

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
NOVEMBER 2, 2020
CITY HALL ANNEX COUNCIL CHAMBERS
6:00 PM**

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

Destin City Council

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

Destin City Staff

City Manager Lance Johnson	City Clerk Rey Bailey
Deputy City Manager Webb Warren	Public Services Director Michael Burgess
Public Info Manager Catherine Card (Virtual)	Grants/Project Manager Jeffrey Cozadd
Code Compliance Manager Joey Forgione	IT Manager Matthew Pace
Finance Director Krystal Strickland	City Engineer Assistant II Joe Bodi
Parks/Recreation Director Lisa Firth (Virtual)	IT Technician James Lauria
HR Manager Karen Jankowski (Virtual)	City Attorney Kyle Bauman
Community Dev. Director Louis Zunguze	City Land Use Attorney Kimberly Kopp

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

The Mayor called the meeting to order at 6:00 PM; which was then followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Morgan requested that “*Marler Street Parking Lot*” be added as agenda item 7G(1).

Councilmember Braden requested that agenda item 7A(1) be redesignated as agenda item 2B.

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

1. APPROVAL OF MINUTES

A. Approval of Minutes of October 19, 2020 Regular City Council Meeting

Councilmember Marler moved to approve minutes of October 19, 2020 Regular City Council Meeting was seconded by Councilmember Destin and passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted “yes”).

B. Approval of minutes of October 19, 2020 Council Executive Session

Councilmember Marler moved for approval of minutes of October 19, 2020 Council Executive Session was seconded by Councilmember Overdier and passed 7-0 Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted “yes”).

2. PROCLAMATIONS / RECOGNITIONS / SPECIAL PRESENTATIONS / ANNOUNCEMENTS

A. Presentation of Cross-Town Connector approach and timeline

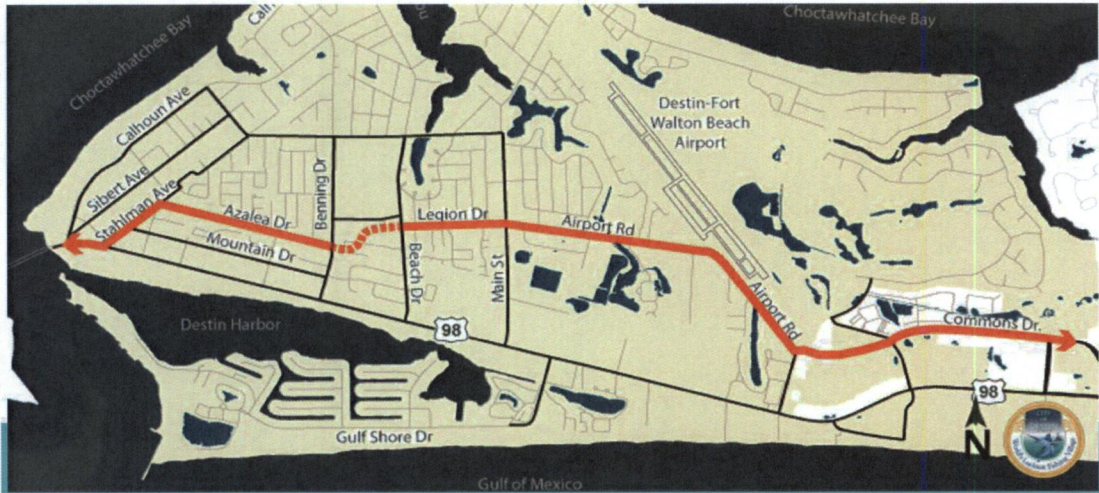
Community Development Director Louis Zunguze noted that on June 1, 2020, City Council discussed the reduction of the current proposed crosstown connector from a four-lane to a two-lane road section; and that at the conclusion of the Council discussion, staff was directed to proceed to obtain the redesign, new scope of work, and quote for a two-lane road. The City then entered into a contract with Atkins North America, Inc to undertake the redesign.

