

**MINUTES  
REGULAR MEETING  
DESTIN CITY COUNCIL  
JANUARY 4, 2021  
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 Skip Overdier  
Councilmember Terésa Hebert  
Councilmember Johnny King (Virtual)

Councilmember Rodney Braden  
Councilmember Prebble Ramswell  
Councilmember Kevin Schmidt  
Councilmember Dewey Destin

**Destin City Staff**

City Manager Lance Johnson  
Deputy City Manager Webb Warren  
Grants/Project Manager Jeffrey Cozadd  
Community Dev Director Louis Zunguze  
Code Compliance Mgr Joey Forgione (Virtual)  
Parks/Recreation Director Lisa Firth  
Public Information Officer Catherine Card  
City Land Use Attorney Kimberly Kopp (Virtual)

City Clerk Rey Bailey  
Public Services Director Michael Burgess  
City Planner Traci Goodhart  
HR Manager Karen Jankowski  
City Engineer Donald Smith  
IT Technician James Lauria  
Code Compliance Officer David Bazylak  
City Attorney Kyle Bauman

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

The Mayor called the meeting to order at 6:00 p.m.; Pastor David J. Butler of Faith Assembly Christian Church gave the invocation, which was then followed by the recitation of the Pledge of Allegiance.

**AGENDA APPROVAL**

**Motion by Councilmember Destin, seconded by Councilmember Hebert, to approve the agenda passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).**

**1. APPROVAL OF MINUTES**

A. Approval of minutes of December 21, 2020 Council Executive Session

**Councilmember Hebert moved for approval of minutes of December 21, 2020 Council Executive Session; seconded by Councilmember Schmidt. Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).**

B. Approval of minutes of December 7, 2020 Regular City Council Meeting

**Motion by Councilmember Hebert, seconded by Councilmember Destin, to approve minutes of December 7, 2020 Regular City Council meeting passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted "yes").**

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

A. Employee of the Year 2020 Award

An award certificate and plaque were presented to the 2020 City of Destin Employee of the Year Lidieth Quintana of the City's Public Services Department.

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

Mr. Greg Fisher, a Destin resident and livery operator, noted that he participated in one of the recent webinars conducted by the National Park Service (NPS) and learned that NPS will be requiring charter vessels to have commercial use authorization permits; including those providing tours over at Crab Island. He stated that his agency books hundreds of people a day on these charter vessels. Not only that this action would be quite unfair, but it could create a lot of problems with law enforcement. People will find ways to reach Crab Island, such as through kayaking and paddleboards, which is a bad idea. He also stated it would require involvements from local officials to manage this problem. The Council should join the County in having an active discussion with NPS about this issue.

Ms. Marcie Bell, a Destin resident, noted that the mission of the NPS is to preserve unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. She continued there are two zones within the NPS that encumber the Crab Island area of the national seashore; and that there are a lot more water out there than just Crab Island. She asked Council to keep in mind it is a national park, and they need to save their natural resources. She also noted that the County has had some discussions with the Crab Island Committee about this issue.

**4. CITY MANAGER REPORTS**

A. Livery Workshop Update

According to the City Manager, this agenda item provides responses to some of the questions the City Council asked during the livery workshop; and that more comprehensive information will be provided by staff at the next regular Council meeting.

The Mayor noted that Council recently received an email from a livery operator with some recommendations; one of which was to provide the applicants the option of submitting an affidavit of no change during the application process if nothing has changed with the business.

Doing so would benefit livery operators as well as City staff, particularly the City's Code Compliance Division.

Councilmember Destin stated that the City should already have the information on file for livery operators who have been in the same business for a number of years; adding that many livery operators are willing to sign an affidavit of no change and would agree to whatever sanction the City feels is proper for those who did not live up to the signed affidavit.

**Councilmember Destin moved to simplify the permit application process for livery operators who have previously applied for and received permit approval from the City of Destin by instituting some form of a simplified affidavit system in the renewal application process to ensure compliance. Councilmember Ramswell provided a second to the motion.**

According to the City Manager, staff plans to bring back the affidavit of no change option next year. Staff recommends that livery operators provide the complete information this year to make sure they have the most current and correct information for the new system coming in place for the City.

