

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
JANUARY 19, 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
Finance Director Krystal Strickland
Grants/Project Manager Jeffrey Cozadd
Community Dev. Director Louis Zunguze
Code Compliance Manager Joey Forgione
Parks/Recreation Director Lisa Firth
IT Manager Matthew Pace
City Land Use Attorney Kimberly Kopp

City Clerk Rey Bailey
Public Services Director Michael Burgess
Public Information Manager Catherine Card
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.; which was then followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Motion by Councilmember Hebert, seconded by Councilmember Overdier, 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 January 4, 2021 Council Executive Session

Councilmember Schmidt move to approve minutes of January 4, 2021 Council Executive Session; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

B. Approval of minutes of December 21, 2020 Regular City Council meeting

Motion by Councilmember Overdier, seconded by Councilmember Hebert, to approve minutes of December 21, 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. Proclamation Destin School Choice Week

The Mayor read the Proclamation recognizing January 24-30, 2021 as *Destin School Choice Week*.

B. Gulf Power Update: Mr. Bernard Johnson, Regional Manager, Central District, Gulf Power, Inc.

Mr. Bernard Johnson, Regional Manager, Central District, Gulf Power, Inc., provided the following information:

- Gulf Power was acquired by NextEra Energy in 2018
- Gulf Power to merged with Florida Power and Light in January 2021. Will still be called “Gulf Power” through 2021
- Gulf Power’s name will change in 2022 (name still to be determined)
- Rate reviews currently being conducted and will be submitted to the Public Service Commission in March 2021. The new rate plan is scheduled to begin in 2022 and continue through 2025
- Gulf Power/Florida Power and Light will be advancing solar power. Solar energy sites currently being created. The plan is to have 30,000,000 solar panels in Florida by 2030
- Modernization – Gulf Power is out of the coal business. Incorporating natural gas. The goal is to have clean energy
- The number to do undergrounding is a lot more favorable now than it was a few years ago. They have been meeting with the City Manager and other City representatives to get things underway

Councilmember Destin noted that Mr. Johnson and his associates have been discussing the streetlight issues with the City. He asked if there has been any progress.

Mr. Johnson stated he has been in communication with the City’s Public Works Director about this issue. They are very much aware of locations where some streetlights are still out; and that they are at a very small number.

Councilmember Ramswell noted there have been some discussions about fees being placed on power bills to help Gulf Power recoup some of the money they spent during Hurricane Michael.

Mr. Johnson explained that Gulf Power was granted approval by the Florida Public Service Commission to add storm related fees on residential customers' monthly bills to recoup costs for its Hurricane Michael response. The storm cost a lot of money and as the host utility, they pay all the costs to restore power.

Councilmember Ramswell asked if Gulf Power is doing a similar assessment on power bills for people who have gotten behind on payments due to the pandemic.

Mr. Johnson responded they will not perform a similar assessment on COVID-19 related cases.

Councilmember Ramswell stated they have previously discussed asking Gulf Power to let the City place such things as Christmas decorations on their power poles. She asked if Gulf Power would allow it; and if so, whom should the City approach to make this request.

Mr. Johnson stated that Gulf Power has previously allowed other cities to use their power poles; but it is on a case-by-case basis as there are strict requirements that need to be imposed. It would also depend upon the size of the materials. Nothing too big that could cause power outage if it gets loose is allowed on the pole. He added that the City can contact a division in Pensacola that handles pole attachment requests.

Councilmember Hebert asked Mr. Johnson to provide an overview of the undergrounding and how long it could take to complete the project.

Mr. Johnson stated that an undergrounding project takes years to complete. There are a lot of elements involved including power, phone, cables, and other materials that are already in the ground. He noted that Panama City is undergrounding their utilities one mile at a time. They determine the location of that mile, set the revenues aside that would pay for the one-mile installation, and then make plans for the next mile once that portion of the project is completed. He added it could take 5 to 7 years to complete an entire undergrounding project.

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

Mr. John Stephens, a Destin resident and livery operator, stated they have chase vessels and rotate their chase vessels. They should be allowed to use any boat as chase vessel and should be allowed to swap boats when one is not fully operational as long as they notify the City in writing in that regard. He recommends amending the Acknowledgement section of the application document to allow the use of chase vessels provided they send an email to Code Compliance advising them of the situation.

Mr. Stephens also asked whether the video staff plans to show tonight is a navigational video or a safety video; and whether it covers all State requirements, and they would be required to show it, as well as other videos they already have, to their customers. He continued that customers usually have very short attention span and showing them multiple videos may be asking too much.

Councilmember Schmidt asked if livery operators would be allowed to replace a broken-down vessel if they notify Code Compliance Division in advance that they are doing so, and they provide the Florida registration number for the vessel.