Ms. Jessica Golema, Atkins Project Engineer, gave a brief presentation of the crosstown connector approach and timeline:

- This road was studied and designed several years ago to be an ultimate 4-lane facility. Since that time the decision was made to design only a two-lane road

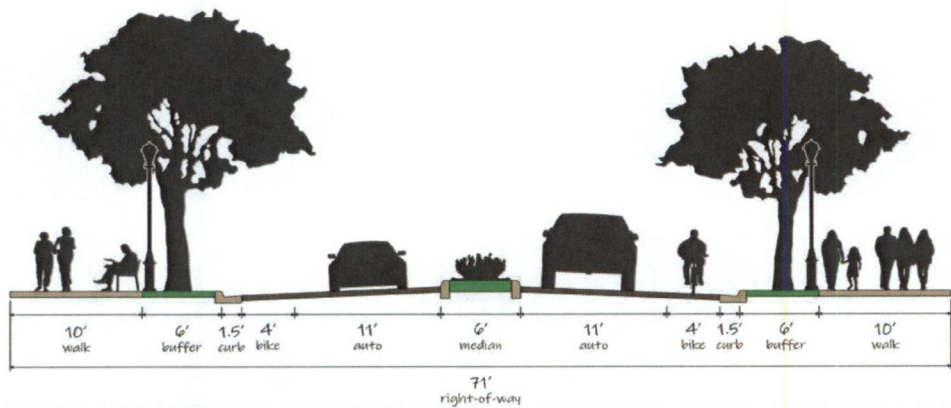


- Once this connection between Azalea Drive and Legion Drive is made, there would be a continuous alternative to US Hwy 98, from Stahlman Avenue to State Road 293



Cross Town Connector
the missing link for a continuous alternative to US 98

- Below is an example of a typical section that complies with the Land Development Code. This would be used as a starting point for the new design



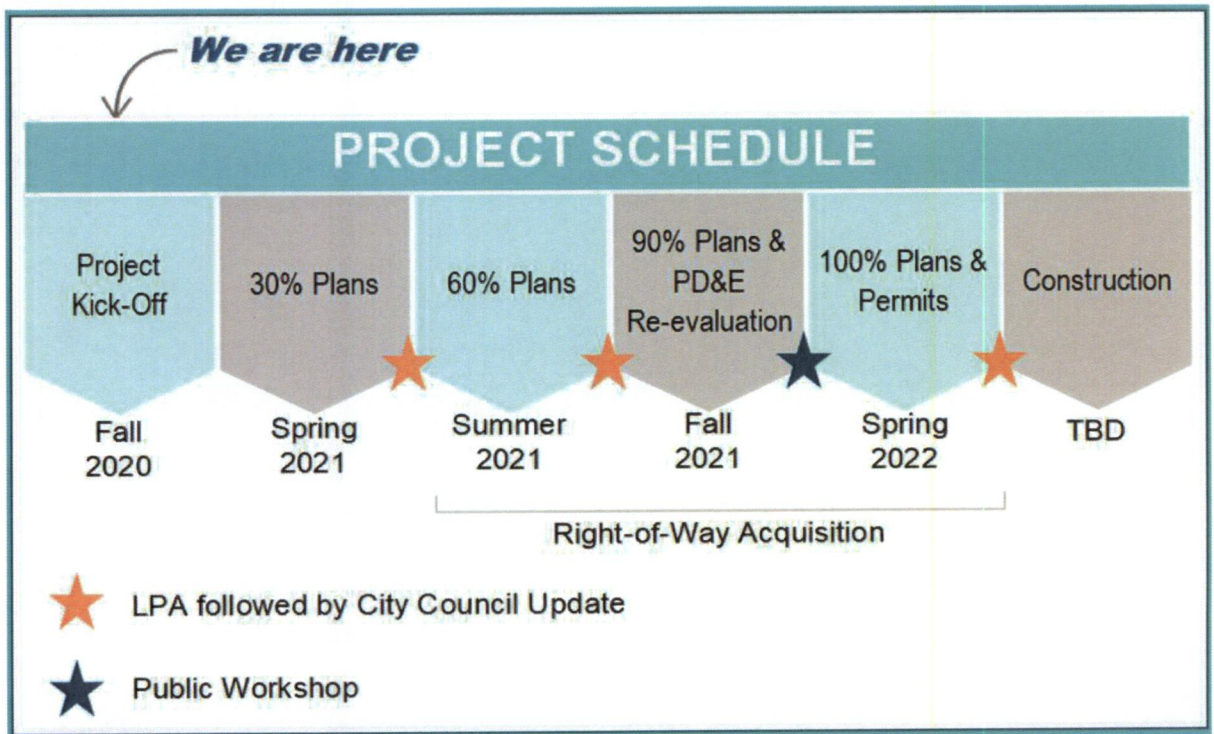
Proposed 2-Lane Typical Section
71' Right-of-Way

- Another look at the proposed alignment showing proposed pond locations and previous study



71' ROW Possible Alignment (Beach Drive to Benning Drive)

- Project Schedule. Right-of-way acquisition partially funded through FDOT TRIP Grant which reimburses the City at 50 percent for all acquisition costs. Construction currently expected to be funded through the TDC, but they are currently researching additional grant opportunities



- B. Request to terminate consideration of Fire District Lease at Clement E. Taylor Park based on mutual decision from the City Council and Destin Fire Control District

Councilmember Braden moved to terminate consideration of Fire District Lease at Clement E. Taylor Park based on mutual decision from the City Council and Destin Fire Control District; seconded by Councilmember Ramswell.

