy of the Declaration to the Garguilos.

Efforts to resolve this proceeding through informal mediation were unsuccessful, and the matter proceeded to hearing before statutory Special Magistrate Shelley on May 22, 2018, in Destin, Florida. The parties jointly agreed to Ms. Shelley acting as Special Magistrate, per the statute.

II. DISCUSSION: After hearing from both parties, the statutory Special Magistrate recommended that the decision of the City's Special Magistrate for code enforcement remain unchanged. A copy of the full Recommendation of the statutory Special Magistrate is attached. Specifically, the recommendation provides as follows:

"The Garguilo's were not on actual notice that the Residence did not comply with the City's floodplain regulations because the previous owner did not advise them of the pending Notice of Code Violation, the title search did not disclose any violations, and other properties in close proximity to the Residence had ground flood habitable space. Even so, the City has an obligation to enforce its floodplain regulations and a strong motivation to do so because failure to enforce the requirements could lead to properties within its jurisdiction being denied access to federally subsidized flood insurance. Nothing in the City's code mandates that a Section 1316 Declaration provides inadequate enforcement, or conversely requires that the property be converted to nonhabitable space in order to comply with the Code. Nor has the City cited any federal regulation or statute that mandates conversion in order to avoid the loss of federal flood insurance for properties within the City.

It is, however, within the legal authority of the City to enforce its Code in the manner it has chosen to do so in this case. The enforcement action is not unreasonable and absent evidence that the City has singled out the Garguilos as to the requirement for conversion of the ground floor into nonhabitable space, it does not unfairly burden the use of the Garguilo's property.

Based on the forgoing, it is RECOMMENDED that the enforcement action remain undisturbed, subject to the Garguilo's retention of all other available remedies."

Please note that David Theriaque, Esq., has filed an Objection to the recommendation of Special Magistrate Shelley on limited grounds. A copy of Mr. Theriaque's Notice of Objection is included with this agenda packet. Additionally, the City's insurance counsel, Mr. Bill Warner, has opined that Mr. Theriaque's Notice of Objection involves a separate code enforcement matter and is not relevant to the Garguilo case or the recommendation being reviewed tonight.

A. Link to Strategic Goals / Objectives:

Policy 6-1.5.6: Enforce Federal Emergency Management Agency (FEMA) Construction Standards. The City shall continue to enforce FEMA construction standards for development that occurs within the 100-year floodplain or flood prone designated areas.

B. Effect on Budget (EOB): N/A.

C. Level of Service (LOS): N/A.

III. CONCLUSION:

Florida Statutes require that within 45 days after receipt of the special magistrate's recommendation, the City Council must a) Accept the recommendation of the special magistrate as submitted and proceed to implement it; (b) Modify the recommendation as submitted by the special magistrate and proceed to implement it; or (c) Reject the recommendation as submitted by the special magistrate.

If the City Council does not act within 45 days, the failure to act is a rejection unless the period is extended by agreement of the owner and issuer of the development order or enforcement action.

Additionally, the City must issue a written decision within 30 days that describes as specifically as possible the use or uses available to the subject real property.

IV. RECOMMENDED MOTION: I recommend that the City Council (*choose one: accept, modify, or reject*) the recommendation of Special Magistrate Shelley, dated June 5, 2018, and direct the City Land Use Attorney to prepare a written order for signature by the Mayor that is consistent with the City Council's recommendation.

(If "modify" is selected, please state specific modification in the motion).

Attachments:

1. Garguilo v. City of Destin - Recommendation of Special Magistrate
2. Notice of Objection to Special Magistrate's Recommendation (002)

The undersigned, after hearing the testimony of witnesses and considering the arguments, evidence, and documentation, hereby makes the following findings and recommendation:

1. Katherine and Joseph Garguilo, Jr. ("Petitioners"), own a residence on Holiday Isle, at 3587 Waverly Circle, Destin, Parcel Identification No. 00-2S-24-0110-0000-0430, located within the Destin Pointe PUD, referred to herein as the "Residence." The Residence was acquired by Petitioners on May 5, 2016, and is used as a short term rental property. At the time of the purchase and presently, the Residence has five bedrooms and 4 bathrooms, with one bedroom and bathroom located on the ground floor.

2. The Garguilos did not know that the use of the ground floor for habitation was a concern when they purchased the Residence. At the time of the purchase of the Residence, the property was the subject of a Notice of Violation issued by the City of Destin Code Enforcement Department on April 28, 2016, to the previous owner, Brooke Andry. The prior owner of the home did not disclose the pending code enforcement action to the Garguilos. The code enforcement violation – and the underlying violation of flood zone building requirements – was not reported in the title search. And, because the Garguilos purchased the Residence outright, without a mortgage, no question about the availability or unavailability of federal flood insurance for the Residence was brought to their attention before the closing.

3. Based upon the Flood Insurance Rate Maps (FIRM) in effect at the time the Residence was constructed and at the present time, the Residence is located within the Coastal High Hazard Area ("CHHA"), as defined in the Destin Land Development Code, Zone VE, with a base flood elevation (BFE) of 10 feet. The FIRMs change over time as updated studies are conducted, and there are some residences in the Destin Pointe PUD where the BFE is lower and ground floors are legally habitable because they were grandfathered in when the BFE was raised.