According to Code Compliance Manager Joey Forgione, when a vessel has broken down permanently, the livery operator usually notifies them, and they sometimes bring in proofs the vessel has broken down such as rip pieces of the boat. They then remove that vessel from their fleet and provide a new sticker for the replacement vessel once they receive the Florida registration number for the vessel. He continued that if the vessel is only down temporarily, the livery operator contacts them and advises them which vessel they want to use, and that vessel is recorded. He added each livery operator has certain number of registered chase vessels for their property, which they cannot increase due to the moratorium.

Mr. Stephens noted that this procedure is not in writing which is why he asked that it be memorialized in the Acknowledgement section of the application document to avoid any future problems in case there is a new City staff member who may not be aware of the process.

Ms. Peggy Matthews spoke next. She stated she is a Florida representative for American Watercraft Association, which represents and advocates for recreational vessels and livery vessels. She reported that there have been 27 total accidents in Okaloosa County to date, and only one-third of those accidents involved a personal watercraft; adding that statistically, personal watercraft does not have a high number of accidents in the County. Boating congestion is currently a huge issue all over the State. Florida Fish and Wildlife Commission (FWC) is responding by proposing legislation this year to take off the cap of the age requirement for boating education. This bill will enhance safety all over the State. She then handed out some documents from the County Attorney's Office, which is the result of a research the County Attorney conducted on personal watercraft, and livery ordinances throughout the State, at the request of the County Commission. She stated that it is a very thorough legal research. The County Attorney concluded there is not one ordinance on the books in Florida that pertains strictly to personal watercraft. Discriminating against personal watercraft is illegal and it is not backed by Florida Statutes.

Councilmember Ramswell asked what the other 18 accident, out of the 27 accidents Ms. Matthews reported earlier, were about.

Ms. Matthews noted that the other 18 reported accidents involved other traditional vessels. She stated that FWC releases a full statewide accident report, by class of vessel, annually, and that the 2020 report will be released in the March/April timeframe.

Mr. Ed Rogers, a Destin resident and livery operator, discussed the importance of being able to clean and maintain their boats in their parking lot during the off season. He stated this is necessary so they could get their boats prepared for the following season. He reported that some livery operators received a letter from the City last year informing them they are illegally parking their boats in their lot. Those letters were subsequently put on hold while the City further investigates this matter. He stated there is nothing on the books and there had not been any conversation among the Council about this being an illegal use and so no law has been created regarding it. He also stated that livery operators are being targeted. The City does not fully

understand their business and had not taken the time to discuss it with them to be able to understand it; adding that City staff does not seem to want their input on this matter.

Councilmember Hebert opined that if a livery operator is also the owner of the property, they should be able to park and clean their boats on the property as long as it is not negatively impacting other businesses on that property. With regards to aesthetics, they could probably put up some temporary fencing to hide the boats while they are being maintained.

Councilmember Ramswell requested that a copy of the notice of code violation letter several livery vessel operators received last year for illegally parking their pontoon boats on their property be provided to the Council.

Mr. Mike Abadie, a Destin resident and livery operator, stated that if the Council passes an ordinance eliminating boats from his upland property, it could put him out of business because it is a critical part of his business, which has been in operation since 1990. He stated that he has been maintaining his boats on his upland property since that period. He also stated he is not aware of any code prohibiting this use and he did not know until now that he has been using his property illegally. He noted that a letter of violation was sent to several livery operators last year. He then drove around and took pictures of about 11 properties doing the same thing and the only people that received a notice of violation were the livery operators. The others were not cited at all, which is a clear example of targeting. Staff subsequently rescinded those letters until they come up with some new information. He asked to be allowed to maintain his boats on his property during the off season as long as it does not interfere with parking.

Councilmember Schmidt stated that City staff should have been informed of the other businesses violating the same code but did not receive a notice of violation. Sometimes the City relies on inputs from citizens on these kinds of activities for staff to be able to take action.

Ms. Sherry Andrews, a Destin resident and livery operator, stated that she rents her place of business. Last year she was told to get her boats off her property, and so she was forced to purchase another property on Mountain Drive to store her boats there for 3 months out of a year. She also stated that her renewal application which contains 79 pages has been returned to her twice already. She has already gone through her landlord several times for information to be able to complete the application. She is concerned she could lose the use of that property if she goes to them again. She asks the City to thoroughly review the application, provide her a complete list of discrepancies or items that are lacking in her application, so that she only has to go back to her landlord one final time.