Councilmember Menchel commented that everybody in the City is very much aware of the importance of having a fire department on the west side of Destin. He inquired as to Destin Fire Control District (DFCD) future plans to make that happen.

Fire District Chief Sasser stated they have been working extensively on the Clement Taylor Park lease. They would need to discuss this matter with the Fire District Commissioners to determine the direction they wish to pursue. The need exists, and so they will continue to move forward with their efforts to place a fire station on the west side of Destin.

Councilmember Menchel noted he has recently talked to Mr. Lockwood Wernet, Executive Director of Destin Water Users (DWU) regarding their property by the water tower. Mr. Wernet stated that if DFCD would provide DWU with the design plan, they could still work things out and make that property available to them.

The Land Use Attorney stated that DFCD still has an application pending, and so DFCD needs to state for the record they are withdrawing that application based on mutual decision between DFCD and the City Council.

Chief Sasser stated that DFCD is withdrawing their application based on a mutual decision between them and the City Council.

Councilmember Braden commented that the City and the Council are still behind DFCD 100 percent and will support their future endeavors to place a fire station on the west side of town.

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

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

Ms. Danielle Piper, a Destin resident, noted that the Main Street Park and Mattie Kelly Park have become overgrown with bamboo, which is a non-native plant. She has contacted the Florida State University extension service and determined it is a pestilence plant. She asked Council to take the necessary steps to mitigate the situation by possibly removing it or cutting it down as they have noticed an increase in rodents and pests because of it.

Ms. Marcie Bell, a Destin resident, noted that if DFCD continues to pursue a park dock, it would take a portion of the City’s submerged land lease and the City would need to have some type of upland ownership. She recommends not allowing any type of lease at Clement Taylor

Park. She also expressed concern for the tourists and any member of the public that might have used the COVID trailer operating across the street from AJ's Restaurant; that they may have been provided erroneous testing results and personal information such as their social security numbers may have been compromised. She asked whether permitting or licensing to operate this fraudulent mobile unit was obtained from the City.

The Land Use Attorney noted that this particular mobile unit did not receive any permitting or licensing from the City; adding it was a subject of code enforcement matter.

4. CITY MANAGER REPORTS

A. Update on Main Street/Kelly Intersection

According to the City Manager, in response to the Council direction, City administration has begun to take initial steps to address the safety concerns at the Main Street and Kelly Street intersection. Public Services Department has installed 3 Pedestrian Crossing Ahead signs – two on Main Street and one on Kelly Street. Staff also met with the County Engineer for an initial appraisal of the intersection, and that his initial recommendation was to place Pedestrian Crosswalk signs (with back to back signage) at the crosswalks. The signage has been ordered. In addition, the Community Development Director has reached out to Dewberry Engineering firm to complete a warrant study and intersection design recommendations to make the intersection function safely and efficiently as all All-Way Stop controlled intersection. It has been requested that the study be completed within two weeks.

B. Code Compliance End of Fiscal Year Review Snapshot

Code Compliance Manager Joey Forgione provided the following statistics:

- Total Activities
 - ❖ FY 2019 – 6693
 - ❖ FY 2020 – 13,917
- Total Code Files
 - ❖ FY 2019 – 4665
 - ❖ FY 2020 – 5748
- Code Files Statistics – 5748 (FY 2020)
 - ❖ Registrations – 1,544
 - Wheeled Vehicle – 10
 - Short Term Rentals – 1202
 - Long Term Rentals – 278
 - 20 Livery Businesses (521 Vessels)
 - 12 Beach Vendors Businesses (34 locations)
 - ❖ Cases – 4,204
 - Parking – 1,892
 - Pay-to-Park Citation – 941
 - Parking Warnings – 780
 - Parking Citations - 171
 - Miscellaneous Violations – 1,306