4. For structures within the CHHA, the Destin Land Development Code provides, at Section 11.04.06(F)6., that "enclosed space below the lowest floor shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation." It is undisputed that the Residence does not meet this requirement.

5. Documents in the permitting file for the original construction of the Residence support a finding that the City of Destin initially permitted construction of a dwelling with three bedrooms and two bathrooms. Although it appears that a bathroom was in the plans for the ground floor when the application was filed, the bathroom portion of the building sketch was crossed out and this edit was initialed by the reviewers and acknowledged by the contractor prior to the time the plans were approved.

6. There was no other permit subsequently issued by the City of Destin to allow a previous owner to enclose the ground floor and convert it to habitable space.

7. The value of the residence for rental purposes will be reduced if the ground floor is not available for habitation, as this would reduce the number of bedrooms and bathrooms and therefore the number of people who could comfortably occupy the residence.

8. In initiating its code enforcement action against the Residence, the City of Destin acted on a complaint received from another resident of the City. The City does not routinely undertake inspections of properties within the City to determine if violations of the above-cited code provision has occurred, as it does not have legal authority to access enclosed private property for this purpose. The City has recently changed its Code to require an access waiver to prevent the type of situation that has occurred to the Garguilos.

9. Every year, the City sends a letter to addresses within an area where repetitive losses have occurred, and this would include the area where the Residence is located. However, the letter is sent between August and November of each year, therefore the Garguilos would not have received it as owners of the Residence until after they purchased the property and the Code Enforcement proceedings were already underway. Moreover, the letter itself relates to precautions a property owner should take to protect against flood losses, and does not alert a property owner as to the required base floor elevation for the property.

10. The National Flood Insurance Program ("NFIP") is administered by the Federal Emergency Management Agency ("FEMA"). Federal flood insurance is available only to communities, such as the City of Destin, that regulate development in their mapped floodplains. The City is responsible for enacting and enforcing development regulations, applying the enforcement mechanisms uniformly throughout its jurisdiction, and ensuring that these ordinances take precedence over any less restrictive local regulations. 44 CFR §60.1(b). Failure to do so could result in the loss of federally subsidized flood insurance for the entire jurisdiction.

11. Guidance published by FEMA indicates that a local government must take steps to ensure that it adequately addresses the problem of noncompliant properties. One enforcement mechanism is known as a "Section 1316 Notice" in which the local government records a notice that a certain property is ineligible for federal flood insurance.

12. The main issue in this case is whether a Section 1316 Notice is adequate enforcement for the noncompliance of the Garguilo's Residence, or whether the Code Enforcement Order to convert the first floor back to a garage, building access and storage using flood resistant material is necessary to achieve the public purpose of the floodplain regulations.

13. For properties within certain areas of the flood plain, such as those within Zone AE on the FIRM, the City will allow a Section 1316 Declaration to suffice as a remedial measure. However, for properties such as the Garguilo's Residence that are located within Zone VE, the City believes that a Section 1316 Declaration is insufficient because of potential harm to other properties that could be caused by air or water-borne debris from the non-conforming structure.

14. There was no testimony or other evidence presented by either party regarding whether the City has uniformly applied its Code in a manner similar to the Magistrate's Order

which required both a Section 1316 Declaration and conversion of the first floor of the Residence to make it compliant with the Code standards.

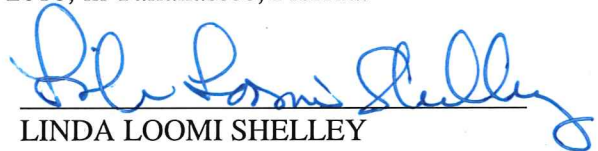
RECOMMENDATION

The Garguilo's were not on actual notice that the Residence did not comply with the City's floodplain regulations because the previous owner did not advise them of the pending Notice of Code Violation, the title search did not disclose any violations, and other properties in close proximity to the Residence had ground flood habitable space. Even so, the City has an obligation to enforce its floodplain regulations and a strong motivation to do so because failure to enforce the requirements could lead to properties within its jurisdiction being denied access to federally subsidized flood insurance. Nothing in the City's code mandates that a Section 1316 Declaration provides inadequate enforcement, or conversely requires that the property be converted to nonhabitable space in order to comply with the Code. Nor has the City cited any federal regulation or statute that mandates conversion in order to avoid the loss of federal flood insurance for properties within the City.

It is, however, within the legal authority of the City to enforce its Code in the manner it has chosen to do so in this case. The enforcement action is not unreasonable and absent evidence that the City has singled out the Garguilos as to the requirement for conversion of the ground floor into nonhabitable space, it does not unfairly burden the use of the Garguilo's property.

Based on the forgoing, it is RECOMMENDED that the enforcement action remain undisturbed, subject to the Garguilo's retention of all other available remedies.

DONE AND ENTERED this 5th day of June, 2018, in Tallahassee, Florida.