Mr. Scott Johnson, a Destin resident, stated that he read an article in the newspaper regarding homelessness assistance in the City of Destin, to include providing shelter for the homeless. He stated that he retired from law enforcement after 20 years of service. He has had an extensive experience dealing with homelessness while living at Portland, Oregon. He watched the city turned into probably one of the most unlivable cities in the United States, which prompted him to move out of that City. He stated that he has dealt with various issues surrounding homelessness, and to consider bringing homelessness to Destin was quite disturbing to him having just moved here 3 ½ years ago. He does not want what happened in Portland to

happen in Destin, and so he is willing to offer himself as an advisor providing opinion that may be contrary to attracting more homelessness to this area.

Mr. Jason Schilder, a Fort Walton Beach resident and livery operator in Destin, stated they have recently attempted to schedule a meeting with City staff to discuss the lack of ability to exchange equipment or lack of a clear message as to how back up equipment could be substituted for damaged equipment. The rules as written specifically forbid the use of equipment between locations as well as utilize one of their chase vessels or a backup equipment as replacement. The livery application includes a statement that *“Livery vendor agrees not to rent for service a registered chase vessel or a none-registered vessel. Livery vendor agrees to only use vessels with registration sticker on file from the property of record. Livery vendor understands that the violation of the rules and regulations could result in fines or suspension of livery vendor privileges”* He also stated this is a subject many livery operators have addressed multiple times but there are still no written clarifications. They have two locations in Destin and one at Fort Walton Beach. If a vessel needs maintenance, it is necessary for them to move equipment between locations or utilize a back-up equipment. Their signature on the Acknowledgement page of the application implies a potential loss of the ability to operate if any rules are broken. They have had some discussions with the Code Compliance Manager who has assured them the City will work with them throughout this season. However, they need a written guarantee that livery operators would not be penalized for running their business efficiently.

Mr. Greg Fisher, a Fort Walton Beach resident, stated that he recently attended a Board of County Commission meeting during which the County Attorney discussed her findings on personal watercraft regulations. She specifically acknowledged Florida Statutes 37-62(d) pertaining to personal watercraft discrimination. She stated that if the County put these regulations in place, a challenge could incur which have never been defined in court. Mr. Fisher also stated they need better clarifications regarding the transferability of permits. Verbal agreements are not sufficient. Everything needs to be in writing to avoid any confusion later on; and that it needs to be done soon as the start of spring break is only two months away.

Ms. Marcie Bell, a Destin resident, noted that 5 years ago tonight, the late Ms. Diana Monson stood before this Council and spoke about Parcel B on Holiday Isle and how the zoning of that parcel suddenly changed from Conservation to High Density Residential (HDR). She has spoken about this issue several times since then. A representative from the Army Corps of Engineers (ACOE) stood before this Council and informed them that particular parcel cannot be developed as it is under a perpetual spoil easement. It is a public land and it is time for that parcel to revert back to Conservation. She urged the Council to direct staff to start working on making that change.

Ms. Bell also noted that the City has serious problems with its Waste Management contract. They have a situation on Holiday Isle where 75 percent of the properties on her street alone does not pay for garbage service, which is a violation of City code. Their cans are still being picked up twice a week. She also pointed out there are properties in the City that are not keeping their cans on their own property. It needs to be addressed in the ordinance that those cans have to be kept on the property.

Councilmember Ramswell asked if the City issues citations to people who do not abide by the code by not maintaining waste service, and whether it is being enforced.

According to Mr. Forgione, once the violation is confirmed, they issue a warning citation. If compliance is not obtained, then a \$50 ticket is issued.

Ms. Carrie Harbarger, a Destin resident, stated that the City should no longer be collecting Waste Management bills; but it seems they are still doing so.

The City Manager confirmed that the City is no longer collecting bills for Waste Management.

Councilmember Ramswell would like to discuss the Waste Management issue further at a future Council meeting.

4. CITY MANAGER REPORTS

A. Capital Project Status

Finance Director Krystal Strickland provided a summary of the current capital improvement projects, showing status and year-to-date expenditures and encumbrances.

B. Operations Financial Report

Ms. Strickland briefly discussed the year-to-date budget versus actuals for the General Fund and the two community redevelopment areas.

C. Complaint Process and Procedures

The City Manager noted that the City Attorney, Labor Attorney and City staff have been working collaboratively to update the City's policy and procedures regarding external complaints received and investigative procedures. They have been working together to document a whistleblower procedure and to document the City's complaint process. These whistleblower procedures and complaint processes work in conjunction with the City's adopted personnel policy. He briefly explained the following documents:

- Municipal Complaint Procedure – Establishes overall procedures for investigating and resolving claims of unlawful harassment, discrimination, or retaliation and to ensure a standard complaint process
- Harassment Discrimination Retaliation Claims – Establishes principles and protocols for claims of unlawful harassment, discrimination, or retaliation and to ensure a standard process in accordance with Florida Statutes
- Municipal Programs and Service Delivery Complaint Process – This process is intended to enable the City of Destin to promptly and effectively address program and service delivery concerns raised by members of the public. The process will assist the municipality in providing excellent service to the public and contribute to continuous improvement of operations. This process applies to all employees

and volunteers of the City of Destin and is intended only to establish uniform guidelines and aid employees and volunteers to ensure satisfactory resolution of a complaint concerning a City program or service delivery

