

**REGULAR MEETING  
DESTIN CITY COUNCIL  
APRIL 19, 2021  
ANNEX COUNCIL CHAMBERS  
6:00 PM**

***\*\*Core Value of the Month - Transparency\*\****

**CALL TO ORDER**

**INVOCATION (Pastor Kevin Wendt - Grace Lutheran Church)**

**PLEDGE OF ALLEGIANCE**

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

**1. APPROVAL OF MINUTES**

A. Approval of minutes of March 1, 2021 Regular City Council Meeting

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

A. Proclamation - Arbor Day Celebration

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

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

**4. CITY MANAGER REPORTS**

A. Capital Project Status

B. Operations Financial Report

C. Destin High School Request to Transfer Water and Sewer ERU Credits

D. Utility Undergrounding - Utility Consultants of Florida - Task Order 1

E. Support of Bill to Consolidate Utility Poles - SB 1944/HB 1567

F. Funding requests from Emerald Coast Fitness Foundation and Okaloosa County Watersports Operators Coalition

G. Flood Plain Map and Development Issues

H. Zerbe-Calhoun Pedestrian Improvements Project, Boardwalk section

I. Direction on Enhancing Payment Technology for Harbor District Parking Lots

J. Announcements:

Crosstown Connector Workshop - May 10th, 5:30PM, Council Chambers

## 5. PUBLIC HEARINGS

- A. Jerry Campbell of Central Design Group, LLC on behalf of Destin Hotel Partners, LLC is requesting approval of a Major Deviation to a Major Development Order identified as “Holiday Inn Express Addition”. The project consists of a ±18,250 square foot addition to the existing hotel. The addition will consist of 22 new guestrooms, a lobby, and the related site work. The proposed project is located at 108 Hutchinson St. (Parcel ID: 00-2S-22-0594-0000-004C). The site consists of approximately 3 acres. No changes to the other approved uses or site improvements are proposed.
- B. Second reading of Ordinance 21-02-LC - Amending the official Zoning Map as referenced in the Land Development Code, **Section 7.12.01(A)2** Zoning Maps to include a change in the zoning designations of the parcels from Low Density Residential - Village (LDR-V) to Residential, Office and Institutional-Village Residential (ROI-VR)
- C. Second reading of Ordinance 21-06-LC - Amending Article 7 of the Land Development Code - *Land Use, Type, Density, Intensity, Zoning and Regulatory Controls*; amending Table 7-2 - *Table of Allowable Uses* to include police protection and fire protection as a conditional use in all city zoning districts; providing for consistency with the City's Comprehensive Plan
- D. Second reading of Ordinance 21-07-LC - Relating to preserving the historic Zerbe-Calhoun area within the City of Destin; amending Article 7 of the Land Development Code - *Land Use, Type, Density, Intensity, Zoning and Regulatory Controls* to create a Zerbe-Calhoun historic district overlay

## 6. \*CONSENT AGENDA (No public comments)

- A. Draft Minutes of Advisory Committees and Boards
- B. Request approval of Councilmember Teresa Hebert's enrollment in the Destin Chamber of Commerce Destin Forward Class

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

- A. Councilmember Braden
- B. Councilmember Ramswell
  - 1) Utility box art project
  - 2) Gulf Shore Drive extension
  - 3) Memorial Plaque for Kohlman Ward
- C. Councilmember Destin
- D. Councilmember Overdier
- E. Councilmember Hebert
  - 1) Nomination/Appointment of Ms. Daniella Piper to the Board of Adjustment
  - 2) Recommend boardwalk in front of Tailfins be delayed until November and any immediate boards that are damaged be replaced but not a full replacement until end of season
- F. Councilmember King
- G. Councilmember Schmidt
- H. Mayor Gary Jarvis
- I. Land Use Attorney
- J. City Attorney



## 8. PUBLIC COMMENTS

### ADJOURNMENT

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

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

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

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

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

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

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

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

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

**Please visit our agenda center on the city website at [www.cityofdestin.com/agendas](http://www.cityofdestin.com/agendas)**

**MINUTES  
REGULAR MEETING  
DESTIN CITY COUNCIL  
MARCH 1, 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  
Public Information Manager Catherine Card  
Grants/Project Manager Jeffrey Cozadd  
Community Dev. Director Louis Zunguze  
Deputy Public Works Director John T. Hart  
Code Compliance Manager Joey Forgione  
City Land Use Attorney Kimberly Kopp

City Clerk Rey Bailey  
City Planner Daniel Butler  
Building Official Noelle Bell  
IT Specialist James Lauria  
HR Manager Nichole DeVito  
Finance Director Krystal Strickland  
City Attorney Kyle Bauman

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

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

**AGENDA APPROVAL**

Councilmember Braden requested that the topic “*Harbor Blvd Stormwater Runoff*” be added under his name on the agenda.

Councilmember Hebert requested that the topic “*Main Street Bamboo Growth*” be placed under his name on the agenda.

**Motion by Councilmember Hebert, seconded by Councilmember Ramswell, to approve the agenda, as amended, 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 19, 2021 Regular City Council Meeting

**Motion by Councilmember Braden, seconded by Councilmember Ramswell, to approve minutes of January 19, 2021 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**

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

Mr. Shane Moody, President and CEO of the Destin Chamber of Commerce, stated that the Chamber has been in favor of the Multi-Modal Transportation District, which is in tonight’s meeting agenda, since the beginning, and they are willing to do whatever is necessary to make sure it stays in place. With regards to spring break preparations, which is also listed on the agenda, the Chamber sent out a survey today to their accommodation members to find out what they were expecting over the next 6 months. They have been hearing that things are going to be very busy beginning in about 2 weeks. He will share the result of the survey with the survey as soon as they receive it.

Ms. Janet Malloy, a Destin resident, stated that she is an avid pickleball player. She researched all the parks in the City of Destin and found out they have everything but pickleball courts. The Destin Community Center has 3 indoor pickleball courts, but it is not the place where senior citizens want to go to play pickleball during this pandemic. She is urging the Council to build more permanent pickleball courts in Destin.

**4. CITY MANAGER REPORTS**

A FY 2020 Annual Audit and Financial Statement

Mr. Tom Smith, Audit Engagement Director for the City of Destin’s financial audit, provided a brief overview of the audit results. He stated they will be issuing a clean and unmodified reports, and that he is pleased to announce there is nothing in the report that is considered a weakness on the part of the City. They received everything they needed in a timely fashion. Specific highlights include the following:

- Revenues exceed expenses by \$7.4 million for FY 2020; mainly due to

revenues being up from the prior year made up of \$2.1 million donation for the Capt. Leonard Destin Park and \$1.4 million for Cares Act funding

- The General Fund funded nearly all the City's operating expenses. There is an increase in fund balance from the prior year of \$5.1 million. There was an increase in real property tax. Assessed values of the City have been going up the past years
- The City's expenses increased from the prior year by \$1.4 million, which is almost exactly the amount of Cares Act funding
- The City is in a very healthy financial state

**Motion by Councilmember Ramswell, seconded by Councilmember Hebert, to accept the 2020 Annual Audit and Financial Statements passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted "yes").**

**B. EFPR Group Engagement Letter for FY2021 Audit**

Finance Director Krystal Strickland noted that the EFPR Group, LLC, was procured to complete audits for the 5 fiscal years through the period ending September 30, 2020. They have completed the fifth audit. Due to the tremendous amount of change in the Finance Department over the past year, staff would prefer to retain EFPR Group for one more fiscal year. Staff will draft a Request for Qualifications (RFQ) to complete proper procurement procedures for a new 5-year contract and will present it to Council before solicitation. Solicitation will be tentatively set for Fall 2021 to engage an audit firm to audit the City's financial statement and internal controls for the fiscal years 2022 – 2026.

**Councilmember Schmidt moved to engage EFPR Group, LLC to audit the City's financial statements for the period ending September 30, 2021; seconded by Councilmember Hebert.**

Councilmember Destin noted that according to the report, the total amount of \$27,500 to cover these fees will be part of the FY 2022 Budget Cycle, which will be adopted in September 2021. He stated that to spend money contingent upon future budget is not the way they should proceed. He would prefer to spend part of the reserve fund in place to pay for fees that would not become due till 2022.

Ms. Strickland noted that the timing of the auditors work will happen after the City has already adopted the FY 2022 Budget; however, she agrees with Councilmember Destin that it is better practice to spend money from the current budget rather than future budget and so she will make a small internal budget adjustment to encumber the funds under this year's budget to cover fees for the audit.

**Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted "yes")**

### C. Debt Financing Update

Ms. Strickland noted that in order for the City to use the Okaloosa Half Penny Local Discretionary Infrastructure Surtax proceed, Council adopted a Resolution of Intent for Reimbursement last fall. This allows the City to use the cash fund they currently have on hand to purchase beach access properties and later to issue debts that will reimburse the City for all the cash outlay. She stated that the City is getting ready to close on the third and final property in May 2021. Now is the time to do a bank request for proposals. The City would be issuing \$4.7 million in new debt. It will have approximately a 10-year time frame. They also have two other outstanding debts – \$3.9 million and \$3.7 million notes – both maturing in 2029. Since they will also have approximately a 10-year time frame, now is a good time to go out to the market to potentially refinance those two debts as well. Staff will be bringing a Request for Proposals before the Council at the next meeting for banks to bid on \$12.3 million. Based on initial estimate, this could save the City between \$100,000 to \$300,000 in interest expenses over the next 10 years.

### D. Multi-Modal Transportation District (MMTD)

Community Development Director Louis Zunguze provided the following presentation on the on the Multi-Modal Transportation District (MMTD):

#### History of the MMTD

- The MMTD has been a State-mandated policy requirement that transportation facilities be available concurrent with the impacts of development
- The MMTD concurrency is based on the development of a multimodal environment, rather than the traditional approach of addressing automobile capacity through road widening. As such, this encourages communities to reinforce development design elements that support walking, bicycling and transit use
- The City adopted the MMTD through Comprehensive Plan amendment in 2005 to address the capacity constraints on US Hwy 98. Since then, it has been implemented through Land Development Code. Many municipalities throughout Florida have also adopted MMTD
- In 2011, the State has made transportation concurrency optional

#### Where in the City is the MMTD Applied and how?

- Applies to areas of the City conducive to development and redevelopment to support multimodal transportation and options when adding automobile capacity is limited

❖ Old Destin – generally south of Kelly Street and west of

- Airport Road
- ❖ Crystal Beach – generally south County Club Drive within the City limits east of Airport Road

What are the obligations of the private sector under the MMTD?

- Comply with requirements designed to promote pedestrian, bicycle, and transit use, including:
  - ❖ Pedestrian-oriented building design
  - ❖ Diverse and complementary land uses
  - ❖ Shorter block lengths for easier access and better-quality pedestrian environment
  - ❖ Pedestrian amenities
  - ❖ Transit stops
  - ❖ Bicycle parking
- Provide on-site and off-site (adjacent) multimodal facilities identified in the Pathways Master Plan and Transportation Corridor Management Plan, including:
  - ❖ Right-of-way dedication
  - ❖ Roadway improvements
  - ❖ External and internal sidewalks
  - ❖ Bicycle lanes
  - ❖ Multiuse trails
  - ❖ Transit stops

What are the obligations of the local government under the MMTD?

- Require development to comply with requirements designed to promote pedestrian, bicycle, and transit use
- Develop an interconnected multimodal transportation network through implementation of the:
  - ❖ Pathways Master Plan
  - ❖ Transportation Corridor Management Plan
- Collect multimodal impact fees to fund the transportation improvements necessary to accommodate new development
- Prioritize community parking over on-site parking
- Monitor the MMTD – Annual Transportation Concurrency Report (ATCA) and Biennial MMTD Monitoring Report

What has been the impact of MMTD?

- Benefit of the MMTD

- ❖ Multi-modal level of service scores since 2005 have improved for bicyclist and pedestrians
  - ❖ Multimodal facility constructed between 2005-2017
    - Sidewalks – 11.6 miles
    - Bicycle lanes – 6.36 miles
    - Multi-use trails – 16.4 miles
  - ❖ Multimodal improvements programmed in the Capital Improvement Program for expenditures from 2009 to 2015 totaled \$13,199,770
  - ❖ Transportation Corridor Management Plan
    - Mattie Kelly Blvd
      - North extension complete
      - South extension – ROW dedicated and partial construction underway with The Charles development
    - 98 Palms Blvd
      - Portion of the ROW dedicated with the Vintage Destin development
    - Sunchase Blvd (future road north of the Airport)
      - Alignment through the Indian Bayou West DO currently under review
    - Four mid-block signalized pedestrian crosswalks were constructed on US Hwy 98 in 2016
  - ❖ Community Parking Status
    - Marler Street Parking Lot completed in 2013
    - Zerbe Street Parking Lot improvements needed
    - Regulations for ion-lieu parking fees established in the LDC but have not been taken advantage of yet
- Challenges of the MMTD. Many of the on-site requirements designed to promote pedestrian, bicycle, and transit use were not implemented due to:
- ❖ Multimodal Transportation Currency Evaluation Certificate flexible point scoring system based on the project location, size, and traffic impact allows developers to pick and choose what design elements would be provided (up to 2018)
  - ❖ De minimis thresholds that exempt many expansion/redevelopment projects from providing any MMTD design requirements
  - ❖ Multimodal impact fee was adopted at roughly 30% of amount required to fund projects to offset impacts from new development
  - ❖ Impact and mitigation fees collected from development projects completed from 2009 to 2015 totaled \$225,828.99 – only 2% of programmed improvements
  - ❖ Transit ridership on routes serving Destin decreased by 41%

from 2007-2017

What are the options available to the City?

- Continue with the current transportation concurrency framework
  - ❖ All projects pay multimodal impact fee (last updated in 2008)
  - ❖ Projects within the MMTD must also meet design standards as well as provide on-site and adjacent off-site multimodal improvements
  - ❖ Projects outside the MMTD are subject to proportionate fair-share which only requires mitigation if the project impacts a facility outside the MMTD where a capacity issue is created by the development
- Remove transportation concurrency and require no impact fees (Revised MMTD)
  - ❖ No mitigation required for new development
  - ❖ City still responsible for ensuring acceptable LOS is maintained on the transportation network
  - ❖ Design standards and on-site improvements could still be required
- Replace transportation concurrency (MMTD) with a mobility fee-based plan (Staff recommends)
  - ❖ Fees are shared by all developments creating the need for transportation system investments
  - ❖ City defines the network and implementation schedule
  - ❖ Design standards and on-site improvements will be required
- Staff recommends that the City Council replace the MMTD with a Mobility Fee-Based Plan for the following reasons:
  - ❖ Allows greater flexibility in the collection and use of funds
  - ❖ Promotes desired development patterns. For example, density and where to locate infrastructure facilities, such as, parking structures
  - ❖ Mobility fees are shared by all developments creating the need for transportation system investments
  - ❖ Florida Statutes 163.3180(5) encourages a mobility fee-based plan with six tools and techniques to complete the fee

Councilmember Schmidt asked how replacing MMTD with a mobility fee-based plan will affect the goal of minimizing vehicular trips and encouraging and providing people options for travel such as walking and bicycling.

Mr. Zunguze stated that it should enhance it because this approach would involve a lot more pre-planning efforts. They will not be driven by development in planning for the community. They will do everything they are currently doing in a more proactive approach.

Councilmember Ramswell asked what affect staff's recommended plan would have on projects such as the linear trail.



According to Mr. Zunguze, it would be part of the overall planning efforts. Everything, including the Pathway Master Plan and Corridor Management Plan, will be factored in to a mobility plan.

Councilmember Ramswell asked whether an improvement to the multi-modal system occurs only in the area of a particular development or whether it could occur anywhere throughout the City.

Mr. Zunguze explained that development pays for their impact. The calculated fee is shared by everyone depending on where the need is the greatest. For example, if someone wants to build a \$10 million structure in the Harbor CRA, staff will determine whether the road system will need to be improved by the anticipated development. If it is a high density, then they would need sidewalks and all other associated amenities, and that the fee shall be commensurate to the cost of making those necessary improvements. Part of the financial cost could be shared by other development.

Councilmember Overdier asked if this concept would generate more discussions about future parking garages.

Mr. Zunguze replied affirmatively, stating that everything will be on the table for discussion.

**Councilmember Braden moved to replace transportation concurrency (MMTD) with a mobility fee-based plan; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).**

#### E. Beach Cleaning - Status Update

Deputy City Manager Webb Warren noted that City staff is continuing to work with vendors and first responders in the County on the beach cleaning issue which is helping them provide the best information possible. Staff plans to bring back information from Okaloosa County on their standard of service for beach cleaning in Destin for the 2021 season at the March 15<sup>th</sup> City Council meeting.

Councilmember Braden asked how much funding the TDC provides for Destin beach cleaning service.

Mr. Warren stated that this information will also be available at the next meeting, but they believe it is in the \$200,000 to 300,000 range.

## F. Announcements

The City Manager made the following announcements:

- The Harbor Capacity Study is currently underway. The Harbor Capacity Study Steering Committee has held their initial meeting on February 24<sup>th</sup>
- The Governor's Executive Order broadened the list of people eligible for the first phase of vaccine administration. Any person, 16 years and older, who is deemed extremely vulnerable to COVID-19 by their physician may receive the vaccine

## 5. PUBLIC HEARINGS

- A. First reading of Ordinance 21-01-LC - Amending Article 7, zoning and regulatory controls of the Land Development Code, permitting residential uses in the South Harbor Mixed Use zoning district in structures pre-dating incorporation of the City of Destin (1984)

The City Attorney read proposed Ordinance 21-01-LC by title, and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING ARTICLE 7, ZONING AND REGULATORY CONTROLS OF THE LAND DEVELOPMENT CODE; PERMITTING RESIDENTIAL USES IN THE SOUTH HARBOR MIXED USE ZONING DISTRICT IN STRUCTURES PRE-DATING INCORPORATION OF THE CITY OF DESTIN (1984); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**Councilmember Hebert moved to approve Ordinance 20-01-LC on first reading; seconded by Councilmember Ramswell.**

The Land Use Attorney explained that a member of the public requested a code amendment, and the Council previously directed staff to come back with this ordinance. In the South Harbor Mixed Used zoning district, the requirement for the commercial component will no longer be imposed upon structures existing before the City's incorporation in 1984. However, any changes made to the interior of the structure has to go through the permitting process.

**Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).**

**6. \*CONSENT AGENDA**

- A. Passport Contract Amendment
- B. Proposed Bert Harris Settlement Agreement for 627 Gulf Shore Drive
- C. Draft Minutes of Standing Committee/Board Meetings

Councilmember Destin requests Consent Agenda 6A be pulled for further discussion.

Councilmember Schmidt requests Consent Agenda 6B be pulled for further discussion.

**Motion by Councilmember Ramswell, seconded by Councilmember Hebert, to pull Consent Agenda items 6A and 6B, and approve Consent Agenda item 6C passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”)**

Referencing Consent Agenda item 6A, Councilmember Destin requested that a breakdown of net revenues being generated from each parking lot be provided to Council. He stated that this request stems from former Councilmember Morgan’s previous request of removing the fees from one of the parking lots; and that it would be hard for this Council to make that decision without the information he is requesting.

Mr. Warren stated that staff will bring the information back to Council.

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

Councilmember Schmidt noted that with regards to Consent Agenda item 6B, he learned that the proposed Bert Harris Settlement Agreement for 627 Gulf Shore Drive was started by the previous owner of the property, and that there is a new owner of the property. He asked if a Bert Harris Settlement Agreement can legally be transferred from one owner to another.

The Land Use Attorney stated that the settlement agreement can be legally transferred from one owner to another as the agreement goes with the property and not the property owner.

**Motion by Councilmember Schmidt, seconded by Councilmember Hebert, to approve Consent Agenda item 6B passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).**

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

**A. Councilmember Braden**

Councilmember Braden inquired as to the status of the motion they previously approved directing the City Manager to discuss with the Community Development Director the appropriate increases to the salary amounts being advertised for the specialized positions in his department to be more competitive, and then discuss the feasibility of the salary increases with the City's Finance Director.

The Human Resources Manager noted they went through the budget with the Finance Director for the City planner positions and compare it with other positions both in the local market and other states. They are paying a little bit less than some of the other municipalities. They have re-advertised the positions increasing the salary approximately \$8,000 to \$10,000 and has since received approximately 19 applicants and have already scheduled multiple interviews.

The City Manager stated that they put the salary range in placed so they could act on the applicants' experience and education.

Councilmember Braden reported hearing people hammering on the side of a water tower at 6:00 a.m. on a Sunday morning. He stated there should be an ordinance in place prohibiting it.

Code Compliance Manager Joey Forgione noted receiving a similar complaint from a citizen and that he dispatched a code officer to the site to take care of the situation.

Councilmember Braden asked staff to send a copy of the noise ordinance to members of the Council so they could be more educated on the rules when they receive complaints from citizens.

**1) Harbor Blvd Stormwater Runoff**

A short video was played showing a black substance included in surface runoff, and concerns were expressed about the potential for possible runoff into the harbor.

Councilmember Braden believes the substance is black paint resulting from livery vessel companies on the harbor pressure washing their pontoon boats and JetSkis, and that this substance could end up in the harbor.

The Mayor recommends inquiring with FDEP on the ramifications of the runoff as shown on video, asking for their recommendations as to the action the City should take, and report back to Council.

The Land Use Attorney advice they do not discuss any specific properties because this is a quasi-judicial code enforcement matter. She continued that the video was edited to take out any information relating to the property involved in the matter.

Councilmember Schmidt stated it is not right to blame anyone without first taking a sample of the substance and studying it. He added he would support having the FDEP conduct a full study of the black substance.

Councilmember Ramswell requests a copy of the unedited video be provided to Council.

The Land Use Attorney noted that City staff is enforcing the City's illicit discharge ordinance when they become aware of the issues and has taken action as applicable.

#### B. Councilmember Ramswell

Councilmember Ramswell pointed out that in their meeting packet there is an excellent rendering of what Capt. Leonard Destin Park is anticipated to look like when it is completed.

##### 1. Face coverings on maritime vessels

Councilmember Ramswell stated that she was surprise to see implementation of the mask mandate in the maritime transportation system from Governor DeSantis and realizing the number of people that do not wear mask when riding a boat. She asked whether the City needs to take any action in this regard.

According to Mayor Jarvis, he emailed the links to two articles written on this issue to Council. One was an interview with the United States Coast Guard Commander addressing the mask mandate another was the mariners safety document everybody received when the mask mandate was signed by President Biden. As the Executive Director of the Charter Fishermen Association, he has been communicating with Senator Scott and Senator Rubio regarding this issue. But there is not much they could do because of the Executive Order. He stated that the US Coast Guard Commander's response was they will use education and encourage masking aboard vessels but will not be actively trying to enforce this due to the lack of resources and priority of their mission. This is the message they shared with everyone in the charter fishing industry. There are some commonsense issues such as trying to wear a mask in high humidity heat could cause way more distress than the possibility of getting COVID-19 on a boat. There is also the concern that if they force the issue, some people will just decide not to charter a boat. He does not feel the City needs to take any action at this time as the industry feels they have come up with some commonsense solutions.

## 2. Spring break preparations

Councilmember Ramswell stated that she wants to have a general sense of how ready the City and County are with the spring break. They had their Beach Advisory Committee meeting recently and one of the information that emerged from that meeting from some of the County representatives, Sheriff's Office and fire department was they are anticipating an exceptionally busy spring break and could expect a lot of people coming into the area. She continued that their top priority is the cleaning of the beach to include raking of sand and trash pickup; adding that this issue has to be discussed and resolved sooner rather than later as the spring break will soon begin and they need to have a plan in place as it relates to beach maintenance.

Mr. Warren stated that the County is aware of the increase traffic they are about to witness in the beaches. They are working hard to improve their situation and readiness. They are adding more staff and finding innovative solutions to have more presence on the beaches. He will provide the Council the full information once they receive it from the County.

Councilmember Ramswell maintains that the County should already have a plan in place before an agreement between the City and County ever takes place as spring break happens the same time every year.

According to Mr. Warren, the County has a stepped-up schedule this year – increasing cleaning and personnel – which starts at spring break and continues all the way into summer. This will be part of the information they planned to bring back at the next Council meeting.

Councilmember Ramswell wants to know of any information about short-term rentals, such as occupancy rate, which the City needs to be aware of and prepare for in advance.

Mr. Forgione noted that the occupancy rate is up 38 percent from last year.

According to Capt. Howell of the Sheriff's Office, they are getting conflicting information from different universities. Some are cancelling or shortening spring break because they have been doing so much remote instructions and plan on continuing classes in lieu of the spring break. However, the information they have been getting seems to indicate that they are trending up and can expect to be extremely busy this year. He stated they plan to increase staffing and increase overtime for law enforcement officers. They are also aware of the social media posts about a group of students from Tallahassee planning to come to this area on April 5<sup>th</sup> and calling it "Crab Island Takeover." He added they are preparing for that group and any information that may come up.

3. Direct staff to amend the code to allow additional time for ATVs to drive on the beach for trash removal

Councilmember Ramswell noted this is an item that emerged from the Beach Advisory Committee meeting. It involved some discussions about trash on the beach during holidays and the middle of summer. Trash needs to be emptied sometimes more than once a day. They were discussing amongst the vendors on how they may be able to assist in the process of removing some of the trash and making the beach look better. A lot of them have long stretches of beach that they have several different setups along the way. They have requested utilizing an ATV, instead of a truck, to go through their different set ups in different locations and emptying the trash periodically during the high points of the season.

According to the Land Use Attorney, they discussed allowing it and at the same time establishing some limitations. For instance, they talked about loosening up the code after 2:00 p.m. as the beach tends to be less crowded by that time. They also talked about limiting it for certain purposes, perhaps for some maintenance. Instead of waiting till after 5:00 p.m. that they wait till after 2:00 p.m. This is also up to the discretion of the City Council.

Councilmember Ramswell noted that another part of the discussion was they would not be crossing public areas of the beach, and that it would be limited to within the private adjacent areas where they had their setups.

Councilmember Destin noted that amending the code would take some time and they need to find a way to implement this process sooner rather than later.

The Land Use Attorney stated that if the Council gives the direction to amend the code, they could utilize the pending ordinance doctrine to be able to apply it immediately.

**Councilmember Ramswell moved to utilize the pending ordinance doctrine during the process of amending the ordinance to allow for looser restrictions after 2:00 p.m. which permits vendors to traverse their own properties for the purpose of trash collecting and addressing maintenance issues. Councilmember Destin provided a second to the motion.**

Councilmember Braden asked whether the City would have the ability to quickly revoke loosening restrictions for vendors violating any rules such as setting their chairs up in the wet sand. It is a common complaint from a lot of people.

According to the Land Use Attorney, they could add language in the ordinance that if there is a pending code compliance matter, or if a vendor receives a certain number of citations, that their ATV privileges will be revoked.

Councilmember Schmidt expressed concern that if trash is picked up shortly after 2:00 p.m., the remaining trash will be left on the beach overnight.

Councilmember Ramswell noted that the County would still be doing their trash pickup at the end of the day. They just could not commit to doing an additional trash pickup during the middle of the day. She added this is a way the vendors could assist and avoid the build up of trash through the day and ease the burden on the County.

**Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).**

C. Councilmember Destin

Councilmember Destin reported that he and City staff recently met with the City’s franchise attorney Schef Wright. Mr. Wright reported that he and NextEra Power Company have been reviewing the new version of the franchise agreement and they have narrowed things down to four issues; and that he anticipates having those issues resolved within the next 60-80 days and bringing the document back to Council for consideration.

Councilmember Destin reported receiving several calls from citizens regarding motorists not slowing down and running the 3-way stop signs at the intersection of Main Street and Kelly Street. He asked the City Manager to contact the Sheriff’s Department and request they monitor that intersection as closely as they did when they first put up the 3-way stop signs.

D. Councilmember Overdier

E. Councilmember Hebert

1. Main Street Bamboo Growth

Councilmember Hebert requests for an aggressive treatment for the removal of the overgrown bamboo trees on Main Street pier. She stated that the trimming is not working. It is just making the trees grow even more.

The City Manager will have staff work with Sheila Dunning, IFAS representative from University of West Florida, to establish what chemical they could safely use next to the water and help come up with the plan to mitigate this issue and report back to Council.

F. Councilmember King

G. Councilmember Schmidt

H. Mayor Gary Jarvis



I. Land Use Attorney

1. Request to call executive session on March 15, 2021, at 5:30 p.m., pursuant to section 286.011(8), Florida Statutes, in the case of *Destin Fishing Fleet, Inc., v. City of Destin*, Okaloosa County Court Case No. 2019-CA-000425-F.

**Motion by Councilmember Braden, seconded by Councilmember Overdier, to schedule an executive session on March 15, 2021, at 5:30 PM, passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).**

J. City Attorney

**8. PUBLIC COMMENTS**

Mr. Shane Moody, President and CEO of the Destin Chamber of Commerce, urges the Council to strongly consider building parking garages as it is the key to mitigating traffic in the harbor district.

Councilmember Ramswell noted there had been some discussions a few years back about building a parking garage on the Marler Parking Lot. She asked why a parking garage thrive at that location when hardly anyone uses the parking lot now.

Mr. Moody opined that pay to park using an app discourages people from using the parking lot. Installing a parking lot ATM machine allowing people to pay to park using their credit card would be much more effective in attracting people to use the parking lot. Another factor is the lack of signage to indicate location of public parking. One of the reasons there is so much traffic on US Hwy 98 is that people are driving around looking for a place to park. Seeing a parking garage, visitors would obviously know it is available for public parking.

Councilmember Ramswell asked staff to look into the cost and appropriate locations for putting up signage for parking lot sites and bring information back at the next meeting.

**ADJOURNMENT**

**Having no further business at this time, the meeting was adjourned at 8:09 PM.**

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**Gary Jarvis, Mayor**

**ATTEST:**

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**Rey Bailey, City Clerk**

CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** April 19, 2021

**TYPE OF AGENDA ITEM:** Action Item

**AGENDA OUTLINE NUMBER:** 2.A.

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**TO:** City Council

**THRU:** Lisa Firth, Parks & Rec Director  
Lance Johnson, City Manager

**FROM:** Lisa Firth, Parks & Rec Director

**DATE:** 4/12/2021

**SUBJECT:** Proclamation - Arbor Day Celebration

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**I. BACKGROUND:**

**II. DISCUSSION:**

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

**III. CONCLUSION:**

**IV. RECOMMENDED MOTION:**

Attachments:

1. Tree City App Certification 2021
2. Arbor Day Proclamation 2021 (1) (1)



# 2020 Tree City USA

## Application for Certification

The Tree City USA award is in recognition of work completed by the community during the 2020 calendar year.

### Primary Contact

**Contact Name** Lisa Firth  
**Email Address:** Destin  
**Phone Number:** (850) 650-1241  
**Address:** 101 Stahlman Ave  
Destin, FL 32541

### Destin, Florida Community Information

**Select Which Best Describes Your Community:** Community has a Department Chair or City Manager

**Ordinance Date:** Dec 31, 2002

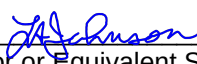
[Ordinance Uploaded](#)

**Per Capita Expenditure:**

**Arbor Day Date:** Apr 30, 2021

[Proclamation Uploaded](#)

**As Mayor or Equivalent of the Community of Destin**

  
\_\_\_\_\_  
Mayor or Equivalent Signature

City Manager

\_\_\_\_\_  
Title

03/30/2021

\_\_\_\_\_  
Date

### Application Certification

To Be Completed By The State Forester:

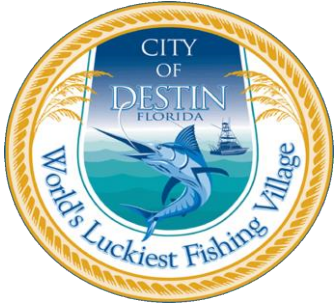
**Destin**

The above named community has made formal application to this office. I am pleased to advise you that we reviewed the application and have concluded that, based on the information contained herein, said community is eligible to be certified as a Tree City USA community, for the 2020 calendar year, having in my opinion met the four standards required for recognition.