Community Development Director Louis Zunguze explained that part of the challenges that they have, particularly from the code enforcement standpoint, is the accuracy of information they have on file. They want to make sure they have a more thorough and accurate information as they transition to an automation system this year. Following that, the system would simply ask for any changes to that information in subsequent years.

Code Compliance Manager Joey Forgione noted that most livery companies sell their vessels every one or two years; and so, they will need that information updated every year to make sure. They will also need to provide a sworn statement that they will adhere to the City's rules and regulations, and that they will not add more vessels to the property without notifying the City. In addition, the City will need to know if the livery actually has permission to operate their business on the property and the provisions contained in a shared parking agreement, if necessary.

Mr. Zunguze noted that the new system is scheduled to come online early this year, and it is critical for standard information to be submitted and entered into the system. He added that the biggest challenge they have is the site plan to verify parking on the properties. The quality of the site plans they have received over the years are such that it is hard to obtain definitive information as far as the uses and parking spaces associated with each of the uses.

Councilmember Braden expressed concern over the validity of the information being submitted by the applicants, particularly with several businesses claiming the same parking lot as their parking space. He stated that some of the applicants lie in their application. He added that true and accurate information needs to be put in the system for staff to properly perform their job.

Councilmember Schmidt asked how the shared parking plan is designed to work, especially if it involves different businesses such as a restaurant, an office and livery vessel rental operation.

City Planner Traci Goodhart explained that when they review a permit application, they determine the uses, the required number of parking spaces for each use, and the number of parking spaces available on site. For instance, the required number of parking spaces for a restaurant is based on square footage, and for livery operations it is the number of boats. Sometimes they factor in the hours of operations for each of the businesses. They want to make sure there is enough parking spaces to support all the uses on the property, and that no two or more businesses utilize the same parking spaces at any given time.

Councilmember Schmidt commented that since City staff apparently has some issues with the information they currently have, even if they put the new process in place this season, it would be a challenge for staff to review and approve all the applications and give all the applicants their medallions in time for the 2021 season.

Councilmember Destin stated that they need to have a parking review conducted for each site. Without it, it would be very difficult to determine the validity of the parking plans. They have contracted this out in the past with Renaissance Planning Group. He continued that he would be willing to modify his motion to have the affidavit system be effective next year. However, they would still face a dilemma of some of the business owners not receiving their permits in a timely fashion this year as the March implementation date would not be possible.

Councilmember Hebert stated that the renewal application process is taking way too long, and they promised to simplify the process during the livery workshop. A lot of the businesses are trying to do what they think the City wants them to do. The March time frame is rapidly approaching, and the season will switch into high gear before they know it. She added they need to find a satisfactory compromise and move on.

Councilmember Ramswell asked how often they do a similar full package registration for other businesses and restaurants, and whether they are required to submit a parking plan.

Ms. Goodhart explained that other businesses and restaurants apply for their annual business tax receipts (BTR). Liveries and short-term rentals are under a different program. They have to register each year to maintain their registration. With regards to a restaurant, parking is already established under their approved development order based on square footage of the facility. They are required to provide a certain amount of parking if not more.

Councilmember Ramswell stated that she agrees with the parking study as being proposed by Councilmember Destin. She asked whether this would be feasible and something that would work for everybody.

According to Mr. Zunguze, they have built the overall parking study for the harbor into the Harbor Capacity Study. Parking as a whole has been one of the most critical land use issues they have in the City; and that the harbor is the most critical area and for which the Harbor Capacity Study is designed.

Councilmember Destin clarified that he was not suggesting an overall parking study to be conducted as he is aware it is part of the Harbor Capacity Study. He is suggesting doing a

parking analysis for each site where livery vessels are located. He asked what would happen to livery operators who do not receive their permits by March this year.

The Land Use Attorney recommends extending the application deadline for two months without penalty, for this year only.

**Councilmember Destin offered an amended motion to simplify the permit application process for livery operators who have previously applied for and received permit approval from the City of Destin; to implement some form of a simplified affidavit system in the renewal application process in 2022; and to extend this year's application deadline for two months to May 1, 2021. Councilmember Ramswell provided a second to the motion.**

Councilmember Schmidt argues that by extending the application deadline, they are giving the renegade businesses more time to operate illegally.

The Land Use Attorney noted that staff has been continuing to talk with the stakeholders and livery vessel owners and they do not intend to wait until the application period to tell them what is missing from their application. They may be operating but they will be working towards gathering the information, and staff would be communicating and working with them throughout that time period.