LINDA LOOMI SHELLEY

Florida Bar No: 240621

BUCHANAN INGERSOLL & ROONEY, PC

101 North Monroe Street, Suite 1090

Tallahassee, FL 32301

(850) 681-4260

Fax: (850) 681-6036

linda.shelley@bipc.com

Copies Furnished:
David Powell, Esq.
Bill Warner, Esq.

**FLORIDA LAND USE AND ENVIRONMENTAL
DISPUTE RESOLUTION ACT
SECTION 70.51, FLORIDA STATUTES**

JOSEPH GARGUILO &
KATHERIN GARGUILO,

Petitioners,

CODE ENFORCEMENT
CASE NO: 16-1094

v.

CITY OF DESTIN,

Respondent.

NOTICE OF OBJECTION TO SPECIAL MAGISTRATE'S RECOMMENDATION

Brooke Andry, by and through her undersigned counsel, hereby objects to certain portions of the Special Magistrate's Recommendation entered on June 5, 2018, and requests that the City Council strike such portions:

1. On June 5, 2018, the Special Magistrate entered her Recommendation in the above-referenced case. (*See Exhibit "A"*).
2. Ms. Andry objects to the following portions of the Special Magistrate's Recommendation:

Paragraph 2 – "At the time of the purchase of the Residence, the property was the subject of a Notice of Violation issued by the City of Destin Code Enforcement Department on April 28, 2016, to the previous owner, Brooke Andry. The prior owner of the home did not disclose the pending code enforcement action to the Garguilos."

Recommendation – "The Garguilo's were not on actual notice that the Residence did not comply with the City's floodplain regulations because the previous owner did not advise them of the pending Notice of Code Violation. . . ."

The basis for Ms. Andry's objection is set forth below:

3. Attached as Exhibit "B" are pictures of the front and back of the envelope that Brooke Andry received from the City of Destin regarding the alleged violation at 3587 Waverly Circle. Although the City's Notice of Violation is dated April 28, 2016, the envelope was initially mailed on April 30, 2016 -- see top right corner of Page 1 of Exhibit B -- and was returned to the City of Destin due to insufficient postage.

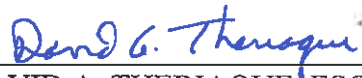
4. The City apparently mailed the envelope again on May 3, 2016 -- see top right corner of Page 1 of Exhibit B. The envelope was mailed to Ms. Andry's address in New Orleans.

5. It is undisputed that the City did not mail the City's Notice of Violation via overnight delivery but rather sent the Notice via first class mail. The delivery time for first class mail from Florida to Louisiana ranges from two (2) to seven (7) days. (*See* Exhibit "C"). Thus, the earliest that the City's Notice of Violation could have been delivered to Ms. Andry at her New Orleans' address is May 5, 2016. It is undisputed that Ms. Andry was in Destin on May 5, 2016, because that is the date of the closing with the Gargiulos and Ms. Andry which occurred in Destin.

6. Thus, while the City's Notice of Violation is dated April 28, 2016, it is unrefuted that Ms. Andry could not have received the City's Notice of Violation until sometime after the closing on May 5, 2016. Consequently, the City Council should strike the above-referenced statements in

the Special Magistrate's Recommendation because such statements incorrectly conclude that Ms. Andry had received the City's Notice of Violation prior to the closing on May 5, 2016, which she had not.

RESPECTFULLY SUBMITTED on this 18th day of June 2018.



DAVID A. THERIAQUE, ESQUIRE
Florida Bar No. 832332
S. BRENT SPAIN, ESQUIRE
Florida Bar. No. 320810
Theriaque & Spain
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Tallahassee, Florida 32308
Telephone: 850/224-7332
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dat@theriaquelaw.com
sbs@theriaquelaw.com

COUNSEL FOR BROOKE ANDRY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served a copy of the foregoing via electronic mail upon the following individuals:

Kimberly R. Kopp, Esquire
Bogin, Munns & Munns, P.A.
Gateway Center
1000 Legion Place
Orlando, Florida 32801-1058
kkopp@boginmunns.com

David L. Powell, Esquire
Ward & Ketchersid, P.A.
1241 Airport Road, Suite H
Destin, Florida 32541
dpowell@flaattorney.com

Linda Shelley, Esquire
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linda.shelley@bipc.com

William G. Warner, Esquire
Warner Law Firm, P.A.
519 Grace Avenue
Panama City, Florida 32401
billwarner@warnerlaw.us

on this 18th day of June 2018.



DAVID A. THERIAQUE, ESQUIRE

**FLORIDA LAND USE AND ENVIRONMENTAL
DISPUTE RESOLUTION ACT
SECTION 70.51, FLORIDA STATUTES**

**JOSEPH GARGUILO &
KATHERIN GARGUILO,**

Petitioners,

v.

**CODE ENFORCEMENT
CASE NO: 16-1094**

CITY OF DESTIN,

Respondent.

RECOMMENDATION OF SPECIAL MAGISTRATE

Through their legal counsel, Petitioners filed a timely Request for Relief pursuant to Section 70.51, Florida Statutes, requesting relief from an Order of the City of Destin Code Enforcement Special Magistrate ("Magistrate"). The alleged violation was that "the first floor (grade level) of the Garguilo's residence is located in a flood zone, and has been modified into habitable space without permits or approval by the city", and "is being used for other than storage, building access or parking, as originally approved and permitted."