- Signs – 449
 - Trash – 316
 - Stop Work – 153
 - Noise – 82
 - Vehicles Towed – 6
- Code Citations Statistics – 289
 - ❖ Monetary – 157
 - ❖ Warnings – 132
- Sheriff's Office – 903
 - ❖ Noise Violations – 655
 - ❖ Parking Violations – 248
- Beach Citations – 20
 - ❖ Warnings – 18
 - ❖ Monetary – 2
- Beach Compliance – 438
 - ❖ Glass on Beach – 171 (48%)
 - ❖ Vendor Complaints – 61 (17%)
 - ❖ Animal on Beach – 33 (9%)
 - ❖ Emergency Access Blocked – 27 (8%)
 - ❖ Structure on Beach – 29 (8%)
 - ❖ Driving on Beach – 19 (5%)
 - ❖ Trash – 9 (3%)
 - ❖ No Vendor Permit – 7 (2%)
- 2020 Enforcement – Harbor Waterways – 1768 activities
 - ❖ Idle Speed Warnings – 1182
 - ❖ Livery Vessel Inspections – 525
 - ❖ Miscellaneous Violations – 197
 - ❖ BTR Violations – 47
 - ❖ Transient Boat Slip Violations – 10
 - ❖ Abandoned Vessels – 4
- Harbor Citations – 134
 - ❖ Warnings – 108
 - ❖ Monetary Citations – 26
- Livery Vessels Registrations
 - ❖ Total Registered in County
 - Destin Livery Jet Skis – 274
 - Destin Livery Pontoons – 247
 - Destin Livery Businesses – 20
- City of Destin Rental Registrations – 1,480
 - ❖ Short-Term – 1,202
 - ❖ Long-Term – 278
- Short-Term Rental Activities – 3,126
 - ❖ Registration -1,202
 - ❖ Sign Inspections – 975
 - ❖ Parking – 506
 - ❖ Trash Violations – 233
 - ❖ Notice of Violations – 154

- ❖ Noise – 32
- ❖ Events – 14
- ❖ Miscellaneous – 10
- COVID-19 Shutdown
 - ❖ March 1, 2020 thru May 31, 2020 – Total Activities – 5,271
 - 655 STR Registrations
 - 120 LTR Registrations
 - 12 Livery Registrations
 - 1 Beach Vendor Registration
 - 394 Code Cases
 - 3,642 Persons Removed from Beach
 - 446 Vessels Removed from Beach

C. Complaint Policy Status & Updates

Human Resources Manager Karen Jankowski stated that staff is continuing to work on this policy. They received additional feedback from the City’s Labor Attorney a few days ago and they are working on additional policy to cover whistleblower laws and rights.

D. Findings of Geotechnical Investigation, Direction from Council

The City Manager explained that as part of the Stahlman Avenue and US98 Traffic Assessment, Council asked that alternative paths for pedestrians be explored to include an overpass or tunnel. Preliminary data (geotechnical queries) collected by Volkert Engineering indicated that the water table was too high to consider a tunnel at this location. At Council's request, staff asked that a geotechnical investigation be performed in this area to determine the elevation of the water table in the field. Preliminary findings by the geotechnical firm that performed the field work are that the water table is at least 14' below the surface, deep enough that Volkert Engineering believes a tunnel is possible. Staff requests direction from Council whether to direct Volkert Engineering to prepare conceptual layouts for possible tunnel locations and footprints. The estimate for the conceptual plan is \$4,500.

Councilmember Ramswell inquired as to why the numbers are so drastically different now with regards to the water table than when the Council originally recommended a tunnel be placed at that location.

Public Services Director Michael Burgess explained that Volkert Engineering did not do any borings initially as part of their assessment. They relied on the information they collected from other engineering firms.

Councilmember Ramswell moved to authorize the City Manager to execute a Task Order with Volkert Engineering as described in the Scope of Work for the conceptual design of a pedestrian tunnel under US Hwy 98 in an amount not to exceed \$4,500. Councilmember Menchel seconded the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted “yes”).