Councilmember Ramswell recommends the issuance of a temporary permit for a 30-day period upon receipt of the application and until the application is approved.

The City Manager asked how long it would take staff to process 15 complete applications.

Mr. Forgione stated that Code Compliance Division should be able to process 15 complete applications in approximately 30 days.

According to Ms. Goodhart, the Planning Division should be able to conduct the parking review very quickly as long as the applications are complete, with clear site dimension site plans, and with the existing uses.

The City Manager clarified that parking plans are to be provided by the property owners. It is a non-issue when the livery company is also the property owner. It becomes an issue when the livery company is renting from another property owner, and the property owner is not providing the exact information that staff needs.

Councilmember Destin stated that extending the application deadline to May will not really give the livery operators a big advantage because the bulk of their season is after the May timeframe. If they do not get things done by May, they could get shut down and be out of business for the summer. Extending the application would give everyone enough time to pursue the little details they have been discussing.

**The Mayor called for a vote on the motion, which passes 5-2 (Council members Hebert, Overdier, Destin, Braden, and King voted “yes”; Council members Schmidt and Ramswell voted “no”).**

**B. Harbor Capacity Study Steering Committee**

The City Attorney explained that the City Council directed staff to advertise for members of the Harbor Capacity Study Steering Committee; a group to be tasked with providing oversight for a study to ensure that all elements within the Harbor Capacity Scope of Work are effectively addressed and implemented. An application was distributed to invite participation from key stakeholders from the following specialty areas:

- Marina owner
- Marine focused business owner
- Recreational business owner
- Harbor businesses and/or service
- Service members from other boards
- Members of the public

Eight members were nominated and confirmed by the Council. The City Council elected to expand the membership of the committee from 7 to 8 and allowed the Mayor to submit a nomination. These members filled the diverse community and stakeholder roles targeted by staff to ensure that the constitution of the steering committee is both knowledgeable of the topics that will be discussed and represents a diverse group of individuals with vested interests in ensuring the health of the Destin Harbor. The following members were nominated by Council members who have since left office:

- Eddie Morgan
- Guy Tadlock
- Claude Perry
- John Stephens

Eddie Morgan and Claude Perry were the only two of the original 8 appointed members who fulfilled the role of “Marina Owner.” The newly elected Council members are free to nominate whomever each wishes to constitute the remaining 4 members of the steering committee.

**Motion by Councilmember Destin, seconded by Councilmember Schmidt, to re-appoint John Stephens to the Harbor Capacity Study Steering Committee passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).**

**Councilmember Hebert moved to appoint Mary Ann Windes to the Harbor Capacity Study Steering Committee; seconded by Councilmember Schmidt.**

Councilmember Ramswell asked whether the City is still in active litigation with the Destin Fishing Fleet; to which the City Attorney replied affirmatively.

Councilmember Ramswell expressed concern that appointing Ms. Windes, who is a managing partner of the Destin Fishing Fleet Marina, to the Harbor Capacity Study Steering Committee could create a conflict of interest.

The City Attorney explained there is a legal conflict; but it is the prerogative of this Council to decide whether there is an actual conflict; and since some of the Council members had already voted when this question was asked, he recommends they continue voting on the current motion on the floor. If that motion passes, someone who voted on the prevailing side of the question could then make another motion to reconsider the vote.

**Motion passed 6-1 (Council members Schmidt, King, Hebert, Overdier, Destin, and Ramswell voted “yes”; Councilmember Braden voted “no”).**

**Councilmember Ramswell moved to reconsider the vote on the previous motion in lieu of the fact the individual appointed to the board is involved in an active litigation with the City; seconded by Councilmember Braden. Motion passed 4-3 (Council members King, Destin, Ramswell, and Braden voted “yes”; Council members Schmidt, Hebert, and Overdier voted “no”).**

**Councilmember Hebert moved to re-appoint Eddie Morgan to the Harbor Capacity Study Steering Committee; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).**

**Councilmember Schmidt moved to appoint Ian Blaise to the Harbor Capacity Study Steering Committee; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).**

**Councilmember King moved to appoint Patrick Wilson to the Harbor Capacity Study Steering Committee; seconded by Councilmember Hebert. Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).**