\_\_\_\_\_  
State Forester Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



# City of Destin Proclamation

## *DESTIN ARBOR DAY*

**WHEREAS**, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

**WHEREAS**, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska. Arbor Day is now observed throughout the nation and the world; and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, reduce heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

**WHEREAS**, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community. They are a source of joy and spiritual renewal;

**NOW, THEREFORE I**, Mayor Gary Jarvis, on behalf of the Destin City Council, do hereby proclaim April 29, 2021 as **Arbor Day** in the City of Destin, Florida, and that all citizens are urged to support the efforts to protect our trees and woodlands; and that further all citizens are urged to plant trees to gladden hearts and promote the well-being of present and future generations.

**SO DONE THIS 19<sup>TH</sup> DAY OF APRIL 2021**

**By:**

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**Gary Jarvis, Mayor**

**ATTEST:**

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**Rey Bailey, City Clerk**

CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** April 19, 2021  
**TYPE OF AGENDA ITEM:** City Manager Report  
**AGENDA OUTLINE NUMBER:** 4.A.

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**TO:** City Council

**THRU:** Jeffrey Cozadd, Grants Manager  
Webb Warren, Deputy City Manager  
Kyle Bauman, City Attorney  
Lance Johnson, City Manager

**FROM:** Krystal Strickland, Finance Director

**DATE:** April 14, 2021

**SUBJECT:** Capital Project Status

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**I. BACKGROUND:** Informational Item Only

**II. DISCUSSION:** Please find attached a summary of the current capital improvement projects, showing status and Year-to-Date expenditures and encumbrances.

**A. Link to Strategic Goals / Objectives:** Financially sound City providing Service Excellence

**B. Effect on Budget (EOB):**

**C. Level of Service (LOS):**

**III. CONCLUSION:**

**IV. RECOMMENDED MOTION:** Not applicable. Informational only.

Attachments:

1. March 2021 Capital Projects

**CITY OF DESTIN CAPITAL IMPROVEMENT PLAN - Monthly Status Report**

| Council Objective # |          | October 1, 2020 - March 31, 2021                  |                                                       | FY2021 Budget* | YTD Actuals | YTD Encumbrances | FY2021 Available Budget | Status         | Notes                                                                                                                                                                                                                           |
|---------------------|----------|---------------------------------------------------|-------------------------------------------------------|----------------|-------------|------------------|-------------------------|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     |          | <b>Renewal &amp; Replacement - Facilities</b>     |                                                       |                |             |                  |                         |                |                                                                                                                                                                                                                                 |
| 1                   |          | RR051                                             | General Government                                    | \$ 67,838      | \$ 27,917   | \$ 9,799         | \$ 30,122               | 50% Complete   |                                                                                                                                                                                                                                 |
| 2                   |          | RR052                                             | Public Safety                                         | 392,500        | 51,730      | 77,442           | 263,328                 | 30% Complete   | Annex remodeling underway. Annex Parking Lot Resurfacing Task Order has been forwarded to the vendor.                                                                                                                           |
| 3                   |          | RR053                                             | Physical Environment (Stormwater, Cemetery)           | 300,000        | 10,000      | -                | 290,000                 | Started        | Harbor Pump renewal procurement underway. Parts ordered.                                                                                                                                                                        |
| 4                   |          | RR057                                             | Parks and Recreation                                  | 1,003,800      | 24,748      | 43,567           | 935,485                 | 7% Complete    | Multiple under \$15k renewal/replacements started                                                                                                                                                                               |
| 5                   |          | RRVEH                                             | Vehicles                                              | 272,500        | -           | 217,103          | 55,397                  | 88% Complete   | 8 vehicles have been approved by Council. POs have been forwarded to the vendor.                                                                                                                                                |
|                     |          | <b>Renewal &amp; Replacement - Infrastructure</b> |                                                       | -              | -           | -                | -                       |                |                                                                                                                                                                                                                                 |
| 6                   | 15,17,19 | RR054                                             | Roads, Sidewalks, Street Lighting (Mostly Gas Tax #1) | 523,513        | 108,648     | 415,704          | (839)                   | Complete       |                                                                                                                                                                                                                                 |
| 7                   |          | PW612                                             | FY2020 Road Milling & Striping Program                | 299,012        | 258,226     | 40,874           | (88)                    | Complete       |                                                                                                                                                                                                                                 |
|                     |          | <b>Growth Necessitated &amp; Comp Plan</b>        |                                                       | -              | -           | -                | -                       |                |                                                                                                                                                                                                                                 |
| 8                   |          | LB002                                             | Library Impact Fee Projects                           | 47,000         | -           | -                | 47,000                  | Started        | POs in process for lighting and HVAC improvements.                                                                                                                                                                              |
| 9                   |          | NORG1                                             | Norreigo Point Road                                   | 250,000        | -           | -                | 250,000                 |                | Project Number changed from PW612 to NORG1 to avoid overlap with incomplete prior year project                                                                                                                                  |
| 10                  |          | RC004                                             | Park Impact Fee Projects                              | 35,000         | -           | -                | 35,000                  | Started        |                                                                                                                                                                                                                                 |
| 11                  |          | SW53                                              | Stormwater Master Plan                                | 6,148          | -           | 6,148            | -                       | 90% Complete   | Jenkins is revising as per staff recommendations. Next update to Council in June.                                                                                                                                               |
| 12                  |          | SW54                                              | Stormwater Improvements (FDEP funded)                 | 50,000         | -           | -                | 50,000                  |                |                                                                                                                                                                                                                                 |
| 13                  | 8        | TR618                                             | Zerbe-Calhoun Pedestrian Pathway                      | 828,420        | -           | 638,677          | 189,743                 | 50% Complete   | Preconstruction meeting 02/11/2021, construction to start 02/15/2021.                                                                                                                                                           |
| 14                  | 9        | TR619                                             | Sibert-Zerbe Parking Lot Consolidation                | -              | -           | -                | -                       |                |                                                                                                                                                                                                                                 |
| 15                  |          | TR620                                             | ADA Transition - Pedestrian Facilities                | 100,000        | -           | -                | 100,000                 | Started        | Scope of work and fee proposal by engineering firm being routed for initial review.                                                                                                                                             |
| 16                  |          | <i>ENTBD</i>                                      | <i>Zerbe/Calhoun Safety</i>                           | -              | -           | -                | -                       | <i>Started</i> | <i>Stop signs and speed bumps; bud adj \$6k</i>                                                                                                                                                                                 |
| 17                  |          | <i>ENTBD</i>                                      | <i>Sibert/Forrest safety</i>                          | -              | -           | -                | -                       | <i>Started</i> | <i>Initial discussion at March 2021 council meeting. April 5, 2021 estimate \$19,200.</i>                                                                                                                                       |
| 18                  |          | <i>ENTBD</i>                                      | <i>Pine Street Safety</i>                             | -              | -           | -                | -                       | <i>Started</i> | <i>Bringing discussion and initial recommendations to Council in April 2021.</i>                                                                                                                                                |
| 19                  |          |                                                   | <i>Vintage Sidewalk</i>                               | -              | -           | -                | -                       |                | <i>\$290k restricted</i>                                                                                                                                                                                                        |
|                     |          | <b>Citizen/Council Directed Projects</b>          |                                                       | -              | -           | -                | -                       |                |                                                                                                                                                                                                                                 |
| 20                  | 1        | CM001                                             | Beach Acquisition                                     | 10,600,000     | 6,727,731   | 137,977          | 3,734,292               | 66% Complete   | Purchase 2 of 3 completed 11/16/2020. Next purchase in first half of 2021. Task Order #1 has been prepared (demolition of two structures plus asbestos testing for one structure).                                              |
| 21                  | 7        | EN615                                             | Cross-Town Connector                                  | 1,475,000      | 90,589      | 296,454          | 1,087,957               | In Progress    | Re-design down to 2-lane in progress. The 30% plans were approved by Council in February 2021. TRIP (FDOT) ROW grant award to March 2021 council meeting. Okaloosa County Construction grant/interlocal agreement under review. |

**CITY OF DESTIN CAPITAL IMPROVEMENT PLAN - Monthly Status Report**

| October 1, 2020 - March 31, 2021 |                                                     |                               |                                                          | FY2021<br>Budget*    | YTD<br>Actuals      | YTD<br>Encumbrances | FY2021<br>Available<br>Budget | Status               | Notes                                                                                                                                                                                                |
|----------------------------------|-----------------------------------------------------|-------------------------------|----------------------------------------------------------|----------------------|---------------------|---------------------|-------------------------------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Council<br>Objective #           |                                                     |                               |                                                          |                      |                     |                     |                               |                      |                                                                                                                                                                                                      |
| 22                               | 2                                                   | UNDER                         | Undergrounding                                           | 250,000              | -                   | -                   | 250,000                       | In Progress          | Project Engineer contract will be presented to Council in March. City is negotiating franchise rates.                                                                                                |
| 23                               |                                                     |                               | <i>Harbor Lane Easement Improvements</i>                 | -                    | -                   | -                   | -                             |                      | <i>Easement improvements and lighting upgrades mid-2020 council requested \$25k (\$12-13k spent in 2020 on picnic tables, landscaping, stairwell, bike rack, dog station)</i>                        |
|                                  |                                                     | <b>Other Capital Projects</b> |                                                          | -                    | -                   | -                   | -                             |                      |                                                                                                                                                                                                      |
| 24                               |                                                     | CRH63                         | Captain Royal Melvin Hertiage Park and Plaza (RESTORE)   | 1,334,913            | 120,986             | 1,213,601           | 326                           | In Progress          | NTP issued 01/04/2021. Construction is underway.                                                                                                                                                     |
| 25                               |                                                     | CRH64                         | Harbor CRA Wayfinding Plan Signage                       | 30,000               | -                   | -                   | 30,000                        |                      | Initial cost estimates are above budget.                                                                                                                                                             |
| 26                               |                                                     | CRH65                         | Harbor and Bay Capacity Improvements                     | 325,000              | -                   | -                   | 325,000                       |                      | Harbor District Capacity study to begin Spring 2021                                                                                                                                                  |
| 27                               |                                                     | CRT17                         | Town Center CRA Easement Trail/Park Main to Mattie Kelly | 10,000               | -                   | -                   | 10,000                        |                      | Initial engineering estimates for phases of trail complete: Ph1 \$750k+Ph2 \$960k+Ph3 \$1.46m+ Ph \$4 1.8m=\$4.97m. Grant funding search underway.                                                   |
| 28                               | <i>01/21/20<br/>Council Mtg<br/>Priority</i>        | <i>EN617</i>                  | <i>Stahlman Ave Intersection Pedestrian Safety</i>       | <i>22,044</i>        | 23,694              | -                   | <i>(1,650)</i>                |                      |                                                                                                                                                                                                      |
| 29                               | <i>11/2/20<br/>Council Mtg<br/>TOP<br/>PRIORITY</i> | <i>EN626</i>                  | <i>Main St/Kelly St Crosswalk Safety</i>                 | <i>19,080</i>        | 20,271              | -                   | <i>(1,191)</i>                | <i>Complete</i>      |                                                                                                                                                                                                      |
| 30                               |                                                     | FM637                         | Clement Taylor Park Seawall (FEMA)                       | -                    | -                   | -                   | -                             | Complete             | Working with FEMA to change classification for final reimbursement                                                                                                                                   |
| 31                               |                                                     | IT001                         | COMPASS/Energov                                          | 111,878              | 67,313              | 12,083              | 32,483                        | Delayed              | Revised "go-live" set for May/June 2021                                                                                                                                                              |
| 32                               |                                                     | IT002                         | CD Tech Fund Hardware/Software Replacements              | -                    | -                   | -                   | -                             |                      | Hardware will be purchased on an as needed basis                                                                                                                                                     |
| 33                               |                                                     | IT003                         | Other Hardware/Software Replacements                     | -                    | -                   | -                   | -                             |                      |                                                                                                                                                                                                      |
| 34                               |                                                     | LB001                         | Library Tablet Station, RFID and Mobil Ap                | 76,200               | 17,369              | 43,808              | 15,022                        | 30% Complete         | Tablets ordered. RFID Tagging began early Feb 2021.                                                                                                                                                  |
| 35                               |                                                     | RC124                         | Morgan's Children's Park Playground Structure            | -                    | -                   | -                   | -                             |                      |                                                                                                                                                                                                      |
| 36                               |                                                     | RC125                         | Buck Destin Restrooms                                    | 95,000               | -                   | -                   | 95,000                        |                      | Initial cost estimates are above budget                                                                                                                                                              |
| 37                               |                                                     | RC127                         | Pickleball Court                                         | 1,500                | -                   | -                   | 1,500                         | moved to future year | Researching public-private partnership options. Engineering estimate on existing land \$110k. Reclassed FY2021 funding to upgrade Dalton Threadgill Batting Cages (expand foundation; add lighting). |
| 38                               |                                                     | RC216                         | Clement Taylor Park Renovations                          | 729,918              | 5,456               | -                   | 724,462                       |                      | Waiting on sub-recipient agreement                                                                                                                                                                   |
| 39                               |                                                     | RC617                         | Batting Cages for Dalton Threadgill Park                 | 59,564               | 42,723              | 16,841              | -                             | Complete             | Foundation and cage installed. Surrounding pad expanded and lighting requisitioned (transfer in from RC127 Pickleball).                                                                              |
| 40                               |                                                     | <i>SALLY</i>                  | <i>Hurricane Sally Damage Repairs</i>                    | -                    | 52,515              | 14,196              | <i>(66,711)</i>               | <i>In Progress</i>   |                                                                                                                                                                                                      |
| 41                               |                                                     | SW51L                         | NFWF Stormwater Projects                                 | 383,479              | 240,325             | 144,394             | (1,240)                       | 60% Complete         | Construction of projects started in Dec. Cross St project is complete. Calhoun Ave project underway.                                                                                                 |
| <b>Total Funded Projects</b>     |                                                     |                               |                                                          | <b>\$ 19,699,307</b> | <b>\$ 7,890,241</b> | <b>\$ 3,328,668</b> | <b>\$ 8,480,398</b>           |                      |                                                                                                                                                                                                      |

\*FY2021 Budget is Adopted Budget Plus Prior Year Encumbrances rolled forward

| COUNCIL OBJECTIVES       |                                                                   | 5-Year Capital Budget | FY2021 Capital       | Status                                   |
|--------------------------|-------------------------------------------------------------------|-----------------------|----------------------|------------------------------------------|
|                          |                                                                   | Amount                | Budget               |                                          |
| 1                        | Public beach Initiative                                           | \$ 22,000,000         | \$ 10,600,000        | FY21 2/3 completed                       |
| 2                        | Underground utilities                                             | 1,280,000             | -                    | project mgmt in contract negotiations    |
| 3                        | Short term rentals compliance with regulations                    | -                     | -                    | not Capital - complete                   |
| 4                        | Recruit project and grants manager                                | -                     | -                    | not Capital - complete                   |
| 5                        | Request TDC funds for additional OCSO services                    | -                     | -                    | not Capital - complete                   |
| 6                        | Research viability of muti-use convention/sports/community center | -                     | -                    | In progress                              |
| 7                        | Complete two-lane Crosstown Connector                             | 1,475,000             | 1,475,000            | in progress                              |
| 8                        | Calhoun Ave Multi-Use Trail Phase II Design and Construction      | 852,000               | 828,420              | contract in negotiations                 |
| 9                        | Improve parking                                                   | 75,000                | -                    | scheduled to start FY2022                |
| 10                       | Beach re-nourishment                                              | -                     | -                    | In Progress - County is lead and partner |
| 11                       | Improve communications                                            | -                     | -                    | Not Capital - in progress                |
| 12                       | Implement enhanced signage control                                | -                     | -                    | Community Dev Researching                |
| 13                       | Develop/implement wayfinding program                              | 50,000                | 30,000               | Community Dev and TDC Researching        |
| 14                       | Update golf cart/low speed vehicle rules                          | -                     | -                    | Not Capital - in progress                |
| 16                       | Improve city gateways                                             | -                     | -                    | Community Dev and TDC Researching        |
| 15, 17, 19               | Streetlights, sidewalks, road striping                            | 2,851,802             | 822,525              | in progress                              |
| 18                       | Provide board and committee training                              | -                     | -                    | not Capital - continuous improvement     |
| 20                       | Reestablish environmental committee                               | -                     | -                    | Not Capital - in progress                |
| 21                       | Enforce residential boat and RV parking regulations               | -                     | -                    | Not Capital - Complete                   |
| 22                       | Regulate building height limits to 5 stories                      | -                     | -                    | Not Capital - Complete                   |
| TOTAL                    |                                                                   | <u>\$ 28,583,802</u>  | <u>\$ 13,755,945</u> |                                          |
| TOTALCAPITAL BUDGET      |                                                                   | \$ 36,690,143         | \$ 19,699,307        |                                          |
| % FOR COUNCIL OBJECTIVES |                                                                   | 78%                   | 70%                  |                                          |



# CITY OF DESTIN ADOPTED 5-YEAR CAPITAL IMPROVEMENT PLAN

| COUNCIL OBJECTIVE                                      |       |                                                          | FY 2021              | FY 2022              | FY 2023             | FY 2024             | FY 2025             | Total                |
|--------------------------------------------------------|-------|----------------------------------------------------------|----------------------|----------------------|---------------------|---------------------|---------------------|----------------------|
| <b>PRIORITY Renewal &amp; Replacement - Facilities</b> |       |                                                          |                      |                      |                     |                     |                     |                      |
|                                                        | RR051 | General Government                                       | \$ 62,200            | \$ 95,000            | \$ 22,500           | \$ 71,500           | \$ 28,500           | \$ 279,700           |
|                                                        | RR052 | Public Safety                                            | 392,500              | 41,687               | 134,187             | 47,187              | 49,687              | 665,249              |
|                                                        | RR053 | Physical Environment (Stormwater, Cemetery)              | 300,000              | 6,307                | 6,307               | 6,307               | 6,307               | 325,227              |
|                                                        | RR057 | Parks and Recreation                                     | 1,003,800            | 231,828              | 297,828             | 411,828             | 253,828             | 2,199,113            |
|                                                        | RRVEH | Vehicles                                                 | 272,500              | -                    | -                   | -                   | -                   | 272,500              |
| <b>Renewal &amp; Replacement - Infrastructure</b>      |       |                                                          |                      |                      |                     |                     |                     |                      |
| 15, 17, 19                                             | RR054 | Roads, Sidewalks, Street Lighting (Gas Tax #1)           | 468,000              | 318,000              | 462,000             | 801,901             | 801,901             | 2,851,802            |
| <b>Growth Necessitated &amp; Comp Plan</b>             |       |                                                          |                      |                      |                     |                     |                     |                      |
|                                                        | SW54  | Stormwater Improvements (FDEP funded)                    | 50,000               | 50,000               | -                   | -                   | -                   | 100,000              |
|                                                        | PW612 | Norreigo Point Road                                      | 250,000              | -                    | -                   | -                   | -                   | 250,000              |
| 8                                                      | TR618 | Zerbe-Calhoun Pedestrian Pathway                         | 852,000              | -                    | -                   | -                   | -                   | 852,000              |
| 9                                                      | TR619 | Sibert-Zerbe Parking Lot Consolidation                   | -                    | 75,000               | -                   | -                   | -                   | 75,000               |
|                                                        | TR620 | ADA Transition - Pedestrian Facilities                   | 100,000              | -                    | -                   | -                   | -                   | 100,000              |
|                                                        | LB002 | Library Impact Fee Projects                              | 47,000               | -                    | -                   | -                   | -                   | 47,000               |
|                                                        | RC004 | Park Impact Fee Projects                                 | 35,000               | -                    | -                   | -                   | -                   | 35,000               |
| <b>Citizen/Council Directed Projects</b>               |       |                                                          |                      |                      |                     |                     |                     |                      |
| 1                                                      | CM001 | Beach Acquisition                                        | 10,600,000           | 11,400,000           | -                   | -                   | -                   | 22,000,000           |
| 7                                                      | EN615 | Cross-Town Connector                                     | 1,475,000            | -                    | -                   | -                   | -                   | 1,475,000            |
| 2                                                      | UNDER | Undergrounding                                           | 250,000              | 60,000               | 60,000              | -                   | 910,000             | 1,280,000            |
| <b>Other Capital Projects</b>                          |       |                                                          |                      |                      |                     |                     |                     |                      |
|                                                        | IT001 | COMPASS/Energov                                          | 100,000              | 200,000              | -                   | -                   | -                   | 300,000              |
|                                                        | IT002 | CD Tech Fund Hardware/Software Replacements              | -                    | 150,000              | 150,000             | -                   | -                   | 300,000              |
|                                                        | IT003 | Other Hardware/Software Replacements                     | -                    | 129,000              | 100,000             | 100,000             | -                   | 329,000              |
|                                                        | LB001 | Library Tablet Station & Biblioteca RFID and Mobil Ap    | 76,200               | -                    | -                   | -                   | -                   | 76,200               |
|                                                        | CRH63 | Captain Royal Melvin Hertiage Park and Plaza (RESTORE)   | 1,335,690            | -                    | -                   | -                   | -                   | 1,335,690            |
|                                                        | CRH64 | Harbor CRA Wayfinding Plan Signage                       | 30,000               | 10,000               | 10,000              | -                   | -                   | 50,000               |
|                                                        | CRT17 | Town Center CRA Easement Trail/Park Main to Mattie Kelly | 10,000               | 50,000               | 550,000             | -                   | -                   | 610,000              |
|                                                        | RC124 | Morgan's Children's Park Playground Structure            | -                    | 26,745               | -                   | -                   | -                   | 26,745               |
|                                                        | RC125 | Buck Destin Restrooms                                    | 95,000               | -                    | -                   | -                   | -                   | 95,000               |
|                                                        | RC127 | Pickleball Court                                         | 30,000               | -                    | -                   | -                   | -                   | 30,000               |
|                                                        | RC216 | Clement Taylor Park Renovations                          | 729,918              | -                    | -                   | -                   | -                   | 729,918              |
|                                                        | FM637 | Clement Taylor Park Seawall (FEMA)                       | -                    | -                    | -                   | -                   | -                   | -                    |
| <b>Total Funded Projects</b>                           |       |                                                          | <b>\$ 18,564,808</b> | <b>\$ 12,843,567</b> | <b>\$ 1,792,822</b> | <b>\$ 1,438,723</b> | <b>\$ 2,050,223</b> | <b>\$ 36,690,143</b> |

CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** April 19, 2021

**TYPE OF AGENDA ITEM:** City Manager Report

**AGENDA OUTLINE NUMBER:** 4.B.

---

**TO:** City Council

**THRU:** Webb Warren, Deputy City Manager  
Kyle Bauman, City Attorney  
Lance Johnson, City Manager

**FROM:** Krystal Strickland, Finance Director

**DATE:** April 14, 2021

**SUBJECT:** Operations Financial Report

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**I. BACKGROUND:** This item is informational only.

**II. DISCUSSION:** Year-to-date budget versus actuals for the General Fund and the two CRAs shall be provided to Council within forty-five days of the month end. Governmental funds are accounted for on a modified accrual basis.

Details for all funds are on file with the Finance Department, and are available upon request.

**A. Link to Strategic Goals / Objectives:** Goal #1: Financially sound city providing service excellence

**B. Effect on Budget (EOB):**

**C. Level of Service (LOS):**

**III. CONCLUSION:**

**IV. RECOMMENDED MOTION:**

Attachments:

1. 2021 0228 YTD Budget Vs Actuals

**CITY OF DESTIN - MONTHLY FINANCIAL REPORT**  
**10/01/2020 - 02/28/2021**

|                                                          | <b>FY2021<br/>BUDGET*</b> | <b>FY2021<br/>YTD ACTUAL</b> | <b>FY2021<br/>PROJECTION</b> |
|----------------------------------------------------------|---------------------------|------------------------------|------------------------------|
| <b>01 GENERAL FUND</b>                                   |                           |                              |                              |
| 01-31 Ad Valorem Taxes                                   | 8,099,316                 | 7,457,465                    | 8,099,316                    |
| 01-31 Delinquent Ad Valorem Taxes                        | 5,000                     | 1,698                        | 5,000                        |
| 01-31 Sales and Use Taxes                                | 2,761,031                 | 1,419,512                    | 2,761,031                    |
| 01-32 Licenses and Permits                               | 3,148,624                 | 1,393,449                    | 3,148,624                    |
| 01-33 Intergovernmental                                  | 10,789,851                | 4,929,465                    | 7,636,021                    |
| 01-34 Charges for Services                               | 499,843                   | 144,625                      | 250,675                      |
| 01-35 Fines and Forfeitures                              | 27,520                    | 23,035                       | 37,035                       |
| 01-36 Miscellaneous Revenue                              | 343,586                   | 88,713                       | 481,992                      |
| 01-32 Impact Fees                                        | 44,000                    | -                            | 44,000                       |
| <b>TOTAL REVENUES</b>                                    | <b>25,718,771</b>         | <b>15,457,961</b>            | <b>22,463,693</b>            |
|                                                          |                           |                              |                              |
| 01-51 General Government                                 | 4,624,134                 | 1,649,104                    | 3,983,849                    |
| 01-52 Public Safety                                      | 3,584,206                 | 1,358,225                    | 3,524,197                    |
| 01-53 Physical Environment                               | 55,369                    | 8,398                        | 21,995                       |
| 01-54 Transportation                                     | 2,212,291                 | 602,691                      | 1,633,174                    |
| 01-55 Economic Environment                               | 25,000                    | 6,604                        | 13,208                       |
| 01-56 Human Services                                     | 115,000                   | 22,988                       | 85,364                       |
| 01-57 Culture and Recreation                             | 3,182,245                 | 1,018,320                    | 2,603,100                    |
| 01-59 Capital Outlay                                     | 37,400                    | 19,976                       | 47,682                       |
| 01-59 Debt Service                                       | 544,913                   | 470,509                      | 496,805                      |
| <b>TOTAL EXPENDITURES</b>                                | <b>14,380,559</b>         | <b>5,156,814</b>             | <b>12,409,374</b>            |
|                                                          |                           |                              |                              |
| <b>Excess (deficiency) of revenues over expenditures</b> | <b>11,338,212</b>         | <b>10,301,147</b>            | <b>10,054,319</b>            |
|                                                          |                           |                              |                              |
| 01-38 Transfers In                                       | -                         | -                            | -                            |
| 01-58 Transfers Out                                      | (15,848,899)              | (7,873,430)                  | (12,886,248)                 |
| <b>Total other financing sources (uses)</b>              | <b>(15,848,899)</b>       | <b>(7,873,430)</b>           | <b>(12,886,248)</b>          |
|                                                          |                           |                              |                              |
| Net change in fund balances                              | (4,510,687)               | 2,427,717                    | (2,831,928)                  |
| Fund Balance (deficit), Beginning                        | 25,503,671                | 25,503,671                   | 25,503,671                   |
| Fund Balance (deficit), Ending                           | 20,992,984                | 27,931,388                   | 22,671,742                   |

*\* FY2021 BUDGET is the Adopted Budget plus prior year encumbrances rolled forward*

**CITY OF DESTIN - MONTHLY FINANCIAL REPORT**

**10/01/2020 - 02/28/2021**

|                                                          | <b>FY2021<br/>BUDGET*</b> | <b>FY2021<br/>YTD ACTUAL</b> | <b>FY2021<br/>PROJECTION</b> |
|----------------------------------------------------------|---------------------------|------------------------------|------------------------------|
| <b>102 TOWN CENTER CRA</b>                               |                           |                              |                              |
| 102-31 Ad Valorem Taxes                                  | 290,297                   | 290,297                      | 290,297                      |
| 102-31 Tax Increment Financing                           | 688,589                   | 681,523                      | 681,523                      |
| 102-36 Miscellaneous Revenue                             | -                         | 518                          | 1,218                        |
| <b>TOTAL REVENUES</b>                                    | <b>978,886</b>            | <b>972,338</b>               | <b>973,038</b>               |
| 102-55 Economic Environment                              | 134,425                   | 26,353                       | 84,517                       |
| 102-59 Capital Outlay                                    | 10,000                    | -                            | -                            |
| <b>TOTAL EXPENDITURES</b>                                | <b>144,425</b>            | <b>26,353</b>                | <b>84,517</b>                |
| <b>Excess (deficiency) of revenues over expenditures</b> | <b>834,461</b>            | <b>945,985</b>               | <b>888,521</b>               |
| 102-38 Transfers In                                      | -                         | -                            | -                            |
| 102-58 Transfers Out                                     | (731,281)                 | (304,672)                    | (731,212)                    |
| <b>Total other financing sources (uses)</b>              | <b>(731,281)</b>          | <b>(304,672)</b>             | <b>(731,212)</b>             |
| Net change in fund balances                              | 103,180                   | 641,314                      | 157,310                      |
| Fund Balance (deficit), Beginning                        | (2,390,520)               | (2,390,520)                  | (2,390,520)                  |
| Fund Balance (deficit), Ending                           | (2,287,340)               | (1,749,206)                  | (2,233,210)                  |

*\*FY2021 BUDGET is the Adopted Budget plus prior year encumbrances rolled forward*

|                                                          | <b>FY2021<br/>BUDGET*</b> | <b>FY2021<br/>YTD ACTUAL</b> | <b>FY2021<br/>PROJECTION</b> |
|----------------------------------------------------------|---------------------------|------------------------------|------------------------------|
| <b>110 HARBOR CRA</b>                                    |                           |                              |                              |
| 110-31 Ad Valorem Taxes                                  | 331,449                   | 331,449                      | 331,449                      |
| 110-31 Tax Increment Financing                           | 331,449                   | 328,932                      | 328,932                      |
| 110-36 Miscellaneous Revenue                             | -                         | 258                          | 678                          |
| <b>TOTAL REVENUES</b>                                    | <b>662,898</b>            | <b>660,640</b>               | <b>661,060</b>               |
| 110-55 Economic Environment                              | 71,675                    | 10,872                       | 33,150                       |
| 110-59 Capital Outlay                                    | 30,000                    | -                            | -                            |
| <b>TOTAL EXPENDITURES</b>                                | <b>101,675</b>            | <b>10,872</b>                | <b>33,150</b>                |
| <b>Excess (deficiency) of revenues over expenditures</b> | <b>561,223</b>            | <b>649,767</b>               | <b>627,910</b>               |
| 110-38 Transfers In                                      | -                         | -                            | -                            |
| 110-58 Transfers Out                                     | (554,590)                 | (232,487)                    | (557,858)                    |
| <b>Total other financing sources (uses)</b>              | <b>(554,590)</b>          | <b>(232,487)</b>             | <b>(557,858)</b>             |
| Net change in fund balances                              | 6,633                     | 417,281                      | 70,052                       |
| Fund Balance (deficit), Beginning                        | 168,768                   | 168,768                      | 168,768                      |
| Fund Balance (deficit), Ending                           | 175,401                   | 586,049                      | 238,820                      |

*\*FY2021 BUDGET is the Adopted Budget plus prior year encumbrances rolled forward*

**CITY OF DESTIN - MONTHLY FINANCIAL REPORT**

**10/01/2020 - 02/28/2021**

| <b>FUND BALANCE - ALL FUNDS</b> | <b>FY2021<br/>BUDGET*</b> | <b>FY2021<br/>YTD ACTUAL</b> | <b>FY2021<br/>PROJECTION</b> |
|---------------------------------|---------------------------|------------------------------|------------------------------|
| <b>Beginning Fund Balance</b>   | <b>29,821,539</b>         | <b>29,673,467</b>            | <b>29,673,467</b>            |
| Nonspendable                    | 2,287,340                 | 1,749,206                    | 2,233,210                    |
| Restricted                      | 1,317,764                 | 4,315,873                    | 2,851,479                    |
| Committed                       | 9,864,243                 | 9,864,243                    | 9,864,243                    |
| Assigned                        | 1,277,284                 | 5,711,404                    | 5,364,176                    |
| <i>Unassigned</i>               | <i>6,122,302</i>          | <i>11,785,554</i>            | <i>1,500,675</i>             |
| <b>Ending Fund Balance</b>      | <b>20,868,933</b>         | <b>33,426,281</b>            | <b>21,813,783</b>            |
|                                 | 20,868,933                | 33,426,281                   | 21,813,783                   |

**Nonspendable** = Long-term advance to TownCenter CRA

**Restricted** = Bond covenants (balances of debt service funds), grant agreements, state and local regulations (impact fees).