The hearing before the Magistrate resulted in an Order to correct the alleged violation by making an application for a permit to convert the first floor back to a garage, building access and storage using flood resistant material or before March 23, 2017, and pay an administrative fee of \$250 on or before 10 days from February 23, 2017. As part of the Order, the City of Destin was ordered to submit a 44 C.F.R. §73.3 Declaration to Federal Insurance Administrator, record the Declaration in the public records of Okaloosa County, and provide a copy of the Declaration to the Garguilos.

Efforts to resolve this proceeding through informal mediation were unsuccessful, and the matter proceeded to hearing on May 22, 2018, in Destin, Florida.

APPEARANCES

For Petitioners: David Powell, Esq.
 Ward & Ketchersid, P.A.
 1241 Airport Rd, Suite H
 Destin, FL 32541-2954

For Respondent: Bill Warner, Esq.
 Warner Law Firm, P.A.
 P.O. Box 1820
 Panama City, FL 32402-1820



The undersigned, after hearing the testimony of witnesses and considering the arguments, evidence, and documentation, hereby makes the following findings and recommendation:

1. Katherine and Joseph Garguilo, Jr. ("Petitioners"), own a residence on Holiday Isle, at 3587 Waverly Circle, Destin, Parcel Identification No. 00-2S-24-0110-0000-0430, located within the Destin Pointe PUD, referred to herein as the "Residence." The Residence was acquired by Petitioners on May 5, 2016, and is used as a short term rental property. At the time of the purchase and presently, the Residence has five bedrooms and 4 bathrooms, with one bedroom and bathroom located on the ground floor.
2. The Garguilos did not know that the use of the ground floor for habitation was a concern when they purchased the Residence. At the time of the purchase of the Residence, the property was the subject of a Notice of Violation issued by the City of Destin Code Enforcement Department on April 28, 2016, to the previous owner, Brooke Andry. The prior owner of the home did not disclose the pending code enforcement action to the Garguilos. The code enforcement violation – and the underlying violation of flood zone building requirements – was not reported in the title search. And, because the Garguilos purchased the Residence outright, without a mortgage, no question about the availability or unavailability of federal flood insurance for the Residence was brought to their attention before the closing.
3. Based upon the Flood Insurance Rate Maps (FIRM) in effect at the time the Residence was constructed and at the present time, the Residence is located within the Coastal High Hazard Area ("CHHA"), as defined in the Destin Land Development Code, Zone VE, with a base flood elevation (BFE) of 10 feet. The FIRMs change over time as updated studies are conducted, and there are some residences in the Destin Pointe PUD where the BFE is lower and ground floors are legally habitable because they were grandfathered in when the BFE was raised.
4. For structures within the CHHA, the Destin Land Development Code provides, at Section 11.04.06(F)6., that "enclosed space below the lowest floor shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, temperature-controlled, or used for human habitation." It is undisputed that the Residence does not meet this requirement.
5. Documents in the permitting file for the original construction of the Residence support a finding that the City of Destin initially permitted construction of a dwelling with three bedrooms and two bathrooms. Although it appears that a bathroom was in the plans for the ground floor when the application was filed, the bathroom portion of the building sketch was crossed out and this edit was initialed by the reviewers and acknowledged by the contractor prior to the time the plans were approved.
6. There was no other permit subsequently issued by the City of Destin to allow a previous owner to enclose the ground floor and convert it to habitable space.

7. The value of the residence for rental purposes will be reduced if the ground floor is not available for habitation, as this would reduce the number of bedrooms and bathrooms and therefore the number of people who could comfortably occupy the residence.

8. In initiating its code enforcement action against the Residence, the City of Destin acted on a complaint received from another resident of the City. The City does not routinely undertake inspections of properties within the City to determine if violations of the above-cited code provision has occurred, as it does not have legal authority to access enclosed private property for this purpose. The City has recently changed its Code to require an access waiver to prevent the type of situation that has occurred to the Garguilos.

9. Every year, the City sends a letter to addresses within an area where repetitive losses have occurred, and this would include the area where the Residence is located. However, the letter is sent between August and November of each year, therefore the Garguilos would not have received it as owners of the Residence until after they purchased the property and the Code Enforcement proceedings were already underway. Moreover, the letter itself relates to precautions a property owner should take to protect against flood losses, and does not alert a property owner as to the required base floor elevation for the property.

10. The National Flood Insurance Program ("NFIP") is administered by the Federal Emergency Management Agency ("FEMA"). Federal flood insurance is available only to communities, such as the City of Destin, that regulate development in their mapped floodplains. The City is responsible for enacting and enforcing development regulations, applying the enforcement mechanisms uniformly throughout its jurisdiction, and ensuring that these ordinances take precedence over any less restrictive local regulations. 44 CFR §60.1(b). Failure to do so could result in the loss of federally subsidized flood insurance for the entire jurisdiction.

11. Guidance published by FEMA indicates that a local government must take steps to ensure that it adequately addresses the problem of noncompliant properties. One enforcement mechanism is known as a "Section 1316 Notice" in which the local government records a notice that a certain property is ineligible for federal flood insurance.