#### C. Announcements

1. City facilities will be closed on Monday January 18, 2021 in observance of Martin Luther King Day
2. The next City Council meeting will be held on Tuesday January 19, 2021 at 6:00 p.m.
3. Staff intends to bring the revised complaint procedures to Council on January 19th for their review

### 5. PUBLIC HEARINGS

### 6. CONSENT AGENDA

- A. Agent-Broker of Record for Health & Ancillary Benefits, Contract Renewal

- B. Election Agreement with Supervisor of Elections for March 9, 2021, Special Election
- C. Proposed Bert Harris Settlement Agreement for 2725 Scenic Highway 98
- D. Proposed Bert Harris Settlement Agreement for 2990 Scenic Highway 98
- E. Proposed Bert Harris Settlement Agreement for 3463 Scenic Highway 98
- F. Proposed Bert Harris Settlement Agreement for 3464 Scenic Highway 98
- G. Proposed Bert Harris Settlement Agreement for 3469 Scenic Highway 98
- H. Proposed Bert Harris Settlement Agreement for 4478 Ocean View Drive
- I. Proposed Bert Harris Settlement Agreement for 4705 Ocean Blvd
- J. Proposed Bert Harris Settlement Agreement for 4790 Ocean Blvd
- K. Proposed Bert Harris Settlement Agreement for 132 Sand Print Circle
- L. Proposed Bert Harris Settlement Agreement for 17 Barts Bay

**Councilmember Schmidt moved to approve Consent Agenda items 6A thru 6L, as printed above. Councilmember Hebert provided a second to the motion, which passes 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).**

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

### **A. Councilmember Braden**

Councilmember Braden asked how much money the City has spent to date on the EnerGov software.

The Deputy City Manager Webb Warren noted that the contract is for \$190,000.

Councilmember Braden asked why the go-live date for this software is being delayed, and whether taking a legal action against the company is warranted.

Mr. Warren explained that the software manufacturer has presented some information to the City as it relates to national security breaches. Their resources right now are stretched, and so the current go-live date is in jeopardy. He also stated that staff was planning on providing a full update on the next Council meeting.

Councilmember Schmidt requests the City Attorney conducts a legal review of Tyler Technology’s EnerGov municipal software solution contract with the City of Destin, determine some legal options for the City, to include possible termination of said contract; and to provide the result of the review at the next EnerGov update.

Next, Councilmember Braden asked for an update on the status of the 3-way stop signs at the Main Street/Kelly Street intersection.

According to the City Manager, the signs have been ordered and they expect them to be installed before the next Council meeting.

Councilmember Braden noted he has recently discussed having someone coordinates both the US Hwy 98 redesign and the utility undergrounding project for the City of Destin with the City Manager. He asked for the City Manager's recommendations based on this discussion.

According to the City Manager, they plan to discuss this matter with the company under contract with the City to manage the undergrounding project soon and posed this question to that firm. If the firm is capable of handling both projects, they will determine how much it would cost the City to add that responsibility to the contract. Otherwise, they will ask the firm if they could recommend some other firms that could help coordinate the two projects.

Councilmember Braden asked that this item be placed on the agenda and for staff to provide an update at the next Council meeting.

Next, Councilmember Braden requested an update on the status of the harbor pump.

According to Public Services Director Michael Burgess, there was an issue with the transformer causing the harbor pump to be down for a few days, but it is now back in operation. A pump company will come down to look at it to determine how much it would cost to refurbish the pump and to make some modifications to the wet well to avoid the same issues they have had the last few years.

Councilmember Braden inquired as to the status of the two livery applications submitted by Mr. Charles Duplantis.

Mr. Forgione noted they have received a total of 3 applications to date, including those from Mr. Duplantis for his two businesses. All the applicants have been notified they did not submit the proper applications, and that they used last year's application.

Some members of the Council asked what prompted the mistake and when the new form was advertised.

Mr. Forgione noted that the new application form was posted online a few days following the adoption of the ordinance that establishes the new livery application period.

Councilmember Braden asked for the opinion of his fellow Council members whether they ought to be proactive in dealing with active litigations to which the City of Destin is the defendant; to make things happen instead of waiting for them to happen and being caught unprepared. That way they could move things along and close them out quicker.