**Committed** = Council resolutions, motions, includes fund balance resolution for 1 yr debt (\$1.8m) + 3 mos emergency opsx2

**Assigned** = Contracts, purchase orders and funds in special revenue funds

CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** April 19, 2021  
**TYPE OF AGENDA ITEM:** City Manager Report  
**AGENDA OUTLINE NUMBER:** 4.C.

---

**TO:** City Council

**THRU:**

**FROM:** Kyle Bauman, City Attorney  
Webb Warren, Deputy City Manager  
Lance Johnson, City Manager  
Krystal Strickland, Finance Director

**DATE:** April 14, 2021

**SUBJECT:** Destin High School Request to Transfer Water and Sewer ERU Credits

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**I. BACKGROUND:** Development of the Destin High School ("DHS") is ongoing and will ultimately result in an increased impact on the water and sewer systems run by Destin Water Users, Inc. ("DWU"). To mitigate this increased impact, DWU will require the payment of impact fees. Impact fees are charged and calculated based upon an Equivalent Residential Unit ("ERU"). Through acquisition of various parcels over the preceding years, the City has acquired a number of ERU "credits." These credits may be used in lieu of impact fee payment. On behalf of DHS, Myra Williams and Jimmy Neilsen are here to present DHS's proposal relating to the transfer of some credits from the City to DHS. No action is recommended tonight and this item is merely introductory in nature with more information forthcoming at a future Council meeting.

**II. DISCUSSION:**

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

**III. CONCLUSION:**

**IV. RECOMMENDED MOTION:** None - information only

Attachments:

None

CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** April 19, 2021

**TYPE OF AGENDA ITEM:** Action Item

**AGENDA OUTLINE NUMBER:** 4.D.

---

**TO:** City Council

**THRU:** Kyle Bauman, City Attorney  
Louis Zunguze, Community Development Director  
Krystal Strickland, Finance Director  
Lance Johnson, City Manager

**FROM:** Jeffrey Cozadd, Grants Manager

**DATE:** 4/9/21

**SUBJECT:** Utility Undergrounding - Utility Consultants of Florida - Task Order 1

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**I. BACKGROUND:** The undergrounding of utilities project is an initiative identified as part of the City's Strategic Plan. The City Council on 3-15-21 accepted the project management agreement with Utility Consultants of Florida. The project management agreement will allow the city to issue task assignments to UCoF.

**II. DISCUSSION:** Task Order 1 has been prepared with input from city staff, Kyle Bauman, Schef Wright, Dewey Destin, and UCoF. This Task Order will allow UCoF to begin the activities outlined in it and will serve as the scope of service for the first year activities.

**A. Link to Strategic Goals / Objectives:** 2020 Strategic Plan:  
2020 Council Objectives - #2 Priority - Underground Utilities

**B. Effect on Budget (EOB):** The Not to Exceed amount of Task Order 1 is \$212,524.00.



|                                                                     | FY2021<br>BUDGET        |
|---------------------------------------------------------------------|-------------------------|
| 30558312-565000-UNDER<br>OKA 1/2 PENNY-CONSTRUCT-<br>UNDERGROUNDING | \$ 250,000              |
| <b>FY21 Adopted Budget</b>                                          | <u>250,000</u>          |
| <b>Internal Transfer</b>                                            | <u>-</u>                |
| <b>Previous Expenses/Encumbrances</b>                               | <u>-</u>                |
| <b>Available Program Budget</b>                                     | <u>250,000</u>          |
| <b>This Agreement +(-)</b>                                          | <u>(212,524)</u>        |
| <b>FY21 Remaining Program Budget</b>                                | <u><u>\$ 37,476</u></u> |

**C. Level of Service (LOS):** Level of Service will increase as the undergrounding of utilities will bring the following benefits to the City:

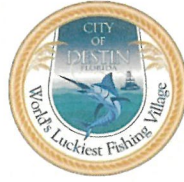
- \* Improved safety
- \* Reduced maintenance
- \* Better aesthetics
- \* Potential increase in economic development.

**III. CONCLUSION:** City staff and legal counsel believe this Task Order will provide much-needed information that will prove useful in helping the City identify future steps in the utility undergrounding process.

**IV. RECOMMENDED MOTION:** I move that the City Manager execute Task Order 1 of the Destin Utility Undergrounding Project Management Agreement with Utility Consultants of Florida.

Attachments:

1. Utility Undergrounding Project  
Management Agreement 20-03-CD
2. Task Order 1 UCoF 4.14.21



## **AGREEMENT FOR 20-03-CD DESTIN UTILITY UNDERGROUNDING PROJECT MANAGEMENT**

THIS AGREEMENT FOR DESTIN UTILITY UNDERGROUNDING PROJECT MANAGEMENT (hereinafter, the "Agreement") is entered into between the City of Destin, Florida hereinafter referred to as "CITY", and Utility Consultants of Florida, LLC, hereinafter referred to as "CONTRACTOR", each hereinafter a "Party" and collectively the "Parties," in consideration of the mutual benefits, terms, and conditions hereinafter specified.

WHEREAS, pursuant to Section 287.055, Florida Statutes, the CITY solicited responses to a Request for Qualifications in anticipation of entering into a non-exclusive contract to perform Utility Undergrounding Project Management services, and

WHEREAS, the CITY issued a Request for Qualifications for DESTIN UTILITY UNDERGROUNDING PROJECT MANAGEMENT, RFQ No. 20-03-CD (the "RFQ"); and

WHEREAS, the RFQ defined the Scope of Services and included certain specified Project Deliverables as outlined in the RFQ; and

WHEREAS, CONTRACTOR timely responded to this RFQ; and

WHEREAS, the RFQ and CONTRACTOR's response thereto are collectively attached to this Agreement as Exhibit "D," which is attached hereto and made a part of this Agreement; and

WHEREAS, the CITY determined that CONTRACTOR was and is qualified to perform the scope of services set forth in the RFQ; and

WHEREAS, the City Council of the CITY on October 6, 2020, determined that CONTRACTOR was and is qualified for engagement to perform the Scope of Services set forth in the RFQ and directed the City Manager to negotiate an agreement with the CONTRACTOR; and

WHEREAS, the City Manager, through his administrative staff, has successfully negotiated this Agreement with CONTRACTOR defining terms and conditions for the performance of consulting services within the scope of the RFQ.

NOW, THEREFORE, in consideration of the mutual covenants expressed above and herein, each of which is expressly incorporated below, the Parties agree as follows:

### **ARTICLE 1 – SERVICES**

- 1.1 CONTRACTOR agrees to perform Utility Undergrounding Project Management services by way of individual task orders or purchase orders, at the request of the CITY during the term of this Agreement, including the provision of all labor, materials, equipment and supplies (the "PROJECT"). The specified scope of work and services in connection with the PROJECT that may be assigned to CONTRACTOR is set forth on Exhibit "A", which may from time to time be modified upon mutual agreement of the Parties.

- 1.2 The CITY's representative and point of contact during the performance of this Agreement shall be the City Manager or City Manager's designee, Telephone (850) 837-4242.
- 1.3 The CONTRACTOR's representative and point of contact during the performance of this Agreement shall be Mark Porter, COO, Sr. Project Manager, Telephone (321) 287-8911.

## **ARTICLE 2 - TERM**

- 2.1 The CONTRACTOR shall be available to commence services immediately following City Council approval and execution of the Agreement by both Parties. CONTRACTOR shall complete and deliver the written and electronic Project Deliverables set forth in Section 1.5 of the RFQ on the schedule agreed to by the Parties. The initial term of the Agreement shall be for a seven (7)-year time period, commencing upon the effective date and remaining in force and effect unless otherwise terminated sooner as provided herein. The CITY reserves the right to renew this Agreement for three (3) additional two (2)-year periods under the same terms and conditions of the original Agreement. CONTRACTOR shall be available to make interim presentations to the City Manager and City Council during the course of the PROJECT, it being understood that CITY and CONTRACTOR will work together on scheduling the contemplated meetings as efficiently as practicable. CONTRACTOR shall also be available to the CITY for consultation with the City Manager, City Council, other CITY personnel and attorneys, and personnel, agents, and representatives of all affected UTILITIES and other parties throughout the term of this Agreement, including any renewal periods or terms thereof.

## **ARTICLE 3 – TIME OF PERFORMANCE**

- 3.1 Work under this Contract shall commence upon the giving of written notice by the CITY to the CONTRACTOR by way of purchase order.

## **ARTICLE 4 - PAYMENT**

- 4.1 The CONTRACTOR shall be paid by the CITY for completed work and for services rendered under this Agreement as follows:
  - a. Payment for the work provided by CONTRACTOR shall be in accordance with Exhibit "B" Fee Schedule which is attached hereto and made a part of this agreement.
  - b. CONTRACTOR shall also be entitled to reimbursement for certain costs it incurs in furtherance of the work required by this Agreement in accordance with Exhibit "C," which is attached hereto and made a part of this Agreement. These costs shall be itemized and timely submitted to the City together with the payment vouchers described in this Article 4.
  - c. Compensation may be negotiated by issuance of individual Work Assignments in accordance with the scope of services identified in Exhibit "A".
  - d. The CONTRACTOR may submit vouchers to the CITY once per month during the progress of the work for partial payment for work and tasks completed to date. Such vouchers will be reviewed by the CITY, and upon CITY approval of the vouchers or any part thereof, payment will be made to the CONTRACTOR in the amount approved.
  - e. Final payment of any balance due the CONTRACTOR of the total contract price earned for each phase of the PROJECT will be made promptly upon ascertainment and verification by the CITY that such phase of the work under this Agreement has been satisfactorily completed and accepted by the CITY.
  - f. Payment as provided in this section shall be full compensation for work performed, services rendered and for all costs, materials, supplies, equipment and incidentals necessary to complete the work, and CONTRACTOR shall have no other recourse against the CITY.

## **ARTICLE 5 - OWNERSHIP AND USE OF DOCUMENTS**

- 5.1 All documents, and other materials produced by the CONTRACTOR in connection with the services rendered under this Agreement shall be the property of the CITY whether the project

for which they are made is executed or not. The CONTRACTOR shall be permitted to retain copies, including reproducible copies, of drawings and specifications for information, reference and use in connection with CONTRACTOR's endeavors.

## **ARTICLE 6 - FUNDING**

- 6.1 This Agreement shall remain in full force and effect only as long as the expenditures provided in the Agreement have been appropriated by the CITY in the annual budget for each fiscal year of this Agreement, and the Agreement is expressly subject to termination based on lack of funding.

## **ARTICLE 7 - WARRANTIES AND REPRESENTATIONS**

- 7.1 CONTRACTOR represents and warrants to the CITY that it is competent to engage in the scope of services contemplated under this Agreement and that it will retain and assign qualified professionals to all assigned tasks, elements, and components of the PROJECT during the term of this Agreement. CONTRACTOR's services shall meet a standard of care for project management and related services equal to or exceeding the standards for working practices under similar conditions. In submitting its response to the RFQ, CONTRACTOR has represented to CITY that certain individuals employed by CONTRACTOR shall provide services to CITY pursuant to this Agreement. CITY has relied upon such representations. Therefore, CONTRACTOR shall not change the designated Project Manager for any phase of the PROJECT without the advance written approval of the CITY, which consent may be withheld in the sole and absolute discretion of the CITY.
- 7.2 CONTRACTOR shall maintain all professional licenses and business certificates required by law and as necessary to perform the services. CONTRACTOR shall assure the CITY sufficient representation through assignment and performance by a team of qualified, professional employees and consultants.

## **ARTICLE 8 - COMPLIANCE WITH LAWS**

- 8.1 CONTRACTOR shall, in performing the services contemplated by this service Agreement, faithfully observe and comply with all federal, state and local laws, ordinances and regulations that are applicable to the services to be rendered under this Agreement.

## **ARTICLE 9 - INDEMNIFICATION**

- 9.1 CONTRACTOR shall indemnify, defend and hold harmless the CITY, its officers, agents and employees, from and against any and all claims, losses or liability, or any portion thereof, including attorneys' fees and costs, arising from injury or death to persons, including injuries, sickness, disease or death to CONTRACTOR's own employees, or damage to property occasioned by a negligent act, omission or failure of the CONTRACTOR. Neither Party to this Agreement shall be liable to any third party claiming directly or through the other respective Party, for any special, incidental, indirect or consequential damages of any kind, including but not limited to lost profits or use that may result from this Agreement or out of the services or goods furnished hereunder.

## **ARTICLE 10 - INSURANCE**

- 10.1 During the performance of the services under this Contract, CONTRACTOR shall maintain the following insurance policies, and provide originals or certified copies of all policies, and all such policies shall be written by an insurance company authorized to do business in Florida.
- 10.1.1 Worker's Compensation Insurance: The CONTRACTOR shall procure and maintain continuously for the life of this Contract, Worker's Compensation Insurance covering all employees with limits meeting all applicable state and federal laws. This coverage shall



include Employer's Liability with limits meeting all applicable state and federal laws. This coverage must extend to any sub-CONTRACTORS or sub-CONTRACTORS that do not have their own Worker's Compensation and Employer's Liability Insurance. The policy must contain a waiver of subrogation in favor of the CITY, executed by the insurance company.

10.1.2 Comprehensive General Liability: The CONTRACTOR shall procure and maintain for the life of this Contract, Comprehensive General Liability Insurance. This coverage shall be on an "Occurrence" basis. Coverage shall include Premises and Operations; Independent CONTRACTORS; Products Completed; Operations; and Contractual Liability, with specific reference to Article 9, "Indemnification" of this Agreement. This policy shall provide coverage for death, personal injury or property damage that could arise directly or indirectly from the performance of this Agreement. CONTRACTOR shall maintain a minimum coverage of \$1,000,000 per occurrence and \$1,000,000 aggregate for personal injury and \$1,000,000 per occurrence/aggregate for property damage. The general liability insurance shall include the CITY as an additional insured and shall include a provision prohibiting cancellation of the policy upon less than thirty (30) days prior written notice to the CITY.

10.1.3 Business Automobile Liability: The CONTRACTOR shall procure and maintain, for the life of this Contract, Business Automobile Liability Insurance. The CONTRACTOR shall maintain a minimum amount of \$1,000,000 combined single limit for bodily injury and property damage liability to protect the CONTRACTOR from claims for damage for bodily and personal injury, including death, as well as from claims for property damage, which may arise from the ownership, use, or maintenance of owned and non-owned automobiles, included rented automobiles, whether such operations be by the CONTRACTOR or by anyone directly or indirectly employed by the CONTRACTOR.

10.1.4 Professional Liability (Errors and Omissions) Insurance: The CONTRACTOR shall procure and maintain for the life of this Contract Professional Liability insurance in the minimum amount of \$2,000,000 per occurrence.

10.2 It shall be the responsibility of the CONTRACTOR to ensure that all sub-CONTRACTORS comply with the same insurance requirements referenced above.

10.3 If, in the judgment of the CITY, prevailing conditions warrant the provision by the CONTRACTOR of additional liability insurance coverage or coverage which is different in kind, the CITY reserves the right to require the provision by CONTRACTOR of an amount of coverage different from the amounts or kind previously required and shall afford written notice of such change in requirements thirty (30) days prior to the date on which the requirements shall take effect. Should the CONTRACTOR fail or refuse to satisfy the requirement of changed coverage within the thirty (30) days following the CITY's written notice, the CITY, at its sole option, may terminate the Contract upon written notice to the CONTRACTOR, said termination taking effect on the date that the required change in policy coverage would otherwise take effect.

10.4 CONTRACTOR shall, for a period of two (2) years following the termination of the Agreement, maintain a "tail coverage" in an amount equal to that described above for Comprehensive Liability Insurance on a claims-made policy only

## **ARTICLE 11 - INDEPENDENT CONTRACTOR**

11.1 The CONTRACTOR and the CITY agree that the CONTRACTOR is an independent contractor with respect to the services provided pursuant to this Agreement. Nothing in this Agreement shall be considered to create the relationship of employer and employee between the Parties hereto. Neither CONTRACTOR nor any employee of CONTRACTOR shall be entitled to any benefits accorded CITY employees by virtue of the services provided under this Agreement. The CITY

shall not be responsible for withholding or otherwise deducting federal income tax or social security or for contributing to the state industrial insurance program, or otherwise assuming the duties of an employer with respect to CONTRACTOR or any employee of the CONTRACTOR.

- 11.2 CONTRACTOR acknowledges and understands that, as an independent contractor pursuant to this Agreement, CONTRACTOR shall comply with Chapter 119, Florida Statutes, as amended (Public Records). CONTRACTOR's obligation includes but is not limited to CONTRACTOR's obligation to preserve public records and make public records available to third parties in addition to the CITY. These obligations are described in more detail in Article 23 of this Agreement.

#### **ARTICLE 12 - COVENANT AGAINST CONTINGENT FEES**

- 12.1 The CONTRACTOR warrants that he has not employed or retained any company or person, other than a bona fide employee working solely for the CONTRACTOR, to solicit or secure this Agreement, and that he has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the CONTRACTOR, any fee, commission, percentage, brokerage fee, gifts, or any other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, the CITY shall have the right to terminate this Agreement without liability or, in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

#### **ARTICLE 13 – TRUTH-IN-NEGOTIATION CERTIFICATE**

- 13.1 Execution of this Agreement by the CONTRACTOR shall act, constitute, and serve as the execution of a truth-in-negotiation certificate certifying that the wage rates and costs used to determine the compensation provided for in this Agreement is accurate, complete, and current as of the date of the Agreement and no higher than those charged the CONTRACTOR's most favored customer for the same or substantially similar service.
- 13.2 The said rates and costs shall be adjusted to exclude any significant sums should the CITY determine that the rates and costs were increased due to inaccurate, incomplete, or non-current wage rates or due to inaccurate representations of fees paid to outside CONTRACTORS. The CITY shall exercise its rights under this "Certificate" within one (1) year following payment.

#### **ARTICLE 14 - DISCRIMINATION PROHIBITED**

- 14.1 The CONTRACTOR, with regard to the work performed by it under this Agreement, will not discriminate on the grounds of race, color, national origin, religion, creed, age, sex or the presence of any physical or sensory handicap in the selection and retention of employees or procurement of materials or supplies.

#### **ARTICLE 15 - ASSIGNMENT**

- 15.1 The CONTRACTOR shall not sublet or assign any of the services covered by this Agreement without the express written consent of the CITY.

#### **ARTICLE 16 - NON-WAIVER**

- 16.1 A waiver by either CITY or CONTRACTOR of any breach of this Agreement shall not be binding upon the waiving Party unless such waiver is in writing. In the event of a written waiver, such a waiver shall not affect the waiving Party's rights with respect to any other or further breach. The making or acceptance of a payment by either Party with knowledge of the existence of a default or breach shall not operate or be construed to operate as a waiver of any subsequent default or breach.

**ARTICLE 17 – TERMINATION**

17.1 Termination for Convenience: This Agreement may be terminated by the CITY for convenience, upon ten (10) days of written notice by the CITY to the CONTRACTOR of such termination, in which event the CONTRACTOR shall be paid its compensation for services performed to and including the termination date, including services reasonably related to termination. In the event that the CONTRACTOR abandons the Agreement or causes it to be terminated, CONTRACTOR shall indemnify the CITY against all loss, including but not limited to incidental loss, pertaining to such termination.

17.2 Termination for Default: In addition to all other remedies available to the CITY, this Agreement shall be subject to termination by the CITY for cause, should the CONTRACTOR neglect or fail to perform or observe any of the terms, provisions, conditions, or requirements herein contained, if such neglect or failure shall continue for a period of thirty (30) days after receipt by CONTRACTOR of written notice of such neglect or failure. The CITY shall, in its absolute and sole discretion, determine whether the neglect or failure has been remedied at the end of the 30-day cure period.

**ARTICLE 18 - DISPUTES**

18.1 The exclusive jurisdiction and venue for litigation or arbitration of any and all claims, controversies, and any other disputes shall be exclusively in the state courts of Okaloosa County, Florida and nowhere else. Further, this Agreement shall be construed in accordance with Florida Law.

**ARTICLE 19 – UNCONTROLLABLE FORCES**

19.1 Neither the CITY nor CONTRACTOR shall be considered to be in default of this Agreement if delays in or failure of performance shall be due to Uncontrollable Forces, the effect of which, by the exercise of reasonable diligence, the non-performing Party could not avoid. The term “Uncontrollable Forces” shall mean any event which results in the prevention or delay of performance by a Party of its obligations under this Agreement and which is beyond the reasonable control of the non-performing Party. It includes, but is not limited to fire, flood, earthquakes, storms, lightning, epidemic, pandemic, war, riot, civil disturbance, sabotage, and governmental actions.

19.2 Neither Party shall, however, be excused from performance if non-performance is due to forces that are preventable, removable, or remediable, and which the non-performing Party could have, with the exercise of reasonable diligence, prevented, removed, or remedied with reasonable dispatch. The non-performing Party shall, within a reasonable time of being prevented or delayed from performance by an Uncontrollable Force, give written notice to the other Party describing the circumstances and uncontrollable forces preventing continued performance of the obligations of this Agreement.

**ARTICLE 20 - NOTICES**

Notices to the City of Destin shall be sent to the following address:

City of Destin  
Attn: Lance Johnson, City Mgr.  
4200 Indian Trail Bayou  
Destin, FL 32541

Notices to CONTRACTOR shall be sent to the following address:

Utility Consultants of Florida  
Attn: Melanie Porter, CEO  
14800 Walsingham Road #102



Largo, FL 33774

## **ARTICLE 21 - INTEGRATED AGREEMENT**

21.1 This Agreement, together with the RFQ and any addenda and/or attachments, represents the entire and integrated agreement between the CITY and the CONTRACTOR and supersedes all prior negotiations, representations, or agreements written or oral. This Agreement may be amended only by written instrument signed by both CITY and CONTRACTOR.

## **ARTICLE 22 - SOVEREIGN IMMUNITY AND PREVAILING PARTY ATTORNEY'S FEES**

22.1 CITY is a political subdivision of the State of Florida and enjoys sovereign immunity. Nothing in the Agreement is intended, nor shall be construed or interpreted, to waive or modify the immunities and limitations on liability provided for in Section 768.28, Florida Statute, as may be amended from time to time, or any successor statute thereof. To the contrary, all terms and provisions contained in the Agreement, or any disagreement or dispute concerning it, shall be construed or resolved so as to ensure CITY of the limitation from liability provided by any successor statute thereof. Further, all terms and provisions contained in the Agreement, or any disagreement or dispute concerning it, shall be construed or resolved so as to ensure CITY of the limitation from liability provided to the State's subdivisions by state law.

22.2 In connection with any litigation or other proceeding arising out of the Agreement, the prevailing Party shall be entitled to recover from the non-prevailing Party its own costs and attorney's fees through and including any appeals and any post judgment proceedings. CITY's liability for costs and attorney's fees, however, shall not alter or waive CITY's entitlement to sovereign immunity, or extend CITY's liability beyond the limits established in Section 768.28, Florida Statutes, as amended.

22.3 Claims, disputes, or other matters in question between the Parties to this Agreement arising out of or relating to this Agreement shall be addressed and resolved in a court of law, unless otherwise agreed to by the Parties.

## **ARTICLE 23 – PUBLIC RECORDS**

23.1 If the CONTRACTOR has questions regarding the application of Chapter 119, FL Statutes, to the CONTRACTOR's duty to provide public records relating to this contract, contact the custodian of public records at the City Clerk's Office, (850)837-4242, 4200 Indian Bayou Drive, Destin, FL 32541, [clerk@cityofdestin.com](mailto:clerk@cityofdestin.com).

Specifically, the CONTRACTOR must:

1. Keep and maintain public records required by the CITY to perform the service.
2. Upon request from the CITY's custodian of public records, provide the CITY with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in this FS Chapter 119 or as otherwise provided by law.
3. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the CONTRACTOR does not transfer the records to the public agency.
4. Upon completion of the contract, transfer, at no cost, to the CITY all public records in possession of the CONTRACTOR or keep and maintain public records required by the CITY agency to perform the service.



5. If the CONTRACTOR transfers all public records to the CITY upon completion of the contract, the CONTRACTOR shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements.
6. If the CONTRACTOR keeps and maintains public records upon completion of the contract, the CONTRACTOR shall meet all applicable requirements for retaining public records.
7. All records stored electronically must be provided to the CITY, upon request from the CITY's custodian of public records, in a format that is compatible with the information technology systems of the CITY.

#### ARTICLE 24 – MISCELLANEOUS PROVISIONS

24.1 If any provision or any portion thereof contained in this Agreement is held to be unconstitutional, illegal, invalid or unenforceable, the remainder of this Agreement, or portion thereof shall not be affected and shall remain in full force and effect.

24.2 The waiver by either party of a breach of any provision of this Agreement by the other party shall not operate or be construed as a waiver of any subsequent breach by that party of the breached provision or of any other provision of this Agreement.

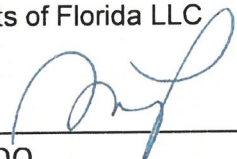
24.3 The Parties acknowledge that each participated equally in the drafting of this Agreement and agree that no Court or Arbitrator construing this Agreement shall construe it more strictly against one party than the other. The Parties further agree that every covenant term and provision of this Agreement shall be construed simply according to its fair meaning.

24.4 This Agreement may be executed in duplicate or counterparts, each of which shall be deemed an original and all of which together shall be deemed one and the same instrument. No term, condition or covenant of this Agreement shall be binding on either party until both Parties have signed it.

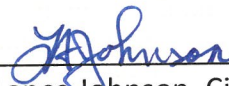
**IN WITNESS WHEREOF**, the Parties hereto have executed this Agreement in multiple copies, each of which shall be considered an original on the following dates:

DATED this 16 day of March, 2021

CONTRACTOR  
Utility Consultants of Florida LLC

  
\_\_\_\_\_  
Mark Porter, COO

CITY OF DESTIN, FLORIDA

  
\_\_\_\_\_  
Lance Johnson, City Manager

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Rey Bailey, City Clerk  
(Corporate Seal)

Approved as to Form:

  
\_\_\_\_\_  
Kyle Bauman, City Attorney

**EXHIBIT A****TO****MASTER CONTRACTOR AGREEMENT****DESTIN UTILITY UNDERGROUNDING PROJECT MANAGEMENT****PROJECTED SCOPE OF SERVICES****City of Destin Utility Undergrounding Project Management**

The range of services includes but is not limited to the comprehensive management and coordination of the City's conversion of overhead to underground utilities. Services are expected to be completed in segments. The following is the anticipated services include, but not limited to:

- Project management and administrative services
- Producing cost estimates
- Project liaison with citizens, elected officials, regulatory agencies and City staff
- Coordination with electric, telephone, communications, regulatory agencies and City staff
- Coordination with consultants, contractors and vendors
- Public information and outreach
- Cost estimating for various portions of the City
- Streetlighting coordination, studies and design
- Construction management services
- Construction inspection services
- General construction oversight
- Opinions of construction cost
- Easement coordination
- Bid documentation preparation and evaluation assistance
- Contractor evaluation services
- Project as-builts and related surveying
- Assist with assessment methodology development
- Financial, funding implementations assistance

**EXHIBIT B****TO****MASTER CONTRACTOR AGREEMENT****DESTIN UTILITY UNDERGROUNDING PROJECT MANAGEMENT****FEE SCHEDULE**

| <b>LABOR CATEGORY</b>       | <b>BILLING RATE</b> |
|-----------------------------|---------------------|
| Sr Project Manager          | \$ 171              |
| Project Manager             | \$ 151              |
| Assistant Project Manager   | \$ 128              |
| Scheduler, CPM              | \$ 151              |
| Contract Support Specialist | \$ 96               |
| Administrative Assistant    | \$ 58               |
| Public Information          | \$ 102              |
| Sr Inspector                | \$ 113              |
| Inspector                   | \$ 75               |
| Inspector Aide              | \$ 61               |
| QC/QA                       | \$ 151              |



## Water Market 2021 Schedule of Hourly Rates

| Employee Classification            | (Rate/Hour) | Employee Classification                        | (Rate/Hour) |
|------------------------------------|-------------|------------------------------------------------|-------------|
| <b><u>Engineering</u></b>          |             | <b><u>Surveying</u></b>                        |             |
| Engineering Manager.....           | \$260.00    | Sr. Surveyor/Project Manager III.....          | \$240.00    |
| Project Manager III.....           | \$225.00    | Sr. Surveyor/Project Manager II.....           | \$215.00    |
| Project Manager II.....            | \$205.00    | Sr. Surveyor/Project Manager I.....            | \$175.00    |
| Project Manager I.....             | \$185.00    | Project Surveyor.....                          | \$135.00    |
| Sr. Technical Specialist.....      | \$260.00    | Sr. Survey CAD Technician.....                 | \$110.00    |
| Project Engineer IV.....           | \$230.00    | Survey CAD Technician.....                     | \$95.00     |
| Project Engineer III.....          | \$190.00    | Survey Technician.....                         | \$85.00     |
| Project Engineer II.....           | \$160.00    | Survey Field Supervisor.....                   | \$110.00    |
| Project Engineer I.....            | \$140.00    | Project Coordinator.....                       | \$120.00    |
| Engineer Intern.....               | \$125.00    | Field Survey Party 1 Person Crew.....          | \$110.00    |
| Designer IV.....                   | \$150.00    | Field Survey Party 2 Person Crew.....          | \$150.00    |
| Designer III.....                  | \$130.00    | Sr. Field Survey Party Two-Person Crew.....    | \$190.00    |
| Designer II.....                   | \$120.00    | Field Survey Party 3 Person Crew.....          | \$215.00    |
| Designer I.....                    | \$100.00    | Sr. Field Survey Party 3 Person Crew.....      | \$225.00    |
| Sr. CAD Technician.....            | \$90.00     | GPS Mapping 1 Person Crew.....                 | \$115.00    |
| CAD Technician.....                | \$70.00     | GPS Mapping 2 Person Crew.....                 | \$150.00    |
| Sr. Project Administrator.....     | \$95.00     | RTK/VRS GPS 1 Person Crew.....                 | \$120.00    |
| Project Administrator.....         | \$80.00     | RTK/VRS GPS 2 Person Crew.....                 | \$165.00    |
| Administrative Assistant.....      | \$70.00     |                                                |             |
| Landscape Architect.....           | \$150.00    | <b><u>Subsurface Utility Engineering</u></b>   |             |
| Landscape Designer.....            | \$130.00    | Utility Engineering Sr. Project Manager.....   | \$225.00    |
|                                    |             | Utility Engineering Project Manager.....       | \$190.00    |
| <b><u>Construction</u></b>         |             | Utility Coordinator I.....                     | \$160.00    |
| Construction Administrator II..... | \$135.00    | Utility Engineering Technician I.....          | \$80.00     |
| Construction Administrator I.....  | \$105.00    | Utility Engineering Technician II.....         | \$90.00     |
| Project Representative III.....    | \$130.00    | Utility Engineering Analyst.....               | \$100.00    |
| Project Representative II.....     | \$125.00    | Utility Engineering Specialist.....            | \$140.00    |
| Project Representative I.....      | \$95.00     | Utility Engineering Party (2 Person Crew)..... | \$180.00    |
|                                    |             |                                                |             |
| <b><u>Field Services</u></b>       |             | <b><u>Geospatial Information Systems</u></b>   |             |
| Field Technician I.....            | \$90.00     | GIS Specialist.....                            | \$120.00    |
| Field Technician II.....           | \$115.00    | GIS Technician II.....                         | \$100.00    |
| Field Services Manager.....        | \$140.00    | GIS Technician I.....                          | \$80.00     |
|                                    |             | GIS Analyst I.....                             | \$115.00    |
|                                    |             | GIS Analyst II.....                            | \$125.00    |
|                                    |             | LiDAR Field Technician.....                    | \$95.00     |
|                                    |             | LiDAR Technician I.....                        | \$85.00     |
|                                    |             | LiDAR Technician II.....                       | \$115.00    |
|                                    |             | LiDAR Technician III.....                      | \$135.00    |
|                                    |             | Photogrammetric Technician.....                | \$110.00    |
|                                    |             | Photogrammetrist.....                          | \$160.00    |

**EXHIBIT C**

**TO**

**MASTER CONTRACTOR AGREEMENT**

**DESTIN UTILITY UNDERGROUNDING PROJECT MANAGEMENT**

**REIMBURSABLE FEE SCHEDULE**

|                                                                                                                             |                                                           |
|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| 1. Reproduction Cost                                                                                                        | Single Side      Double Sided                             |
| A. Regular Copying                                                                                                          | In accordance with Florida Statutes                       |
| B. Blueprint Copy                                                                                                           | In accordance with Florida Statutes                       |
| 2. Subcontractor Services<br>(These services are applicable to all subcontractors that are not named in Exhibit B herein)   | Actual Costs                                              |
| 3. Special Consultants<br>(These services are applicable to all special consultants that are not named in Exhibit B herein) | Actual Costs                                              |
| 4. Telecommunications                                                                                                       |                                                           |
| A. Local                                                                                                                    | Non-reimbursable                                          |
| B. Non-Local                                                                                                                | Actual Costs                                              |
| 5. Computer Services                                                                                                        | Non-reimbursable                                          |
| 6. Travel Expenses                                                                                                          | In accordance with<br>Chapter 112.061<br>Florida Statutes |
| 7. Postage, Fed Ex, UPS                                                                                                     | Actual Costs                                              |
| 8. Pre-approved Equipment<br>(Includes purchase and rental of equipment used in project)                                    | Actual Costs                                              |

Reimbursable Expenses are the actual, pre-approved, expenses incurred directly in connection with an applicable Work Authorization or a project designated by the Town to the Consultant. This reimbursement cost schedule shall supersede all prior oral or written statements or agreements.

