

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
FEBRUARY 16, 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 Prebble Ramswell
Councilmember Kevin Schmidt
Councilmember Dewey Destin

Destin City Staff

City Manager Lance Johnson
Deputy City Manager Webb Warren
Deputy Public Services Director John Hart
Public Information Manager Catherine Card
Finance Director Krystal Strickland
Grants/Project Manager Jeffrey Cozadd
Community Dev. Director Louis Zunguze
Code Compliance Manager Joey Forgione
City Land Use Attorney Kimberly Kopp

City Clerk Rey Bailey
Public Services Director Michael Burgess
City Engineer Donald Smith
Parks/Recreation Director Lisa Firth
Code Compliance Officer David Bazylak
IT Specialist James Lauria
HR Manager Nichole DeVito
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

Councilmember Ramswell requested that the topic "*Waterway Rental Safety Committee*" be added under her name on the agenda.

Motion by Councilmember Ramswell, seconded by Councilmember Overdier, to approve the agenda, as amended, passed 6-0 (Council members Schmidt, King, Hebert, Overdier, Destin, and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

1. APPROVAL OF MINUTES

A. Approval of minutes of January 25, 2021 Council Strategic Visioning Session

Motion by Councilmember Hebert, seconded by Councilmember Overdier, to approve minutes of January 25, 2021 Council Strategic Visioning Session passed 6-0

(Council members Schmidt, King, Hebert, Overdier, Destin, and Ramswell voted “yes”; Councilmember Braden was absent from the meeting).

2. PROCLAMATIONS / RECOGNITIONS / SPECIAL PRESENTATIONS / ANNOUNCEMENTS

A. The Mayor's State of the City Presentation

Mayor Gary Jarvis delivered the annual State of the City Address.

STATE OF THE CITY - 2021

The Mayor recognized the following officials in attendance:

- *Councilman Rodney Braden*
- *Councilman Dewey Destin*
- *Councilwoman Terésa Hebert*
- *Councilman Johnny King*
- *Councilman Skip Overdier*
- *Councilwoman Prebble Ramswell*
- *Councilman Kevin Schmidt*

The Mayor discussed City staff accomplishments:

2020 has certainly been a challenging year that has compelled local leaders, community members and businesses alike to respond to the COVID-19 global pandemic. As I look back on all the obstacles, we have overcome in 2020, I am extremely proud of the strong leadership and resiliency of our council and staff.

Under the guidance and leadership of our city manager and deputy city manager, staff continues to work hard to help ensure we can accomplish our goals and objectives in these difficult times. During our visioning session, City Council and staff reviewed accomplishments, current projects, potential initiatives and refining a vision for Destin's future.

Tonight, we will reflect on the actions our City Council and staff have taken as well as the new services we have offered to ensure the safety of our community as well as our achievements and vision for the future of Destin.

Throughout this past year, amidst a Pandemic, our entire Destin Team has worked together to create a vision for this City, and this vision became an ambitious strategic plan for 2020.

This annual strategic plan provides all team members the guidance they need on prioritizing current and future initiatives and projects throughout the organization. This plan also focuses on protecting and enhancing our Destin brand. We are well on our way in accomplishing many of the objectives in our strategic plan as we move into 2021.

The Destin City Council #1 objective has been an extremely bold beach acquisition initiative. We started with a \$2 million dollar commitment by our City Council and now have over \$22 million committed, most of the acquisition funding coming from tourist tax dollars. We have achieved great success in acquiring 2 beach parcels with a third parcel in the works to expand the Shore at Crystal Beach Park.

The most exciting news is we are not done. We continue to work with the Trust for Public Land to acquire additional gulf-front property. Additionally, we continue to seek external funding sources for future acquisitions that will be forever entrusted for public use.

I would like to recognize all the hard work and thank the partnerships we have established between the City of Destin, Okaloosa County Board of County Commissioners, Okaloosa County Tourist Development Council and the Trust for Public Land.

*The **Information Technology, Community Development, and Code Compliance** departments have been hard at work to implement COMPASS (**COMM**unity **P**ermitting **A**nd **S**upport **S**ystem). This EnerGov system is on target to go live in early 2021 and will provide operational transparency to customers and the public. Our city staff has put in hundreds of hours into this program on top of their normal duty requirement. COMPASS will allow our customers access a self-service portal to submit digital applications online and view the status of applications as well as the results of building inspections. Thus, eliminating the need for customers to submit paper applications and plan sets.*

*In March of 2020, we hired a **Projects/Grants/and Contracts Manager**, who has done a tremendous job in streamlining how we manage city projects by creating a project review team to help improve project implementation. And has tackled the huge challenge of overseeing the cities grants, contracts, and managing about \$41 million dollars in external funding over the next few years.*

*Daily, our **City Clerk** staff is in constant communication with our citizenry to help assist in their needs, responds to a significant number of public records requests and working with IT to allow us to continue to virtually host many of our public meetings in the COVID-19 world. And hard at work orienting our new council and committee members to their new positions.*