Councilmember Schmidt commented that with his limited experience with litigations, he would personally wait anxiously until the case is brought against him and then defend himself. However, if there is some type of settlement opportunity and to take advantage of the economic opportunity, it might be wise to be proactive in trying to settle the matter quickly.

The Mayor recommends scheduling an executive session to discuss specific matters relating to litigations.

According to the City Attorney, they must be careful not to violate the sunshine law when scheduling an executive session as they could only discuss two topics in an executive session – litigation expenses and settlement negotiations. Any matters that are outside of those two topics will have to be discussed in public. He added they have not received any potential settlement offer to any of their active litigations. They currently have two active cases against the same party and another case that is the subject of an active settlement agreement that is currently being executed.

According to the Land Use Attorney, they could discuss active litigations and pending litigations involving the City with each individual Council member.

Councilmember Destin stated that as a Council member, he always expects the City's attorneys to always try to get litigations against the City dismissed, either through settlement or action in the court. He continued that he has faith that is exactly what the City's attorneys are doing. He is satisfied with the situation at this moment; however, he agrees that meeting individually with each member of the Council to discuss active and pending litigations is a good idea.

#### B. Councilmember Ramswell

##### 1) Contract with the County for beach cleaning

According to Councilmember Ramswell, there have been some outgoing concerns from the public being raised about the raking of the beaches and how often they are being cleaned as they are getting ready to enter a new season. One of the things the City's beach advisory committee discussed was trying to ensure going forward that their beaches look the way they want them to look.

Parks and Recreation Director Lisa Firth, City staff representative to the beach advisory committee, stated they are working with the County to get the beaches cleaned. The committee identified some of the concerns regarding the cleaning of the beach, and that the County is interested in working with the City to increase the frequency. She stated they are waiting for the County to come back with a proposed agreement.

Mr. Warren stated that the County has been very proactive in communicating with the City about this issue. They have done some restructuring at the County level as it relates to the beach cleaning. They now have a new director in charge of beach and parks, and they have been actively looking at new and improve ways to communicate with the City and other entities. They are opened to discussing a memorandum of understanding to set expectations as to what beach cleaning should look like. Any proposed agreement would come before this Council for consideration.

Councilmember Ramswell noted that before the County took over operations, the Sandman was the one hired to do the beach cleaning. He had a regular cleaning schedule which he followed very closely which worked very well for everybody. It was a very organized and reliable process. The question now is whether Sandman is still available, or if it would be feasible to put out some sort of a request for bid (RFB) to get people capable of providing those

services to respond. She added that the old interlocal agreement did not include the number of days the beaches is supposed to be raked. She recommends inclusion of a definitive and adequate schedule for beach cleaning and raking in future agreement. As a starting point, it should be 5 days a week minimum for the entire beaches of Destin.

Councilmember Hebert recommends 7 days a week because they have the activities on weekends and the beaches are full year-round.

Mr. Warren recommends revisiting the original RFB for *Beach Cleaning Services for Okaloosa County and City of Destin*, dated October 2013, with Okaloosa County, and determine whether original expectations are being met, and bring information back to Council.

Councilmember Overdier noted that the RFB is very explicit on how often the beaches are expected to be cleaned. It is 7 days a week at certain points of the year, and less than that in other points of the year. They need to find out what the County intends to do this year and how different it is with the City's expectations; and whether there is an opportunity to change that, so it meets the City's requirements. He also stated that as the City's representative to the TDC, he will work with the TDC and try to determine their position on this matter.

The Mayor stated this is a perfect item to discuss at their visioning session scheduled for this month in preparation for the next budget cycle. He also recommends sharing this information and requesting assistance from County Commissioner Mel Ponder.

Councilmember Braden asked staff to determine the dollar amount the TDC has budgeted for, as well as possible cost of third-party beach cleaning services so they can determine if it is feasible to add it on the City's budget.

## 2) Beach Advisory Committee Items for future discussion/decisions

Councilmember Ramswell announced that the next beach advisory committee meeting is scheduled for Thursday, January 28<sup>th</sup>, and that beach cleaning is one of the items to be discussed. She asked the Council if there are any other topics they want the committee to discuss.

Councilmember Hebert suggests creating some beach boxes, similar to what they have in Walton County, for beachgoers to place beach equipment they will no longer use, such as reclining chairs and tents, instead of leaving them behind as trash.