**EXHIBIT D**

**TO**

**MASTER CONTRACTOR AGREEMENT**

**DESTIN UTILITY UNDERGROUNDING PROJECT MANAGEMENT**

Request for Qualifications for DESTIN UTILITY UNDERGROUNDING PROJECT MANAGEMENT,  
(RFQ No. 20-03-CD), to include all attachments and addenda, and the Contractor's response  
thereto



**Office of the  
City Manager**

Phone: 850-837-4242

Fax: 850-837-3267

# TASK ORDER

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DATE: 04/19/2021

TO: Utility Consultants of Florida (via email)

FROM: Jeff Cozadd, Projects/Grants/Contracts Manager

SUBJECT: TASK ORDER 1, Utility Undergrounding

The City of Destin (City) has reviewed and approved your proposal to perform Task Order 1 consistent with the Agreement for 20-03-CD Destin Utility Undergrounding Project Management, attached scope of services and fee proposal (Exhibits A & B).

Scope of Work:

TASK ORDER 1 – See Exhibits A & B

Services Fee:

Not to Exceed

**\$212,624.00**

For the City:

\_\_\_\_\_  
Jeff Cozadd, Projects/Grants/Contracts Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lance A. Johnson, City Manager

\_\_\_\_\_  
Date



## **EXHIBIT “A”**

### **SCOPE OF SERVICES FOR UNDERGROUNDING PROJECT MANAGEMENT**

#### **Project Management (TASK ORDER 1)**

1. Meeting with CITY staff and other Key Stakeholders to discuss project advancement, funding initiatives, desired overall timeline, and next steps.
2. Discussions & coordination with CITY staff, Utilities (Gulf Power, AT&T, CenturyLink, and Cox), and other Key Stakeholders on overall process for the City’s UG Project, including relationships to the current franchise agreement negotiations, goals, and objectives.
3. Review overall sequencing of the several Utilities’ components of the UG Project, potentially including a CITY-sponsored fiber component, to establish estimated timelines and sequencing/phasing of Phase 1 of the Destin UG Project.
4. Identify and confirm 1<sup>st</sup> project phase logistical limits incorporating the overall “city-wide project phasing” for the undergrounding project; includes conceptual identification of immediate subsequent phases to enable evaluation of how Phase 1 will tie into subsequent phases.
5. Identify conceptual phases for entire Destin UG Project.
6. Identify all existing aerial infrastructure within Phase 1 of the Project limits that will be part of the underground conversion.
7. Coordinate with CITY for potential fiber infrastructure needs to capture during the undergrounding project to enhance and/or improve cellular proliferation and other fiber betterment(s). If the CITY decides to advance a fiber infrastructure as part of the undergrounding, review and propose a cost efficient approach to incorporate design and construction of fiber facilities as part of the UG Project. Support coordination efforts.
8. Field verification of existing facilities prior to engagement with utility owners to identify all aerial utility owners within the project area.
9. Prepare and submit an Opinion of Probable Cost detailing cost estimates for the underground conversion.
10. OPINION OF PROBABLE COST FOR PHASE 1
  - Full written report on determination of all existing overhead/underground facilities to assess what current aerial infrastructure will be part of the undergrounding effort. (Included in Opinion of Probable Cost)
  - Assessment of cost related to the underground conversion within Phase 1 – includes projected cost for Gulf Power, AT&T, Century Link, Cox Communication, potential City improvements, streetlights, restoration, CIAC/GAF type credits, and other factors. (Opinion of Probable Cost)
  - Coordination with any FDOT planned improvements within the Phase.
  - Communications with Gulf Power, AT&T, Century Link, and Cox Communication.
  - Determine feeders, equipment (CIF’s) locations, logical extensions, meter conversions, and any areas that may be radial that will need to be looped.
  - Ensure all utility owners have been coordinated with and share initial estimates with consideration to their respective scope/projected costs.
  - Identify all potential cost components and credits that are included in determination of CITY’s cost for undergrounding – including costs of new OH and UG facilities, Governmental Adjustment Factor (GAF’s)/Contribution in Aid of Construction (CIAC) credits, and other cost and credit components as identified in Gulf/FPL Tariff.
  - Conduct coordination meetings and site visits after data collection with the UAO’s to identify projected scope and considerations/needs for their respective designs. Establish utility owners



design timelines.

- Prepare and maintain a master project schedule for all construction phases.

11. Prepare request for Binding Cost Estimate (BCE) for Phase 1 to Gulf/FPL
12. Prepare ballpark cost estimate (not an opinion of probable cost) for entire City UG Project, including all Utilities and potential fiber system.
13. Attend and/or support Council Meetings.
14. Coordinate with Utilities, FDOT, local governmental authorities, and other potential agencies to review their proposed work plans against the Undergrounding Project Phases. This includes discussions, constructability and other considerations with the agencies to review their planned or proposed work with the proposed undergrounding project to find efficiencies and minimize schedule & cost impacts.

## EXHIBIT B FEE SCHEDULE

| Project Management "TASK 1"                         |                                       |               |
|-----------------------------------------------------|---------------------------------------|---------------|
| TASK 1                                              | Consultants Costs                     |               |
| CITY OF DESTIN UNDERGROUNDING<br>PROJECT MANAGEMENT |                                       |               |
| Project Management                                  | Scope                                 | Fee           |
| Sr Project Manager                                  | a, b, h, l, k, l, n                   | \$ 26,676.00  |
| Project Manager                                     | a, c, d, e, f, g, h, l, j, k, l, m, n | \$ 164,276.00 |
| Assistant PM/ Project Administrator                 | f                                     | \$ 15,872.00  |
| Scheduler                                           |                                       | TBD/If Needed |
| Funding Specialist                                  |                                       | TBD/If Needed |
| Public Information                                  |                                       | TBD/If Needed |
| Project Administrator                               |                                       | TBD/If Needed |
| Inspector                                           |                                       | TBD/If Needed |
| Administrative                                      | a ~ n                                 | \$5,800.00    |
|                                                     |                                       | \$212,624.00  |

These are forecast projections for April 2021 to March 2022 and may fluctuate based on project needs.

CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** April 19, 2021  
**TYPE OF AGENDA ITEM:** City Manager Report  
**AGENDA OUTLINE NUMBER:** 4.E.

---

**TO:** City Council

**THRU:** Kyle Bauman, City Attorney  
Donald Smith, City Engineer  
Louis Zunguze, Community Development Director  
Jeffrey Cozadd, Grants Manager

**FROM:** Webb Warren, Deputy City Manager

**DATE:** 4/13/21

**SUBJECT:** Support of Bill to Consolidate Utility Poles - SB 1944/HB 1567

---

**I. BACKGROUND:** Destin is beginning an initiative to underground utility lines within our City Limits. This initiative will reduce visual clutter of utility poles and overhead lines as well as help to harden critical infrastructure from strong storms and hurricanes.

**II. DISCUSSION:** Nextera has reached out to the City asking for the City of Destin's support of SB 1944 and HB 1567. They provided the attached flyer (ATT1) as well as the following information:

For nearly 15 years, Florida Power & Light has been enhancing the energy grid to make it stronger and more storm-resilient, which includes installing new poles that can withstand hurricane-force winds. Before FPL can remove an old pole, we must wait for the other utilities to transfer their equipment to the new pole. This causes double pole situations, which, while unsightly, often do not affect the reliable service provided to FPL customers.

Proposed legislation (SB 1944 and HB 1567) provides a new process to remove double poles and streamline disputes between utilities, among other issues, under the authority of the Florida Public Service Commission.

If you feel these bills would benefit your community, I encourage you to contact Senator Ben Albritton and State Representative Nick DiCeglie to express your support.

**A. Link to Strategic Goals / Objectives:** Council Priority #2 - Underground Utilities

**B. Effect on Budget (EOB):** NONE

**C. Level of Service (LOS):** None

**III. CONCLUSION:** The City's undergrounding project is one of Council's top priorities. Consolidating utility poles as described in the attached material should help provide increased storm resiliency for critical infrastructure as well as simplify future undergrounding opportunities. If authorized, City Staff, will send a letter of support for SB 1944 and HB1567 (ATT2). Senate and House staff analysis of the bill as well as the bill itself is also included for reference (ATT3, ATT4, ATT5).

**IV. RECOMMENDED MOTION:** I move to authorize and direct the Mayor and City Manager to send the attached letter of support for SB 1944 and HB 1567 to the state legislature.

Attachments:

1. ATT1-FPL\_FACT SHEET\_Double Poles
2. ATT2- Letter of Support for SB 1944 - HB 1567
3. ATT3 - SB 1944 - Bill Text
4. ATT4 - HB 1567 (2021) - House of Representatives Staff Analysis
5. ATT5 - SB 1944 - Senate Staff Analysis

# Background on SB 1944/HB 1567

For nearly 15 years, Florida Power & Light Company (FPL) has been enhancing the energy grid to make it stronger and more storm-resilient. Our more than \$5 billion of investments have benefitted customers by speeding restoration after a tropical storm or hurricane and enhancing overall reliability.

## Part of those investments include:

- » Replacing power poles with stronger ones that are able to withstand hurricane-force winds or adding poles in between existing ones, which strengthens or hardens the power line.
- » Inspecting all of our more than 1.2 million power poles on an ongoing eight-year cycle (approximately 150,000 poles inspected annually) and replacing those that don't meet our standards for strength.

## It's important to note the following:

- » Utility poles are owned and maintained by a variety of companies, including FPL and AT&T.
- » While the use of poles is shared by many companies, only one company owns and maintains each utility pole in Florida.
- » Electric utilities like FPL are mandated by the Florida Public Service Commission (FPSC) under state law to ensure the strength and resiliency of the poles it owns and maintains; however, telephone providers, like AT&T, are not subject to FPSC oversight.

While FPL continues to make the energy grid stronger, customers may see old poles next to the new ones because many of our poles hold wires and other equipment for other utilities, including telephone, telecommunications and cable TV services. Before FPL can remove the old poles, we must wait for the other utilities to transfer their equipment to the new pole. This causes double pole situations, which, while unsightly, often do not affect the reliable service provided to FPL customers.



This photo shows an FPL concrete pole, an example of the company's efforts to make the energy grid stronger and more storm-resilient, flanked by two older wooden poles. FPL cannot remove the wooden poles until other utilities transfer their equipment to the cement pole.



While we have been working with other utilities regarding this issue, AT&T has failed to work with FPL on our program to strengthen the energy grid. AT&T has been extremely slow in transferring its equipment to FPL's new hardened poles, resulting in unsightly double poles for extended periods of time. Despite being provided detailed information on the location of these double poles, AT&T has allowed thousands to remain in backyards and along streets for months and even years.

## Highlights of SB 1944/HB 1567

- » Requires FPSC, rather than the Federal Communications Commission (FCC), to regulate and enforce rates, charges, terms and conditions for pole attachments, and to resolve pole attachment disputes.
  - FPSC can streamline dispute process, which will provide for an accessible, lower cost and more even-handed process.
  - Requires the FPSC to regulate the safety, vegetation management, emergency response, and storm restoration requirements of poles owned by providers of communications services, and requires the FPSC to impose fines on such providers for non-compliance.
  - Florida would join 22 other states that have recently created this provision.
- » Provides a statutory mechanism for the prompt and sequential removal of pole attachments, which would speed the removal of double poles from rights of way and easements.
  - Requires removal of pole attachments within a specified timeframe after written notice from the pole owner.
  - Provides that if the pole attachments are not removed in a timely manner, the pole owner may remove or transfer the equipment at the attaching entity's expense.
  - In lieu of removal or transfer by the pole owner, the pole owner may elect to transfer title to the poles or sell the poles to the attaching utility that continues to use the pole. All pole ownership liability and obligation would automatically transfer to the new owner, and the former owner would be relieved of all such liability and obligation.
  - Requires the FPSC to impose monetary fines against repeat violators of the statute. All assessed fines would be placed in a fund for the purpose of expanding broadband service to unserved and under-served areas of the state.

## Example of failed AT&T poles

During 2019's Hurricane Dorian, an AT&T pole failed, causing a power outage for 16 FPL customers in Miami-Dade County for approximately nine hours. FPL's database indicates that this pole was owned by AT&T and installed around 1957. FPL replaced this AT&T pole to restore power to its customers.





# Office of the Mayor

4200 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-837-4242 | Fax: 850-650-9250 | [www.cityofdestin.com](http://www.cityofdestin.com)

April 19, 2021

The Honorable Nick DiCeglie  
303 House Office Building  
402 South Monroe Street  
Tallahassee, FL 32399-1300  
[Nick.DiCeglie@myfloridahouse.gov](mailto:Nick.DiCeglie@myfloridahouse.gov)

The Honorable Ben Albritton  
314 Senate Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100  
[Albritton.ben@flsenate.gov](mailto:Albritton.ben@flsenate.gov)

RE: SB 1944/HB 1567

Dear Representative DiCeglie and Senator Albritton:

On behalf of the City of Destin, we write to express our support of SB 1944/HB 1567 and urge its swift passage.

In Destin, we have a problem with what is known as double poles. This occurs when one utility, such as Florida Power & Light Company (FPL), installs new poles to upgrade the energy grid, but the old pole remains. It is our understanding that other utilities, such as telephone, cable and telecommunications companies, need to transfer their equipment to the new pole before FPL can remove the old pole. In our area, some of these poles have remained for several months and even years because telecommunication companies fail to transfer their equipment to the new FPL pole.

With the passing of SB 1944/HB 1567, Florida will join twenty-two other states that have recently created this provision to place the authority for all utility poles and infrastructure where it belongs – within our state. Infrastructure could be uniformly overseen by the Florida Public Service Commission, rather than a combination of state and federal jurisdictions. Therefore, SB 1944/HB 1567 provides a way to speed utility equipment transfers and speed the removal of double poles from city rights of way and easements. This bill will allow state authorities to take control and enforce the removal of multiple poles from one location where there should only be one pole – a complaint we often receive from constituents.

Additionally, with a state that is prone to hurricanes and strong summer storms, utility infrastructure needs to be strong and resilient. FPL has done its part for the poles they operate and maintain; however, other utilities in our state need to step up and do their part as well.

Sincerely,

\_\_\_\_\_  
Mayor Gary Jarvis

\_\_\_\_\_  
Lance A. Johnson, City Manager



Cc: Destin City Council

By Senator Albritton

26-01453-21

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A bill to be entitled

An act relating to utility and communications poles; amending s. 366.02, F.S.; defining terms; amending s. 366.04, F.S.; requiring the Public Service Commission to regulate and enforce rates, charges, terms, and conditions for pole attachments under certain circumstances; providing requirements for such rules; providing construction; providing situations under which a pole owner may deny access to the owner's pole on a nondiscriminatory basis; authorizing the commission to hear and resolve complaints concerning rates, charges, terms, conditions, voluntary agreements, and denial of access relative to pole attachments; requiring the commission, at the request of a party, to assume jurisdiction over certain complaints before the Federal Communications Commission; requiring the commission to adopt rules by a specified date; requiring the commission to regulate the safety, vegetation management, repair, replacement, maintenance, relocation, emergency response, and storm restoration requirements for certain plants and equipment of communications services providers; requiring the commission to adopt rules, including monetary penalties, by a specified date; creating s. 366.97, F.S.; providing legislative findings; requiring attaching entities to remove pole attachments from redundant poles within a specified timeframe after receipt of a written notice from the pole owner; requiring the commission to provide the

26-01453-21

20211944\_\_

form and requirements for such notice; authorizing a pole owner or its agent to transfer or relocate pole attachments of an attaching entity at the entity's expense under certain circumstances; providing an exception; authorizing a pole owner to remove and sell or dispose of certain abandoned pole attachments; requiring that the pole owner and its directors, officers, agents, and employees be held harmless under certain circumstances for such actions; authorizing the commission to require attaching entities to post certain security instruments by rule; authorizing certain pole owners to transfer legal title of a redundant pole to an attaching entity that has not removed a pole attachment within a specified timeframe; providing for such transfer of title; providing for the transfer of obligation, responsibility, and liability of a pole to the new owner upon such a transfer of title; requiring the commission to impose monetary penalties for violations; requiring the commission to provide grants to install and upgrade broadband infrastructure in this state from any monetary penalty collected; providing construction; requiring the commission to adopt rules by a specified date; providing a directive to the Division of Law Revision; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:



26-01453-21

20211944\_\_

Section 1. Subsection (4) through (9) are added to section 366.02, Florida Statutes, to read:

366.02 Definitions.—As used in this chapter:

(4) "Attaching entity" means a person that is a local exchange carrier, a public utility or an electric utility, a communications services provider, or a cable television operator who owns or controls pole attachments.

(5) "Communications services" has the same meaning as in s. 202.11.

(6) "Pole" means a pole, duct, conduit, or right-of-way that is used for wire or wireless communications or electricity distribution and that is owned in whole or in part by a pole owner, or a streetlight fixture that is owned in whole or in part by a public utility.

(7) "Pole attachments" means local exchange carrier, electric, communications services, or cable television facilities attached to a pole by an entity other than the pole owner.

(8) "Pole owner" means a local exchange carrier, a public utility or an electric utility, a communications services provider, a cable television operator, or other public utility which owns a pole used in whole or in part, for electrical purposes or for any wire or wireless communications.

(9) "Redundant pole" means a pole owned or controlled by a pole owner which is:

1. Within 50 feet of a new pole which is intended to replace the old pole from which some or all of the pole attachments have not been removed and transferred to the new pole;

26-01453-21

20211944\_\_

88       2. Left standing after the pole owner has relocated its  
89 facilities to underground but on which pole attachments of other  
90 attaching entities remain; or

91       3. Left standing after a pole owner's attachments have been  
92 removed from that route or location to accommodate a new route  
93 or design for the delivery service.

94       Section 2. Subsections (8) and (9) are added to section  
95 366.04, Florida Statutes, to read:

96       366.04 Jurisdiction of commission.—

97       (8)(a) The commission shall regulate and enforce rates,  
98 charges, terms, and conditions for pole attachments in  
99 situations in which a pole owner is unable to reach an agreement  
100 with a party seeking pole attachments, including the types of  
101 attachments regulated under 47 U.S.C. s. 224(a)(4), attachments  
102 to streetlight fixtures, or attachments to poles owned by a  
103 communications services provider, to ensure that such rates,  
104 charges, terms, and conditions are just and reasonable. The  
105 commission's authority under this subsection includes, but is  
106 not limited to, the state regulatory authority referenced in 47  
107 U.S.C. s. 224(c).

108       (b) In developing the rules, the commission shall consider  
109 the interests of the subscribers and users of the services  
110 offered through such pole attachments, as well as the interests  
111 of the consumers of any pole owner providing such attachments.

112       (c) It is the intent of the Legislature to encourage  
113 parties to enter into voluntary pole attachment agreements, and  
114 this subsection may not be construed to prevent parties from  
115 voluntarily entering into pole attachment agreements without  
116 commission approval.

26-01453-21

20211944\_\_

117 (d) A party's right to nondiscriminatory access to a pole  
118 under this subsection is identical to the rights afforded under  
119 47 U.S.C. s. 224(f)(1). A pole owner may deny access to its  
120 poles on a nondiscriminatory basis when there is insufficient  
121 capacity, for reasons of safety and reliability, and when  
122 required by generally applicable engineering purposes. A pole  
123 owner's evaluation of capacity, safety, reliability, and  
124 engineering requirements must consider relevant construction and  
125 reliability standards approved by the commission and may include  
126 an evaluation of the financial and performance-related  
127 capabilities of the entity requesting attachment.

128 (e) The commission may hear and resolve complaints  
129 concerning rates, charges, terms, conditions, voluntary  
130 agreements, or any denial of access relative to pole attachments  
131 with regard to the types of attachments regulated under 47  
132 U.S.C. s. 224, attachments to streetlight fixtures, or  
133 attachments owned by a communications services provider. Federal  
134 Communications Commission precedent is not binding upon the  
135 commission in the exercise of its authority under this  
136 subsection.

137 (f) Upon commencement of its authority under this  
138 subsection, the commission, upon the request of a party to a  
139 complaint proceeding pending before the Federal Communications  
140 Commission, shall assume jurisdiction over the matter if it is  
141 not yet subject to a final order of the Federal Communications  
142 Commission at the time of the request.

143 (g) The commission shall adopt rules by October 1, 2021, to  
144 administer and implement this subsection, including one or more  
145 appropriate formulae for apportioning costs.

26-01453-21

20211944\_\_

146       (9) (a) The commission shall regulate the safety, vegetation  
147 management, repair, replacement, maintenance, relocation,  
148 emergency response, and storm restoration requirements for  
149 poles, conduits, ducts, pipes, pole attachments, wires, cables,  
150 and related plant and equipment of communication services  
151 providers. The commission shall require communications services  
152 providers to establish storm reserve funds for the repair and  
153 replacement of facilities after natural disasters.

154       (b) The commission shall adopt rules by October 1, 2021, to  
155 administer and implement this subsection, including, but not  
156 limited to:

157       1. Mandatory pole inspections, including repair or  
158 replacement; vegetation management requirements for poles owned  
159 by providers of communications services; the establishment of  
160 storm reserve funds; and the sequential and timely removal of  
161 pole attachments; and

162       2. Monetary penalties to be imposed upon any communication  
163 services provider that fails to comply with any such rule of the  
164 commission.

165       Section 3. Section 366.97, Florida Statutes, is created to  
166 read:

167       366.97 Redundant poles; transfer of ownership; penalties.—

168       (1) The Legislature finds that:

169       (a) It is in the public interest for public utilities,  
170 communications services providers, and cable television  
171 operators that own poles to harden their infrastructure to  
172 strengthen the ability of their above-ground infrastructure to  
173 withstand extreme weather conditions, by and among other things,  
174 replacing older poles with newer, stronger poles; however, this

26-01453-21

20211944\_\_

work combined with the undergrounding of electrical facilities may result in redundant poles within public rights-of-way and easements for significant durations because owners of third-party pole attachments may not keep pace in removing their facilities from the old poles.

(b) Pole owners that set new poles are prevented from removing redundant poles when the pole attachments of other entities remain on the old poles. Such pole owners continue to incur liability as owners of poles they no longer use or want, but which continue to be used by other entities.

(c) Redundant poles in the public rights-of-way and easements are aesthetically unappealing and potentially create overcrowding of, and unsafe conditions in, the public rights-of-way and easements.

(d) It is in the public interest to timely and sequentially remove pole attachments from redundant poles and to transfer the ownership of poles from pole owners that are no longer using the poles to entities that continue to attach facilities to the poles.

(2)(a) An attaching entity must remove its pole attachments from a redundant pole within 90 calendar days after receipt of written notice from the pole owner requesting such removal. The commission shall provide the form and requirements for such notice.

(b) If an attaching entity fails to remove a pole attachment pursuant to paragraph (a), except to the extent excused by an event of force majeure or other good cause as determined by the commission, the pole owner or its agent may transfer or relocate the pole attachment to the new pole at the

26-01453-21

20211944\_\_

204 non-compliant attaching entity's expense. This subsection does  
205 not apply to an electric utility's pole attachments.

206 (c) If a pole attachment is abandoned or no longer in use  
207 by a noncompliant attaching entity, the pole owner or its agent  
208 may remove the pole attachment at the noncompliant attaching  
209 entity's expense and may sell or dispose of the pole attachment.  
210 The noncompliant attaching entity shall indemnify, defend, and  
211 hold harmless the pole owner and its directors, officers,  
212 agents, and employees from and against all liability, except to  
213 the extent of any finding of gross negligence or willful  
214 misconduct, including attorney fees and litigation costs,  
215 arising in connection with the removal, transfer, sale, or  
216 disposal of the pole attachments from a redundant pole by the  
217 pole owner.

218 (d) The commission may require by rule that an attaching  
219 entity post security instruments in favor of pole owners in  
220 amounts reasonably sufficient to cover the cost of the removal,  
221 transfer, sale, or disposal of pole attachments.

222 (3) (a) When a pole owner removes and relocates its overhead  
223 facilities or converts its overhead facilities to underground,  
224 in lieu of removal, transfer, sale, or disposal of the pole  
225 attachments as provided in subsection (2), the pole owner may  
226 transfer legal title of the redundant pole to an attaching  
227 entity that has not removed a pole attachment within 90 days  
228 after receipt of a notice to remove.

229 (b) Transfer of title shall occur by operation of law upon  
230 the date a written notice of title transfer is sent by the pole  
231 owner. The notice of title transfer must include pole  
232 identification numbers, if applicable, and must describe with

26-01453-21

20211944\_\_

specificity the locations of the pole or poles to be transferred and their corresponding remaining book value.

(c) Within 60 days after transferring title, the attaching entity shall remit payment to the transferor pole owner an amount equal to the total of the remaining book value for all poles listed in the notice of title transfer.

(d) A transferor pole owner may seek to enforce its rights under this subsection, including its right to payment, in the circuit court in whose jurisdiction the transferred poles are located. The transferor pole owner is entitled to prejudgment interest at the prevailing statutory rate, and the prevailing party in any such action is entitled to recover its reasonable attorney fees and court costs.

(e) Upon transfer of title, all obligation, responsibility, and liability incumbent upon a pole owner in this state including, but not limited to, safety, vegetation management, repair, replacement, maintenance, relocation, removal, emergency response, storm restoration, taxes, and third-party liability, shall immediately become the legal obligation, responsibility, and liability of the new pole owner. The transferor pole owner is relieved of all such obligation, responsibility, and liability immediately upon transfer of title.

(4) The commission shall impose monetary penalties upon any entity subject to its jurisdiction which is found to be in violation of this section. Upon petition by a pole owner, the commission may issue orders requiring the removal or transfer of pole attachments by noncompliant attaching entities and shall impose monetary penalties in accordance with this section.

(5) All monetary penalties assessed by the commission

26-01453-21

20211944\_\_

pursuant to this section must be used by the commission to  
provide grants for the installing and upgrading of broadband  
infrastructure in unserved and underserved rural and low-income  
areas of this state. The commission shall establish criteria for  
the award of grants from the fund to businesses and  
organizations that have demonstrated the ability to construct  
and install infrastructure and that have submitted an  
application and proposal detailing how the grant funds would  
further the objectives of this subsection to expand broadband  
services in unserved and underserved areas.

(6) This section may not be construed to do any of the  
following:

(a) Prevent a party at any time from entering into a  
voluntary agreement authorizing a pole owner to remove an  
attaching entity's pole attachment. It is the intent of the  
Legislature to encourage parties to enter into such voluntary  
agreements without commission approval.

(b) Impair the contract rights of a party to a valid pole  
attachment agreement in existence before the effective date of  
this act.

(7) The commission shall adopt rules by October 1, 2021, to  
implement this section, including rules providing for the  
sequential removal of all pole attachments from redundant poles  
and establishing monetary penalties to be imposed against any  
entity in violation of this section.

Section 4. The Division of Law Revision is directed to  
replace the phrase "the effective date of this act" wherever it  
occurs in this act with the date this act becomes a law.

Section 5. This act shall take effect upon becoming a law.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1567 Utility and Communication Service Poles

**SPONSOR(S):** Tourism, Infrastructure & Energy Subcommittee, DiCeglie and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1944

| REFERENCE                                                           | ACTION           | ANALYST | STAFF DIRECTOR or<br>BUDGET/POLICY CHIEF |
|---------------------------------------------------------------------|------------------|---------|------------------------------------------|
| 1) Tourism, Infrastructure & Energy Subcommittee                    | 16 Y, 1 N, As CS | Willson | Keating                                  |
| 2) State Administration & Technology<br>Appropriations Subcommittee | 12 Y, 2 N        | Lee     | Topp                                     |
| 3) Commerce Committee                                               |                  |         |                                          |

### SUMMARY ANALYSIS

“Pole attachment” refers to the process by which telecommunications companies can collocate telecommunications infrastructure on existing electric utility poles. Telecommunications companies and electric utilities have an established system of utility poles to carry the wires that move their resources from provider to the consumer. However, telecommunications companies typically own relatively few poles so they often lease space from electric utility pole owners. Historically, rates, terms, and conditions for attachments to municipal and cooperative utility poles have been established through private contracts.

Federal law broadly preempts the regulation of telecommunications services, including pole attachments. However, federal law allows states to exercise reverse preemption over the Federal Communications Commission’s (FCC) jurisdiction over pole attachments.

The bill requires the Florida Public Service Commission (PSC) to regulate pole attachments in Florida, taking over the role currently performed by the FCC. The bill requires the PSC to hear and resolve complaints concerning rates, charges, terms, conditions, voluntary agreements, or any denial of access relative to pole attachments. The bill provides that FCC precedent is not binding upon the PSC. Additionally, the bill specifies that the PSC, upon the request of a party to a complaint proceeding pending before the FCC, must assume jurisdiction over the matter if it is not yet subject to a final order of the FCC at the time of the request.

The bill defines “redundant pole” and requires that attaching entities remove their pole attachments from a redundant pole within 180 days of a written request by the pole owner. Under certain circumstances, the pole owner may transfer or relocate the pole attachment to a new pole at the noncompliant attaching entity's expense, unless the pole attachments are owned by an electric utility.

The bill requires the PSC to regulate the maintenance of certain telecommunications infrastructure and requires telecommunications companies to create storm reserve funds overseen by the PSC.

The bill requires the PSC to impose monetary penalties upon any entity that violates the provisions of the bill. Upon petition by a pole owner, the bill authorizes the PSC to resolve disputes or order the removal or transfer of pole attachments by noncompliant attaching entities, and requires the PSC to impose monetary penalties. Revenues collected from these penalties must be used by the PSC to provide broadband infrastructure grants.

The bill requires the PSC to adopt rules by October 1, 2021.

The PSC indicates a fiscal impact to implement the provisions of CS/HB 1567. However, it is expected this can be absorbed within existing resources. See *Fiscal Analysis & Economic Impact Statement*.

The bill takes effect upon becoming law.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Current Situation

##### **Regulation of Pole Attachments**

First deployed in America in 1844 to extend telegraph service, utility poles provide the scaffolding for the technology of the twenty-first century. In the mid-nineteenth and early twentieth centuries, many states adopted laws granting rights-of-way (ROW) to construct utility poles, wires, and facilities to transmit electricity and communications signals. First telegraph, then telephone, electricity, cable, wireless, and Internet Service Providers have sought to attach facilities to wooden, and later steel or composite, utility poles.<sup>1</sup>

The term pole attachment refers to the process by which communications companies can collocate communications infrastructure on existing electric utility poles. This reduces the number of poles that must be built to accommodate utility services, while reducing costs to users of both services by allowing providers to share costs. Rules governing pole attachments seek to balance the desire to maximize value for users of both electric and communications services with concerns unique to electric utility poles, such as safety and reliability.<sup>2</sup>

Pole attachments, originally by mutual agreement but later by federal statute and regulation, provide non-pole-owning cable and telecommunication service providers (e.g. cable TV, local exchange carriers) with access to a utility's distribution poles, conduits, and ROW for:

- Installing fiber, coaxial cable or wires, and other equipment;
- Building an interconnected network; and
- Reaching customers.<sup>3</sup>

The space requested for a pole attachment is typically one foot.

Congress began regulating pole attachments<sup>4</sup> in 1978.<sup>5</sup> The Telecommunications Act of 1996<sup>6</sup> expanded pole attachment rights to telecommunications<sup>7</sup> carriers. The Act requires utilities<sup>8</sup> to provide nondiscriminatory access to cable television systems and telecommunications carriers. The Act also authorizes the Federal Communications Commission<sup>9</sup> (FCC) to regulate the rates, terms, and conditions of attachments by cable television operators to the poles, conduit, or ROW owned or controlled by utilities in the absence of parallel state regulation.<sup>10</sup> The Legislation withheld from FCC

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<sup>1</sup> Catherine J.K. Sandoval, *Contested Places, Utility Pole Spaces: A Competition and Safety Framework for Analyzing Utility Pole Association Rules, Roles, and Risks*, 69 Cath. U. L. Rev. 473, 474–75 (2020).

<sup>2</sup> American Public Power Association, *Issue Brief: Preserving the Municipal Exemption from Federal Pole Attachment Regulations* (Jan. 2021) <https://www.publicpower.org/policy/preserving-municipal-exemption-federal-pole-attachment-regulations> (last visited Mar. 13, 2021).

<sup>3</sup> Edison Electric Institute, Pole Attachments 101, <https://ecfsapi.fcc.gov/file/7020708245.pdf> (last visited Mar. 13, 2021).

<sup>4</sup> 47 U.S.C. § 224(a)(4), defines “pole attachment” as “any attachment by a cable television system or provider of telecommunications service to a pole, duct, conduit, or right-of-way owned or controlled by a utility.”

<sup>5</sup> The Pole Attachment Act of 1978 granted utility pole access to cable companies, and was designed to promote utility competition and service to the public. Communications Act Amendments of 1978, Pub. L. No. 95-234. (Feb. 21, 1978).

<sup>6</sup> Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996).

<sup>7</sup> The term “telecommunications” means the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received. 47 U.S.C. § 153(50).

<sup>8</sup> 47 U.S.C. § 224(a)(1), defines “utility” as “any person who is a local exchange carrier or an electric, gas, water, steam, or other public utility, and who owns or controls poles, ducts, conduits, or rights-of-way used, in whole or in part, for any wire communications. Such term does not include any railroad, any person who is cooperatively organized, or any person owned by the Federal Government or any State.”

<sup>9</sup> The FCC regulates interstate and international communications by radio, television, wire, satellite and cable in all 50 states, the District of Columbia and U.S. territories. An independent U.S. government agency overseen by Congress, the FCC is the United States’ primary authority for communications law, regulation and technological innovation. FCC, *What We Do*, <https://www.fcc.gov/about-fcc/what-we-do> (last visited Mar 13, 2021).

<sup>10</sup> 47 U.S.C. § 224.

jurisdiction the authority to regulate attachments where the utility is a railroad, cooperatively organized, or owned by a government entity.<sup>11</sup>

The 1996 Act permits utilities to deny access where there is insufficient capacity and for reasons of safety, reliability or generally applicable engineering purposes. In addition to establishing a right of access, the Act provides a rate methodology for “attachments used by telecommunications carriers to provide telecommunications services”<sup>12</sup> in addition to the existing methodology for attachments “used by a cable television system solely to provide cable service.”<sup>13</sup>

Federal law broadly preempts the regulation of telecommunications services.<sup>14</sup> However, federal law allows states to exercise reverse preemption over the FCC’s jurisdiction of communications infrastructure access,<sup>15</sup> meaning that once a state adopts its own utility pole access rules, the FCC loses jurisdiction over pole attachments to the extent that the state regulates such matters.<sup>16</sup>

Federal law specifically recognizes the authority of state and local governments to manage the public ROW, and to require fair and reasonable compensation for the use of such ROW.<sup>17</sup> The law also provides that states may adopt, on a competitively neutral basis, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers.”<sup>18</sup>

Pursuant to section 224(c) of the Telecommunications Act of 1996<sup>19</sup>, each state that regulates the rates, terms, and conditions for pole attachments must certify to the FCC that:

- It regulates such rates, terms, and conditions; and
- In so regulating such rates, terms, and conditions, the state has the authority to consider and does consider the interests of the subscribers of the services offered via such attachments, as well as the interests of the consumers of the utility services provided by the pole owners.

Furthermore, a state is not considered to regulate the rates, terms, and conditions for pole attachments:

- Unless the state has issued and made effective rules and regulations implementing the state's regulatory authority over pole attachments; and
- With respect to any individual matter, unless the state takes final action on a complaint regarding such matter:
  - Within 180 days after the complaint is filed with the state, or
  - Within the applicable period prescribed for such final action in such rules and regulations of the state, if the prescribed period does not extend beyond 360 days after the filing of such complaint.

## Regulation of Utility Infrastructure in Florida

The Florida Public Service Commission (“PSC” or “commission”) is an arm of the legislative branch of government.<sup>20</sup> The role of the PSC is to ensure that Florida's consumers receive some of their most essential services – electric, natural gas, telephone, water, and wastewater – in a safe, affordable, and reliable manner.<sup>21</sup> In doing so, the PSC exercises regulatory authority over utilities in one or more of

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<sup>11</sup> *In the Matter of Implementation of Section 224 of the Act A Nat'l Broadband Plan for Our Future*, 26 F.C.C. Rcd. 5240, 5245–46 (2011)

<sup>12</sup> 47 U.S.C. § 224(e).

<sup>13</sup> 47 U.S.C. § 224(d).

<sup>14</sup> “No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.” 47 U.S.C. § 253(a).

<sup>15</sup> 47 U.S.C. § 224(c)(1).

<sup>16</sup> Catherine J.K. Sandoval, *Contested Places, Utility Pole Spaces: A Competition and Safety Framework for Analyzing Utility Pole Association Rules, Roles, and Risks*, 69 Cath. U. L. Rev. 473, 486–87 (2020).

<sup>17</sup> 47 U.S.C. § 253(c).

<sup>18</sup> 47 U.S.C. § 253.

<sup>19</sup> 47 U.S.C. § 224(c)

<sup>20</sup> S. 350.001, F.S.

<sup>21</sup> FLA. PUBLIC SERVICE COMMISSION, *The PSC's Role*, <http://www.psc.state.fl.us> (last visited Feb. 26, 2021).

three key areas: rate base/economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.<sup>22</sup>

The PSC monitors the safety and reliability of the electric power grid<sup>23</sup> and may order the addition or repair of infrastructure as necessary.<sup>24</sup> Additionally, the PSC has broad jurisdiction over the rates and service of investor-owned electric utilities (IOUs) in Florida. However, the PSC does not regulate pole attachments or provide construction and reliability standards relating to pole attachments. Additionally, the PSC generally does not regulate providers of communications services,<sup>25</sup> cable television operators, local exchange carriers, or streetlight fixtures.

Telecommunications carriers in Florida are subject to limited regulation under ch. 364, F.S. During the 2011 legislative session House Bill CS/CS/HB 1231, the “Regulatory Reform Act” (Act), was passed and signed into law by the Governor, effective July 1, 2011. Under the Act, the Legislature eliminated most of the PSC’s retail oversight authority over the telecommunications wireline companies, yet maintained the PSC’s authority over wholesale intercarrier issues. The Act eliminated most of the retail regulation of local exchange telecommunications services by the PSC, including the elimination of rate caps on all retail telecommunications services, elimination of telecommunications-related consumer protection and assistance duties of the PSC, and elimination of the PSC’s remaining oversight of telecommunications service quality.<sup>26</sup>

### **Effect of the Bill**

The bill requires the PSC to regulate pole attachments in Florida, taking over the role currently performed by the FCC.

The bill defines the following terms:

- "Attaching entity" means a person that is a local exchange carrier, a public utility,<sup>27</sup> a communications services provider, a broadband provider, or a cable television operator who owns or controls pole attachments.
- "Communications services" has the same meaning as in s. 202.11, F.S.
- "Pole" means a pole, duct, conduit, or right-of-way that is used for wire or wireless communications or electricity distribution and that is owned in whole or in part by a pole owner, or a streetlight fixture that is owned in whole or in part by a public utility.

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<sup>22</sup> *Id.* The PSC regulates five investor-owned electric companies, eight investor-owned natural gas utilities, and 151 investor-owned water and/or wastewater utilities. While the PSC does not fully regulate municipal or cooperative electric utilities, the Commission does have jurisdiction, with regard to rate structure, territorial boundaries, bulk power supply operations, and planning, over 35 municipally owned electric systems and 18 rural electric cooperatives. The PSC has jurisdiction, with regard to territorial boundaries and safety, over 27 municipally owned natural gas utilities and 4 gas districts, and also exercises safety authority over all electric and natural gas systems operating in the state. FLA. PUBLIC SERVICE COMMISSION, 2020 ANNUAL REPORT 14 (2020), <http://www.psc.state.fl.us/Files/PDF/Publications/Reports/General/Annualreports/2020.pdf>. (last visited Feb. 28, 2021).

<sup>23</sup> S. 366.04(5) & (6), F.S.

<sup>24</sup> S. 366.05(1) & (8), F.S.

<sup>25</sup> Section 202.11(1), F.S., defines “Communications services” as “the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including video services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance. The term includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice-over-Internet-protocol services or is classified by the Federal Communications Commission as enhanced or value-added. The term does not include: Information services. Installation or maintenance of wiring or equipment on a customer’s premises. The sale or rental of tangible personal property. The sale of advertising, including, but not limited to, directory advertising. Bad check charges. Late payment charges. Billing and collection services. Internet access service, electronic mail service, electronic bulletin board service, or similar online computer services.”

<sup>26</sup> PSC, *Local Competition* <http://www.psc.state.fl.us/Telecommunication/TelecomLocalCompetition> (last visited Mar. 13, 2021).

<sup>27</sup> Section 366.02(1), F.S., defines “Public utility” as “every person, corporation, partnership, association, or other legal entity and their lessees, trustees, or receivers supplying electricity or gas (natural, manufactured, or similar gaseous substance) to or for the public within this state; but the term “public utility” does not include either a cooperative now or hereafter organized and existing under the Rural Electric Cooperative Law of the state; a municipality or any agency thereof; any dependent or independent special natural gas district; any natural gas transmission pipeline company making only sales or transportation delivery of natural gas at wholesale and to direct industrial consumers; any entity selling or arranging for sales of natural gas which neither owns nor operates natural gas transmission or distribution facilities within the state; or a person supplying liquefied petroleum gas, in either liquid or gaseous form, irrespective of the method of distribution or delivery, or owning or operating facilities beyond the outlet of a meter through which natural gas is supplied for compression and delivery into motor vehicle fuel tanks or other transportation containers, unless such person also supplies electricity or manufactured or natural gas.”

- "Pole attachments" means local exchange carrier, electric, communications services, broadband, or cable television facilities attached to a pole by an entity other than the pole owner.
- "Pole owner" means a local exchange carrier, a public utility, a communications services provider, a cable television operator, or other public utility which owns a pole used in whole or in part, for electrical purposes or for any wire or wireless communications.
- "Redundant pole" means a pole owned or controlled by a pole owner which is:
  - Within 50 feet of a new pole which is intended to replace the old pole from which some or all of the pole attachments have not been removed and transferred to the new pole;
  - Left standing after the pole owner has relocated its facilities to underground but on which pole attachments of other attaching entities remain; or
  - Left standing after a pole owner's attachments have been removed from that route or location to accommodate a new route or design for the delivery of service.

### *Regulation of Pole Attachments*

In the event that a pole owner is unable to reach an agreement with a party seeking pole attachments, the bill requires the PSC to regulate and enforce rates, charges, terms, and conditions for pole attachments and to ensure that they are just and reasonable. The bill authorizes the PSC to regulate attachments by a cable television system or provider of telecommunications service to investor-owned electric utility poles, attachments to streetlight fixtures, and attachments to poles owned by a communications services provider. The bill clarifies that the Legislature encourages parties to enter into voluntary pole attachment agreements, and that voluntary pole attachment agreements do not require PSC approval.

The bill provides that the PSC's authority to regulate such matters includes, but is not limited to, the state regulatory authority provided under federal law. Additionally, the bill requires the PSC to consider the interests of the subscribers and users of the services offered through pole attachments, as well as the interests of the consumers of any pole owner providing such attachments, when developing such rules.

The bill requires the PSC to hear and resolve complaints concerning rates, charges, terms, conditions, voluntary agreements, or any denial of access relative to pole attachments.

The bill specifies that a party's right to nondiscriminatory access to a pole is identical to the rights afforded under 47 U.S.C. s. 224(f)(1), and that a pole owner may deny access to its poles on a nondiscriminatory basis when there is insufficient capacity, for reasons of safety and reliability, and when required by generally applicable engineering purposes.

The bill requires a pole owner to consider relevant construction and reliability standards approved by the PSC when evaluating capacity, safety, reliability, and engineering requirements, as well as the financial and performance-related capabilities of the entity requesting attachment.

The bill provides that FCC precedent is not binding upon the PSC. Additionally, the bill specifies that the PSC, upon the request of a party to a complaint proceeding pending before the FCC, must assume jurisdiction over the matter if it is not yet subject to a final order of the FCC at the time of the request.

The bill requires the PSC to adopt rules by October 1, 2021, to administer and implement these provisions, including one or more appropriate formulae for apportioning costs, and to provide certification to the FCC upon adoption of such rules.

The bill specifies that such requirements may not be construed to:

- Prevent a party at any time from entering into a voluntary agreement authorizing a pole owner to remove an attaching entity's pole attachment.
- Impair the contract rights of a party to a valid pole attachment agreement in existence before the effective date of this act.

The bill requires the PSC to regulate the safety, vegetation management, repair, replacement, maintenance, relocation, emergency response, and storm restoration requirements for poles, conduits, ducts, pipes, pole attachments, wires, cables, and related plant and equipment of communication services providers.

The bill requires communications services providers to establish storm reserve funds for the repair and replacement of facilities after natural disasters.

The bill requires the PSC to adopt rules by October 1, 2021, to administer and implement these provisions, including:

- Mandatory pole inspections, including provisions relating to:
  - repair or replacement;
  - vegetation management requirements for poles owned by providers of communications services;
  - the establishment of storm reserve funds; and
  - the sequential and timely removal of pole attachments.
- Monetary penalties for any communication services provider that fails to comply with such rules.

### *Redundant Poles*

The bill enumerates certain legislative findings, as follows:

- It is in the public interest for public utilities, communications services providers, and cable television operators that own poles to harden their infrastructure to strengthen the ability of their above-ground infrastructure to withstand extreme weather conditions, by and among other things, replacing older poles with newer, stronger poles; however, this work combined with the undergrounding of electrical facilities may result in redundant poles within public rights-of-way and easements for significant durations because owners of third-party pole attachments may not keep pace in removing their facilities from the old poles.
- Pole owners that set new poles are prevented from removing redundant poles when the pole attachments of other entities remain on the old poles.
- Redundant poles in the public rights-of-way and easements are aesthetically unappealing and potentially create over-crowding of, and unsafe conditions in, the public rights-of-way and easements.
- It is in the public interest to timely remove pole attachments from redundant poles and to transfer the ownership of poles from pole owners that are no longer using the poles to entities that continue to attach facilities to the poles

The bill requires that attaching entities remove their pole attachments from a redundant pole within 180 days of an electronic or written request by the pole owner, and requires the PSC to determine by rule the sufficiency of, and any related requirements for, such a notice. Absent a force majeure event or other good cause as determined by the PSC, the pole owner may transfer or relocate the pole attachment to the new pole at the noncompliant attaching entity's expense, unless the pole attachments are owned by an electric utility. The noncompliant attaching entity must indemnify, defend, and hold harmless the pole owner and its directors, officers, agents and employees from and against all liability, except to the extent of any finding of gross negligence or willful misconduct, including attorneys' fees and litigation costs, arising in connection with the transfer of the pole attachment from a redundant pole to a new pole by the pole owner.

Relating to unused pole attachments, the bill:

- Authorizes the pole owner to remove the pole attachment at the noncompliant attaching entity's expense, unless the PSC finds good cause for noncompliance.
- Authorizes the pole owner to sell or dispose of the pole attachment.
- Requires the noncompliant attaching entity to indemnify, defend, and hold harmless the pole owner and its directors, officers, agents, and employees from and against all liability, except to the extent of any finding of gross negligence or willful misconduct, including attorney fees and

litigation costs, arising in connection with the removal, transfer, sale, or disposal of the pole attachments from a redundant pole by the pole owner.

In the event that a pole owner removes and relocates its overhead facilities or converts its overhead facilities to underground and the attaching entity does not remove their attachments within 180 calendar days of the written notice, unless good cause is found by the PSC, the bill:

- Authorizes a pole owner to transfer legal title of the redundant pole, by operation of law, to an attaching entity.
- Requires the attaching entity to pay the pole owner an amount equal to the total of the remaining book value for all poles,
- Allows the pole owner to enforce their rights in circuit court, and specifies that the prevailing party is entitled to recover attorney fees and court costs.
- Entitles the pole owner to prejudgment interest.

Upon transfer of title, all obligation, responsibility, and liability incumbent upon a pole owner becomes the legal obligation, responsibility, and liability of the new pole owner.

The bill enables the PSC to require, by rule, that an attaching entity post security instruments<sup>28</sup> in favor of pole owners in amounts reasonably sufficient to cover the cost of the removal, transfer, sale, or disposal of pole attachments.

#### *Monetary Penalties*

The bill requires the PSC to impose monetary penalties, as defined by rule, upon any entity that violates the provisions of the bill. Although the specifics of the monetary penalties will be outlined by PSC in rule, current law authorizes the PSC to impose and collect a penalty up to \$5,000 per offense per day that an entity willfully violates any lawful rule or order of the PSC.<sup>29</sup> Upon petition by a pole owner, the bill authorizes the PSC to order the removal or transfer of pole attachments by noncompliant attaching entities, or issue orders to resolve disputes relating to the transfer of title or the remaining book value of such poles.

The bill specifies that the proceeds of any monetary penalties must be used by the PSC to provide grants for the installing and upgrading of broadband infrastructure in unserved and underserved rural and low-income areas of this state. The bill requires the PSC to establish criteria for the award of grants from the fund<sup>30</sup> to businesses and organizations that have demonstrated the ability to construct and install infrastructure and that have submitted an application and proposal detailing how the grant funds would further the objectives of this subsection to expand broadband services in unserved and underserved areas.

#### *Rulemaking, Generally*

The bill requires the PSC to adopt rules which implement the bill by October 1, 2021, including rules providing for the timely and coordinated removal of all pole attachments from redundant poles and to establish monetary penalties.

The bill takes effect upon becoming law.

## **B. SECTION DIRECTORY:**

Section 1. Amends s. 366.02, F.S.; defining terms.

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<sup>28</sup> A security instrument is a performance bond or an equivalent financial instrument that guarantees payment for certain obligations.

<sup>29</sup> S. 366.095, F.S.

<sup>30</sup> The bill does not specify the fund from which the collected penalties will be used for broadband infrastructure grants.

- Section 2. Amends s. 366.04, F.S.; relating to jurisdiction of the Public Service Commission.
- Section 3. Creates s. 366.97, F.S.; relating to redundant poles; transfer of ownership; and penalties.
- Section 4. Provides a directive to the Division of Law Revision.
- Section 5. Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

None. The bill does not authorize the PSC to impose new or existing regulatory assessment fees on communications services providers to account for its new regulatory responsibilities over these providers.<sup>31</sup> However, the bill requires the PSC to impose monetary penalties on entities that do not comply with the provisions of the bill. Current law<sup>32</sup> authorizes the PSC to impose a penalty up to \$5,000 per occurrence, per day. Any additional revenues collected by the PSC for penalties imposed under the bill must be used to provide broadband infrastructure grants. Therefore, the bill has no fiscal impact on state revenues.

#### 2. Expenditures:

The bill is likely to have a fiscal impact on the PSC's Regulatory Trust Fund, as the PSC is directed to adopt rules and regulate entirely new matters, including poll attachments, reliability of communications services infrastructure, and broadband infrastructure grants.

The PSC estimates that up to 13 new positions (FTE) and a total of \$925,566 (\$186,123 nonrecurring) in additional budget authority will be needed to implement the bill.<sup>33</sup> A breakdown of the positions and funding is provided below.

| Category                           | Amount           |
|------------------------------------|------------------|
| Salaries and Benefits (13 FTE)     | \$656,919        |
| - 6 Public Utility Analysts        |                  |
| - 4 Engineer Specialists           |                  |
| - 3 Attorneys                      |                  |
| Expense Package: 13 new FTE        | \$82,524         |
| <b>Total Recurring Costs</b>       | <b>\$739,443</b> |
| Expense package: 13 new FTE        | \$50,635         |
| Other Operating Expenses           | \$135,488        |
| - 2 new vehicles                   |                  |
| - Hardware/Application Development |                  |
| <b>Total Nonrecurring Costs</b>    | <b>\$186,123</b> |
| <b>Total Costs for FY 2021-22</b>  | <b>\$925,566</b> |

The PSC currently has a total of 33 vacant positions (FTE), with 22 FTE vacant over 180 days. The annualized amount of these vacancies is approximately \$1.3 million. Current vacancies and historical reversions could offset the need for additional funding for the PSC during FY 2021-22. Therefore, due to the high number of vacant positions and annual reversions averaging

<sup>31</sup> See s. 364.336, F.S.

<sup>32</sup> S. 366.095, F.S.

<sup>33</sup> Email from Peter Queirolo, Budget Analyst, Public Service Commission, RE: PSC Explanation of the Fiscal Impact of HB 1567 (Mar. 22, 2021).



approximately \$1.4 million in budget authority over the last three fiscal years, the PSC will likely be able to handle the workload associated with CS/HB 1567 within existing resources.

| <b>Public Service Commission<br/>Reversions for the Last 3 Years</b> |                     |                     |                     |
|----------------------------------------------------------------------|---------------------|---------------------|---------------------|
| <b>Appropriation Category</b>                                        | <b>FY 17-18</b>     | <b>FY 18-19</b>     | <b>FY 19-20</b>     |
| Salaries and Benefits                                                | -\$636,278          | -\$698,524          | -\$982,721          |
| Other Personal Services                                              | -\$43,862           | -\$43,666           | -\$40,583           |
| Expenses                                                             | -\$477,549          | -\$419,660          | -\$434,576          |
| Operating Capital Outlay                                             | -\$93,805           | -\$68,675           | -\$12,563           |
| Contracted Services                                                  | -\$98,957           | -\$85,494           | -\$97,867           |
| Other Data Processing Services                                       | -\$7,540            | -\$13,780           | -\$1,318            |
| <b>Totals</b>                                                        | <b>-\$1,357,991</b> | <b>-\$1,329,799</b> | <b>-\$1,569,628</b> |

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

**1. Revenues:**

None.

**2. Expenditures:**

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Depending on the PSC's implementation of its authority over pole attachments under the bill, the financial and legal responsibilities of parties to pole attachment arrangements in Florida could change substantially.

It is likely that the PSC's adoption of rules and implementation of this new authority will involve litigation between the affected parties.

Further, entities with attachments on redundant poles may face negative financial impacts not contemplated in current negotiated pole attachment agreements.

The bill will impose new regulatory expenses on communications service providers that own poles, wires, and other facilities in the state.

**D. FISCAL COMMENTS:**

The bill requires communications services providers to establish storm reserve funds for the repair and replacement of facilities after natural disasters. PSC is required to adopt rules addressing this provision of the bill. It is anticipated the PSC will handle the rulemaking process within existing resources.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

**1. Applicability of Municipality/County Mandates Provision:**

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

**2. Other:**

None.

## B. RULE-MAKING AUTHORITY:

The bill requires the PSC to adopt rules by October 1, 2021. See *Drafting Issues or Other Comments*.

## C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill requires the PSC, upon request by a party to a complaint proceeding pending before the FCC, to take jurisdiction over the matter. This could lead to forum shopping for specific pending complaints and cause additional expenses due to relitigation.

The bill requires the PSC to use the proceeds from certain monetary penalties to provide grants for the installation of infrastructure in certain areas. The PSC will need to create a grant program to implement this section. The PSC does not have experience in implementing grant programs.

The bill requires the PSC to adopt implementing rules by October 1, 2021. While the PSC has control over the timing of proposing a rule, the timing of rule adoption depends on matters outside of its control, including challenges brought by stakeholders.

The new statute created in the bill, s. 366.97, F.S., states the PSC “shall establish criteria for the award of grants from the fund to businesses and organizations” for constructing and installing infrastructure to expand broadband services. It is unclear what fund is being referenced. Chapter 366, F.S., does not specifically define the term “fund”. The PSC can establish a separate account within the Regulatory Trust Fund or submit a Legislative Budget Request in a future legislative session to create a new trust fund to account for revenues received from penalties and grant fund awards authorized in the bill.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 16, 2021, the Tourism, Infrastructure & Energy Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment:

- Clarifies that “broadband service providers” are also attaching entities.
- Specifies that the Florida Public Service Commission (PSC) “shall” hear and resolve complaints concerning pole attachments.
- Requires the PSC to provide certification to the Federal Communications Commission upon the adoption of certain rules.
- Removes a liability provision for pole owners relating to unused poles.
- Increases the time for an attaching entity to remove its pole attachments from 90 to 180 days.
- Clarifies that certain notices may be sent electronically.
- Provides an exception for certain actions for good cause as determined by the PSC.
- Authorizes the PSC to issue orders involving certain disputes between pole owners and attaching entities.

The staff analysis has been updated to reflect the committee substitute.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 1944

INTRODUCER: Senator Albritton

SUBJECT: Utility and Communications Poles

DATE: March 23, 2021

REVISED: \_\_\_\_\_

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION           |
|----|---------|----------------|-----------|------------------|
| 1. | Sharon  | Imhof          | RI        | <b>Favorable</b> |
| 2. | Hackett | Ryon           | CA        | <b>Favorable</b> |
| 3. |         |                | AP        |                  |

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**I. Summary:**

SB 1944 creates a process for handling redundant utility poles and abandoned pole attachments and vests the Florida Public Service Commission (commission) with jurisdiction to administer the bill's provisions.

The bill defines the terms "attaching entity," "communications services," "pole," "pole attachments," "pole owner," and "redundant pole."

The bill delineates circumstances in which a pole owner may deny access to its poles, including insufficient capacity, safety, and reliability, and provides that a pole owner may consider the financial and performance-related capabilities of the entity requesting access.

Under the bill, the commission is authorized to regulate and enforce rates, charges, terms, and conditions for pole attachments when parties are unable to reach an agreement; and to regulate safety, vegetation management, repair, replacement, maintenance, relocation, emergency response, and storm restoration requirements for poles and pole attachments. The commission may hear and resolve complaints, including denial of pole attachment. Under the bill, Federal Communications Commission (FCC) precedent is not binding, and the commission must assume jurisdiction over a complaint proceeding that is pending before the FCC, if requested by a party.

The bill requires the commission to adopt rules by October 1, 2021, that consider the interests of the subscribers. The rules must include:

- At least one formula for apportioning costs;
- A requirement for communications services providers to establish storm reserve funds;
- Provisions for mandatory pole inspections, including repair or replacement;
- Vegetation management;
- Establishment of storm reserve funds;

- The sequential and timely removal of pole attachments; and
- Monetary penalties imposed on communication services providers for failure to comply with commission rules.

The bill creates s. 366.97, F.S.; relating to redundant poles, their transfer of ownership, and provides for penalties. The bill:

- Requires attachments to be removed from a redundant pole within 90 days of receiving written notice to do so;
- Allows a pole owner to relocate an attachment to a new pole at the attachment owner's expense;
- Allows a pole owner to remove and sell or dispose of an attachment, at the attaching entity's expense, and requires the attaching party to indemnify, defend, and hold the pole owner harmless;
- Allows the commission to impose requirements for an attaching entity to post a security instrument in favor of the pole owner in an amount sufficient to cover the cost of removal, transfer, or disposal of the attachment;
- Provides an expedited process for a pole owner to transfer title of a redundant pole to the noncompliant attaching entity by operation of law, requires payment for the pole's remaining book value within 60 days of title transfer, and allows enforcement in the circuit court in which the pole is located;
- Authorizes the commission to impose monetary penalties for violation of these provisions; and
- Provides that parties may enter into pole attachment contracts without commission approval and that existing contract rights under valid pole agreements entered into before the bill's effective date are not impaired.

The bill is effective upon becoming law.

## **II. Present Situation:**

### **Regulation of Pole Attachment**

In 1978, Congress passed the "Pole Attachment Act," which added s. 224 to the Communications Act of 1934, to require the FCC to establish rates, terms, and conditions for pole attachments for the cable industry.<sup>1</sup>

In 1996, the "Telecommunications Act" added provisions making access to utility poles mandatory for telecommunications service providers, providing for nondiscriminatory access, unless there is insufficient capacity and for reasons of safety, reliability and generally applicable engineering purposes.<sup>2</sup> Municipalities and rural electric cooperative utilities are exempt from the provisions of 47 U.S.C. s. 224.<sup>3</sup> The term "utility" is defined as:

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<sup>1</sup> P.L. 95-234, *codified* at 47 U.S.C. s. 224.

<sup>2</sup> P.L. 104-104, *codified* at 47 U.S.C. s. 224(f).

<sup>3</sup> 47 U.S.C. s. 224(a)(1).

[A]ny person whose rates or charges are regulated by the Federal Government or a State and who owns or controls poles, ducts, conduits, or rights-of-way used, in whole or in part, for wire communication. Such term does not include any railroad, any person who is cooperatively organized, or any person owned by the Federal Government or any State.<sup>4</sup>

A state, however, can assume regulation of pole attachment through a process known as “reverse preemption.” This requires a state to expressly assert jurisdiction through state legislation, followed by certifying to the FCC that “in so regulating such rates, terms, and conditions, the state has the authority to consider and does consider the interests of the subscribers of the services offered via such attachments, as well as the interests of the consumers of the utility services.”<sup>5</sup> As of March 19, 2020, 22 states and the District of Columbia have reversed preemption.<sup>6</sup> Florida does not presently regulate pole attachments.

There are currently five pending “Section 224 Pole Attachment Complaints” filed with the FCC.<sup>7</sup> Four of the pending complaints concern BellSouth Telecommunications LLC, d/b/a AT&T Florida (AT&T); of which two are against Florida Power and Light Company (FPL)<sup>8</sup>, and two are against Duke Energy affiliated companies.

The complaint filed by AT&T against FPL on July 1, 2019, alleged that the rate paid to attach AT&T’s facilities to FPL was unjust and unreasonable under FCC rules and orders issued pursuant to 47 U.S.C. s. 224.<sup>9</sup> The FCC granted the complaint in part, finding that AT&T was entitled to a reduced rate for the period ending on December 31, 2018.<sup>10</sup> Under that order, the parties were unable to agree as to the proper calculation of the reduced rate and the FCC further decided that AT&T was entitled to a refund of any overpayments for the period of July 1, 2014 to December 31, 2018.<sup>11</sup> The FCC established the pole attachments rate under its last order.<sup>12</sup>

### Third-Party Pole Attachment and Joint Use

A third-party pole attachment is a communications attachment by a “third-party attacher,” such as a cable television system or provider of telecommunications service to a pole, duct, conduit, or

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<sup>4</sup> *Id.*

<sup>5</sup> 47 USC § 224(c)(2).

<sup>6</sup> FCC, *Public Notice: States That Have Certified That They Regulate Pole Attachments*, Mar. 19, 2020, <https://www.fcc.gov/document/states-have-certified-they-regulate-pole-attachments-2> (last visited Mar. 14, 2021).

<sup>7</sup> See FCC, *EB - Market Disputes Resolution Division Pending Complaints*, <https://www.fcc.gov/general/eb-market-disputes-resolution-division-pending-complaints> (last visited Mar. 14, 2021).

<sup>8</sup> See FCC, *Memorandum Opinion and Order, DA-21-57*, January 14, 2021, <https://docs.fcc.gov/public/attachments/DA-21-57A1.pdf> (last visited Mar. 14, 2021). After release of the bureau order in AT&T vs FPL, the parties were unable resolve their differences and AT&T then filed a second complaint against FPL with the FCC asserting that the provisions invoked by FPL in its Notice of Termination are unjust and unreasonable under section 224 and requested that they be amended.

<sup>9</sup> *Id.*, at 1 n.1.

<sup>10</sup> FCC, *Grants, in Part, AT&T Pole Attachment. Complaint Against FL P&L: Memorandum Opinion and Order, DA-20-529*, May 20, 2020, <https://www.fcc.gov/document/fcc-grants-part-att-pole-attach-complaint-against-fl-pl> (last visited March 14, 2021).

<sup>11</sup> FCC, *EB Grants in Part and Stays in Part AT&T Florida's Complaint Memorandum Opinion and Order: DA-21-57*, January 14, 2021, <https://www.fcc.gov/document/eb-grants-part-and-stays-part-att-floridas-complaint> (last visited March 14, 2021).

<sup>12</sup> *Id.*

right-of-way owned or controlled by a utility.<sup>13</sup> On April 7, 2011, the FCC approved its pole attachment order.<sup>14</sup> Public power utilities are not directly impacted by the order because their pole attachments are not subject to the FCC's jurisdiction. The order revised the telecom formula and make-ready provisions to provide a benchmark for pole attachment rates and access.<sup>15</sup>

“Joint use” refers to sharing use of a utility pole by agreement between pole-owning utilities.<sup>16</sup> “Pole attachments” relate to non-pole-owning cable and telecommunication service providers, such as cable TV and broadband providers.<sup>17</sup> This provides non-pole owning utilities with access to a utility's distribution poles, conduits, and rights of way for installation of facilities and equipment in order to build an interconnected network with reduced cost to consumers.<sup>18</sup> Other benefits of joint use and pole attachments include the ability to share the high cost of infrastructure; minimizing the visual impact of two separate pole networks; and minimizing roadway hazards.

According to the Edison Electric Institute, the mandatory nature of providing non-pole-owning utilities with access to poles has resulted in a number of issues such as:

- “Overlashing,” where existing attachments are made without notification;
- Compromised safety and reliability requirements for the installation of cable or telecommunications facilities;
- Failure to support utility efforts to inspect for safety violations and capacity overloading;
- Failed cooperation among the pole owner and attaching entities as it pertains to repairs, the expedited transfer of attachments to newly erected hardened poles, and undergrounding; and
- Electric utilities primarily bearing the burden of costs, particularly as it relates to weathering and storm damage.<sup>19</sup>

### ***National Joint Utilities Notification System***

The National Joint Utilities Notification System (NJUNS) is a consortium of utility companies formed for the purpose of improving communication among utilities as it relates to pole transfers and replacements.<sup>20</sup> After a tragic incident occurred during a pole transfer, it was decided that certified letters and phone calls were no longer a suitable way to provide notice.<sup>21</sup> NJUNS,

<sup>13</sup> 47 USC s. 224(a)(4).

<sup>14</sup> FCC, FCC Reforms Pole Attachment Rules to Boost Broadband Deployment, FCC 11-50, April 7, 2011, <https://www.fcc.gov/document/fcc-reforms-pole-attachment-rules-boost-broadband-deployment> (last visited Mar. 14, 2021).

<sup>15</sup> See American public Power Association, Preserving the Municipal Exemption from Federal Pole Attachment Regulations, <https://www.publicpower.org/policy/preserving-municipal-exemption-federal-pole-attachment-regulations#:~:text=In%201978%2C%20Congress%20passed%20the%20Pole%20Attachment%20Act%2C,for%20pole%20attachments%20for%20the%20then-new%20cable%20industry> (last visited Mar. 14, 2021).

<sup>16</sup> See Edison Electric Institute, *Pole Attachments 101*, <https://ecfsapi.fcc.gov/file/7020708245.pdf> (last visited Mar. 14, 2021). While joint use is usually governed by contracts, the terms and conditions for detachment from a pole are usually handled in the form of an amendment to the original contract.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> NJUNS, *About: Who We are*, <https://web.njuns.com/about/> (last visited Mar. 14, 2021).

<sup>21</sup> *Id.*

provides a dashboard system that allows members to generate tickets and track pole transfers.<sup>22</sup> Florida has been a member of NJUNS since 1992.<sup>23</sup>

### Florida Public Service Commission

The commission is an arm of the legislative branch of government.<sup>24</sup> The role of the commission is to ensure that Florida's consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe, affordable, and reliable manner.<sup>25</sup> In order to do so, the commission exercises authority over public utilities in one or more of the following areas: (1) Rate or economic regulation; (2) Market competition oversight; and/or (3) Monitoring of safety, reliability, and service issues.<sup>26</sup>

Currently, the commission does not have the authority to regulate pole attachments, absent the legislature expressly conferring this jurisdiction on the commission.<sup>27</sup> "Traditionally, each time a public service of this state is made subject to the regulatory power of the commission, the legislature has enacted a comprehensive plan of regulation and control and then conferred upon the commission the authority to administer such plan."<sup>28</sup>

### Storm Reserve Funds

Extreme wind events, like hurricanes and tornados, can destroy electric infrastructure, snapping poles and collapsing transmission towers; even underground electric systems are susceptible to the upending of fallen tree roots and erosion.<sup>29</sup> Prior to Hurricane Andrew in 1992, electric utilities could purchase commercial insurance at reasonable and affordable prices, which allowed them the financial ability to maintain relatively small storm damage reserves.<sup>30</sup> However, after Hurricane Andrew, risk management for electric utilities fundamentally changed, with insurance costs drastically increasing.<sup>31</sup> Given the change in landscape, the electric utilities asked the commission to allow them to self-insure, which the commission began addressing in 1993, giving way to a storm damage reserve balance that can accommodate most storm years.<sup>32</sup>

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<sup>22</sup> See NJUNS, *Best Practices*, <https://web.njuns.com/njuns-best-practices/> (last visited Mar. 14, 2021).

<sup>23</sup> NJUNS, *Members*, <https://web.njuns.com/njuns-best-practices/> (last visited Mar. 14, 2021).

<sup>24</sup> Section 350.001, F.S.

<sup>25</sup> See FPSC, *The PSC's Role*, <http://www.psc.state.fl.us> (last visited Mar. 14, 2021).

<sup>26</sup> *Id.*

<sup>27</sup> See *Teleprompter Corp. v. Hawkins*, 384 So. 2d 648, 650 (Fla. 1980), citing *Radio Tel. Commc'ns, Inc. v. Se. Tel. Co.*, 170 So. 2d 577, 581 (Fla. 1964), "The commission did not have jurisdiction over radio communication service, notwithstanding the interconnection of such radio service with a regulated utility's telephone landline." [T]he legislature of Florida has never conferred upon this commission any general authority to regulate public utilities."

<sup>28</sup> *Hawkins*, 384 So. 2d at 650.

<sup>29</sup> See FPSC, *Background on Storm-related Cost Recovery Mechanisms and Review of Storm Preparedness and Restoration* (Apr. 10, 2018) (on file with the Senate Committee on Regulated Industries).

<sup>30</sup> *Id.*

<sup>31</sup> *Id.* For example, prior to Hurricane Andrew, Florida Power and Light had a per-occurrence, or per-storm, insurance limit of \$350 million, which cost \$3.5 million in annual premiums. After Hurricane Andrew, the best available coverage rate was an aggregate limit of \$100 million a year with a \$23 million annual premium.

<sup>32</sup> See, e.g., Order No. PSC-93-0918-FOF-EI, June 17, 1993, Docket No. 930405-EI, <http://www.floridapsc.com/library/filings/1993/06506-1993/06506-1993.pdf> (last visited Mar. 14, 2021); Order No. PSC-93-0918-FOF-EI, Oct. 15, 1993, Docket No. 930867-EI, <http://www.floridapsc.com/library/filings/1993/11100-1993/11100-1993.pdf> (last visited Mar. 14, 2021).

Currently, cable television providers, local exchange companies and communications services providers do not have storm reserve funds or cost recovery mechanisms that are established or approved by the commission.

## **Electric Utilities**

### ***Investor-Owned Electric Utilities Companies***

There are five investor-owned electric utility companies in Florida: Florida Power & Light Company, Duke Energy Florida, Tampa Electric Company, Gulf Power Company, and Florida Public Utilities Corporation.<sup>33</sup> Investor-owned electric utility rates and revenues are regulated by the commission.<sup>34</sup> Accordingly, these utilities must file periodic earnings reports, either monthly, quarterly, or semi-annually, depending upon each company's size. These more frequent company filings allow the commission to monitor earnings levels on an ongoing basis and adjust customer rates quickly if a company appears to be overearning.<sup>35</sup> As of year-end 2020, Florida's electric utilities owned a collective 2,867,025 poles, which had 2,837,881 attachments from other entities.<sup>36</sup>

### ***Municipally Owned Electric Utilities***

A municipal electric utility is an electric utility system owned or operated by a municipality engaged in serving residential, commercial or industrial customers, usually within the boundaries of the municipality.<sup>37</sup> Municipally owned utility rates and revenues are regulated by their city commission.<sup>38</sup> The commission does not fully regulate publicly owned municipal electric utilities.<sup>39</sup> However, it does have jurisdiction over municipally owned electric systems with regard to rate structure, territorial boundaries, bulk power supply operations, and planning.<sup>40</sup>

In total there are 34 municipal electric companies in Florida.<sup>41</sup> Most municipal electric utilities are represented by the Florida Municipal Electric Association which serves over three million Floridians.<sup>42</sup>

### ***Rural Electric Cooperative Utilities***

Rural electric cooperative utilities are joint ventures organized for purposes of providing electricity to a specified area.<sup>43</sup> Rates and revenues for a cooperative utility are regulated by their

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<sup>33</sup> *Id.*

<sup>34</sup> Florida Department of Agriculture and Consumer Services, *Electric Utilities*, <https://www.fdacs.gov/Energy/Florida-Energy-Clearinghouse/Electric-Utilities> (last visited Mar. 14, 2021).

<sup>35</sup> FPSC, 2020 FPSC Annual Report, <http://www.psc.state.fl.us/Files/PDF/Publications/Reports/General/Annualreports/2020.pdf> (last visited Mar. 14, 2021).

<sup>36</sup> FPSC, 2019 Distribution Reliability Reports for IOUs in Florida, *Initiative 2*, <http://www.floridapsc.com/ElectricNaturalGas/ElectricDistributionReliability> (last visited Mar. 14, 2021).

<sup>37</sup> FDACS, *Electric Utilities*, *supra* at n. 28.

<sup>38</sup> *Id.*

<sup>39</sup> FPSC, 2020 Annual Report, *supra* at n. 29.

<sup>40</sup> *Id.*

<sup>41</sup> FDACS, *Electric Utilities*, *supra* at n. 28.

<sup>42</sup> Florida Municipal Electric Association, *About FMEA*, <https://www.publicpower.com/about-us> (last visited Mar. 14, 2021).

<sup>43</sup> FDACS, *Electric Utilities*, *supra* at n. 28.



elected cooperative officers.<sup>44</sup> Most cooperatives have been financed by the Rural Electrification Association and most, in Florida, are represented by the Florida Electric Cooperatives Association, Inc.<sup>45</sup>

In total there are 18 rural electric cooperatives in Florida.<sup>46</sup> The commission does not regulate the rates and service quality of cooperatives, however, it does have jurisdiction as to rate structure, territorial boundaries, bulk power supply operations, and power supply planning.<sup>47</sup>

### **Telecommunications Companies**

In 2011, the Florida Legislature deregulated telecommunications companies and consequently, the commission lost its authority to require telecommunications companies to continue performing pole inspections after July 1, 2011. Prior to losing jurisdiction, the commission had issued an order in 2006, requiring telecommunications companies to implement an eight year inspection program of its wooden poles based on the requirements of the National Electrical Safety Code.<sup>48</sup> Section 364.011, F.S., expressly exempts the following services from commission oversight:

- Intrastate interexchange telecommunications services;
- Broadband services, regardless of the provider, platform, or protocol;
- VoIP;
- Wireless telecommunications, including commercial mobile radio service providers;
- Basic service; and
- Nonbasic services or comparable services offered by any telecommunications company.

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 366.02, F.S. to define the terms:

- “Attaching entity,” means a local exchange carrier, a public utility or an electric utility, a communications services provider, or a cable television operator who owns or controls pole attachments.
- “Communications services,” has the same meaning as in s. 202.11, F.S., which includes the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals.
- “Pole” meaning a pole, duct, conduit, or right-of-way that is used for wire or wireless communications or electricity, owned by a pole owner; or a streetlight fixture owned by a public utility.
- “Pole attachments,” means local exchange carrier, electric, communications services, or cable television facilities attached to a pole by an entity other than the pole owner.
- “Pole owner,” means a local exchange carrier, a public utility or an electric utility, a communications services provider, a cable television operator, or other public utility which owns a pole used for electrical purposes or wire or wireless communications.

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<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> FPSC, 2020 Annual Report, *supra* at n. 29.

<sup>48</sup> See FPSC, Order No. PSC-2006-0168-PAA-TL, March 1, 2006, Docket No. 20060077-

TP, <http://www.psc.state.fl.us/library/filings/2006/01762-2006/01762-2006.PDF> (last visited Mar. 14, 2021).

- “Redundant pole,” means:
  - A pole owned that is within 50 feet of a new pole intended to replace an old pole, from which attachments have not been removed or transferred to the new pole;
  - A pole that still has attachments after the pole owner has relocated its facilities underground; or
  - A pole left standing after a pole owner’s attachments have been removed to another location to accommodate a new service route.

**Section 2** grants the commission jurisdiction to regulate and enforce rates, charges, terms, and conditions, for pole attachments when the parties are unable to reach an agreement.

The bill provides that the commission’s authority includes but is not limited to that referenced in 47 U.S.C. s. 224(c), relating to pole attachments.

The bill provides:

- Legislative intent that parties be encouraged to enter into voluntary pole attachment agreements without commission approval and that parties not be prevented from voluntarily entering into such contracts without commission approval.
- Circumstances in which a pole owner can deny access to its poles, including insufficient capacity, safety, reliability, and provides that a pole owner can consider the financial and performance-related capabilities of the entity requesting attachment.
- Jurisdiction for the commission to hear and resolve complaints concerning rates, charges, terms, conditions, voluntary agreements, including denial of pole attachment, and provides that FCC precedent is not binding in such proceedings.
- A requirement for the commission to assume jurisdiction of a complaint proceeding pending before the FCC, if requested to do so by a party to the proceeding.
- The commission must regulate safety, vegetation management, repair, replacement, maintenance, relocation, emergency response, and storm restoration requirements for poles, conduits, ducts, pipes, pole attachments, wires, cables, and related plant and equipment of communication services providers.

The bill requires the commission to adopt rules by October 1, 2021, which consider the interests of the subscribers and users. The rules must include:

- At least one formula for apportioning costs;
- A requirement for communications services providers to establish storm reserve funds;
- Provisions for mandatory pole inspections, including repair or replacement;
- Vegetation management;
- Establishment of storm reserve funds;
- The sequential and timely removal of pole attachments; and
- Monetary penalties imposed on communication services providers for failure to comply with commission rules.

**Section 3** creates s. 366.97, F.S.; relating to redundant poles, their transfer of ownership, and provides for penalties. The bill includes the following statements of legislative intent:

- It is in the public’s interest for poles to be hardened against extreme weather conditions by replacing older poles, which may result in redundant poles;

- Pole owners may incur liability when prevented from removing redundant poles because of remaining attachments still in use by other entities;
- Redundant poles are aesthetically unappealing and may create overcrowding and unsafe conditions; and
- It is in the public interest to timely and sequentially remove pole attachments from redundant poles and transfer ownership of a pole to a user from an owner no longer using it.

The bill provides a procedure for dealing with redundant or abandoned poles which:

- Requires attachments to be removed from a redundant pole within 90 days of receiving written notice to do so;
- Allows a pole owner to relocate an attachment to a new pole at the attachment owner's expense;
- Allows a pole owner to remove and sell or dispose of an attachment, at the attaching entity's expense and requires the attaching party to indemnify, defend, and hold the pole owner harmless;
- Allows the commission to impose requirements for an attaching entity to post a security instrument in favor of the pole owner in an amount sufficient to cover the cost of removal, transfer, or disposal of the attachment; and
- Provides an expedited process for a pole owner to transfer title of a redundant pole to the noncompliant attaching entity by operation of law, requires payment for the pole's remaining book value within 60 days of title transfer, and allows enforcement in the circuit court in which the pole is located.

Under the bill, the commission is required to impose fines for violation of the provisions within section 3 of the bill by entities under its jurisdiction. Upon petition by a pole owner, the commission may issue orders for the removal or transfer of pole attachments by noncompliant attaching entities, and must impose monetary penalties.

The commission must use all monetary penalties to provide grants for installing and upgrading broadband infrastructure in unserved and underserved rural and low-income areas of the state. The commission must establish criteria for awarding grants from the fund to businesses and organizations that have demonstrated the ability to construct and install infrastructure. Such entities must submit an application and proposal detailing how the grant funds would further the objective of expanding broadband services in unserved and underserved areas.

The bill repeats a statement of legislative intent that the provisions in Section 3 should not be construed to prevent parties from voluntarily entering into such contracts without commission approval, or construed to impair contract rights in existence before the bill becomes effective.

The commission must adopt rules by October 1, 2021, to implement Section 3 of the bill, including rules for the sequential removal of attachments from redundant poles and the establishment of monetary penalties.

**Section 4** directs the Division of Law Revision to replace references to “the effective date of this act,” with the date that the bill becomes a law.

**Section 5** provides that the bill is effective upon becoming a law.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The commission estimates the implementation of this bill will require 13 full-time positions and \$925,566 (\$790,078 recurring) from the Regulatory Trust Fund based on staffing needs and other expenses associated with the additional regulatory responsibilities.<sup>49</sup>

**VI. Technical Deficiencies:**

None.

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<sup>49</sup> Public Service Commission, *Analysis re: SB 1944 / HB 1567*, March 15, 2021 (On file with Community Affairs Committee).

## VII. Related Issues:

The bill authorizes the commission to impose a monetary penalty for a violation of s. 366.97, F.S. The bill does not provide a maximum amount for the authorized fine. However, s. 366.095, F.S., on penalties, provides the commission with the authority to impose a penalty on entities subject to its jurisdiction for failure to comply or willful violation of any commission rule or provision within ch. 366, F.S. The fine may not exceed \$5,000 per offense and each day in which refusal to comply or the violation continues constitutes a separate offense. In addition, s. 350.127, F.S., contains a similar provision, which includes violations of commission orders and the authority to amend, suspend, or revoke any certificate issued by the commission.

Lines 162-164 of the bill subject communication services providers that fail to comply with any such rule of the commission to monetary fines but is silent as to other types of utilities which may also have attachments on utility poles.

The bill references electricity distribution in its definition of a pole but does not define this term. It is generally industry practice that electrical distribution is defined as 69 kV or less, poles included. However, distribution wires are sometimes attached to transmission poles, making it unclear whether transmission poles would be included under the definition of “pole” under the bill.<sup>50</sup>

The bill adds significant areas of regulation to the Public Service Commission’s jurisdiction including telecommunications services, which the commission has not regulated since 2011, and wireless communications and cable-television providers, which have never been regulated by the commission. Given the stringent requirements of Florida’s Administrative Procedure Act, it is unlikely that the commission will be able to promulgate rules by October 1, 2021.<sup>51</sup>

The bill requires the commission to administer the grant program, however, the commission currently does not administer any grants. Florida’s Office of Broadband, housed within the Florida Department of Economic Opportunity, is charged with developing, marketing and promoting broadband internet services, pursuant to s. 364.0315, F.S., and may already have the capability to administer additional funds resulting from the monetary penalties imposed by this bill.<sup>52</sup> The establishment of a trust fund may also be required to deposit penalties assessed for non-compliance with commission rules and may be required for disbursements associated with broadband grants.<sup>53</sup>

## VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 366.02 and 366.04.

This bill creates section 366.97 of the Florida Statutes.

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<sup>50</sup> See Public Service Commission, *Bill Analysis for SB 1944* (Mar. 15, 2021) (on file with the Senate Committee on Regulated Industries).

<sup>51</sup> *Id.*

<sup>52</sup> See Florida Department of Economic Opportunity, Office of Broadband, <https://floridajobs.org/community-planning-and-development/broadband/office-of-broadband> (last visited (Mar. 14, 2021)).

<sup>53</sup> See PSC, *Analysis*, *supra* at n. 49.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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## CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** April 19, 2021**TYPE OF AGENDA ITEM:** Action Item**AGENDA OUTLINE NUMBER:** 4.F.**TO:** City Council**THRU:** Krystal Strickland, Finance Director  
Rey Bailey, City Clerk**FROM:** Webb Warren, Deputy City Manager**DATE:** April 14, 2021**SUBJECT:** Funding requests from Emerald Coast Fitness Foundation and Okaloosa County Watersports Operators Coalition

**I. BACKGROUND:** At the April 5, 2021 regular council meeting, two non-profit entities made requests for donations that were approved by Council. The Emerald Coast Fitness Foundation requested \$25,000 for operations, and the Okaloosa County Watersport Operators Coalition requested a donation to support production of water safety videos.

**II. DISCUSSION:** The Emerald Coast Fitness Foundation operates and manages the aquatic centers in Destin and Fort Walton Beach. At the April 5, 2021 regular council meeting, the Foundation demonstrated their important presence in our communities, and stated they are low on operating funds this year due to the effects of COVID-19. The Foundation has reached out to the Fort Walton Beach, the Okaloosa School District, and Okaloosa County to raise funds to assist their long-term sustainability. They are hopeful that each of the four governments will donate \$25,000 a year for operations to ensure their sustainability. Council made a motion directing the City Manager to coordinate with the City's Finance Director to identify the appropriate budget account from which to donate \$25,000 this fiscal year. The Finance Director recommends using the \$15,000 of available budget in the Human Services Contingency Account (0156473-599000) and \$10,000 of available budget in the Economic Development Contingency Account (0155271-599000). The recommended internal budget transfer is attached.

The Okaloosa County Watersports Operators Coalition has identified the need for new, fresh, water craft safety videos, that are more relevant to Destin and the waters of Okaloosa County. They have hired a videographer to make three videos with an approximate cost of \$8000 each, which will be shared with watercraft rental companies and local hotels.

Council support this initiative and made a motion at the April 5, 2021 regular council

meeting directing the City Manager to work with the Finance Director to find \$8,000 to donate towards the watersports safety video. Staff have noted there is over \$12,000 of available budget in the Council Travel account (0151110-540000), which will likely go largely unused this fiscal year due to fewer in-person conferences for municipal officials because of the continued COVID-19 pandemic. Staff recommend doing an internal budget transfer from the Council Travel Account (0151110-540000) into a City Council Contributions Account (0151110-582000) to make this donation of \$8,000. The recommended internal budget transfer is attached.

**A. Link to Strategic Goals / Objectives:**

**B. Effect on Budget (EOB):** See attached internal budget transfers.

**C. Level of Service (LOS):** Increased level of service.

**III. CONCLUSION:** Staff recommend approval of the two attached internal budget transfers. Once approved, staff will work with the two non-profit entities to send donations to support the Destin Aquatic Center operations and to support the production of local water safety videos.

**IV. RECOMMENDED MOTION:** I move to approve the recommended internal budget transfers and direct staff to coordinate a donation of \$25,000 to the Emerald Coast Fitness Foundation for operations and a donation of \$8,000 to the Okaloosa County Watersports Operators Coalition for production of water safety videos.

Attachments:

1. Internal Budget Transfer Aquatic Center Contribution
2. Internal Budget Transfer Water Video Contribution



# CITY OF DESTIN Budget Internal Transfer Form

Fiscal Year 2021 Short Description \_\_\_\_\_ Entity Code 1  
 Period 7 Effective Date 4/19/2021 Amendment Type\* 1  
 Ref 1 BUA Budget Year Code 1 Budget Projection Inclusion One Time  
 Ref 2 ADJ

\*AMENDMENT TYPE: 1 = Exp/Exp or Rev/Rev, 2 = Exp/Rev, 3 = Exp/Rev one sided, 7 = Exp/Rev Inter fund, 8 = Exp/Exp Inter Fund

| ORG                       | OBJECT                  | PROJECT | LINE DESCRIPTION                    | (I)ncrease<br>(D)ecrease | AMOUNT       | CURRENT<br>AVAILABLE<br>BUDGET | REVISED<br>AVAILABLE<br>BUDGET |
|---------------------------|-------------------------|---------|-------------------------------------|--------------------------|--------------|--------------------------------|--------------------------------|
|                           |                         |         |                                     |                          |              |                                |                                |
|                           |                         |         |                                     |                          |              |                                |                                |
| 0157283<br>PARKS          | 582000<br>CONTRIBUTIONS |         | EMERALD COAST FITNESS (aquatic ctr) | I                        | \$ 25,000.00 | \$ -                           | \$ 25,000.00                   |
| 0156473<br>HUMAN SERVICES | 599000<br>CONTINGENCY   |         | EMERALD COAST FITNESS (aquatic ctr) | D                        | \$ 15,000.00 | \$ 15,000.00                   | \$ -                           |
| 0155271<br>ECONOMIC DEV   | 599000<br>CONTINGENCY   |         | EMERALD COAST FITNESS (aquatic ctr) | D                        | \$ 10,000.00 | \$ 11,792.00                   | \$ 1,792.00                    |
|                           |                         |         |                                     |                          |              |                                |                                |
|                           |                         |         |                                     |                          |              |                                |                                |
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Created by: \_\_\_\_\_  
 Entered by: \_\_\_\_\_  
 Approved by: \_\_\_\_\_

Initials Date

Note  
 Internal Transfer to fund contribution to the

# CITY OF DESTIN Budget Internal Transfer Form

|             |             |                   |                  |                             |                 |
|-------------|-------------|-------------------|------------------|-----------------------------|-----------------|
| Fiscal Year | <u>2021</u> | Short Description | <u></u>          | Entity Code                 | <u>1</u>        |
| Period      | <u>7</u>    | Effective Date    | <u>4/19/2021</u> | Amendment Type*             | <u>1</u>        |
| Ref 1       | <u>BUA</u>  | Budget Year Code  | <u>1</u>         | Budget Projection Inclusion | <u>One Time</u> |
| Ref 2       | <u>ADJ</u>  |                   |                  |                             |                 |

\*AMENDMENT TYPE: 1 = Exp/Exp or Rev/Rev, 2 = Exp/Rev, 3 = Exp/Rev one sided, 7 = Exp/Rev Inter fund, 8 = Exp/Exp Inter Fund

| ORG                     | OBJECT                  | PROJECT | LINE DESCRIPTION   | (I)ncrease<br>(D)ecrease | AMOUNT      | CURRENT<br>AVAILABLE<br>BUDGET | REVISED<br>AVAILABLE<br>BUDGET |
|-------------------------|-------------------------|---------|--------------------|--------------------------|-------------|--------------------------------|--------------------------------|
|                         |                         |         |                    |                          |             |                                |                                |
|                         |                         |         |                    |                          |             |                                |                                |
| 0151110<br>CITY COUNCIL | 582000<br>CONTRIBUTIONS |         | WATER SAFETY VIDEO | I                        | \$ 8,000.00 | \$ -                           | \$ 8,000.00                    |
| 0151110<br>CITY COUNCIL | 540000<br>TRAVEL        |         | WATER SAFETY VIDEO | D                        | \$ 8,000.00 | \$ 12,234.00                   | \$ 4,234.00                    |
|                         |                         |         |                    |                          |             |                                |                                |
|                         |                         |         |                    |                          |             |                                |                                |
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|              | Initials      | Date          |
| Created by:  | <u>      </u> | <u>      </u> |
| Entered by:  | <u>      </u> | <u>      </u> |
| Approved by: | <u>      </u> | <u>      </u> |

## Note

To create budget for a donation of \$8000 to the Okaloosa County Watersports Operators Coalition to support their production of three watercraft safety videos for distribution and use in Okaloosa County.

CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** April 19, 2021

**TYPE OF AGENDA ITEM:** City Manager Report

**AGENDA OUTLINE NUMBER:** 4.G.

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**TO:** City Council

**THRU:** Michael Burgess, Public Services Director  
Kimberly Kopp, Land Use Attorney  
Louis Zunguze, Community Development Director  
Webb Warren, Deputy City Manager

**FROM:** Noell Bell, Chief Building Official  
Donald Smith, City Engineer  
Traci Goodhart, Planner/Stormwater Manager

**DATE:** April 14, 2021

**SUBJECT:** Flood Plain Map and Development Issues

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**I. BACKGROUND:** Council directed staff to determine how the new floodplain maps will affect development in Destin and to bring any proposed changes to the current flood ordinance that would improve development in designated Special Flood Hazard Areas (SFHA) (*See Attachment*).

City staff evaluated and identified the following change:

**Overall, the base flood elevations (BFE) in designated SFHA (i.e., VE & AE Zones) were decreased by 1 – 2 feet.**

Given the above modification, staff reviewed the City's current flood regulations. The discussion outlines the current design standards in designated SFHA, and the challenges associated with those standards. In addition to the proposed solutions, advantages, and perceived disadvantages.

**II. DISCUSSION: CURRENT DESIGN STANDARDS:**  
**Design Standards for AE zones (*See Attachment*):**

- Building or structures in flood hazard areas (AE zone) shall have the lowest floors elevated to or above the BFE plus 2 feet, or Design Flood Elevation (DFE), whichever is highest.
- Enclosed areas below DFE shall be used solely for parking, building access, and

storage.

- Areas below DFE are provided with flood openings (i.e., 1 square inch opening for each square foot of enclosed area).
- If enclosed area is used for parking shall be enclosed with lattice, screening, or material that permits unobstructed flow of flood waters.
- Non-conversion agreement is required.
- Building access and storage can be no more than 200 square feet and only 70 square feet can be used for storage.

**Design standards for VE zones (High Coastal Hazard Areas) are the same as AE zones, except (*See Attachment*):**

- Building or structures in coastal high hazard areas (VE zone) shall be elevated so that the bottom of the lowest horizontal member shall be above the BFE plus 2 feet, or DFE, whichever is highest.
- Use of fill material for structural support is prohibited.

#### **CHALLENGES OF CURRENT DESIGN STANDARDS:**

1. Flood regulations and design standards are located in two different locations – the LDC and Code of Ordinances. This causes confusion for the public.
2. The City's current flood design standards:
  - a. Similar for both VE and AE flood zones. It is a one size fits all approach to floodplain management. However, it is important to note, these areas are drastically different areas and should not share the same design characteristics.
  - b. Allow fill material in the AE zones. This increases the chance of flooding for existing adjacent properties that are in low lying areas.
  - c. The current design standard is the most restrictive. Can drastically change the physical and visual characteristics of a neighborhood. Although it may create the most protective environment possible for our residents, it can be restrictive and burdensome to development and/or redevelopment based on the level of risk. Furthermore, the standards are not based on a risk analysis feasibility study.

#### **PROPOSED SOLUTIONS TO CHALLENGES:**

1. **Flood regulations and design standards located in the LDC ONLY**
  - Revise Ordinance 18-05-LC to include the revised technical amendments that support the City's Community Rating System (CRS) design standards. This will allow for all flood regulations and design requirements to be found in *Article 11.04.00 – Floodplain Management, Land Development Code*.
2. **Define and designate our Coastal A zones, versus the Non-Coastal A Zones, Eliminate the use of fill material in AE zones, and Revise Non-Coastal A design requirements:**
  - a. **Define and designate** the Coastal A Zone per the City's Comprehensive Plan. Under the CRS program, these areas are subject to higher regulatory standards

due to potential storm surge. The flood elevations were lowered on Holiday Isle when the new maps became effective. However, this area is more susceptible to storm surge. Staff proposes designating Holiday Isle, and those areas already defined by the limited area of minimum wave action (LiMWA) as Coastal A on the new flood maps.