12. The main issue in this case is whether a Section 1316 Notice is adequate enforcement for the noncompliance of the Garguilo's Residence, or whether the Code Enforcement Order to convert the first floor back to a garage, building access and storage using flood resistant material is necessary to achieve the public purpose of the floodplain regulations.

13. For properties within certain areas of the flood plain, such as those within Zone AE on the FIRM, the City will allow a Section 1316 Declaration to suffice as a remedial measure. However, for properties such as the Garguilo's Residence that are located within Zone VE, the City believes that a Section 1316 Declaration is insufficient because of potential harm to other properties that could be caused by air or water-borne debris from the non-conforming structure.

14. There was no testimony or other evidence presented by either party regarding whether the City has uniformly applied its Code in a manner similar to the Magistrate's Order

which required both a Section 1316 Declaration and conversion of the first floor of the Residence to make it compliant with the Code standards.

RECOMMENDATION

The Garguilo's were not on actual notice that the Residence did not comply with the City's floodplain regulations because the previous owner did not advise them of the pending Notice of Code Violation, the title search did not disclose any violations, and other properties in close proximity to the Residence had ground flood habitable space. Even so, the City has an obligation to enforce its floodplain regulations and a strong motivation to do so because failure to enforce the requirements could lead to properties within its jurisdiction being denied access to federally subsidized flood insurance. Nothing in the City's code mandates that a Section 1316 Declaration provides inadequate enforcement, or conversely requires that the property be converted to nonhabitable space in order to comply with the Code. Nor has the City cited any federal regulation or statute that mandates conversion in order to avoid the loss of federal flood insurance for properties within the City.

It is, however, within the legal authority of the City to enforce its Code in the manner it has chosen to do so in this case. The enforcement action is not unreasonable and absent evidence that the City has singled out the Garguilos as to the requirement for conversion of the ground floor into nonhabitable space, it does not unfairly burden the use of the Garguilo's property.

Based on the forgoing, it is RECOMMENDED that the enforcement action remain undisturbed, subject to the Garguilo's retention of all other available remedies.

DONE AND ENTERED this 5th day of June, 2018, in Tallahassee, Florida.



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EXHIBIT

B



United States Post Office Shipping Times for First Class Mail

[Home](#) [Post Office Delivery List](#) [How Long by State](#) [First Class Mail Timeline](#) [State Abbreviations](#)



Below is a list of approximate delivery times for First Class mail that is sent from Florida (FL).

Mailed To	Mailed From	Days
Alabama AL	Florida	2-7
Alaska AK	Florida	2-7
Arizona AZ	Florida	2-7
Arkansas AR	Florida	2-7
California CA	Florida	2-7
Colorado CO	Florida	2-7
Connecticut CT	Florida	2-7
Delaware DE	Florida	2-7
District of Columbia DC	Florida	2-7
Georgia GA	Florida	2-7
Hawaii HI	Florida	2-7
Idaho ID	Florida	2-7
Illinois IL	Florida	2-7
Indiana IN	Florida	2-7
Iowa IA	Florida	2-7
Kansas KS	Florida	2-7
Kentucky KY	Florida	2-7
Louisiana LA	Florida	2-7
Maine ME	Florida	2-7
Marshall Islands MH	Florida	2-7
Maryland MD	Florida	2-7
Massachusetts MA	Florida	2-7
Michigan MI	Florida	2-7
Minnesota MN	Florida	2-7
Mississippi MS	Florida	2-7
Missouri MO	Florida	2-7
Montana MT	Florida	2-7
Nebraska NE	Florida	2-7
Nevada NV	Florida	2-7
New Hampshire NH	Florida	2-7
New Jersey NJ	Florida	2-7
New Mexico NM	Florida	2-7
New York NY	Florida	2-7
North Carolina NC	Florida	2-7
North Dakota ND	Florida	2-7
Ohio OH	Florida	2-7
Oklahoma OK	Florida	2-7



Quick Links

How long does it take to mail a letter to California?

What is the average time it takes to send a letter first class to New York?

How many days does it take to send a letter or package to Hawaii?

How long will it take to send a letter to Texas?

How many days does it take to send a letter to Florida?

How fast is the Post Office sending a letter to Maine?

What is the average time in transit for first class mail to Washington?

Quick Links

How long does mail from California take to arrive?

How long does mail from New York take to arrive?

How long does mail from Florida take to arrive?

How long does mail from Texas take to arrive?

How long does mail from Pennsylvania take to arrive?

How long does mail from Georgia take to arrive?

How long does mail from New Jersey take to arrive?

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018**TYPE OF AGENDA ITEM:** Action Item

TO: City Council**THRU:** Carisse LeJeune, City Manager**FROM:** Kimberly Kopp, Land Use Attorney**DATE:** July 2, 2018**SUBJECT:** Vested Rights Procedures Ordinance - discussion

I. BACKGROUND:

The Future Land Use Element of the current Comprehensive Plan for the City of Destin, Policy 1-2.1-5: Grandfather Clause, states that "Existing land uses that were lawfully conforming uses prior to the effective date of the Comprehensive Plan shall continue as lawful uses and shall be regulated through administrative remedies for vested rights issues that shall be included in the LDC." Currently there are no existing administrative processes for determining vested rights written in the LDC. Previously, vesting appears to have been at the discretion of the City Manager.