## 3) Homeless Camps Plans/Ideas

Councilmember Ramswell stated that she has received several complaints from citizens about the influx of homeless people in the area; and that there are homeless camps set up on private property. For the Sheriff's Office to take any actions, the property owner actually has to file a complaint. A lot of the places where these camps are set up are on vacant properties and it has been very difficult to get in touch with the property owners. She asked for recommendations on how to remedy this situation.

According to the City Manager, the faith-based organizations in Destin has done a great job helping the homeless. He will try to bring back some additional information.

According to Captain Howell of the Sheriff's Office, they had contacted all the property owners involved specific to this issue before the holidays, but they have not received back authorizations for the trespass warnings from them.

Councilmember Schmidt asked if there is anything the City could do in terms of amending the code to assist in the enforcement of this issue.

According to the Land Use Attorney, there is a pending code enforcement case regarding one of the properties involved; and that the hearing is scheduled for February this year. Since it is a quasi-judicial matter, they cannot discuss the specifics of that case. However, they do have certain code provisions that could be enforced that are not the same issues that are being enforced by the Sheriff's Office.

Councilmember Braden stated that at this point, he believes code enforcement is limited to issuing a trash and debris code violations. Due to the amount of trash being accumulated on these properties, issuing this code violation might prompt a quicker response from property owners in providing authorization for the trespass warnings.

According to Code Compliance Officer David Bazylak, in addition to issuing an accumulation of trash and debris code violation, they could also issue a zoning violation because camps are being set up which are not allowed in certain districts.

Ms. Marcie Bell noted there was a group of homeless individuals that were being transported to individual shopping centers in the City during the holidays. They are not the normal group of homeless people that are already in the City. They came in a van and they were only here for a few days. She stated that the homes population in Destin is not any different than the rest of the society. There are good and bad people, and they are homeless for a lot of different reasons. The problem they have in Destin is that they have no shelter for the homeless. The closest place they could go for shelter is Fort Walton Beach. She continued that while they discuss how to get rid of the homeless, they should also discuss how to help them.

#### 4) US Hwy 98 merge signage

Councilmember Ramswell stated that there have been numerous complaints about a section of US Hwy 98 that drops from a 3-lane road down to a 2-lane road without sufficient warning. The right lane turns into a right-turn only lane without any warning forcing motorists to turn right or run the risk of getting hit while trying to merge back into the middle lane. She stated she has previously reported this issue and asked staff for an update on what FDOT is doing to remedy the situation.

Mr. Burgess reported that he has contacted and expressed this concern to the construction inspection engineer for the project and the District 3 office in Chipley, and they have forwarded the complaint to the engineer of record for possible modifications or corrective actions. The first step in mitigating this issue will be to place some signage stating, "Right Lane Must Turn Right." The signs

have been ordered and will be put in place once they receive them. If this proves insufficient, they will reach back to the engineer of record and ask for additional measures to be taken.

Next, Councilmember Ramswell announced that today is the first day Destin High School is accepting applications for enrollment for the next school year. The school will open its doors and welcome students in August.

Councilmember Ramswell also reported that the 3 lights going down Indian Bayou Drive into the Indian Bayou neighborhood are still out. She asked whether staff has received any feedback on those lights.

Mr. Burgess noted that the City's survey technician went out for an entire week at night right before the Christmas Holiday and he identified 146 lights that are not working. Those have all been reported to Gulf Power. They will be following up with Gulf Power to see how many of the 146 lights they have addressed.

- C. Councilmember Destin
- D. Councilmember Overdier
- E. Councilmember Hebert

Councilmember Hebert asked staff to look over the emails they received from livery operators with suggestions on how to improve upon the new applications and take their suggestions into consideration.

- F. Councilmember King
- G. Councilmember Schmidt

Councilmember Schmidt inquired as to the actual plans for the stop signs at the Kelly Street/Main Street intersection.

Mr. Burgess reported that they are going to be renting some variable message boards to advise the traveling public that a change in condition is upcoming. Once they receive a firm arrival date for the signs, they would be announcing a more concrete implementation or a go-live date for the new signage. The Public Information Officer will make her public information announcements through Facebook and alerting the media of the exact implementation date for the new signage. The flashing crosswalk will be removed. They will be bagging the signs initially until the actual implementation date.

- H. Mayor Gary Jarvis

The Mayor informed City staff there is a huge pothole at the Planet Drive and Mars Street intersection.