*The **Finance Department** is building a financial system that will drastically improve how we are able to plan, process and deliver services to our internal and external customers. Their goal is a more transparent government for our residents. Our finance director and staff are working hard to align our budget process to work in harmony with our strategic goals and objectives.*

***Human Resources (HR)** continues to work tirelessly to recruit and retain talent as well as to help facilitate constant change in this new world. HR is also currently studying the market to ensure our compensation packages are competitive with similar cities. In 2020, one of HR's greatest challenges was keeping our staff safe during this Pandemic and to keep the City open for business. They accomplished this by developing Business Operations Guidance & Telecommuting policies to assist in preventing workplace risk and exposures due to COVID-19.*

By focusing on employee's health, near and long term it helps the City keep our medical costs low and our workforce healthy.

*Our **IT Department** and **Public Information** Office continue to be innovative and serve not only our organization but serve our community as well. Both departments are working extremely hard to keep the public informed with the many changes taking place. They have also been instrumental in the unveiling of the City's new and improved website by adding additional features to share news and updates with the public we serve.*

*The **Community Development** Staff accomplished two of the major strategic goals of the City Council. First, they successfully completed the alignment of the City's Comprehensive Plan, Future Land Use Map (FLUM), and Zoning Map. Second, they have completed the preparation of the City's Wayfinding Master Plan – which is the cornerstone of City Council's strategic goal of creating the Destin Brand.*

*In addition, they have been key, along with the **City Land Use Attorney**, with development of ordinances to include regulating the heights of buildings in the City; and protecting the City's right of ways (ROW) with waterfronts – to preserve and enhance the City's unique waterfront and beach views.*

*During the Covid-19 pandemic, **Community Development** staff implemented innovative ways to continue to provide the full range of development services to the residents and development community of the City.*

The Department is proud to note that in 2020 they processed a total of:

- 41 – Major Plan Reviews (Development Orders)*
- 2,932 – Permits issued*
- 1,977 – Business Tax Receipts (Active)*
- 4,482 – Inspections performed*

Total Valuation of Permits and Projects: \$98,526,951.37

In 2021, the Community Development staff has two important initiatives. First, they will be implementing the automation of the Community Development Project Review and Permitting Processes, which will help making development processes seamless and user friendly for the development community and residents. Second, the staff will be undertaking a complete update of the City's Land Development Code (LDC) – aimed at updating the City's development standards and requirements, so that they dovetail with the City's development vision in the Comprehensive Plan.

Community Development staff are also working hard to implement the City's strategic plan, updating the City's stormwater master plan and the undergrounding of the City's utility lines. In addition, the staff is also overseeing the redesign of the Cross-Town Connector from a 4-lane to a 2-lane roadway facility.

Despite dealing with unique operational and external challenges, the Community Development Department continues to provide development services to the residents of this great City.

***Code Compliance** continues to increase the quality of life of Destin residents and visitors by strengthening our community outreach and gaining voluntary compliance through education of all city ordinances. To provide for the safety, health, and welfare of our citizens, this department has increased staffing; and all are seeking to become dual certified Florida Code Officers and parking enforcement specialists. In 2020, Code Compliance responded to over 13,000 calls for service relating to land use, rental registrations, harbor and waterways, livery vessels, beach management and parking compliance to name a few. In addition to our harbor patrol, Code Compliance added a night shift officer during peak times. Overall, we are maintaining a 90% compliance rate.*

***The Public Works Department** act as stewards of our beautiful City and promotes the safety of its citizens and our visitors through the ongoing maintenance and improvement of our critical infrastructure. Public Works staff have forecasted needed improvements over the next 5 years to include building upgrades, parking improvements, road resurfacing, road restriping and works to fulfill the City's strategic goal of having a walkable and bike-able community by the additions of new and widened pathways.*

This department is also busy overseeing studies to improve pedestrian safety and traffic flow within our City and they coordinate our Adopt-A-Street program that encourages citizen involvement.

***Public Works** is also instrumental in hurricane preparations to ensure our community is ready in the event of a natural disaster and are responsible for monitoring water quality to protect and preserve our natural resources.*

*Regardless of COVID, our **library** has found ways to serve our community. During the summer, the library initiated curbside service where staff curated grab bags of materials, specifically age tailored for patrons to pick-up, they created interactive and self-directed educational programs to help people while social distancing and provided virtual story time. Staff added new online resources such as the Encyclopedia Britannica to make information available 24/7. To improve library operations, staff submitted a grant application to the Institute for Museum and Library Services and was awarded over \$75,000 in funding to update the library's technology. Soon the Library will have kiosks that patrons can use to self-checkout books and Samsung tablets for faster service and to improve social distancing. The library's tag line is "Empowering Possibilities" and always striving to be an integral part of Destin.*

***Parks and Recreation** continues to find ways to ensure our residents and visitors can access safe but fun environments where for many, exercise and being outdoors is a distraction from day-to-day isolation. Staff has been instrumental in providing new recreational components to enhance the City's brand and working hard to maintain all our beautiful parks. We are excited about our newest park – Captain Leonard Destin and look forward to the redevelopment of Joe's Bayou, development of Captain Royal Melvin Heritage Park, the renovation of Clement*

Taylor Park and Phase III addition of recreational components to Norriego Point Park, so stay tuned!

CLOSING:

Each year, council, staff and the public, have the opportunity to collaborate during a visioning session, which give us the opportunity to refine the direction of the City. We will now embark on a strategic plan for 2021. As we move forward with our priorities in 2021, we will continue our ambitious public beach initiative and will launch our Compass System to improve customer service. As we see our vision into the future, we will focus at opportunities for a city center, the viability of a City marina and continue to support our amazing City staff. I want to recognize and thank TEAM DESTIN made up of our council, administration, staff, volunteers, and committee members for their dedication to making Destin a better place to live, work and play.

My heartfelt thanks go to our first responders. Whether on the road, on the sand or on the water, they truly are the lifeline for all of us in Destin. Every day they ensure Destin remains a place of peace and unity. They sacrifice weekends, holidays, and time away from their families to protect ours – and for that, I am forever grateful. Thank you to the Okaloosa County Sheriff's Office and the Destin Fire Control District for your partnership, for your friendship, and caring about the citizens we serve.

We have overcome major challenges, and it's all because of Team Destin. We've faced new challenges and overcome them with efficiency and excellence. Through perseverance, teamwork, fresh "out of the box" concepts and ideas, and new technology, Destin is continually striving forward and will be an organization that others will look to as an example.

Thank you, God bless you, and God bless the City of Destin.

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

Mr. Ken Wampler, a Destin resident, noted that the United States Department of Interior Fish and Wildlife Service (USFW) has previously determined that an error exists associated with the western boundary line of Henderson Beach State Park or Otherwise Protected Area (OPA) Unit P32P of the Coastal Barrier Resources System (CBRS). In or around 1995, the federal government inadvertently shifted its boundaries for the Henderson Beach State Park approximately 100 yards to the west, resulting in certain private property owners being unable to obtain federal insurance on privately owned property. The USFW has issued a notice in the Federal Register a 60-day public comment period for draft revised boundaries that will close on March 5, 2021. He urged the Council to send a letter of support to the USFW draft revised boundaries for the John H. Chafee CBRS units prior to March 5, 2021.

Councilmember Overdier moved that the City of Destin sends a letter of support to the United States Department of the Interior for the draft revised boundaries for the John H. Chafee Coastal Barrier Resources System units; seconded by Councilmember Hebert.

Councilmember Ramswell recommends the Land Use Attorney reviews the materials provided on the subject and inform the Council of any issues before the first Council meeting in March.

Motion passed 6-0 (Council members Schmidt, King, Hebert, Overdier, Destin, and Ramswell voted “yes”; Councilmember Braden was absent from the meeting).

4. CITY MANAGER REPORTS

A. Capital Project Status

Finance Director Krystal Strickland provided a summary of the current capital improvement projects, including status and year-to-date expenditures and encumbrances. She stated that governmental funds are accounted for on a modified accrual basis.

B. Operations Financial Report

Ms. Strickland briefly discussed status of year-to-date budget versus actual budget for the General Fund and the two community redevelopment areas. She stated that projects are moving along in time, and that there are no significant issues to report.

Councilmember Schmidt inquired as to the status of the \$30,000 previously budgeted for construction of pickleball courts; noting that the report shows that amount has been reduced to \$1,500.

According to Ms. Strickland, an internal budget transfer was made to similar project within the Parks and Recreation Department.

According to Parks and Recreation Director Lisa Firth, it was determined that the money initially budgeted for pickleball courts was not nearly enough once they identified possible location and the number of pickleball courts they wish to construct. The approximate amount was \$110,000. And since at that time, they needed more funding for the Destin Little League batting cages at Dalton-Threadgill Park, Council approved to reallocate some of the money for that purpose.

Councilmember Ramswell requests bringing back potential funding sources for pickleball courts for Council to consider.

Councilmember Hebert asked if there were any other courts in Destin with which they could have cross functional uses since the pickleball courts at the community center are always full.

Ms. Firth noted there were two outdoor tennis courts at Buck Destin Park which they have converted to pickle ball courts. She also pointed out there are still spaces available at the pickleball courts at the community center. There is a fair amount of people interested in playing, but it is not something a lot of the people want to do at this time due to the pandemic. She added they are continuing to look for possible pickleball sites in Destin.

C. Submerged Land Lease Application for Norriego Point

According to the City Attorney, they were directed by Council to submit a submerged land lease application to the Florida Department of Environment Protection (FDEP). The proposed application extends around the entire Norriego Point Park and includes an area of submerged land adjacent to dry sand that has accreted or avulsed to an area on the harbor side of 1 Gulf Shore Drive. He continued that demonstration of a sufficient upland interest is generally a necessary condition to obtaining a lease to any submerged land. The history of the dry sand adjacent to 1 Gulf Shore Drive is not completely settled. Currently, the City has no recognized interest in this accreted or avulsed dry sand. Moreover, a development application relating to this submerged land is currently pending before the City. At a minimum, inclusion of the submerged land adjacent to the accreted or avulsed dry sand in any formal application is a potentially significant legal risk. At this time, they have significant concerns relating to the inclusion of the dry sand that has accreted or avulsed adjacent to 1 Gulf Shore Drive in the application.

Councilmember Overdier asked how applying for submerged land lease would benefit the City.

The City Attorney explained that the Council's initial stated purpose for the submerged land lease application was about protecting the swimmers in the embayments, increasing public safety and public interest. Issues developed between the City and FDEP relating to swimmers' accessibility versus boaters' accessibility in the embayments; which was later resolved. He continued that if Council decides to go forward with the application, they may possibly need to provide better descriptive narrative to FDEP to secure the submerged land lease. The application generally requires the applicants to specifically state what they intend to do with the property.

Councilmember Overdier asked how likely it would be for FDEP to grant them the submerged land lease if they include a private property in the application.

According to the City Attorney, it is highly unlikely because FDEP already recognizes the property owner as having sufficient upland interest, and that it is doubtful for FDEP to consider the City to also have sufficient upland interest necessary to grant the lease of the submerged land.

Councilmember Overdier asked how they ended up including the private property in their submerged land lease application.

Councilmember Ramswell noted that she made the original motion for the City to apply for the submerged land lease. There was sand that has accreted or avulsed in that particular area. She continued that when they look at property lines and property boundaries, the accreted or avulsed sand is beyond the deeded property line boundary. One of the goals in terms of expanding the surveying effort was to try to determine who owns the sand. Surveyors are trying to determine property lines looking at deeds and the legal descriptions, which is why it has taken over a year to complete this task. Different deeds have different information, and that there are some discrepancies.

According to the City Attorney, there are a lot of competing boundary issues in the immediate area to include the accreted or avulsed sand. If the City were to establish superior title to that property, it may have to be through some sort of legal action. He does not believe the City has reasonable basis to pursue such an action because accreted or avulsed sand generally accretes to the State's benefit, not the municipality or the county in which that land would fall.

Councilmember Schmidt stated that he would support going forward with the submerged land lease application, but which does not include the private property. He continued they will have an amazing park, with a lot of people visiting this park. They need to be able to place buoys, ropes, and other necessary safety measures to protect the people.

Councilmember Ramswell noted that since the City has the deeded ownership of Norriego Point, they have the responsibility of maintaining, managing, and controlling it; and since boat activity will be allowed in the northernmost embayment, they will need to do something in the future to help control that situation and ensure safety.

Councilmember Schmidt moved to direct the City attorneys and staff to proceed with the submerged land lease application to only include the Norriego Point Park. Councilmember Ramswell provided a second to the motion.

Mayor Jarvis commented that the main reason for Council's direction to submit the submerged land lease application was to control the embayments. Part of the Memorandum of Understanding the City entered into in 2012 was for those embayments to be used for all activities, such as swimming and boating. Because of safety concerns, the City wanted to close the embayments from boating activity altogether, which is a direct violation of the Memorandum of Agreement with FDEP. The FDEP responded by stating it was not part of the agreement, and the City could lose management of the park if they are not able to come to terms with this issue. Upon receiving the memorandum from FDEP, City staff and attorneys drafted a second agreement stating they would only prohibit boating activity in 3 of the 4 embayments and allow it in the northernmost embayment; to which FDEP agreed. He also stated that if they file an application for a submerged land lease to FDEP, they will need to provide a legitimate reason for doing so, and that he does not believe trying to have control of the embayments is a legitimate reason. He added it is not realistic to expect FDEP to approve this application, and that it would only be a waste of time and money to move forward with it.

Councilmember Ramswell reiterated that the City owns the property, and so they have the right to obtain a submerged land lease from FDEP to manage, control and maintain that property. She then asked staff or the City's attorneys to opine on this issue.

The City Attorney explained that the embayments have been subject to a lot of controversy with FDEP. The City wanted to designate all the embayments for swimming only and avoid mixing swimmers and boaters, which is a sound public interest strategy. However, FDEP was adamantly opposed to it because in their view, this project, and their funding was supposed to increase boating access. The City, through its resolution, agreed to designate the 3 easternmost embayments for swimmers only and leave the northernmost embayment open for boating activity. He added that it is going to stay this way regardless of what happened to the submerged land lease application.

The Land Use Attorney stated that if the Council wants to move forward with the submerged land lease application, she recommends focusing only on the Norriego Point Park and excluding the private property. She also stated they would add clarifying language to the request to be for the safety and protection of the swimmers, and to afford the Council the ability to provide directions for the placement of buoy, ropes, and other necessary safety measures. She also stated that it is quite common to submit a submerged land lease application when there is infrastructure in the water; and that having a park qualifies them to apply for a submerged land lease. The Land Use Attorney added there is no legal impediment to submitting the submerged land lease application, since the motion on the floor, if it passes, excludes the private property.

Councilmember Destin stated that he would support moving forward with the application since it appears the City and FDEP have already worked out something with regards to the embayments that is acceptable to both parties. He continued that FDEP may not be aware of the fact that Okaloosa County passed an ordinance in the 1990s which prohibits motorized vessels within 300 feet of swimmers; and that it would be up to FDEP if they want to violate that ordinance.

The City Manager asked for an amendment to the motion authorizing additional funding for another survey should it become necessary to remove the adjacent private property. He stated that if there is a survey already in place that only includes the park, then they would use that survey.

Councilmember Schmidt offered an amended motion to proceed with the submerged land lease application to only include the Norriego Point Park; and to authorize additional funding for another survey should it become necessary. Councilmember Ramswell provided a second to the motion. Motion passed 6-0 (Council members Schmidt, King, Hebert, Overdier, Destin, and Ramswell voted “yes”; Councilmember Braden was absent from the meeting).

D. COMPASS System/EnerGov Update

Information Technology Manager Matthew Pace reported that the COMPASS testing and training is still currently ongoing. The system continues to take shape and the modules are continuing to be tested. Adjustments are being made as necessary to correct any issues or process adjustments. Community Development and Code Compliance staff continue validation and testing in advance of the Go Live date. During this extended period, the City will remain vigilant in completing client responsibilities on time and will work closely with EnerGov to complete this implementation. The first pass of the conversion data from their legacy systems is scheduled to be delivered by the end of February. The data delivered will have to be verified by staff prior to the second pass. Community testing is currently being scheduled and processes that are highly utilized will be selected by Community Development and Code Compliance departments. This process will allow the City to gain insight and feedback from community members regarding the Customer Service Site within the COMPASS system.

E. Speed Concerns Sibert Avenue & Forest Street intersection

City Engineer Donald Smith gave the following presentation:

Sibert Avenue at Forest Street Safety Improvement Option

- City Council directed staff to address speeding at the intersection of Sibert Avenue and Forrest Street
- Existing Conditions
 - ❖ Two-way stop controlled on Forest Street
 - ❖ Speed limit – 30 mph
 - ❖ Average daily traffic is 3200 vehicles per day
- Field Observations
 - ❖ 85th percentile speed is 40 mph (10 mph over the speed limit)
 - ❖ Shrubbery and tree limbs are blocking sight distance
 - ❖ Pedestrians were present
 - ❖ Intersection is not visible on Sibert
 - ❖ Previous accidents
 - 6 angle crashes in 3 years, all failed to yield rights-of-way. No identifiable patten except failure to yield rights-of-way
- Recommended Intersection Improvements based on Evaluation
 - ❖ Decrease the size of the intersection
 - ❖ Create a raised intersection (speed hump)
 - ❖ Clear sight distance
 - ❖ Improve visibility by producing a visual impact through color or markings
 - ❖ Install intersection markings and signage on both sides of the intersection

Councilmember Ramswell asked whether a 4-way stop was considered at this intersection.

Mr. Smith stated that a 4-way stop was considered; however, it could be problematic due to the 3200 vehicles per day on Sibert Avenue and the amount of traffic on Forest Street.

Councilmember Schmidt inquired as to the cost and funding source for this project.

Mr. Smith stated that he is looking for some directions from the Council. Once he receives directions, he would perform a more in-depth review of the project and obtain some estimates.

Councilmember Destin recommends directing staff to bring back some cost estimates and tabling any decisions on this issue to the next meeting when Councilmember Braden is present so he could provide some input since he was the one who originally brought up this issue.

Councilmember Hebert moved to direct the City Manager to bring back some cost estimates for Council consideration before implementing any of the proposed improvements; seconded by Councilmember Overdier. Motion passed 6-0 (Council members Schmidt, King, Hebert, Overdier, Destin, and Ramswell voted “yes”; Councilmember Braden was absent from the meeting).

F. Animal Control Services

Deputy City Manager Webb Warren noted that in September 2020, staff provided an update to Council concerning the PAWS contract. At that time, the City was concluding the first year of their contract with PAWS. Staff also notified Council that PAWS was requesting an increase for the existing contract. Staff also requested time to review the metrics PAWS was providing and research this issue further. Staff is now providing Council information on PAWS' 1st quarter services for FY 2021. Staff would also like to gather more data through the 2nd quarter and continue to work with PAWS and the City's peer organizations to provide a more comprehensive report and discussion. Staff would then come back in May 2021 with the 2nd quarter report from PAWS as well as from other peer cities and counties with regards to their contract with PAWS. They would also invite the new PAWS director to attend that Council meeting in May and participate in the discussion of this item.