- Complaint Process Flowchart – This is a summarized visual reference for how complaints are handled
- Whistle Blower Procedures – Pursuant to Florida Statutes, it is the procedure of the City of Destin, that its employees and members of the public have the opportunity to confidentially report allegations of wrongdoing, inappropriate conduct, and actions that may create specific danger that jeopardize the health, welfare and safety of its employees as well as the general public. It is also the intent of these procedures to protect individuals from advertise actions, i.e., retaliation for disclosing and reporting information alleging improper uses of office, waste of funds, or nay other abuse or neglect of duty on the part of a department, employee or management

D. COMPASS System/Energov Update

IT Manager Matthew Pace provided a brief update on the status of the COMPASS System/Energov Process. He announced that COMPASS testing and training is still currently ongoing. Community Development and Code Compliance staff continue validation and testing in advance of the Go Live date adhering to the original timeline. Due to circumstances outside the control of the City, the timeline for the completion of COMPASS had to be adjusted to April 2021. The recent cyber incident Tyler Technology faces nationally, and the pandemic have contributed to the altered timeline. The Tyler conversion team has been adjusting schedules to the best of their ability to accommodate all their customers since this cyber-attack has affected operations nationwide. However, these setbacks have created the opportunity for the City to work with their community and businesses to help test the system with them in the interim. This will help foster better relationships within the City and emphasize the efforts towards improving application and permit processes. The City will remain vigilant in completing client responsibilities on time and will work closely with EnerGov to compete this implementation.

E. Livery Update

Community Development Director Louis Zunguze noted that as a result of the City Council workshop held in December 2020 to discuss the livery registration process with business owners, property owners, and City staff, City staff has prepared an update for Council's consideration to include process improvements with the implementation of EnerGov, a proposed safety video, and two policy related issues on which staff is requesting direction.

At this time, the IT Manager provided a live demonstration of the application of the new COMPASS/Energov Software System to livery application process.

Following the demonstration, Councilmember Braden asked how staff would be able to track the number of parking spaces that have been allocated to each of the businesses on a particular property.

According to Mr. Zunguze, as part of the review process they would require a good site plan to be able to track parking spaces. The City's Planning Division will let the Code Compliance Department know when parking that has been allocated is sufficient and when every business on the property has adequate parking.

Councilmember Braden opined this portion of the process is still opened for human error.

Mr. Zunguze explained there would always be a human factor involved in the quality control process; however, the new system would allow everyone involved to review documents at the same time instead of the previous process when files are passed from one office to another and it took each office several days to review the documents.

Mr. Pace added that the Energov system will tie everything to a parcel number regardless of the business owner, and everything will be shown on one screen. Staff will be able to see all the information associated with a particular parcel and quickly determine if any discrepancies exist.

Councilmember Overdier asked what happens the following year during the renewal application process when all applicant information remains the same.

Mr. Pace explained that the way the system is built, the applicant will receive a message that they need to renew their application. The applicant will be able to review all the information they previously provided and resubmit everything just as it is if nothing has changed.

Councilmember Hebert asked if the other businesses in Destin follow a similar scheme during their application process.

According to Mr. Pace, every business permit application in Destin has a process in the EnerGov system that follows the same protocol and goes through a similar setup.

Next, a new proposed safety video for the livery industry was shown to the public.

Councilmember Schmidt asked if the video is a requirement to be shown in some regard or simply informational being offered for livery operators to use.

Mr. Forgione stated it is an offering for livery operators to show their customers because some of them have indicated they needed an updated educational video for the local area and this video serves that purpose.

Councilmember Hebert stated that it is a very informative video. She recommends combining the instructional feature and safety education feature into one video.

Capt. Howell of the Sheriff's Office stated they would be glad to create another video if necessary.

Mr. Mike Abadie commented they are required to show their customers a video created by the Florida Wildlife and Fisheries with educational items the marine patrol requires before

they go out into the water. There are some local issues that need to be covered, such as the no wake zones; however, the concentration span of some of their customers is limited that they lose interest if they try to show them something that lasts longer than 5 minutes. It would help if they could condense everything into one 5-6-minute video instead of showing them more than one videos. He also recommends posting the video online for prospective customers to view in advance. He added they are required to show the video or provide the information verbally to their customers.

Mr. Charles Duplantis, a Destin resident and livery operator, stated they have been showing the video to their customers for over 20 years. Prior to that, the marine patrol would sometimes pay them a visit and threaten to issue them a ticket for not providing their customers the required information before letting them out into the water. The video proves adequate information is being provided to customers.

Councilmember Ramswell recommends asking the local hotel to include this video in their local informational channel that provides their customers some of the information they need to know during their stay in the area.

Next, Mr. Zunguze stated there are two policy related issues – boat parking and tandem parking – that staff needs direction from Council prior to the 2021 livery vessel season. He informed the Council that Mr. Mike Buckingham, Chairman of the Harbor CRA Advisory Committee, would like to share the committee's view on these subjects.

Mr. Buckingham stated that one of the committee's main goals is to clean up the harbor and make it nicer and a better place to live and conduct business. Parking on the harbor has gotten worse and the aesthetic appeal of the harbor has diminished over the years partly due to the increasing number of livery vessels being pulled out of the water and cleaned in the parking lot. A lot of business owners, condominium owners, and residential property owners have expressed their displeasure in seeing this during the winter months. Livery operators are given 365 days a year to run their business. They still have to maintain their parking even if they decide to close their business 3 months out of a year. He also stated that the committee has been asking City staff to bring their recommendations regarding this issue before the City Council since 2017 but the previous staff never presented it to the Council. The committee asked him to address this issue tonight and bring forward at least two of the committee's recommendations. The committee recommends that if livery operators want to place their boats in the parking lot, to put them on a trailer so they can be moved quickly and easily. Also, they should not be allowed to continue to clean the bottom of their boats in a parking lot that is not approved by DEP, County, or State for that purpose as everything that comes off the harbor goes into the waterways. He added that all they hear are complaints that the livery industry is being targeted. They have always been welcomed to go before the Harbor CRA Advisory Committee and provide their suggestions on how to make things better for everyone and inform the committee of what they intend to do to help create a cleaner and nicer harbor. So far no one from the livery industry has come forward and provide suggestions.

Councilmember Schmidt asked if this issue ought to be brought before the Harbor Capacity Steering Committee as they discuss the Harbor Capacity Study since some of the things the study was supposed to address are the economic and environmental issues on the harbor.

Mr. Zunguze noted that the economic, environmental, and aesthetic issues on the harbor will be addressed in the study.

Councilmember Hebert stated that property owners should be allowed to do what they need to do on their property, to include cleaning their boats, as long as they take the necessary precautions. If the problem deals with aesthetics, they could require property owners to place temporary fencing while they are working on their property so that nothing is visible to the public.

Councilmember Ramswell asked what the requirement is for cleaning any type of vessels, not just pontoon boats, in the parking lot.

Mr. Zunguze noted this is the part staff wanted to share with and obtain policy direction from the Council.

Councilmember Destin stated that they need to know whether a permit is required to clean and maintain boats on upland property, and if so, whether livery operators, either together or as a group, be able to meet a certain standard.

Councilmember Destin moved to allow the Harbor CRA Advisory Committee to meet with representatives of pontoon rental business to discuss how to make things better on the harbor, and bring recommendations back to Council; and to direct the City Manager to direct staff to determine the requirements for boat cleaning and maintenance on the property. Councilmember Ramswell provided a second on the motion, which passes 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted "yes").

Councilmember Destin asked City staff to investigate and address the following questions:

- How to work back-up vessels into the system to be used in the event of an equipment breakdown
- Issuing stickers for back-up vessels

Councilmember Ramswell asked staff to find out the parameters and addressed the following issues with regards to boat storage:

- Definition of storage
- Time frame for storage
- Temporary storage for cleaning and maintenance of vessels

City Planner Traci Goodhart noted that the staff report includes some information on tandem parking. She stated that several livery operators have indicated that it would be helpful to permit "party parking" on their sites. This would allow tandem parking for those vehicles who are in one party, who are renting a boat together. Currently, tandem parking for non-residential uses is only permitted for those with valet parking. This would potentially benefit the parking

situation on the harbor properties with multiple mixed use as it could potentially increase available parking on the site. Staff recommends the code be amended to allow tandem parking for livery businesses with a City approved site plan.

Councilmember Schmidt moved to amend the LDC allowing tandem parking for livery businesses with a City approved site plan; seconded by Councilmember Hebert.

According to Councilmember Overdier, he understood tandem parking as a way of putting two or more vehicles in one parking space. It seems this would only make parking lots more crowded rather than increase available parking for the business.

Councilmember Destin noted that with tandem parking, they still must have the required travel lane for vehicles in the parking lot. It would theoretically loosen up parking for the business because with tandem parking, two cars can occupy one parking spot rather than two as long as they belong in the same party.

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

Mr. Zunguze noted that this matter will come before the Harbor CRA Advisory Committee and to the Local Planning Agency, and subsequently to the City Council.

F. Traffic Safety Measures on Calhoun Avenue

City Engineer Donald Smith provided the following presentation to Council:

Zerbe Street – Calhoun Avenue Pedestrian Improvements

- Traffic Safety Measures – Calhoun Avenue
 - ❖ City Council directed staff to evaluate the possibility of speed humps as a permanent solution to traffic safety on Calhoun Avenue (Clement Taylor Park area)
 - ❖ Current Status and Recommendations
 - Zerbe Street – Calhoun Avenue Pedestrian Improvements Project will begin in February 2021
 - This project extends the 10-foot shared use path along Zerbe Street and the western side of Calhoun Avenue, from the corner of Zerbe Street at Sibert Avenue, north to Clement Taylor Park
 - Two new crosswalks will be added
 - One crossing Calhoun Avenue at the intersection of Zerbe Street
 - One crossing Calhoun Avenue near the entrance to Clement Taylor Park. This will connect the existing sidewalk to the proposed shared use path, at the park’s entrance

- Three existing crosswalks will be repainted to conform with FDOT specifications, and to increase visibility and safety
 - Rectangular Rapid Flashing Beacons (RRFB) will be utilized at both new crosswalks along Calhoun Avenue, as well as the existing crosswalk at Sibert Avenue, to increase pedestrian and bicyclist visibility and safety
 - Project improvements should be evaluated before any additional improvements are recommended
- ❖ Conclusion:
- Zerbe Street – Calhoun Avenue Pedestrian Improvements Project will begin in February 2021
 - Project is anticipated to be completed by May 2021
 - Project will increase pedestrian visibility and help with overall corridor safety
 - City Engineer does not recommend additional improvements at this time
 - When the project is complete, staff will monitor the area and address concerns

Councilmember Destin asked whether a speed study was conducted in this area.

Mr. Smith replied that he has done a preliminary speed study at these locations using a small hand radar. The speed limit is 30 mph, and the speed percentile on average was 37 mph.

Councilmember Destin stated they are spending \$700,000 to encourage pedestrians to walk from the City parking lot along Calhoun Avenue, cross two intersection, and into the park area. Pedestrian traffic would dramatically increase, and this could be a very dangerous place for pedestrians. There have been two previous fatalities in this area – one on Calhoun Avenue area and another on Sibert Avenue area. He continued that they need to be proactive, which is something they did not do over at Kelly Street and Main Street intersection, where a more recent fatality took place.

Councilmember Destin moved to direct the City Manager to instruct City staff to look at the engineering criteria for putting in speed bumps or 4-way stop sign at the Zerbe/Calhoun intersection and for installing a 3-way stop sign on Sibert/Forrest intersection; and to bring back a recommendation on whether a speed bump or 4-way stop sign is more feasible for Zerbe/Calhoun intersection; and to be ready to implement it quickly, if necessary; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

G. Announcements

5. PUBLIC HEARINGS

6. CONSENT AGENDA

- A. FY21 Renewal and Replacement Vehicles, granting City Manager purchase authorization.
- B. Milling & Resurfacing of City Hall Annex Parking Lot.
- C. Harbor Boardwalk Repairs.
- D. Human Resources/Risk Manager Confirmation.
- E. Request for release of code compliance lien by third party purchaser. (4767 Bonaire Cay).
- F. Proposed Bert Harris Settlement Agreement for 3473 Scenic Highway 98.
- G. Proposed Bert Harris Settlement Agreement for 58 Sunfish.
- H. Proposed Bert Harris Settlement Agreement for 87 Cobia.
- I. Proposed Bert Harris Settlement Agreement for 93 Cobia.
- J. Proposed Bert Harris Settlement Agreement for 4430 Ocean View Drive.
- K. Proposed Bert Harris Settlement Agreement for 4742 Ocean Blvd.
- L. Proposed Bert Harris Settlement Agreement for 4653 Destiny Way.
- M. Single-family Residential Marine Construction Proposed 823 Cross Street.
- N. Single-family Residential Marine Construction Proposed 944 Bambi Street.
- O. Single-family Residential Marine Construction Proposed 952 Bambi Street.

Councilmember Destin requested that Consent Agenda item 6D be pulled for further discussion.

The Land Use Attorney asked that Consent Agenda item 6E be removed from the agenda as the request for release of lien has been withdrawn by the property owner.

Motion by Councilmember Hebert, seconded by Councilmember Overdier, to approve Consent Agenda item 6A-6C, and 6F-6O, passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted "yes").

Councilmember Destin noted that he asked Consent Agenda item 6D – *Human Resources/Risk Manager Confirmation* to be pulled as the City Charter requires Council confirmation on the hiring of department heads; and so this item should be voted upon separately and should not have been placed under Consent Agenda. He continued that he has reviewed Ms. Nichole DeVito's resume and finds her to be a fine candidate for the position.

Councilmember Destin moved to confirm Nicole DeVito as the Human Resource / Risk Manager; seconded by Councilmember Overdier.

Councilmember Braden asked who are normally involved in the interview process for a department head position.

The City Manager noted that for this position, the initial team tasked with narrowing down the number of applicants from over 30 applicants to the 5 finalists were the HR Manager, Deputy City Manager, Grants/Program Manager, and Finance Director. The City Manager, Deputy City Manager, Finance Director, and HR Manager interviewed the finalists.

Councilmember Braden stated that since the HR Manager normally has frequent interactions with department heads, all the department heads should have been involved in the interview process.

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

The City Manager expressed his gratitude to the outgoing HR Manager, Karen Jankowski, for 20 years of exemplary service to the City of Destin.

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

A. Councilmember Braden

- 1) Project coordinator for the City of Destin for the US Hwy 98 Undergrounding and Redesign Projects

Councilmember Braden requested an update on the above item.

The City Manager reported that the Grants and Project Manager has contacted the firm that will manage the electric utility undergrounding project for the City of Destin to find out if they would be coordinating with FDOT on the upcoming road improvement project, from Airport Road to the Marler Bridge, and whether there would be an additional costs for doing so. The firm responded that they plan to coordinate not only with FDOT but any other utilities that may be involved with the undergrounding project to help eliminate any conflicts and for no additional charge to the City.

Councilmember Destin noted that with regards to the undergrounding project, they are still in the preliminary stages because of financing questions. A lot will depend on the City's franchise agreement with Gulf Power. The City would also need to come up with creative ideas on how to finance the bond necessary to go forward with the undergrounding project.

Next, Councilmember Braden wants to know the difference between a chase vessel and a backup vessel.

According to the Code Compliance Manager, Joey Forgione, chase vessels and backup vessels are the same. They are used to recover vessels that have broken down in the waterways. Chase vessels cannot be rented, and the City has to be notified when chase vessels are to be used; otherwise, it would be a code violation and a citation is issued. Fines are on a staggered basis ranging from \$100 to \$300 for the first and subsequent violations for each vessel.

Councilmember Braden noted that Galati Yacht is required to have certain FDEP- certified locations for where to clean up their vessels. He asked why certain livery operators feel they do not have to abide by the same rules.

According to Mr. Abadie, they were not aware of Galati Yacht having special permits from FDEP. Livery operators have never been approached or cited by FDEP. It may well be an issue where livery operators may need to get compliant with FDEP or Marine Patrol. In which case, it may not be affordable for some individual businesses. They may need to group together and try to find a location to clean their vessels. The question is whether they will be allowed to store their boats at their upland property after they are cleaned.

Councilmember Braden also noted that written notice of violations had supposedly been issued to certain livery operators and that the Council was not aware of it. He continued this would be a quasi-judicial matter with which the Council cannot get involved.

Next, Councilmember Braden asked for an update on the \$25,000 Council previously approved for the beautification of the Harbor Lane right-of-way.

Mr. Zunguze noted that City staff is currently reviewing some options which they plan to bring to Council in February.

B. Councilmember Ramswell

1) Retain the current City Land Use Attorney in a remote capacity

Councilmember Ramswell noted that Council received an email from the Land Use Attorney discussing a potential resignation. It was then brought to her attention she would be willing to stay on if Council would consider allowing her to provide her services virtually and commute occasionally. She is bringing this up to get the individual Council member's opinion on the matter.

Councilmember Hebert moved to retain the current City Land Use Attorney allowing her to provide her services in a remote capacity; seconded by Councilmember Ramswell.

Councilmember Destin stated that he fully supports the motion and considers it as a perfect solution. The Land Use Attorney is very much engaged in multiple cases and other legal matters involving the City and finding a replacement and getting them up to date quickly on all matters could be quite problematic for the City.

The Mayor stated that the Land Use Attorney's institutional knowledge is quite valuable to the City.

The Mayor called for a vote on the motion, which passes 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted "yes").

2) Update on status of the submerged land lease application for Norriego Point

Councilmember Ramswell inquired as to the status of the submerged land lease application for Norriego Point.

The City Attorney stated they plan on presenting recommendations from City staff and attorneys to the City Council at their first meeting in February

- 3) Harbor Lane improvements and proposed improvements of other city-wide rights-of-ways with waterfront access

Councilmember Ramswell asked whether staff have come up with proposed improvements of City-wide rights-of-ways with waterfront access.

According to Mr. Zunguze, staff will bring proposed Harbor Lane improvement back to Council on February 16th. This will determine the type of improvements for the other right-of-way accesses.

- 4) Items to present to Okaloosa legislative delegation on January 20, 2021

Councilmember Ramswell stated this is their opportunity to inform their legislative delegation of their needs and what they would like them to focus on in terms of legislation. She asked for the other Council members' thoughts on the matter. She will present these items at the Okaloosa legislative delegation meeting on Wednesday, January 20th.

Following a brief discussion, Councilmember Ramswell was asked to present the following topics to the legislative delegation:

- Co-sponsor Florida League of City (FLC) bill to counter House Bill 219 and Senate Bill 522 on short-term rentals
- "Internet sales tax fairness" - state being able to require that online retailers, even those without a physical presence within their borders, to collect and remit sales tax on purchases by residents
- Annexation – incorporation of enclaves

- 5) Potential partnership/building on idea of public transport trolley with Walton County

Councilmember Ramswell stated that they need to establish some sort of public transportation trolley service along US Hwy 98. There is a lot of advantages to this including reducing the number of cars on the highway. Walton County is planning to move forward with establishing one. They will have two separate trolleys operating in two different paths. The City should consider the idea of partnering with Walton County.

It was the consensus of the Council to add this item to the Visioning Session agenda for discussion.

C. Councilmember Destin

Councilmember Destin recommends the City Manager contact Dr. Chapman of Okaloosa County and informed her the City stands ready to facilitate vaccination in Destin whether by

providing the facilities, such as the Community Center and Morgan Sports Center, and/or putting some money into trying to get its citizens vaccinated.

- D. Councilmember Overdier
- E. Councilmember Hebert
- F. Councilmember King
- G. Councilmember Schmidt

According to Councilmember Schmidt, he has had some conversations with Parks and Recreation Director Lisa Firth, and he has also received phone calls from citizens about upgrading the playing fields at Morgan Sports Complex to allow more tournaments in the area. He is bringing this information to the rest of Council to see if there is consensus to allowing the City staff to move forward with this initiative.

It was the consensus of the Council to allow City staff to move forward with the upgrade of the playing field at Morgan's Sports Center.

Next, Councilmember Schmidt discussed the current hours of operations at the City Hall Annex facility. Currently, the facility is opened 4 days a week, and it is closed on Fridays.

The City Manager clarified that the facility is closed on Fridays, but it is still a workday for staff members. They close their doors on Fridays to allow staff time to make the necessary preparations for the installation of the new Energov system.

Councilmember Schmidt moved to have staff go back to normal business hours of 5 days a week; seconded by Councilmember Hebert.

Councilmember Overdier asked whether staff still provides service to the public even though their doors are closed on Fridays.

According to Councilmember Herbert, she has received complaints from citizens that they have been unable to contact staff and unable to enter the building on Fridays.

Mr. Zunguze noted that the policy is not to turn anybody away if they show up at the door on Fridays. The go live day for the system is April 2021, and staff just need some down time to prepare for it. They would go back to normal hours if that is the wish of the Council, but it could have detrimental effect on their preparations.

Councilmember Destin expressed that he does not want to delay the implementation of the EnerGov system and hamper staff's ability to prepare for it.

Councilmember Schmidt asked if it would be feasible to close the facility just one or two Fridays each month or designate certain staff members to continue to assist the public on Fridays.

Councilmember King recommends installing a doorbell at the facility to alarm staff that somebody is at the door.

Councilmember Destin offered a substitute motion to allow the City Manager time to confer with staff and bring some recommendations back at the next Council meeting on when staff could go back to full-scale 5-day service; seconded by Councilmember Braden. Motion passed 6-1 (Council members King, Hebert, Overdier, Destin, Ramswell, and Braden voted "yes": Councilmember Schmidt voted "no").

H. Mayor Gary Jarvis

1) FEMA projects and procurement process

The Mayor stated that the City relies on assistance from FEMA in certain cases following a storm event when they sustain damage to their facilities; and that there are certain processes they must follow before they can obtain funding. Processes are good because they provide guidelines on how to accomplish certain tasks, they are supposed to enhance and not paralyze their ability to serve the community. He stated they have some fabulous waterfront parks, boat ramps and other amenities which are susceptible to damages. They are widely used by the citizens. Instead of having to wait on FEMA or some other grant programs, to provide the funding, they need to find ways to better equip staff and enable them to facilitate timely repair of these facilities. For instance, the limit of what the City Manager can spend without prior approval from Council is \$15,000. Perhaps they could increase that amount. He recommends asking staff to review their procurement process, try to come up with some recommendations and how they could improve the process to better serve the community. He also recommends discussing this item at future meetings as well as at their upcoming visioning session.

Following a brief discussion, it was the consensus of the Council to instruct staff to bring back some ideas for changes to the City's procurement process to help facilitate timely repair of City facilities.

I. Land Use Attorney

J. City Attorney

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 11:05 PM.

ATTEST:



Rey Bailey, City Clerk



Gary Jarvis, Mayor