- b. **Eliminate** the use of fill material in AE zones or designated low-lying areas. This will reduce flooding impacts to nearby property.
- c. **Revise** the 2-foot freeboard requirement for structures in the Non-Coastal A zone and use the flood design standards from the Florida Building Code, which requires a 1-foot free board or Design Flood Elevation (DFE), whichever is higher. *Note: will require amending Ordinance 20-01-PC, which established the higher design standards in the Comprehensive Plan. (i.e., 2-foot free board)*

#### **ADVANTAGES OF THE PROPOSED CHANGES:**

- Flood regulations will be located in the LDC ONLY
- Higher regulatory construction standards will be maintained in the designated High Coastal Hazard Areas (i.e., Holiday Isle)
- Coastal A Zones will be designated, and the design standards defined for Coastal and Non-Coastal A or AE Zones.
- Utilize regulatory design standards based upon 1-foot freeboard requirement established by the Florida Building Code. This will help establish clear development and redevelopment standards, and will allow for enclosed spaces (i.e., garage) to be designed below base flood elevation in designated Non-Coastal AE Zones.
- Eliminate the use of fill material in AE Zone or identified low-lying areas to reduce the potential risk of elevating the parcel allowing water to displace onto adjacent parcels.
- No decrease in CRS rating

**In summary, proposed changes will allow staff to evaluate risk and apply sound engineering and floodplain practices in designated SFHA.**

#### **DISADVANTAGES OF THE PROPOSED CHANGES:**

- Perception of lowering standards in AE zones. However, the design standard in AE zones will meet the Florida Building Code 1-foot free board requirement for development or redevelopment in designated SFHA.
- Requirements of no fill material may increase construction and maintenance cost.

**A. Link to Strategic Goals / Objectives:** Quality development and revitalization through clear visions and unified approach.

**B. Effect on Budget (EOB):** None

**C. Level of Service (LOS):** Improved Land Development Standards

**III. CONCLUSION:** The City of Destin is a Class 6 under the Community Rating System

(CRS) program with 2,110 points and currently is in a CRS Cycle review. The proposed solutions to the challenges noted above will not negatively impact the City's CRS rating.

The proposed solutions will maintain higher regulatory standards in High Coastal Hazard Areas (i.e., VE and Coastal A zones), while better defining the design standards for Non-Coastal A zones and AE zones.

Staff seeks direction from City Council regarding whether to proceed with the proposed changes to Ordinance 18-05-LC & 18-07-CC or to maintain the current Level of Service (LOS) for flood regulations.

**IV. RECOMMENDED MOTION:** I recommend City Council direct Staff to proceed with the proposed changes to Ordinance 18-05-LC & 18-07-CC or  
I recommend City Council direct Staff to maintain the current LOS for flood regulations.

Attachments:

1. Floodplain and Dev. PP 4.19.21

# FLOODPLAIN MAP AND DEVELOPMENT



Proposed Modification to Ordinance 18-05-LC & 18-07-CC



City Council directed staff to determine how the new floodplain maps will affect development in Destin and to bring any proposed changes to the current flood ordinance that would improve development in designated Special Flood Hazard Areas (SFHA) (*See Attachment*).

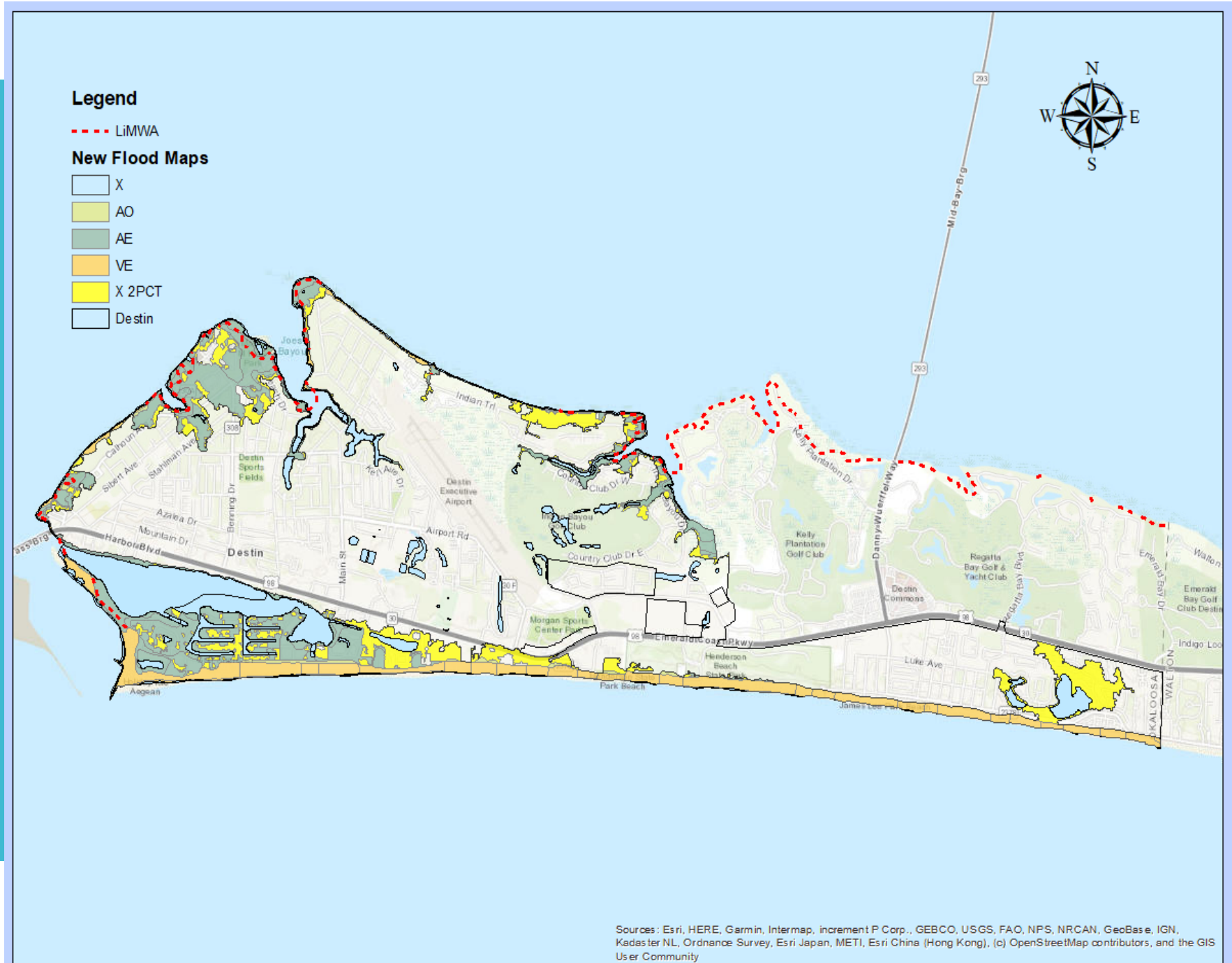


# Approach to address Council Directive

- New Floodplain Maps and the effects on development in Destin.
- Proposed changes to current flood ordinances in Special Flood Hazard Areas (SFHA)

# IDENTIFIED CHANGES

The base flood elevation (BFE) in designated SFHA (i.e., VE & AE Zone) were decreased by 1-2 feet.



# CURRENT DESIGN STANDARDS

## **Design Standards for AE zones (*See Attachment*):**

- Building or structures in flood hazard areas (AE zone) shall have the lowest floors elevated to or above the BFE plus 2 feet, or Design Flood Elevation (DFE), whichever is highest.
- Enclosed areas below DFE shall be used solely for parking, building access, and storage.
- Areas below DFE are provided with flood openings (i.e., 1 square inch opening for each square foot of enclosed area).
- If enclosed area is used for parking shall be enclosed with lattice, screening, or material that permits unobstructed flow of flood waters.
- Non-conversion agreement is required.
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## **Design standards for VE zones (High Coastal Hazard Areas) are the same as AE zones, except (*See Attachment*):**

- Building or structures in coastal high hazard areas (VE zone) shall be elevated so that the bottom of the lowest horizontal member shall be above the BFE plus 2 feet, or DFE, whichever is highest.

Use of fill material for structural support is prohibited.

# CHALLENGES OF CURRENT DESIGN STANDARDS

## **CHALLENGES:**

- 1. Flood regulations and design standards are located in two different locations – the LDC and Code of Ordinances. This causes confusion for the public.**
- 2. The City's current flood design standards:**
  - a. Similar for both VE and AE flood zones. It is a one size fits all approach to floodplain management. However, it is important to note, these areas are drastically different areas and should not share the same design characteristics.
  - b. Allow fill material in the AE zones. This increases the chance of flooding for existing adjacent properties that are in low lying areas.
  - c. The current design standard is the most restrictive. Can drastically change the physical and visual characteristics of a neighborhood. Although it may create the most protective environment possible for our residents, it can be restrictive and burdensome to development and/or redevelopment based on the level of risk. Furthermore, the standards are not based on a risk analysis feasibility study.

# SOLUTIONS



## PROPOSED SOLUTIONS TO CHALLENGES:

### 1. Flood regulations and design standards located in the LDC ONLY

- Revise Ordinance 18-05-LC to include the revised technical amendments that support the City's Community Rating System (CRS) design standards. This will allow for all flood regulations and design requirements to be found in *Article 11.04.00 – Floodplain Management, Land Development Code*.

### 2. Define and designate our Coastal A zones, versus the Non-Coastal A Zones, Eliminate the use of fill material in AE zones, and Revise Non-Coastal A design requirements:

- Define and designate** the Coastal A Zone per the City's Comprehensive Plan. Under the CRS program, these areas are subject to higher regulatory standards due to potential storm surge. The flood elevations were lowered on Holiday Isle when the new maps became effective. However, this area is more susceptible to storm surge. Staff proposes designating Holiday Isle, and those areas already defined by the limited area of minimum wave action (LiMWA) as Coastal A on the new flood maps.
- Eliminate** the use of fill material in AE zones or designated low-lying areas. This will reduce flooding impacts to nearby property.
- Revise** the 2-foot freeboard requirement for structures in the Non-Coastal A zone and use the flood design standards from the Florida Building Code, which requires a 1-foot free board or Design Flood Elevation (DFE), whichever is higher. *Note: will require amending Ordinance 20-01-PC, which established the higher design standards in the Comprehensive Plan. (i.e., 2-foot free board)*

# PROPOSED CHANGES

## Advantages and Disadvantages



### ADVANTAGES :

- Flood regulations will be located in the LDC ONLY
- Higher regulatory construction standards will be maintained in the designated High Coastal Hazard Areas (i.e., Holiday Isle)
- Coastal A Zones will be designated, and the design standards defined for Coastal and Non-Coastal A or AE Zones.
- Utilize regulatory design standards based upon 1-foot freeboard requirement established by the Florida Building Code. This will help establish clear development and redevelopment standards, and will allow for enclosed spaces (i.e., garage) to be designed below base flood elevation in designated Non-Coastal AE Zones.
- Eliminate the use of fill material in AE Zone or identified low-lying areas to reduce the potential risk of elevating the parcel allowing water to displace onto adjacent parcels.
- No decrease in CRS rating

**In summary, proposed changes will allow staff to evaluate risk and apply sound engineering and floodplain practices in designated SFHA.**

### DISADVANTAGES :

- Perception of lowering standards in AE zones. However, the design standard in AE zones will meet the Florida Building Code 1-foot free board requirement for development or redevelopment in designated SFHA.
- Requirements of no fill material may increase construction and maintenance cost.

# CONCLUSION

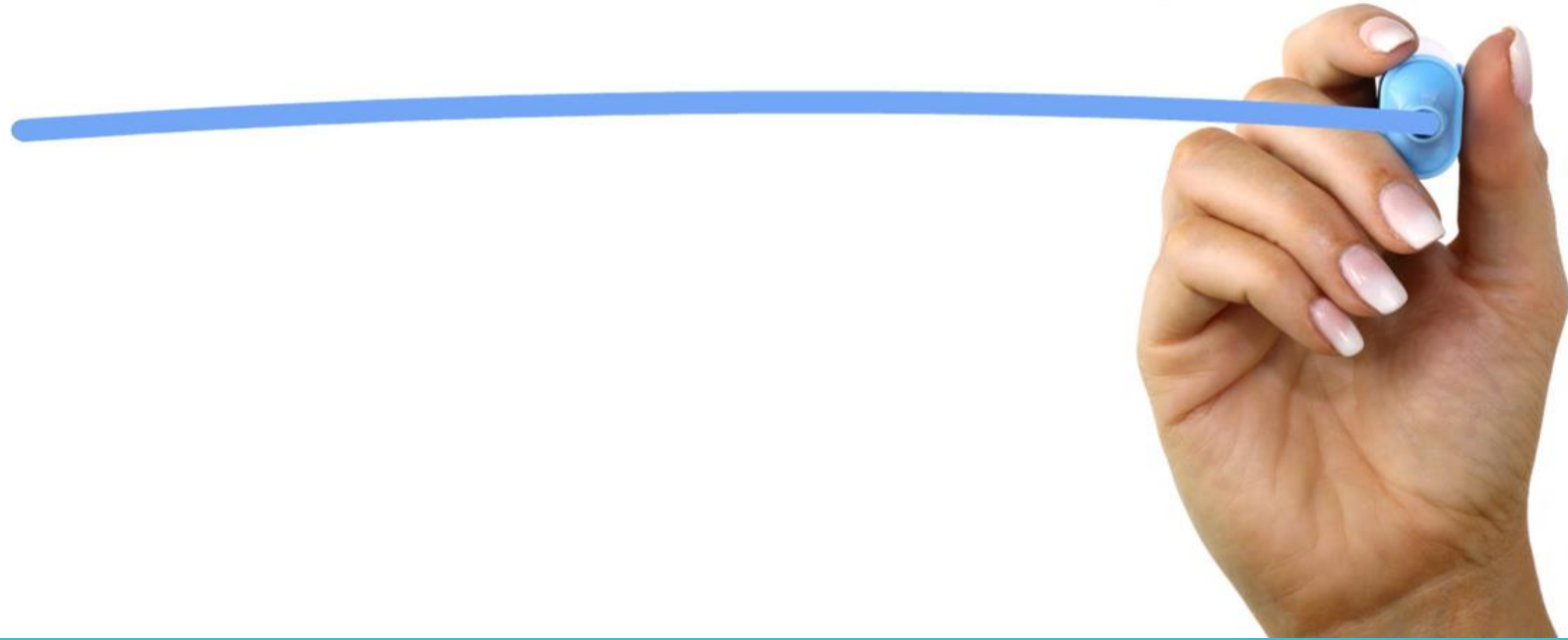


**The City of Destin is a Class 6 under the Community Rating System (CRS) program with 2,110 points and currently is in a CRS Cycle review. The proposed solutions to the challenges noted above will not negatively impact the City's CRS rating.**

**The proposed solutions will maintain higher regulatory standards in High Coastal Hazard Areas (i.e., VE and Coastal A zones), while better defining the design standards for Non-Coastal A zones and AE zones.**



# QUESTIONS





CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** April 19, 2021  
**TYPE OF AGENDA ITEM:** City Manager Report  
**AGENDA OUTLINE NUMBER:** 4.H.

---

**TO:** City Council

**THRU:** Webb Warren, Deputy City Manager  
Louis Zunguze, Community Development Director

**FROM:** Michael Burgess, Public Services Director  
Donald Smith, City Engineer

**DATE:** 04/14/2021

**SUBJECT:** Zerbe-Calhoun Pedestrian Improvements Project, Boardwalk section

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**I. BACKGROUND:** City Council at its last meeting on April 5 tabled this item (2021-3434) and awaited additional information to be provided by staff concerning the sidewalk that would have serviced Clement Taylor Park on Calhoun Avenue. Staff has visited the site and information is provided.

**II. DISCUSSION:** At the previous City Council meeting, the suggestion was made to terminate the new sidewalk project, and provide for a pedestrian crosswalk, at the former wedding chapel/future Fire Station location short of the Clement Taylor Park (CTP) property. Staff has visited the site and submits the following for consideration per Council's directive:

1. The proposed sidewalk section running through the southwest section of the park would provide ADA compliant access to the CTP facility (current and future) from the south. The portion of sidewalk in the northeast section would be connected to a crosswalk, then a sidewalk that would provide ADA compliant access to patrons coming from the north. Once inside the park, patrons can use the existing improved surfaces for access.
2. The existing section of sidewalk directly across Calhoun Avenue that would be used if the crossing is placed at the future Fire Station driveway is only four feet wide and contains some minor defects.
3. The area, if the crosswalk were placed at the Fire Station driveway, would be serviced by a 10' sidewalk to the south, 8' foot sidewalk to the north and the aforementioned 4' sidewalk to the east. There is an existing storm drain in between the sidewalk and the roadway in the 4' section.
4. The 4' section of sidewalk would not be in compliance with the LDC per section

08.03.00. - Design standards for new and reconstructed roads and streets

5. Differing sidewalk widths are not a preferred engineering practice.

6. A 4' sidewalk meets ADA standards, though sections of the sidewalk on the east side of Calhoun would need to be replaced.

7. Since moving the crosswalk to the FD entrance would necessitate the replacement of the 4' sidewalk, the sidewalk on the park side would be less expensive due the drainage structures on the east side of the roadway.

8. By stopping short of the CTP entrance, the multimodal users north of the facility would not have a crossing. It is unlikely that users would go to the south end of the park to cross, but would cross Calhoun Avenue at the entrance at a location that does not have improvements. This would require an additional crosswalk.

9. It is reasonable to expect both north and south users to enter the park at the entrance.

10. It is more reasonable for a driver to expect for a pedestrian or cyclist at the entrance to the park. Moving the entrance to the FD entrance is not as visible as the park entrance in regards to driver expectation.

**A. Link to Strategic Goals / Objectives:** from Strategic Focus 2025:

Improved Mobility and Connectivity

**B. Effect on Budget (EOB):** Any changes recommended by Council would require a Change Order. The amount of the change order has yet to be determined.

**C. Level of Service (LOS):** Provision of multi-modal transportation opportunities for residents and visitors.

**III. CONCLUSION:** Staff requests direction on the placement of sidewalk or an elevated boardwalk at the portion of this project in front of Clement Taylor Park.

**IV. RECOMMENDED MOTION: Recommended Motions:**

1. I move that the City Manager be directed to work with the contractor to install a sidewalk section in the interior of the Park instead of the elevated boardwalk sections along Calhoun Avenue or,

2. I move that the City Manager be directed to continue the project as originally presented with an elevated pedestrian boardwalk in front of Clement Taylor Park.

**Alternate Motion:**

1. I move that the City Manager be directed to work with the City Engineer and contractor to design and install a crosswalk section adjacent to the future Fire Station driveway across Calhoun Ave.

Attachments:

None

CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** April 19, 2021  
**TYPE OF AGENDA ITEM:** Action Item  
**AGENDA OUTLINE NUMBER:** 4.I.

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**TO:** City Council

**THRU:** Matthew Pace, IT Manager

**FROM:** Webb Warren, Deputy City Manager

**DATE:** 4/13/2022

**SUBJECT:** Direction on Enhancing Payment Technology for Harbor District Parking Lots

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**I. BACKGROUND:** At the March 15th regular City Council meeting, a presentation was provided to council on the status of paid parking in Destin. Paid parking in Destin is handled through the digital Passport Parking System. This system provides options to pay for parking through a phone app, a website interface, text messaging, through google maps, apple pay as well as phone call based transactions.

During this presentation, questions were raised about the quality of cell phone service in the harbor district and how that could impact the ability for some customers to pay for parking in the Harbor District.

Since January 1, 2019 the following methods of payment and associated transactions for paid parking have been used in the Harbor District:

App-based transactions: 24,208

Website-based transactions: 10,532

Voice transactions: 438

Text message transactions: 1,563

**II. DISCUSSION:** Since updating the digital wayfinding on several map services, we have seen an increase in searches for public parking in the harbor/downtown area. Since February 2021, we have seen a 764% increase in people asking for directions on Google Maps. We have also had click through increase of 167% to the City's paid parking information website. The top search queries that are being used to find the City lots are parking, public parking, and public parking near me.

A potential option to add additional forms of payment technology is to provide kiosks or other hardware based solutions at the harbor district parking lots. Estimated costs for

equipment for all 3 harbor parking lots is estimated at \$30,000 to \$50,000 (\$10,000 - \$17,000 each). The estimated timeframe for an installation is 3 to 5 months.

The company that fully integrates with the City's current Passport parking system only provides kiosks that are cell data driven. Other comparable kiosks with additional connectivity options such as WIFI or hard wired internet are not compatible with the Passport Parking system. Further research and work is required in order to potentially find payment options without the use of additional apps and services outside of the Passport Parking system.

Any potential option would have a best case install timeframe of mid-July 2021. There is no FY2021 budget allocated for additional payment options. Any project that could occur in the next 3-5 months could conflict with resources dedicated to existing priority IT projects.

Staff remains in contact with vendors and services and we are still waiting on additional information as it pertains to the City's paid parking lots.

If Council prefers staff to pursue additional payment options, staff recommends finding the best possible solutions through the FY2022 budget season and target to implement in winter of 2021-22.

- A. **Link to Strategic Goals / Objectives:** Improve Parking, Explore options, garage, surface
- B. **Effect on Budget (EOB):** No FY2021 budget currently allocated for additional payment technology
- C. **Level of Service (LOS):** Enhance Level of Service

**III. CONCLUSION:** Staff recommends researching possible payment options and planning a possible project through the FY2022 budget process.

**IV. RECOMMENDED MOTION:**

Attachments:

None

CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** April 19, 2021  
**TYPE OF AGENDA ITEM:** City Manager Report  
**AGENDA OUTLINE NUMBER:** 4.J.

---

**TO:** City Council

**THRU:**

**FROM:**

**DATE:**

**SUBJECT:** Announcements:

Crosstown Connector Workshop - May 10th, 5:30PM, Council Chambers

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**I. BACKGROUND:**

**II. DISCUSSION:**

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

**III. CONCLUSION:**

**IV. RECOMMENDED MOTION:**

Attachments:

None

CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** April 19, 2021

**TYPE OF AGENDA ITEM:** Public Hearing

**AGENDA OUTLINE NUMBER:** 5.A.

---

**TO:** City Council

**THRU:** Lance Johnson, City Manager

**FROM:** Louis Zunguze, Community Development Director  
Kimberly Kopp, Land Use Attorney

**DATE:** April 14, 2021

**SUBJECT:** Jerry Campbell of Central Design Group, LLC on behalf of Destin Hotel Partners, LLC is requesting approval of a Major Deviation to a Major Development Order identified as "Holiday Inn Express Addition". The project consists of a ±18,250 square foot addition to the existing hotel. The addition will consist of 22 new guestrooms, a lobby, and the related site work. The proposed project is located at 108 Hutchinson St. (Parcel ID: 00-2S-22-0594-0000-004C). The site consists of approximately 3 acres. No changes to the other approved uses or site improvements are proposed.

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**I. BACKGROUND:** Jerry Campbell of Central Design Group, LLC on behalf of Destin Hotel Partners, LLC is requesting approval of a Major Deviation to a Major Development Order identified as "Crystal Beach Plaza 9th Amendment – Holiday Inn Express Addition". The project consists of a ±18,250 square foot addition to the existing hotel. The addition will consist of 22 new guestrooms, a lobby, and the related site work. The proposed project is located at 108 Hutchinson St. (Parcel ID: 00-2S-22-0594-0000-004C). The site consists of approximately 3 acres.

**II. DISCUSSION: COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE**

The property has a Future Land Use Map Designation of **Residential, Office, and Institutional (ROI)** and a zoning designation of **Residential, Office, and Institutional – Tourist Development (ROI-TD)**. The proposed project is consistent with the Comprehensive Plan and Land Development Code (LDC).

**LAND USE**

Hotels and motels are permitted uses in both the ROI future land use designation and the ROI-TD zoning district.

**DENSITY**

Maximum allowed: Not applicable.  
Provided: Not applicable

**HEIGHT**

Maximum allowed: 35' / 3 stories.  
Provided: 31' / 3 stories

**PITCHED ROOF**

Minimum required: 60%  
Provided: 68%

**FLOOR AREA RATIO**

Maximum allowed: 0.50.  
Provided: 0.42

**SETBACKS**

Front minimum required: 20 feet.  
Front provided: 45 feet.

Side minimum required: 7.5 feet.  
Side provided: 20 feet.

Rear minimum required: 10 feet.  
Rear provided: 380 feet.

**OPEN SPACE**

Minimum required: 25%  
Provided: 44.7%

**PLATTING**

Not applicable.

**CONCURRENCY MANAGEMENT**

Concurrency requirements have been met:

**Traffic:** Signed November 17, 2020

**Stormwater Management:** Signed November 19, 2020

**Potable Water/Sanitary Sewer:** Signed September 15, 2020

**Solid Waste:** Signed September 18, 2020

**AIRPORT PROTECTION**

As proposed, this project is not affected by nor affects the Destin – Ft. Walton Beach Airport. The applicant has indicated on the development order application that the proposed project is not within the Airport Expansion Area.

**NOTE:** If construction necessitates the use of a crane, or other obstruction, which exceeds Federal Aviation Administration FAR 77 Standards (normally 200 feet above ground level), the applicant must request a variance from the FAA for temporary encroachment into this restrictive area and a copy of a completed FAA Form 7460, must be placed on file with the

City of Destin prior to the crane, or other obstruction, penetrating the restricted airspace.

### **TRANSPORTATION ANALYSIS**

The traffic analysis, signed and dated August 12, 2020, indicates the proposed development is estimated to generate thirteen (13) P.M. peak hour (peak hour of adjacent street traffic) trips. The analysis is consistent with the technical methodology outlined in LDC 6.05.05.

### **RIGHT-OF-WAY DEDICATION**

Not applicable.

### **INGRESS/EGRESS**

Vehicular access to the property is provided by a two-way drive from the Hutchinson Street public ROW.

### **PEDESTRIAN NETWORK**

The project provides a complete pedestrian network as required in LDC 8.09.03.A(6). A continuous on-site internal sidewalk is provided throughout the development.

### **PARKING**

|                                          |     |
|------------------------------------------|-----|
| Required minimum vehicle parking spaces: | 101 |
| Provided vehicle parking spaces:         | 104 |
| Required minimum bicycle parking spaces: | 6   |
| Provided bicycle parking spaces:         | 6   |

### **UTILITIES**

All utilities are required to be underground.

### **STORMWATER**

The City Manager's Stormwater designee approved the stormwater plan on November 19, 2020.

### **REFUSE COLLECTION**

All non-construction related dumpsters, trashcans, and recycling bins shall be placed in a solid waste collection area or inside a building.

### **WHITE SANDS ZONE**

The proposed project is not located within any White Sands Zones.

### **LANDSCAPING**

|                                  |                  |
|----------------------------------|------------------|
| Front perimeter/common boundary: | Requirement met. |
| Interior parking landscape:      | Requirement met. |
| Buffer zone:                     | Requirement met. |

Preservation and restoration:

|                                |           |
|--------------------------------|-----------|
| Reforestation trees required:  | 31        |
| Reforestation credits:         | 90        |
| Preserved trees to be removed: | 0         |
| Replacement trees:             | 31        |
| Required parking trees:        | 5         |
| <b>Total required trees:</b>   | <b>36</b> |



**Total trees provided: 59**

### **SIGNS**

All signs must comply with the sign code section of the Destin Land Development Code in effect at the time a sign application is submitted.

### **IMPACT FEES**

Final impact fee amounts will be determinant upon the gross floor area of the overall development land uses and whether exemption or credits are applicable and reevaluated at the time a Certificate of Occupancy is requested. The impact fees for the proposed project are estimated to be:

#### **20-26-SP – Holiday Inn Express Addition**

| <b>LAND USE</b>          | <b>UNITS</b> | <b>PARK</b>       | <b>LIBRARY</b> | <b>POLICE</b>   | <b>TRANS.</b>      | <b>TOTAL</b>       |
|--------------------------|--------------|-------------------|----------------|-----------------|--------------------|--------------------|
| Hotel/Motel,<br>per room | 22           | \$243.00          | \$0.00         | \$11.00         | \$981.00           |                    |
| <b>Totals</b>            | <b>22</b>    | <b>\$5,346.00</b> | <b>\$0.00</b>  | <b>\$242.00</b> | <b>\$21,582.00</b> | <b>\$27,170.00</b> |

### **OTHER FEES: NONE**

### **COMMENTS:**

Per Community Development Department:

- 1. Prior to the issuance of a Clearing Permit,** a clearing plan must be submitted and approved by the Community Development Department.
- 2. Prior to the issuance of a Certificate of Occupancy,** all required parking and related landscaping shall be installed, inspected, and approved by the Engineering and Community Development Departments.

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

**III. CONCLUSION:** With respect to the Major Deviation to an Existing Development Order, **2.07.03(B)(2) of the Land Development Code** requires these applications to be reviewed and processed pursuant to the requirements of **2.07.00 and 2.07.01.**

**Section 2.07.01(B) states the following:**

Following the required public notice and hearing, the City Council shall either approve, approve with conditions, approve with modifications, or deny the Community Development staff's recommendation and shall:

1. Determine conformity of the proposed development with the Comprehensive Plan, this Code, other applicable requirements and the items enumerated above.
2. Hear and address concerns and desires of surrounding landowners and other affected persons.
3. Consider any rule, objective or policy of the Comprehensive Plan or any other criterion applicable to the particular development proposals in formulating its recommendation to either approve or deny the development proposal.

4. If the proposal is approved or approved with conditions, the City Council shall instruct the City Manager, or designee, to authorize the issuance of a development order that complies with **Section 2.08.00**.
5. If the proposal is approved with modifications, a development order may be authorized by the City Manager, or his designee, once the required modifications have been completed and approved by the appropriate Technical Review Committee (TRC) members.
6. If the proposal is denied based upon the applicant's failure to meet the requirements

of this Code in the proposed development plan(s), the application will become null and void, the applicant will lose in-line priority consideration for concurrency. The applicant will have to submit a new application and start the review process over in order to secure consideration for approval of the proposal.

The City Council should review these criteria and render its decision on the applications in accordance therewith.

**IV. RECOMMENDED MOTION:** I move to approve/deny the Major Deviation to a Major Development Order identified as “Crystal Beach Plaza 9th Amendment – Holiday Inn Express Addition”.