E. Announcements

The City Manager made the following announcements:

- Staff appreciates Council's support for the Celebration of Life for Kholton Ward held at Dalton Threadgill Park
- November 7th – Kickball tournament will be held at Morgan's Sports Center with all the proceeds benefitting Kholton Ward's family. Appreciates Council's support by waiving off all fees associated with it
- He will be up north at Missouri, Illinois during Thanksgiving Week
- A new City Engineer will be in place within the next 10 days
- The City has officially purchased the very first property of the Public Beach Acquisition Project

5. PUBLIC HEARINGS

- A. Second reading of Ordinance 20-30-CC – Amending Section 13-149 of the Code of Ordinances on renewals and expiration of permits for livery vessels

The City Attorney read proposed Ordinance 20-30-CC, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING ARTICLE 13 OF THE CODE OF ORDINANCES RELATING TO LIVERY VESSELS; AMENDING SECTION 13-149 "RENEWALS AND EXPIRATION OF PERMIT"; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Ramswell noted that a member of the public brought forth some concern at the last meeting about the legality of their livery vessel ordinance. She asked whether the Land Use Attorney has had the chance to investigate that concern.

According to the Land Use Attorney, she was able to examine the opinion of the individual that Florida Statute Chapters 327-60(2)(d), which deals with discrimination against personal watercraft, was violated by the City's ordinance. She stated that by statute, the definition of personal watercraft is basically Jet Skis, and that the City's ordinance does not discriminate against Jet Skis. She also stated that she disagrees with that opinion and opined that the City's livery vessel ordinance is perfectly legal.

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

Ms. Sheri Andrews, a Destin resident and livery vessel business owner, addresses the section of the ordinance pertaining to the transfer or sale of their current medallions. She stated that she has been operating in the harbor for 11 years; and though she is not ready to sell, she is ready to downsize. There are other vendors that would like to purchase those medallions, but it is currently prohibited with the current ordinance.

According to the Land Use Attorney, the proposed ordinance changes the registration date giving livery vessel owners more time to register for their permit.

Mr. John Stevens, a Destin resident and livery vessel business owner, asked whether the two changes he recommended at the last meeting have been added for the second reading of this ordinance.

The Land Use Attorney explained that the proposed ordinance is for the benefit of livery vessel owners and staff did not want it to go back to first reading; and so, the other issues that have been brought up will be addressed following adoption of this ordinance.

Mr. Mike Abadie, a Destin resident and livery vessel business owner, stated that he has no issue with the change of registration date for permitting; however, he has some concern with the renewal process. It is a burdensome, onerous, and complicated process. It seems the idea is to make it very difficult for livery vessel owners to apply for renewals of their permit. He recommends making it as simple as the business tax receipt renewal process. He also argues that the City of Destin livery vessel ordinance contains some illegal provisions which the City should investigate.

Having no further comments from the public, the Mayor closed the public hearing portion of the ordinance and turned the matter over to the City Council for their discussion and consideration.

Councilmember Menchel moved to adopt Ordinance 20-30-CC; seconded by Councilmember Overdier.

Councilmember Menchel urges City staff and future Council to consider streamlining the renewal application process making it less complicated for livery vessel owners.

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

- B. Second reading of Ordinance 109.10 Providing for amendment to Section 35.1, *Scheduling of Vacation Leave*, and providing for amendment to Section 35.3, *Carryover of Annual Leave*, of Ordinance 109.

The City Attorney read proposed Ordinance 109.10 by title, and then presented it to the Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENT OF ORDINANCE 109, AS AMENDED, PERSONNEL RULES AND REGULATIONS, PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO SECTION 35.1, SCHEDULING OF VACATION LEAVE; PROVIDING FOR AMENDMENT TO SECTION 35.3, CARRY-OVER OF ANNUAL LEAVE; 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.

Mr. John Green, a Destin resident, warned against allowing staff to accumulate enough vacation time where they could take a year of leave time upon their retirement which could be burdensome to the City.

The City Manager explained that approval of this ordinance caps the number of hours a City employee could carry over from one calendar year to another from 160 to 240 hours. Anything beyond 240 hours not used by the end of a calendar year would be lost.

Councilmember Ramswell moved for approval of Ordinance 109.10 on second reading; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted “yes”).

C. First reading of Ordinance 20-33-CN – Providing for a twelve-month extension of Ordinance 19-30-CN (Temporary Moratorium on Livery Vessel Permits)

The City Attorney read proposed Ordinance 20-33-CN by title, and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO LIVERY VESSELS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A TWELVE MONTH EXTENSION OF ORDINANCE 19-30-CN (TEMPORARY MORATORIUM ON LIVERY VESSEL PERMITS); DIRECTING STAFF TO DEVELOP RECOMMENDATIONS FOR REGULATION OF LIVERY VESSELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXPIRATION OF MORATORIUM; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Ms. Maya Shulder, a Fort Walton Beach resident and business owner in Destin, noted that several individuals expressed some legal concerns about the City’s livery vessel ordinance during the previous meeting. To proceed with the adoption of livery vessel temporary moratorium without first addressing any of those concerns is unfair as they will continue to penalize those people in the industry for another year or more depending upon when the Harbor Capacity Study is completed. They cannot transfer, sell, or move their property during a moratorium. She asked Council to allow the people in the industry to have a seat at the table and their voice to be heard, possibly at a workshop session, before voting on another moratorium.