Councilmember Overdier moved to direct staff to provide a report to Council on the PAWS contract by May 2021; seconded by Councilmember Schmidt.

Councilmember Overdier requests PAWS provides additional justification for the requested rate increase in their services as they are being asked to more than double the amount they are currently paying PAWS.

Motion passed 6-0 (Council members Schmidt, King, Hebert, Overdier, Destin, and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

G. Release of Code Compliance Lien

The City Manager explained that this lien release request came from a title company involved in the closing on sale of the subject property to a third-party purchaser in good faith. Although the City's Special Magistrate for Code Compliance did not place a lien on the subject property, other property owned by the former property owner did have a line imposed. Further, under operation of law, when a code enforcement lien is placed on real property, all other property owned by the owner is subject to the lien. Since the subject property is in compliance and since no lien was specifically placed on the subject property, staff and the City's Land Use Attorney recommend approval of the partial release of line.

Motion by Councilmember Ramswell, seconded by Councilmember Schmidt, to approve partial release of lien passed 6-0 (Council members Schmidt, King, Hebert, Overdier, Destin, and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

H. Announcements:

The City Manager made the following announcements:

- The Destin Library is scheduled to return to normal operating hours beginning February 22nd
- Restroom facilities on City parks are currently closed due to freezing weather

5. PUBLIC HEARINGS

- A. The applicant is requesting consideration of Conditional Use 21-01-CU, for a Panda Express quick service restaurant with a drive thru located at 34898 Emerald Coast Parkway. The project proposes to construct a 2,381 square foot restaurant and 400 square foot outdoor dining area.

The City Attorney sworn in the following individuals for testimony.

- Daniel Butler, City Planner
- Erik Houston, Applicant's Representative

The City Attorney asked that each member of the Council and the Mayor disclose any ex-parte communications they might have had regarding this project.

Each member of the Council and the Mayor stated they had no ex-parte communications relating to this subject.

City Planner Daniel Butler presented the project stating the applicant is requesting consideration of Conditional Use for a Panda Express quick service restaurant with a drive thru located at 34898 Emerald Coast Parkway. The project proposes to construct a 2,381 square foot restaurant and 400 square foot outdoor dining area. The proposed site is in the Commercial General Zoning District. This is a review of the conditional use only, and the site will be reviewed for full compliance with the City's code at the time a development order application is submitted. The proposed development satisfies all 6 criteria required of a conditional use request. He also stated that at a public hearing on January 21, 2021, the Local Planning Agency unanimously recommended Council's approval of the project.

Erik Houston, representing the applicant, stated that the project is as described by City staff.

The Mayor opened the hearing for public comments. Having none, the Mayor closed the public hearing portion and turned the matter over to the City Council for their discussion and consideration.

Councilmember Overdier moved to approve Conditional Use 21-01-CU, subject to the submission of the development order application and review and approval of all applicable City and State permits; seconded by Councilmember Ramswell.

Councilmember Schmidt expressed some concern about the project, stating it is going to be built on a very tight piece of property. It shares a parking lot with what used to be a drive through restaurant that went out of business. The restaurant did not last very long after it opened, and he believes that the reason for it was people had difficulty getting in and out of the restaurant. He wants to make sure that if they approve this conditional use application that they fully consider the impacts it could potentially incur at US Hwy 98. He asked if the Council could propose some conditions to vote on at this point.

According to the Land Use Attorney, it is a conditional use project and so the Council could put a condition on the use, but it will also be reviewed by staff in accordance with the LDC requirements. The criteria Councilmember Schmidt seems to be concern about was *Sufficient Size, Site Specifications, and Infrastructure* to accommodate the proposed use. She continued that the Council could approve the conditional use subject to a list of conditions now or wait until it comes back to Council with a site plan and provide the conditions at that time.

Councilmember Ramswell asked if this project would require a curb cut if there is already an existing curb cut to US Hwy 98.

Mr. Houston noted that the existing curb cut placed there by FDOT is not to be modified. He then addressed the egress and ingress points of the project as shown in the slides.

Community Development Director Louis Zunguze pointed out that this project is at preliminary stages at this point. It will go before the City's Technical Review Committee, and so at lot of things could change as far as the site is concern. The question for tonight is whether the Council wants to approve a restaurant at that particular location. Whether they could actually operate is to be determined during the development review process to be conducted by staff.

Councilmember Destin recommends they address the specific conditions once they receive the final development order application so they know the exact plans for the project.