The City Land Use Attorney previously presented the City Council with a proposed process for vested rights determinations, and the City Council subsequently directed the City Land Use Attorney and City Attorney to work together to simplify the proposed process. Both the City Land Use Attorney and the City Attorney have reviewed the proposed Ordinance and have considered comments by Community Development Staff.

II. DISCUSSION:

The intent of the attached proposed regulations is to establish a procedure for vested rights determinations under Policy 1-2.1.5, in order to provide for an equitable process for the determination of whether a property owner has vested rights. As currently proposed, a property owner could apply to the City Council for a vested rights determination by demonstrating that they fall into one of three clearly outlined categories, as detailed in the Ordinance. Also, the Ordinance specifically prohibits any change to add a new land use, or to change the vested

mix of land uses that alters the basic character of the vested development, or any change in access to the project that would increase the project's transportation impacts.

Further, the proposed regulations establish a clear process for the City to follow when a request for a vested rights determination is received, and puts the ultimate decision-making into the hands of the City Council. The process provides that applications would be submitted to the city manager, who would consult with the city attorneys and city staff in reviewing a vested rights determination application to determine sufficiency of the application. The application would then be scheduled for a public hearing before the City Council, who would make a final determination as to whether a vested rights determination is granted. Any appeal of the City Council's decision would be by writ of certiorari in the circuit court.

A. **Link to Strategic Goals / Objectives:**

B. **Effect on Budget (EOB):**

C. **Level of Service (LOS):**

III. **CONCLUSION:**

Staff recommends that the City Council authorize staff to forward the proposed Ordinance to the City Land Planning Agency (LPA) for consideration and a recommendation to the City Council.

IV. **RECOMMENDED MOTION:** I move that the City Council authorize staff to forward the Ordinance to the City Land Planning Agency for consideration and a recommendation to the City Council.

Attachments:

1. Ordinance 18-XX-LC Vested Rights for July LPA

ORDINANCE NO. 18-XX-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING ARTICLE 2 OF THE LAND DEVELOPMENT CODE TO ESTABLISH A PROCESS FOR VESTED RIGHTS DETERMINATIONS; PROVIDING FOR INTENT; PROVIDING FOR ELIGIBILITY TO APPLY FOR A VESTED RIGHTS DETERMINATION; PROVIDING FOR APPLICATION REQUIREMENTS, APPLICATION CATEGORIES, AND APPLICATION PROCEDURES; PROVIDING FOR APPEALS; PROVIDING FOR ULTRA VIRES PROTECTIONS; PROVIDING FOR NOTICES TO THE STATE; PROVIDING FOR AUTHORITY; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

WHEREAS, pursuant to the requirements of section 163.3164, et seq., Florida Statutes, the Community Planning Act, (hereinafter “Community Planning Act”) the City of Destin has adopted and has in effect a Comprehensive Plan; and

WHEREAS, the City Council and the City’s Local Planning Agency have previously undertaken the necessary studies and have adopted a Comprehensive Plan to guide and control growth in the city; and

WHEREAS, Policy 1-2.1.5 of the City’s adopted Comprehensive Plan provides that existing land uses that were lawfully conforming uses prior to the effective date of the Comprehensive Plan continue as lawful uses; and

WHEREAS, Policy 1-2.1.5 of the City’s adopted Comprehensive Plan requires that implementing regulations and administrative remedies be set forth in the City’s Land Development Code for vested rights issues;

WHEREAS, the City Council desires to adopted implementing land development regulations consistent with the adopted Comprehensive Plan in accordance with the Community Planning Act; and

WHEREAS, the City Council of the City of Destin recognizes that there is insufficient parking in the City to serve additional development within the City limits, and as such, new development and redevelopment must provide sufficient parking for the development being proposed; and

WHEREAS, the City Council desires to balance the welfare and quality of life of its citizens and tourist population, and of all the public, with the rights of private property owners; and

WHEREAS, the City Council of the City of Destin, Florida hereby finds this Ordinance to be in the best interests of the public health, safety, and welfare of the citizens of the City of Destin, Florida; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby incorporated herein by this reference.

Section 2. Creation of Section 2.26.00, of Article 2 of the Land Development Code.

The City of Destin Land Development Code, Article 2, Section 2.26.00 is hereby created as follows: Underlined language is language proposed to be added and * * * represents sections of the Land Development Code that have been skipped and remain unchanged.

Article . 2 Administration.

* * *

Section 2.26.00 Vested Rights Determinations.

For purposes of this entire Chapter on Vested Rights Determinations, the term “and” is conjunctive, and the term “or” is disjunctive.

Section 2.26.01. Intent.

This chapter is intended to provide implementing land development regulations consistent with Policy 1-2.1.5 of the City’s adopted Comprehensive Plan.

A. The intent of the procedure for Vested Rights Determinations is to provide for a fair and equitable process for the determination of whether a property owner has vested rights as of April 2, 2018.

B. The purchase of property in reliance on then existing zoning, without more, shall not vest the purchaser's right to develop in accordance with said zoning.

C. The City does not deem there are any applicants eligible for Vested Rights within the City, wherein the claimed Vested Right would allow a property owner to not provide parking onsite of the proposed development, for one hundred percent of the maximum allowed occupancy, whether commercial or residential, of the proposed project.

D. The City deems that no Applicants shall receive recognition of a Vested Right that impermissibly obligates the City to provide its credit for the benefit of the Applicant.

Section 2.26.02. Eligibility to Apply for a Vested Rights Determination

A. This process is only available to property owners who personally, or through their predecessors in title, can provide written proof that prior to April 2, 2018, they applied to the City of Destin to build something on the property that was never built on a specific parcel of property, and that they are able to meet one of the four categories of applications set forth below in section III.

B. The scope of any such request for a Vested Right shall be limited to what was applied for in the original application filed with the City prior to April 2, 2018, and shall be further limited to any written input or opinions provided by staff at the time of the denial or approval. Any application relied upon by the Applicant, along with any input or opinions from staff, must be attached to any Application

submitted under this Chapter.

C. One may not apply if they are seeking a determination as to anything that was subject to an unexpired development order, which was pending as of April 2, 2018, and any building heights, density, and or intensity requirements in the unexpired development order shall continue to be legal after the date of the adoption of the Comprehensive Plan, and shall expire on the expiration date contained within the development order.

D. An Applicant may only submit one application for a Vested Rights Determination per parcel, which will require the Applicant to indicate which category the Applicant is applying under. The Categories are mutually exclusive, and Applicants shall only select one category for their application. If an Applicant selects more than one category, then the Application shall be summarily denied if not corrected within three (3) months of the effective date of this Chapter.

Section 2.26.03. Application Categories.

A property owner may make application to the City Council for a Vested Rights Determination if they fall within one of the four categories listed below.

A. Category One

i. The Applicant received a Development Order, which expired sometime in the five (5) calendar years prior to April 2, 2018, and prior to expiration of the Development Order, the Applicant conveyed and constructed a tangible public benefit, for the citizens of Destin, and said public benefit was completely conveyed and constructed prior to the expiration of the Development Order, with the Applicant incurring ascertainable monetary costs at the time of conveyance or construction.

ii. Any such written agreement evincing the Development Order must be attached to the application, and failure to do so will result in a summary denial of the application.

iii. This category of Applicant shall be eligible for a one (1) year revival of the expired Development Order subject to modifications of the design of the project within the Development Order, consistent with this section of the code.

iv. The project shall be modified to require all parking for the development be contained onsite, without any increase in the height, square footage, or footprint of the project.

v. Any order approving of an application from this section, may result in a reduced number of units for the development, and a potential redesign to include an onsite parking garage.

vi. An Order granting or denying an application under this section shall be filed in the public records of Okaloosa County.

B. Category Two

i. The Applicant is party to, or is the assignee of a party named to a fully performed written annexation agreement, and is/was promised certain development rights within the annexation agreement, said development rights not having a defined expiration/termination date within the annexation agreement.

ii. Any Applicant in this category shall be eligible to apply for an amendment to the

Annexation Agreement that will provide a vesting recognition of the development rights within the annexation agreement, with a maximum five (5) year expiration/termination of the development rights conferred within the annexation agreement.

iii. If the Annexation Agreement contains express and identifiable parking specifications that contradict Section I.C., above, then the contents of the Annexation Agreement shall control.

iv. Any such written agreement must be attached to the application, and failure to do so will result in a summary denial of the application.

v. An Order granting or denying an application under this section shall be filed in the public records of Okaloosa County.

C. Category Three

i. The Applicant previously applied for a Development Order, which was denied.

ii. Despite the denial, the Applicant can produce an express written agreement that expressly sets forth an allegedly identifiable vested development right to the Applicant.

iii. Any such written agreement must be attached to the application, and failure to do so will result in a summary denial of the application.

iv. The Applicant shall be required to prove the following:

a. The applicant, prior to April 2, 2018, made a substantial change in position or has incurred extensive obligations or expenses.

b. The following are not considered development expenditures or obligations:

1. Expenditures for legal and other professional services that are not related to the design or construction of improvements;

2. Any form of Taxes paid, or incurred;

3. Expenditures for acquisition of the land, including purchase price and all closing costs.

4. Obligations to any third parties, including but not limited to investors or creditors of the Applicant.

v. This category of Applicant shall be eligible for a one (1) year revival of the expired Development Order subject to modifications of the design of the project within the Development Order.

vi. The project shall be modified to require all parking for the development be contained onsite, without any increase in the height, footprint, or square footage of the project.

vii. Any order approving of an application from this section, may result in a reduced number of units for the development, and a potential redesign to include an onsite parking garage.

viii. An Order granting or denying an application under this section shall be filed in the public records of Okaloosa County.

Section 2.26.04. Procedure for Applying and Determining Vested Rights.

A. Applications for a vested rights determination shall be submitted to the city manager on a form to be provided by the city.