The Land Use Attorney clarified that this proposed ordinance does not prevent existing businesses from selling, moving, or transferring their businesses. It prevents them from expanding the number of vessels they currently have. It also prevents new businesses from starting up.

The Community Development Director agreed it was a misconception as far as having the ability to transfer, sell or move a business as these are not affected by this ordinance at all.

He continued that one of the City's major concerns was the overpopulation of the vessels in the harbor, which was expressed by both the City's Harbor Waterways Board as well as the Harbor CRA Advisory Committee. He added that the federal government has been slow in releasing resources to complement the City's resources, but the Harbor Capacity Study is tremendously important, and he feels they are heading the right direction.

The Land Use Attorney added that the City has no livery vessel ordinances that prohibit anyone from selling, moving, or transferring their business.

Ms. Shulder maintains that the legal opinion from an attorney they have consulted to review the City's livery vessel ordinance was that the transferability aspect of business is extremely vague and prohibits it outright in certain instances; which is why they are asking for some clarifications before approval of another moratorium extension.

The Land Use Attorney noted that the City Council set the policy and they are administering that policy. The Council's policy was not to allow new vessels in the harbor pending the Harbor Capacity Study to ensure safety and the benefit of all the existing business owners, tourists, and residents alike. Nothing is being taken from existing businesses. The owners have the right to sell their business; however, whoever they sell the business to cannot expand it during the moratorium period and until the Harbor Capacity Study tells them what can really be safe at the harbor.

Mr. Greg Fish, Santa Rosa Beach resident, noted that Ms. Peggy Matthews who spoke during a previous Council meeting has 40 years' experience as a lobbyist for water sports and boat rental companies. She stated that there are no cities or counties in Florida that has a moratorium on the medallion system. He also noted that the watersports had already exceeded the fishing industry in terms of revenue this year; and that if boat operators receive half as much as the support the fishing industry gets, it will be quite a benefit to the community.

According to Mr. Mike Abadie, what makes the moratorium illegal is that it targets Jet Skis and pontoon boats. The City is not being fair with livery vessel operators. He stated that every vessel in the harbor, private and commercial, should be included in the moratorium. Also, the Harbor Capacity Study should include every vessel in the harbor. He recommends scheduling a workshop soon to discuss this issue further before Council votes on another moratorium extension.

Ms. Keri Harbarger, a Destin resident, noted that the Charter Boat industry receives Coast Guard inspections and pays outrageous insurance premium; adding it is outrageous to compare watersports with charter boats.

Mr. Freddy Ortega, a Shalimar resident, noted that he applied for livery vessel permit two weeks before the first moratorium 3 years ago and has not received a permit. He also stated that he called the City but has not received an answer from anyone.

Code Compliance Manager Joey Forgione stated that he would talk with Mr. Ortega following this meeting.

Having no further comments from the public, the Mayor closed the public hearing portion and turned the matter over to the City Council for their discussion and consideration.

Councilmember Destin moved for approval of Ordinance 20-33-CN on first reading and direct staff to advertise it for second reading; seconded by Councilmember Marler.

Councilmember Marler noted that because of where he works, he witnesses safety violations on the harbor daily from livery vessel operators. Some are not well-trained operators and do not know how to operate the vessel, and some just simply ignore the rules. They could watch the safety video all day long and it would not matter. He stated this is not just the rental companies' problem, but it is everyone's problem. He also stated they have a congestion problem at the entrance to the harbor, the East Pass, and on Crab Island. Every step needs to be taken to make sure everyone follows the rules.

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

Councilmember Destin recommends staff brings back proposed dates for a workshop to occur in early December to discuss the livery vessel ordinance in general.

6. CONSENT AGENDA

A. Adopt-A-Street Program Update

Motion by Councilmember Marler, seconded by Councilmember Ramswell, to approve Consent Agenda 6A, as printed above, passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted "yes").