The Mayor called for a vote on the motion, which passes 6-0 (Council members Schmidt, King, Hebert, Overdier, Destin, and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

6. CONSENT AGENDA

- A. FEMA DR4564 Funding Agreement No. Z2604
- B. Draft minutes of advisory board/committee meetings
- C. Submerged Land Lease Council - Directed Additional Associated Work/Payment
- D. Milling, Resurfacing and Restriping of a portion of Beach Drive, a portion of Calhoun Avenue and Cross Street, authorization to execute task orders
- E. Gregg Orr Pedestrian Easement 612 Harbor Blvd.
- F. Regimental Military Intelligence Battalion 75th Ranger Regiment Training Exercise
- G. Destin Little League Opening Day Parade

Motion by councilmember Ramswell, seconded by Councilmember Overdier, to approve Consent Agenda items 6A thru 6G, as printed above, passed 6-0 (Council members Schmidt, King, Hebert, Overdier, Destin, and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

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

- A. Councilmember Braden
- B. Councilmember Ramswell

1) Waterway Rental Safety Committee

Councilmember Ramswell noted that the Council received an email from the County regarding a Waterway Rental Safety Committee they are trying to organize. She wants to know whether Council wants to discuss this matter tonight or put it on a future agenda to determine how they want to proceed. She noted that Councilmember Braden, who has been a member of the Crab Island Committee, as well as several other members of the Council seemed interested in serving in this committee.

The Mayor pointed out that this committee is scheduled to meet soon and suggested they appoint a Council representative as soon as possible.

Councilmember Hebert stated that she wishes to volunteer to serve in this committee as she has not been appointed as primary Council representative to any of the other local or regional committees. Also, she believes that as the Chair of the Parks and Recreation Committee for several years and now a member of the Council, qualifies her to be a member of this committee.

Councilmember Schmidt noted he is interested in joining the committee as well, but he would be glad to serve as an alternate to the City's primary representative.

Councilmember Overdier moved to appoint Councilmember Hebert as primary council representative, and Councilmember Schmidt as alternate council representative, to the Okaloosa County Waterway Rental Safety Committee. Councilmember Schmidt provided a second to the motion, which passes 6-0 (Council members Schmidt, King, Hebert, Overdier, Destin, and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

- 2) Harbor CRA Advisory Committee's recommendation to declare the City property between Calhoun and Zerbe a historical area.

Councilmember Ramswell noted that at a previous Harbor CRA Advisory Committee meeting, the committee unanimously adopted the following motion: *"To recommend to the CRA Board that the 6-plus acres that contain the Historical Museum, the 1939 Post Office, the Primrose, the Destin Community Center, the fire station, playground, and the old and new cemeteries be designated a historical park and be named the Calhoun Zerbe Family Park."*

Councilmember Ramswell pointed out that committee member Jan Best made the recommendation and asked Ms. Best to give her rationale for it.

Ms. Jan Best noted that she read from an old historical book how their community center came about. In 1944, a man named Zerbe and his family moved to this little fishing village of Destin, Florida. He realized there was no place for the community to visit, for the people gather, or hold a meeting. He then came up with the idea of a community center. Mr. Calhoun and his

family liked the idea and they donated 4 acres of land for a community center. They raised funds for the next 4 years, and that in 1949 Destin's first fishing rodeo was held. Because the initiative gained momentum, Mr. Calhoun donated another 2 acres of land. These 6 acres of land contains the community center, a police department which is now a fire department, the two memorial cemeteries. She would also like to include the parcel of land across the street, in addition to the 6-acre of land, that holds the historical museum and the 1939 post office, so they would also be preserved. She continued they have a lot of history in that entire 7-plus acres of land. The community center is key to Destin becoming a community. There was a lot of hard work and determination involved in this effort. In 1988, \$1.4 million fund was raised, and a new community center was built; and so, another group of people worked hard to make that community center a reality, and her parents were involved in that effort. She pointed out they have been losing some of their country's history over the past several years, and that she does not want to lose their city's history as well. She urged the Council to consider declaring this site a Zerbe-Calhoun Historical Park.

Councilmember Hebert stated that she fully supports this recommendation and that she has intended to bring it up at tonight's meeting.

Councilmember Destin stated there are no parcels of land more historical in Destin than the community center. The community center acted as a quasi-governmental center before Destin became a city. The board of director of the community center had always made a recommendation to the County Commissioners and the State of Florida anytime an issue that was civic in nature came before Destin. Every community activity imaginable was held at the community center including the City of Destin council meeting. He fully supports the recommendation to declare this area a historical site.

The Land Use Attorney noted that the Destin Community Center, to an extent, may be covered by the charter amendment that passes because of the definition of park includes recreation centers and anything with active or passive recreation, and those type of things occur at the community center. In order to include the other areas, such as the cemeteries, to the historical element they would need authorization from the Council to do a code amendment for a historic overlay type of ordinance for Council's consideration and approval. It would have to be presented to the Local Planning Agency for their review and recommendation.