- I. Land Use Attorney
- J. City Attorney

## 8. PUBLIC COMMENTS

Ms. Maya Sholders, a Destin resident and livery operator, commented that the three people that submitted their livery applications obtained their application form from the City's website. The moratorium extension was approved in November 2, 2020. The new application form was not made available until December 4, 2020, and that the livery workshop was held December 14, 2020 when the new application was discussed. She continued that the result of that workshop is not given until tonight's meeting; and so, to say livery operators are procrastinating or stalling is untrue. They are merely waiting for the Council's decision. Even though they are given two extra months, starting in November, to file their application, the correct documentations were not readily available. She also mentioned that she is still waiting for her one-page BTR application back which she submitted in September 2020; and that she was informed by City staff in December that they were running behind schedule in processing BTRs.

Councilmember Ramswell asked staff to determine the number of outstanding BTR applications and send Council an email explaining the reason it is taking so long to process these applications.

Councilmember Destin asked staff to bring back a recommendation at the next Council meeting whether it would be feasible to open their doors 5 days a week, instead of 4 days a week, at least on a temporary basis, until all the BTR applications are processed.

Mr. Mike Abadie, a Destin resident and livery operator, noted that one of the reasons the new application is very complicated is because staff is trying to resolve a lot of the parking issues. He continued that issues related to the parking plan is the responsibility of the property owner, not the individual rental operator leasing the property. He also stated that the general feeling among the livery operators following the workshop was they were going to get a more streamlined application for 2021, which is not exactly the case based on tonight's discussion. They also felt misled that according to tonight's agenda item, staff would only provide general information relating to the livery workshop. No motion is recommended; and that more detailed information will be provided at the next meeting. Which would provide them more time to present recommendations to the City Council. A lot of them feel they were blindsided when the Council went ahead and voted on a motion tonight. He further stated that he turned in his application on November 3<sup>rd</sup> using the application form from the City's website. The application is dated 2020, and the only one available on the website. So far, he has not received any phone call, a letter or any kind of notice from the City providing status of the application. He just learned tonight that the application was turned down, but he was not given any reason previously why it was turned down. At this time, he is unsure whether to resubmit the application or which version of the application to submit.

Mr. Forgione noted that the application currently online is the correct application. He also stated that they sent an email to every livery company on December 4<sup>th</sup> with direction and with an attached copy of the application for the 2021 season. The new application has also been made available online since December 4<sup>th</sup>.

Mr. John Stephens, a Destin resident and livery operator, stated th at he wanted to submit his application on November 3<sup>rd</sup>, but he was told that staff was not accepting any application at that time because of the new software coming online. He also noted that the application currently online had 11 pages, while the application they received on December 4<sup>th</sup> only had 10 pages. It was missing the "Right to Conduct Business" page. He also asked whether they should wait for the affidavit of no change before filling out another application.

Ms. Goodhart explained that a meeting with livery operators was held in January/February this year, at which time they discussed the new applications as well as all the concerns. They came up with the new application form from that stakeholders' meeting. The affidavit of no change was removed for this year because of the new system. The motion Council passed tonight was to bring back the affidavit of no change next year.

The Land Use Attorney added that the right application to fill out is the one online, or the one that was emailed to livery operators adding the "Right to Conduct Business" page. She added that based on Council's motion tonight, the livery operators will be allowed to operate while their applications are being reviewed. Staff will be working closely with them towards completion of the application.

Councilmember Ramswell recommends staff makes a general announcement as to which application to use for the benefit of those who are not tuned into tonight's meeting.

Councilmember Destin noted that the two-month extension for the application was an attempt to address staff's need for information this year. They also want to keep staff on notice that Council wants a more streamlined application in the future. He also stated that the Council can amend any ordinance in the City at any time with just a simple majority vote.

Mr. Greg Fisher, a livery operator, stated that he takes exceptions to Councilmember Braden's previous remark that some livery operators lie in their application; adding that some simply just make a mistake in filling out their application. They are trying to improve their reputation and this kind of statement does not help. Some of the people in the industry will not always do the right thing and so the City should go after them.

## ADJOURNMENT

**Having no further business at this time, the meeting was adjourned at 9:10 PM.**

ATTEST:

  
**Rey Bailey, City Clerk**

  
**Gary Jarvis, Mayor**