Councilmember Menchel recommends having scheduled mandatory clean up days for Adopt-a-Street volunteers as it has worked well in the past.

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

A. Councilmember Braden

B. Councilmember Ramswell

1) Norriego Point Property Line Review/Status Update

Councilmember Ramswell asked for a status update on the Norriego Point property line review.

According to the City Attorney, with regards to the shared boundary line, there had been a survey ordered which they could overlay with the existing survey to see whether there are any potential issues. He also reported having some discussions with FDEP's General Counsel, Chad Stevens; and that Mr. Stevens assured him FDEP is also looking at this matter. He continued

that FDEP have been sharing the information they had with the City and they are asking the City to do the same. They have also agreed to meet once they have gathered all their information. He added that Mr. Stevens assured him there are no threats to the City's NRDA funding or to any federal funding at this time.

2) Norriego Point Survey

Councilmember Ramswell noted that the City Clerk provided the Council a printout of the Norriego Point survey just before the start of tonight's meeting. It appears that this survey has all the right information in terms of highlighting different things, but it is not utilizing the deed.

The City Attorney pointed out this is just a preliminary survey. Public Services Director Michael Burgess has been in contact with the surveyor, and that he understands he needs to use the 1998 and 2010 deeds, which will be presented at the final survey.

- 3) Communications Issues
- 4) Completion of Council-directed Tasks

In addressing the above two items, Councilmember Ramswell noted that there have been some patterns of miscommunications among City staff in terms of the information being provided to Council. Things are being delayed and it seems not everyone is in sync on certain issues. For instance, not everyone that ought to be involved in the completion of the Norriego Point survey is being consulted. She added this was not an isolated incident and that the City Manager should address this issue with staff.

5) Status of Kelly/Main Street signage and related traffic study

Councilmember Ramswell stated that she is glad to hear about the progress they are making based on earlier discussion regarding this issue and that she expects the rest of the signs to go up soon.

6) Norriego Point Project Status Update

Grants/Project Manager Jeffrey Cozadd reported that Phase III of the project will take place after January 1, 2021, but they have not received any definitive dates from FDEP. Plans will be presented to the City prior to FDEP putting the project out to bid. He continued he is not aware of any plans newer than the 90 percent plan, but it is what they anticipate getting from FDEP before they move forward with the project.

Councilmember Ramswell noted that the FDEP website shows 95 percent plan approved and filed with FDEP. These plans were actually completed and were by the FDEP on September 8th. She continued it was disconcerting to her because the plans had the wrong property line, and which is not in accordance with the deed that was previously discussed.

Parks and Recreation Director Lisa Firth stated that the 90 percent plans were supposed to go to the City's Building Department; and that she was not aware of any plans newer than the 90 percent.

Councilmember Ramswell stated she will forward a copy of the 95 percent plans to City staff and the Council. She asked staff to find out which deed was utilized for the 95 percent plans.

C. Councilmember Menchel

1) Archaeological Dig Clement Taylor Park

Councilmember Menchel stated that part of this issue has been resolved because of the proposed lease at Clement E. Taylor Park being terminated on mutual decisions from the City Council and the Destin Fire Control District. However, a citizen presented an archaeological information to Council and a lot of questions asked and not answered at their last meeting. A lot of artifacts have previously been discovered at the park site, and some findings had been presented that they are not permitted to build at that park. He asked if staff has been able to verify this information.

The City Manager stated he had tasked City staff to look into all the records provided by the public at the last Council meeting. He continued that they are allowed to replace the items that are in that park; and so, their renovation project should not be impacted by these findings. The initial survey that was done was only related to the seawall area. There will also be a full archaeological survey completed before they break ground with their renovation, which is federally funded. It would most likely not affect their ability to complete the renovation project.

Councilmember Menchel asked whether a fire station would have been constructed at that site, had the lease been approved, based on what they know now.

According to the City Manager, the full archaeological survey should provide an answer to that question.

2) Submerged Land Lease Norriego Point Review and Status Survey area tasking to include: The 2010 Norriego Point deed, and the 1998 Gulf Shore Drive City of Destin deed

Councilmember Menchel asked when the tasking went out with regards to the survey they received tonight prior to the start of this meeting.

The City Manager replied it was on Wednesday, October 28th.

Councilmember Menchel pointed out they have been asking for this survey for 6 months; and that it has been tasked repeatedly. The new survey still is not representative of what this Council has requested based on the information they possess. Nothing has changed since May 4, 2020, when Council gave the initial tasking for this survey.