Councilmember Ramswell moved to direct the City's Land Use Attorney and staff to develop a Zerbe-Calhoun Historical District overlay and bring it before the Local Planning Agency for their review and recommendation in March 2021; seconded by Councilmember Hebert. Motion passed 6-0 (Council members Schmidt, King, Hebert, Overdier, Destin, and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

Next, Councilmember Ramswell requested an update on the beach cleaning and raking issue.

The Deputy City Manager Webb Warren reported that he, the City Manager, Parks and Recreation Director, and Code Compliance Manager met with the County Deputy Administrator and the County's parks and beach staff a week ago and discussed beach issues. The County is

working with the City to create a formal cleaning and trash pick-up schedules. The intent is to bring back a memorandum of understanding, with a beach cleaning and trash pickup schedules, in the March timeframe for review and consideration by the City Council. He continued they have also been addressing other issues on the beach such as timing of the turtle watch, hole on the beach caused by people digging in the sand, and vendor relations. They have also been discussing the clean up efforts subsequent to a major storm and securing additional accesses for County staff and equipment making it easier for them to access the beach and do their job.

Councilmember Schmidt inquired as to the County's response to the City's expectation of a 5 to 7 days a week of beach raking and cleaning this coming season.

According to Mr. Warren, the City provided the Request for Bid (RFB) document to the County with the original schedule included. His impression has been that the County is taking this matter seriously and putting a lot of effort into it.

The Mayor requested an update on the safety zone ordinance the Council has been discussing and whether it was a part of their negotiations with the County.

The Land Use Attorney noted that this particular issue was separate from the negotiations with the County as Mr. Warren described. They have a scheduled meeting regarding this issue with the attorney for the Destin Fire District and several property owners next week. This meeting will also include City staff, representatives from the Destin Fire District, Sheriff's Office, and possibly the County. The goal at this time, without first having any discussion with the property owners, is to obtain voluntary compliance from certain strategically placed private property owners in the City. Also, for the Sheriff's Office and the fire department to tell the City which locations would make their job easier in ensuring safety for swimmers and beachgoers. The City would then create a map to include those strategic locations that would provide access. They also plan to create an ordinance with respect to the 20' down by the water's edge to indicate that portion on the sand closest to the dunes is voluntary and to be enforced by the City. She added they could make this issue part of the discussion with the County as they create the ordinance, to include access for beach cleaning device, but it would require larger access. They only need to accommodate smaller ATVs for the Sheriff's Office and the fire department, as opposed to the beach cleaning device.

3) Crab Island Committee Ordinance

Councilmember Ramswell noted there have been several ordinances adopted by the County last year because of the Crab Island Committee. However, it has been rumored that enforcement of these ordinances may not be in full force this year. She recommends the City sends a letter to the County Commission encouraging them to stay the course and reinforce the rules already in place and continue to support the decisions made by the Crab Island Committee as they have been very effective last year.

Councilmember Schmidt stated that a national organization has been meeting and putting in a lot of new rules and regulations on the commercial activity on Crab Island, which could be a signal they are replacing the Crab Island Committee.

Councilmember Ramswell moved to have the Mayor send a letter to the County Commission reiterating the City’s continuing support of the regulations set forth by the Crab Island Committee last year and encouraging them to stay the course with enforcement of these regulations; seconded by Councilmember Hebert. Motion passed 6-0 (Council members Schmidt, King, Hebert, Overdier, Destin, and Ramswell voted “yes”; Councilmember Braden was absent from the meeting).

Next, Councilmember Ramswell announced that the Destin High School Board has closed on the property which is now officially called the Destin High School. They will be accepting 9th, 10th, and 11th grade students for next school year. She thanked all those involved in making the Destin High School a reality.

- C. Councilmember Destin
- D. Councilmember Overdier
- E. Councilmember Herbert
- F. Councilmember King
- G. Councilmember Schmidt
- H. Mayor Gary Jarvis
- I. Land Use Attorney
- J. City Attorney

8. PUBLIC COMMENTS

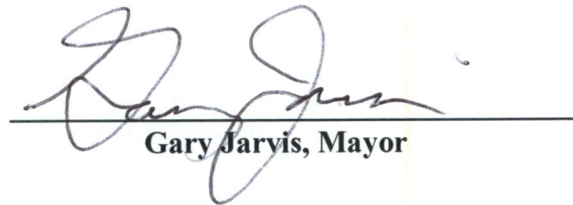
Mr. John Stephens, a Destin resident and livery operator, recommends the City considers including some questionnaire in the BTR application form as to whether the applicant has a beach waterfront-facing camera which the City and/or law enforcement personnel could quickly access and gather data that could possibly assist in certain emergencies such as the search for a missing kayaker that happened recently.

Having no further business at this time, the meeting was adjourned at 8:37 PM.

ATTEST:



Rey Bailey, City Clerk


Gary Jarvis, Mayor