B. Such application must be filed within six (6) months after the Council passes this ordinance on second reading.

C. Failure to file an application within the required period will constitute an abandonment of any claim to vested rights.

D. The owner of the subject property must either sign the application or give written authorization

E. Judicial relief will not be available unless administrative remedies set forth in this article are exhausted.

F. The city manager, in consultation with the city land use attorney, and city attorney, and city staff, shall review a vested rights determination application for sufficiency, shall forward the request to the city council once it is deemed the Application includes all required information.

G. The city manager shall schedule a public hearing before the city council, which hearing shall be held not later than forty-five (45) days after receipt of an application, said hearing may be continued once, at the discretion of the City Council, upon request of the applicant to the City Council or for good cause.

H. Written notice of the date, time, place and purpose of the hearing shall be mailed by the city clerk to all owners of property located within one hundred fifty (150) feet of the boundaries of the property for which vested rights are sought, according to the latest certified tax roll. (For purposes of this article, such an owner is deemed a "party of record"). Said notice shall be mailed not later than fifteen (15) days prior to the date of the scheduled hearing. Additionally, notice will be published in a local newspaper of general circulation at least ten (10) days prior to the public hearing.

I. The Applicant shall provide a proposed Order to the City Council a minimum of ten (10) days prior to the hearing on the Application.

J. The city council shall render an order to either issue or deny a vested rights determination on the application.

K. The order shall be mailed to the applicant and shall include findings of fact and conclusions of law, and shall state specifically (i) what rights, if any, are vested; (ii) what laws or regulations those rights are vested against; and (iii) what limitations or requirements apply for the applicant to preserve those vested rights.

Section 2.26.05. Appeals.

A. Any appeal of a city council decision on a vested rights determination shall be by petition

for certiorari review to the circuit court of Okaloosa County, Florida, based solely on the record of the hearing before the city council. The application forms shall contain a venue selection provision requiring venue to be in Okaloosa County.

B. The applicant is responsible for providing a verbatim transcript of the record of that hearing.

C. Such an appeal must be filed within thirty (30) days after the date the city renders its order.

Section 2.26.06. Prohibited clauses within Proposed Order.

Any proposed Order provided to the City Council shall not include:

A. Any change to add a new land use or to change the vested mix of land uses that alters the basic character of the vested development; or

B. Any change in access to the project that would increase the development's transportation impacts.

Section 2.26.07. Ultra Vires Revocation.

A vested rights determination shall be revoked by operation of law if the Applicant, the Applicant's predecessor in interest, the Applicant's principals or officers, or the Applicant's predecessor in interest's principals or officers, are found to have engaged in criminal or fraudulent activities during the negotiation, execution, or performance of any agreements related to either the application submitted under this Chapter, or within the actions that led to the formation of the proposed project as originally presented to the City prior to April 2, 2018.

Section 2.26.08. Notice of this Ordinance.

Any individual or entity who has applied to the City of Destin for any Development Order within the last five years, whom (1) owns waterfront property within the SHMU, (2) waterfront property within the NHMU, or (3) owns any undeveloped property south of Highway 98, shall be provided a copy of this ordinance mailed by certified mail return receipt requested.

Section 3. Incorporation into the Land Development Code.

This ordinance shall be incorporated into the Land Development Code, and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

Section 4. Conflicting Provisions.

All prior inconsistent ordinances and resolutions adopted by the City Council, or parts of prior inconsistent ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 5. Severability.

If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6. Effective Date.

This ordinance shall become effective adoption by the City Council and signature by the Mayor.

ADOPTED THIS ____ DAY OF _____, 2018.

By: _____
Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Land Use Attorney, for the City of Destin, only.

Kimberly Romano Kopp, Esq.

First Reading: _____

Second Reading: _____

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018

TYPE OF AGENDA ITEM: Presentation

TO:

THRU:

FROM:

DATE:

SUBJECT: City Attorney

I. BACKGROUND:

II. DISCUSSION:

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: July 2, 2018

TYPE OF AGENDA ITEM: Action Item

TO:

THRU:

FROM:

DATE:

SUBJECT: Motion and discussion to ratify all of the motions passed at the June 28, 2018, Special City Council Meeting (public comment should be allowed at the time of the vote on the motion).

I. BACKGROUND: The City Council approved the following motion at their June 28, 2018 special meeting:

1. Motion to move forward with developing the Royal Melvin Heritage Park/Gateway to the Harbor passed 7-0.
2. Motion for the City Council to have the final approval of the conceptual design and final approval of the final plan and design of the park prior to any applications being submitted passed 7-0.
3. Motion for the City Manager, City Attorney, Land Use Attorney and the Mayor to meet behind the scene, discuss and try to work out any issues that they have among them, and report the result of the meeting back to the City Council on July 16, 2018 passed 6-1.
4. Motion to accept the City Attorneys work with the County Commission advising them to hold up submitting any applications until this board has reviewed and approved the final plan and design of the park passed 7-0.

II. DISCUSSION:

- A. Link to Strategic Goals / Objectives:
- B. Effect on Budget (EOB):
- C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION:

ITEM # 2018-456

Attachments:
None