According to the City Manager, he believes staff has coordinated with Councilmember Ramswell on multiple occasions, and that they believed they reached an understanding.

The Mayor asked if there have been some ambiguity or conflict between the 2010 Norriego Point deed, and the 1998 Gulf Shore Drive City of Destin deed.

The City Attorney stated that the survey has evolved over time. Part of the current direction is to have the survey indicate the 2010 Norriego Point deed, and the 1998 Gulf Shore Drive City of Destin deed and plot it accordingly, and which had been ordered by staff.

Councilmember Menchel noted that the 2010 Norriego Point deed, and the 1998 Gulf Shore Drive City of Destin deed have not been superseded by anything.

The City Attorney explained that the preliminary survey was necessary because it takes a lot longer to plot the specific GIS coordinants than it does to get a preliminary draft survey. The surveyor just wanted to make sure everything was on the right track due to past confusion.

Councilmember Ramswell believes the initial tasking should have gone to the Land Use Attorney who is a specialist in that area rather than the Park and Recreation Director who really has no experience on this matter.

3) Deed and Dedication Title Search

- A) Staff to outline the steps that will be taken by the City to enforce its property lines
- B) Staff to discuss the actions the City will take to rectify any and all property encroachments relating to the property identified in the Deed

Councilmember Menchel asked staff to address the steps they plan to take to accomplish the above taskings.

The City Attorney noted the following actions:

- The survey has been ordered and received and will be compared
- It will be compared to existing surveys to determine if there is any title policy and any potential claim.
- The City Attorney and City Manager will meet with the County on November 4th
- The City Attorney has met and agreed to exchange information with the FDEP general counsel and then meet with FDEP.

Councilmember Menchel stated that the new Council should follow up on this matter and find out when the County will put in the mandated road and provide the maintenance they are required to provide based on the dedication.

4) City Council Recap Part 2

Councilmember Menchel addressed his evaluation of City staff and City Manager's performance during his tenure as member of the Council.

- Resolution 19-27 dated November 4, 2019 states that each City Council member and Mayor shall be issued a cellular mobile phone by the City. At this point, not all the members have been issued a cell phone and staff failed to comply with Resolution 19-27
- All the Council including the City Manager has received complaints from Mr. Gene Earley on a variety of issues. The City Manager refused to act on these issues. He also failed to respond to an email from the lead investigator from the Florida Board of Professional Engineers asking if the City was investigating the complaints filed by Mr. Earley. He discussed this issue at a previous Council meeting and asked the City Manager to directly respond to the inquiry. The City Manager responded to the inquiry by merely providing a copy of the July 20, 2020 City Council meeting minutes and failed to answer the direct questions
- The City Manager is in direct violation of Section 12 of his contract by failing to investigate criticisms, complaints and suggestions and report his findings back to the Council within a reasonable time, not to exceed one month
- As a result of his review of the City's continuing services contract, not only did they find the City overpaid for services not received, but he also identified critical inspections that have not been completed. He prepared a chart that shows work that have and not have been performed by the vendors over the past 3 years. He has previously communicated this information with the City Manager and Deputy City Manager, but neither one has taken any action
- On May 4, 2020, Council directed staff to have a submerged land lease application completed on Norriego Point. It has been 6 months and this task still has not been completed
- The City Manager, City Land Use Attorney and City Council member travelled out of town to meet with a representative from FDEP and no trip report or recap of that meeting was presented to Council
- The City Manager failed to document his phone conversation with FDEP representative despite his numerous requests to do so
- The City has failed to enforce a 1961 Norriego Point dedication to include the mandated Okaloosa County installed and maintained roadway

Councilmember Marler stated that Mr. Gene Earley does not live or own any property in the City of Destin and in his personal opinion, Mr. Earley does not have standing in the City of Destin

5) City Manager


- D. Councilmember Overdier
- E. Councilmember Marler
- F. Councilmember Destin
- G. Councilmember Morgan

Councilmember Morgan recommends the new Council considers waiving all parking fees at the Marler Street Parking Lot. He stated that the Marler Street Parking Lot revenues have been dismal, and he feels the City would benefit more by having free parking at that lot rather than the \$13,000 it makes annually. It does not benefit Destin residents in terms of revenue, and it does not benefit Destin residents in terms of parking since the lot is constantly empty.

- H. Mayor Gary Jarvis
- I. Land Use Attorney
- J. City Attorney


ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 9:30 PM.



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk