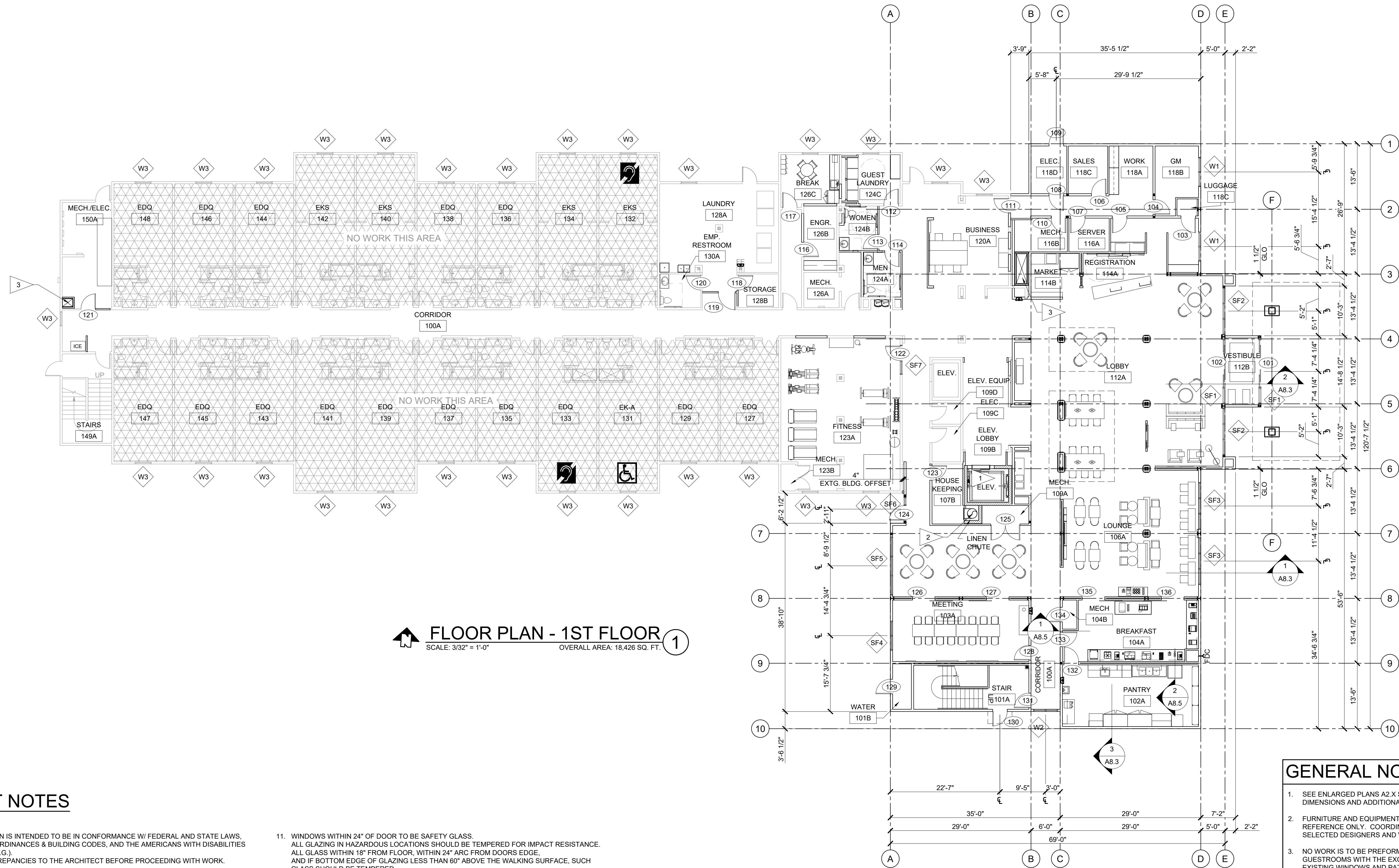
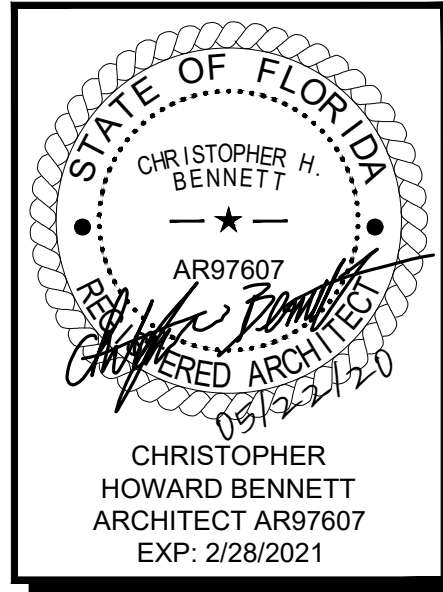
Attachments:

1. Holiday Inn Express Final Plan Set
2. DO-21-13\_Holiday Inn Express  
Addition\_DRAFT









**FLOOR PLAN - 1ST FLOOR**  
SCALE: 3/32" = 1'-0" OVERALL AREA: 18,426 SQ. FT.

## PROJECT NOTES

- ALL CONSTRUCTION IS INTENDED TO BE IN CONFORMANCE W/ FEDERAL AND STATE LAWS, CURRENT LOCAL ORDINANCES & BUILDING CODES, AND THE AMERICANS WITH DISABILITIES ACT OF 1990 (A.D.A.G.). REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH WORK.
- AUTOMATIC FIRE SPRINKLER SYSTEM MUST BE REVIEWED AND APPROVED BY THE FIRE DEPT.
- FIRE ALARM SYSTEM IS REQUIRED. SYSTEM MUST BE REVIEWED AND APPROVED BY THE FIRE DEPT.
- CONTRACTOR TO FIELD VERIFY ALL SITE CONDITIONS PRIOR TO COMMENCING CONSTRUCTION AND INFORM ARCHITECT OF ANY DISCREPANCIES.
- CONTRACTOR TO VERIFY REQUIREMENTS OF ALL OWNER FURNISHED ITEMS WITH OWNER BEFORE PROCEEDING WITH WORK.
- CONTRACTOR TO VERIFY ALL DIMENSIONS W/ MANUFACTURER ON FIXTURES & EQUIPMENT SUPPLIED, PRIOR TO CONSTRUCTION.
- REFER TO ENLARGED PLANS FOR ADDITIONAL INFO INCLUDING DIMENSIONS. ENLARGED PLANS TAKE PRECEDENCE OVER SMALLER SCALE DRAWINGS NOTIFY ARCHITECT OF ANY CONFLICT BEFORE PROCEEDING.
- FOR SIZE & SPACING OF WOOD STUDS-REFER TO STRUCTURAL DRAWINGS AND NOTES.
- DIMENSIONS ARE FACE OF STUD TO FACE OF STUD, UNLESS NOTED OTHERWISE (UNO). REFER TO BOTH ARCHITECTURAL AND STRUCTURAL DRAWINGS BEFORE COMMENCING WORK ON FOOTING AND FOUNDATION.
- CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL BLOCKING REQUIRED FOR ANY WALL HUNG EQUIPMENT, TOILET ACCESSORIES, SHELVING, SHOWER SEAT, EXTERIOR LIGHT FIXTURES, ETC.
- WINDOWS WITHIN 24" OF DOOR TO BE SAFETY GLASS. ALL GLAZING IN HAZARDOUS LOCATIONS SHOULD BE TEMPERED FOR IMPACT RESISTANCE. ALL GLASS WITHIN 18" FROM FLOOR, WITHIN 24" ARC FROM DOORS EDGE, AND IF BOTTOM EDGE OF GLAZING LESS THAN 60" ABOVE THE WALKING SURFACE, SUCH GLASS SHOULD BE TEMPERED.
- CONTRACTOR TO PROVIDE CAULKING AT THE FOLLOWING AREAS: A) AT CABINET ENDS, WHERE THEY MEET GYPSUM BOARD WALL B) AT HOLLOW METAL FRAMES, BOTH SIDES C) ALL WOOD DOOR FRAMES, BOTH SIDES.
- ALL GYPSUM BOARD IN CORRIDORS SHALL BE HUNG VERTICALLY.
- VINYL CORNER GUARDS TO BE INSTALLED AT ALL EXTERNAL CORNERS AT PUBLIC AREAS, CORRIDORS, AND LAUNDRIES. (MATCH WALL COLOR.)
- ELEVATOR SMOKE SEAL - HOISTWAY DOORS AT ALL FLOORS SHALL HAVE SEAL/EZE ELEVATOR SMOKE SEAL BRUSH SYSTEM OR EQUAL INSTALLED TO MEET CODE SMOKE DOOR REQUIREMENTS.
- BUILDING SETTLEMENT AND SHRINKAGE COMPENSATION - ALL DWV STACKS SHALL HAVE AN EXPANSION JOIN FITTING INSTALLED AT 2ND FLOOR AND PIPE RISER CLAMPS AT 2ND AND 3RD FLOOR LINES. SEE PLUMBING DRAWINGS.
- GENERAL CONTRACTOR TO VERIFY & CORRECT LEVEL OF ALL FLOOR SLABS PRIOR TO INSTALLATION OF FLOOR FINISHES.

## LEGEND

- FIRE EXTINGUISHER & RECESSED CABINET
- HEARING IMPAIRED ACCESSIBLE GUEST ROOM
- HANDICAPPED ACCESSIBLE GUEST ROOM
- FIRE SPRINKLER STANDPIPE
- DOOR NUMBER
- WINDOW NUMBER

## KEY NOTES

- ELEVATOR HOISTWAY - COORDINATE SHAFT CLEAR OPENING REQUIREMENTS W/ SUPPLIER / INSTALLER.
- LINEN CHUTE - PROVIDE OPENING IN FLOOR/CEILING ASSEMBLY FOR LINEN CHUTE AND 1 HOUR FIRE RATED SHAFT CONSTRUCTION.
- DUCT SHAFT - PROVIDE OPENING IN FLOOR/CEILING ASSEMBLY FOR 1 HOUR FIRE RATED SHAFT CONSTRUCTION.
- HEARING IMPAIRED GUESTROOMS - PROVIDE FIRE ALARM STROBE(S) IN THE GUESTROOM, FIRE ALARM STROBE IN THE BATHROOM, AND A DOOR BELL SYSTEM WITH STROBE. SEE ELECTRICAL.

## GENERAL NOTES

- SEE ENLARGED PLANS A2.X SHEETS FOR INTERIOR DIMENSIONS AND ADDITIONAL INFORMATION.
- FURNITURE AND EQUIPMENT SHOWN FOR REFERENCE ONLY. COORDINATE WITH OWNER SELECTED DESIGNERS AND VENDERS.
- NO WORK IS TO BE PERFORMED IN THE EXISTING GUESTROOMS WITH THE EXCEPTION OF REPLACING EXISTING WINDOWS AND PATCH AND REPLACE OF FINISHES IF REQUIRED TO RELOCATE EXISTING UTILITIES.

## UNIT MATRIX

| TYPE                    | MARK  | FLOORS |     |     | TOTALS | %     |    |
|-------------------------|-------|--------|-----|-----|--------|-------|----|
|                         |       | 1ST    | 2ND | 3RD |        |       |    |
| KING SUITE - EXTG.      | EKS   | 4      | 10  | 10  | 24     | 27.08 | 2  |
| KING ACC. - EXTG.       | EK-A  | 1      | 0   | 0   | 1      |       |    |
| KING ACC.               | K-A   | 0      | 1   | 0   | 1      |       |    |
| DBL. QUEEN              | DQ    | 0      | 7   | 7   | 14     | 66.67 | 6  |
| DBL. QUEEN - EXTG.      | EDQ   | 15     | 15  | 15  | 45     |       |    |
| DBL. QUEEN - WIDE       | DQW   | 0      | 0   | 1   | 1      |       |    |
| DBL. QUEEN ACC. - EXTG. | EDQ-A | 0      | 2   | 2   | 4      | 6.25  | 2  |
| DBL. QUEEN SUITE        | DQS   | 0      | 2   | 3   | 5      |       |    |
| DBL. QUEEN SUITE ACC.   | DQS-A | 0      | 1   | 0   | 1      |       |    |
| TOTALS:                 |       | 20     | 38  | 38  | 96     |       | 10 |

EXISTING CONDITIONS SHOWN ARE AS PROVIDED BY THE OWNER. THE CONTRACTOR SHOULD VERIFY ALL EXISTING CONDITIONS PRIOR TO CONSTRUCTION.



LEGEND

FIRE EXTINGUISHER & RECESSED CABINET

HEARING IMPAIRED ACCESSIBLE GUEST ROOM

HANDICAPPED ACCESSIBLE GUEST ROOM

FIRE SPRINKLER STANDPIPE

DOOR NUMBER

WINDOW NUMBER

GENERAL NOTES

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KEY NOTES

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2. LINEN CHUTE - PROVIDE OPENING IN FLOOR/CEILING ASSEMBLY FOR LINEN CHUTE AND 1 HOUR FIRE RATED SHAFT CONSTRUCTION.

3. DUCT SHAFT - PROVIDE OPENING IN FLOOR/CEILING ASSEMBLY FOR 1 HOUR FIRE RATED SHAFT CONSTRUCTION.

4. HEARING IMPAIRED GUESTROOMS - PROVIDE FIRE ALARM STROBE(S) IN THE GUESTROOM, FIRE ALARM STROBE IN THE BATHROOM, AND A DOOR BELL SYSTEM WITH STROBE. SEE ELECTRICAL.

JOB NUMBER  
19002

ISSUE DATE  
05-22-20

REVISIONS

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STATE OF FLORIDA

CHRISTOPHER H. BENNETT

ARCHITECT

AR97607

05/22/20

CHRISTOPHER HOWARD BENNETT

ARCHITECT AR97607

EXP: 2/28/2021

**FLOOR PLAN - 2ND FLOOR**  
SCALE: 3/32" = 1'-0" OVERALL AREA: 18,275 SQ. FT.

EXISTING CONDITIONS SHOWN ARE AS PROVIDED BY THE OWNER. THE CONTRACTOR SHOULD VERIFY ALL EXISTING CONDITIONS PRIOR TO CONSTRUCTION.

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FLOOR PLAN  
2ND FLOOR

A1.5



LEGEND

FIRE EXTINGUISHER & RECESSED CABINET

HEARING IMPAIRED ACCESSIBLE GUEST ROOM

HANDICAPPED ACCESSIBLE GUEST ROOM

FIRE SPRINKLER STANDPIPE

DOOR NUMBER

WINDOW NUMBER

GENERAL NOTES

1. SEE ENLARGED PLANS A2 X SHEETS FOR INTERIOR DIMENSIONS AND ADDITIONAL INFORMATION.

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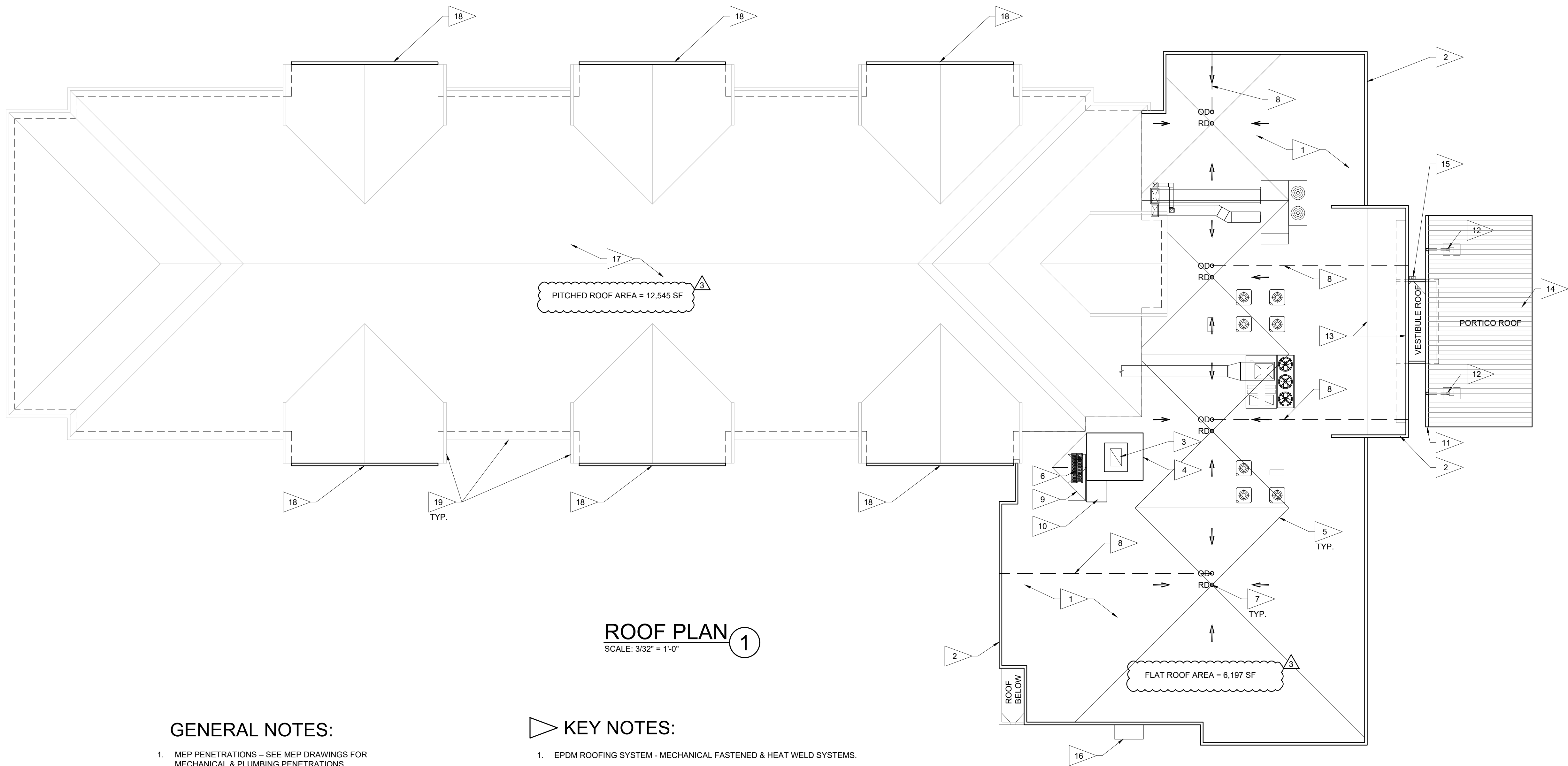
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FLOOR PLAN  
3RD FLOOR

A1.6





GENERAL NOTES:

1. MEP PENETRATIONS – SEE MEP DRAWINGS FOR MECHANICAL & PLUMBING PENETRATIONS.
2. CURBS AND FLASHINGS – ALL CURBS AND FLASHING SHALL BE WATER TIGHT TO AN ELEVATION EQUAL TO 4" ABOVE THE TOP OF THE ROOF OVER-FLOW DRAINS.

KEY NOTES:

1. EPDM ROOFING SYSTEM - MECHANICAL FASTENED & HEAT WELD SYSTEMS.
2. PARAPET - HEIGHT VARIES, SEE EXTERIOR ELEVATIONS.
3. VENT - VENT ELEVATOR SHAFT THRU ROOF. SEE MEP.
4. ELEVATOR PENTHOUSE – HEIGHT AS REQUIRED FOR CLEARANCE BY ELEVATOR SUPPLIER. SLOPE TOP TO DRAIN. COVER TOP AND SIDES WITH ROOFING MEMBRANE.
5. ROOF CRICKET - TAPERED INSULATION CRICKET SHAPE TO DRAIN.
6. ROOF HATCH - MINIMUM 16 SF OPENING AND ALTERNATING TREAD STEEL STAIR. BILCO NB-50T OR EQUAL INSULATED ACCESS HATCH. LAYEYRE STAIR - STEEL ALTERNATING TREAD STAIR 68 DEGREE ANGLE OR EQUAL.
7. ROOF DRAIN & OVERFLOW DRAIN - APPROX. LOCATIONS SHOWN. COORDINATE W/ MEP.
8. ROOF OVERFLOW DRAIN LINE IN ROOF TRUSS SPACE & TERMINATE THRU AT EXTERIOR WALL W/ LAMP TONGUE.
9. ACCESS WALKWAY PAD. EXTEND TO ALL MECHANICAL EQUIPMENT LOCATIONS.
10. LINEN CHUTE VENT & CURB.
11. PREFIN. METAL GUTTER - MATCH METAL FASCIA.
12. DOWNSPOUTS - PREFIN. METAL, 4" X 4" ATTACHED TO COLUMNS BUILDOUT BELOW. CONNECT TO STORM WATER DRAINAGE SYSTEM THRU COLUMN BASE.
13. PIGGYBACK TRUSSES - SLOPE END TO ROOF DECK AND DIAGONAL KICKER SUPPORT FOR PARAPET.
14. STANDING SEAM METAL ROOF.
15. 6" PRE-FINISHED METAL SCUPPER & COLLECTOR HEAD W/ DOWNSPOUT & OVERFLOW.
16. ALUMINUM CANOPY SYSTEM - MASA ARCHITECTURAL CANOPIES, EXTRUDEDECK ALUMINUM CANOPY W/ DROP CROWN PROFILE AND FLAT SOFFIT DECKING. SEE PLAN FOR SIZE.
17. REMOVE AND REPLACE EXISTING ASPHALT SHINGLE ROOF AND STORM SHIELD. NEW SHINGLES AS SELECTED BY OWNER.
18. REMOVE EXISTING GABLE END SOFFIT AND EXTEND EXTERIOR WALL PARAPET PER EXTERIOR ELEVATIONS AND DETAIL 7/A8.5
19. REMOVE AND REPLACE ALL EXISTING GUTTERS AND DOWNSPOUTS.

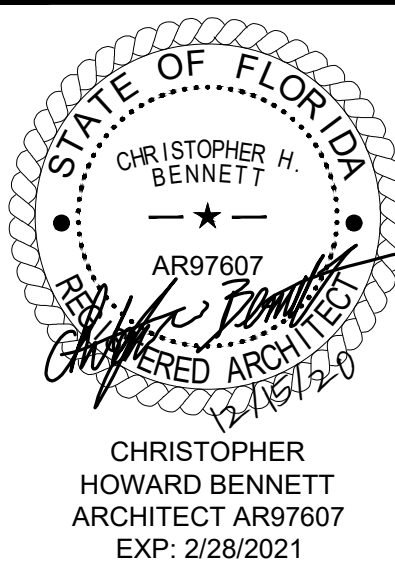
ROOF AREAS:

|                                |           |      |
|--------------------------------|-----------|------|
| TOTAL ROOF AREA:               | 18,742 SF | 100% |
| EXISTING PITCHED ROOF AREA:    | 12,545 SF | 68%  |
| (EXCEEDS MINIMUM 60% REQUIRED) |           |      |
| NEW FLAT ROOF AREA:            | 6,197 SF  | 32%  |

EXISTING CONDITIONS SHOWN ARE AS PROVIDED BY THE OWNER. THE CONTRACTOR SHOULD VERIFY ALL EXISTING CONDITIONS PRIOR TO CONSTRUCTION.

JOB NUMBER  
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3 ADD 03 12-15-20

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ROOF PLAN

A6.1





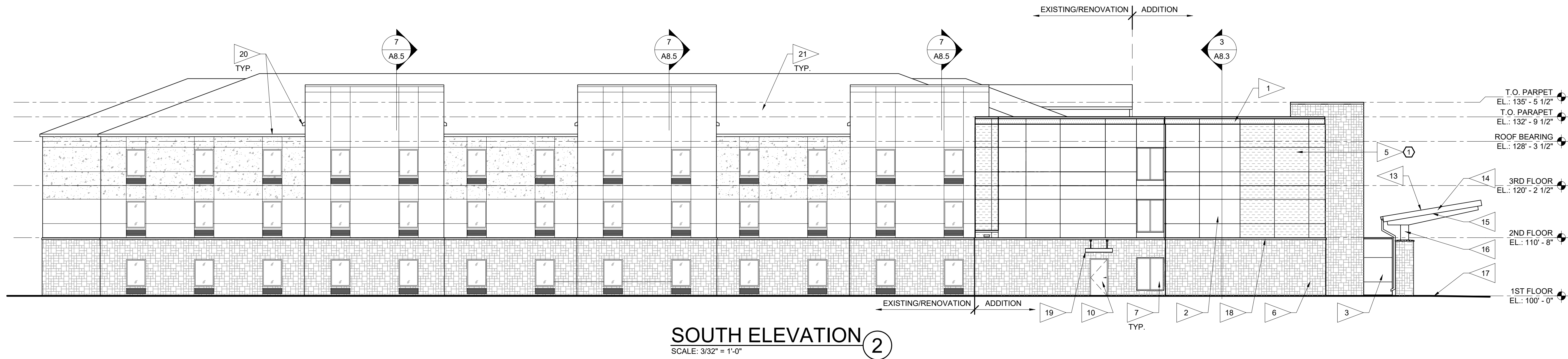
| COLOR LEGEND |                      |                                                                                              |
|--------------|----------------------|----------------------------------------------------------------------------------------------|
| 1            | E1 - E.I.F.S.        | COLOR: PAREX SNOWBALL 10400L SAND SMOOTH SURFACE W/ PDR ACRYLIC FINISH                       |
| 2            | E2 - E.I.F.S.        | COLOR: PAREX MOODNDACE 3027L LIMESTONE/SANDSTONE. TEXTURED SURFACE W/ PDR ACRYLIC FINISH     |
| 3            | E3 - E.I.F.S.        | COLOR: PAREX MOODNDACE 3027L LIMESTONE/SANDSTONE. SMOOTH, SAND SURFACE W/ PDR ACRYLIC FINISH |
| 4            | E4 - E.I.F.S.        | COLOR: PAREX TWIG 3021L (MEDIUM) SAND FINE SURFACE W/ PDR ACRYLIC FINISH                     |
| 5            | E5 - E.I.F.S.        | COLOR: PAREX RED ROCK 3043D SAND SMOOTH SURFACE W/ PDR ACRYLIC FINISH                        |
| 6            | S1 - SIMULATED STONE | SIMULATED STONE: BORAL STONE PRODUCTS CULTURED STONE, PRO-FIT LEDGESTONE SOUTHWEST BLEND     |

- NOTES :
- EXTERIOR WINDOW, SEE SCHEDULE.
  - ALUMINUM STOREFRONT SYSTEM, SEE SCHEDULE.
  - ALUMINUM STOREFRONT DOOR, SEE SCHEDULE.
  - HOLLOW METAL DOOR, SEE SCHEDULE.
  - SIGNAGE BY OTHERS, PROVIDE BLOCKING & POWER.
  - HALLMARK LIGHTING, SEE ELECTRICAL.
  - ENTRANCE CANOPY, STANDING SEAM METAL ROOF. PAC-CLAD SNAP CLAD 12" STANDING SEAM METAL ROOFING. COLOR: METALLIC ZINC.
  - ENTRANCE CANOPY, STANDING SEAM METAL ROOF PAC-CLAD SNAP CLAD CUSTOM FABRICATED ROOF EDGE FLASHING AND FASCIA. COLOR: DARK BRONZE.
  - ENTRANCE CANOPY, VENTED SOFFIT, PAC-CLAD PAC-750 FULLY VENTED SOFFIT PANELS. COLOR: DARK BRONZE.
  - ENTRANCE CANOPY, STEEL FRAME PAINTED FINISH EXTERIOR GRADE PAINT. CUSTOM COLOR TO MATCH PAC-CLAD COLOR: DARK BRONZE. GRIND ALL WELDS SMOOTH PRIOR TO PAINT APPLICATION.
  - CONCRETE PAVERS, TYPE AND COLOR SELECTED BY OWNER. INSTALLATION AND BASE IN ACCORDANCE WITH MANUFACTURERS INSTRUCTIONS.
  - EIFS WATER TABLE.
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  - NEW ALUMINUM GUTTERS AND DOWNSPOUTS
  - EXISTING ROOF TO RECEIVE NEW COMPOSITE ROOFING AND WATERPROOFING PER SPEC.

ELEVATION REMARKS :

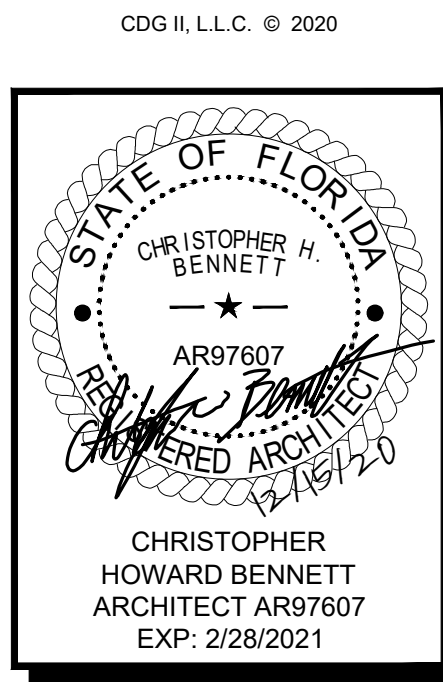
- 3" THICK EIFS AS INDICATED
- ALL EIFS IS TO BE 1 1/2" THICK U.N.O.
- EXISTING BUILDING IS TO RECEIVE NEW E.I.F.S. PER COLOR LEGEND.
- ALL EXISTING WINDOWS TO BE REPLACED PER WINDOW SCHEDULE
- NO MORTAR/GROUT AROUND WINDOW WHERE STONE IS ADJACENT. THIS AREA NEEDS TO CAULKED ONLY.
- OWNER TO MAKE FINISH COLOR SELECTIONS.
- NEW FLOOR ELEVATIONS ARE TO MATCH EXISTING; CONTRACTOR TO FIELD VERIFY EXISTING FLOOR ELEVATIONS.

| ROOF AREAS: (SEE ROOF PLAN 1/6.1) |           |      |
|-----------------------------------|-----------|------|
| TOTAL ROOF AREA:                  | 18,742 SF | 100% |
| EXISTING PITCHED ROOF AREA:       | 12,545 SF | 68%  |
| (EXCEEDS MINIMUM 60% REQUIRED)    |           |      |
| NEW FLAT ROOF AREA:               | 6,197 SF  | 32%  |



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| 3          | ADD 03 12-15-20 |



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EXTERIOR ELEVATIONS  
A7.2



COLOR LEGEND

|   |                      |                                                                                              |
|---|----------------------|----------------------------------------------------------------------------------------------|
| 1 | E1 - E.I.F.S.        | COLOR: PAREX SNOWBALL 10400L SAND SMOOTH SURFACE W/ PDR ACRYLIC FINISH                       |
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| 6 | S1 - SIMULATED STONE | SIMULATED STONE: BORAL STONE PRODUCTS CULTURED STONE, PRO-FIT LEDGESTONE SOUTHWEST BLEND     |

NOTES :

- EXTERIOR WINDOW, SEE SCHEDULE.
- ALUMINUM STOREFRONT SYSTEM, SEE SCHEDULE.
- ALUMINUM STOREFRONT DOOR, SEE SCHEDULE.
- HOLLOW METAL DOOR, SEE SCHEDULE.
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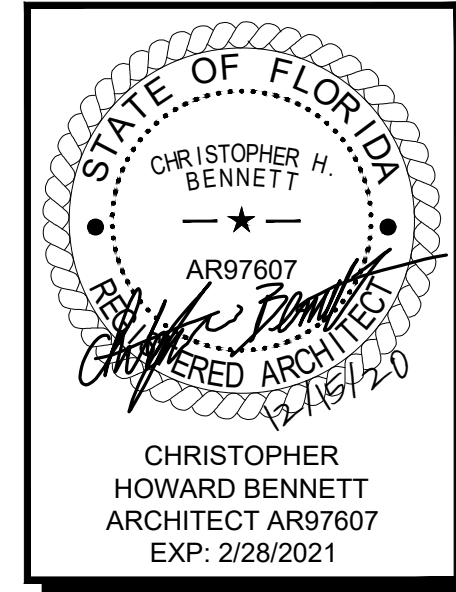
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ROOF AREAS: (SEE ROOF PLAN 1/6.1)

|                                |           |      |
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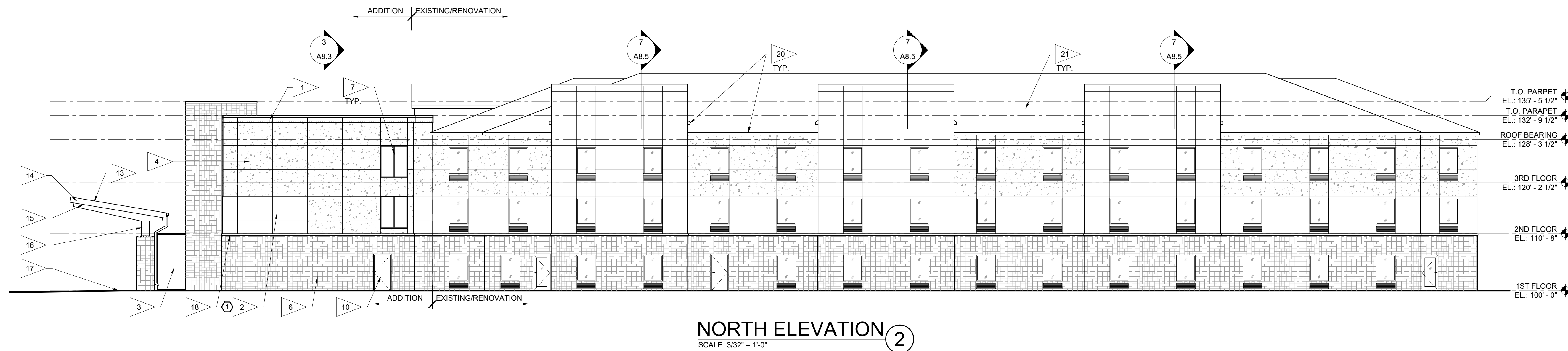
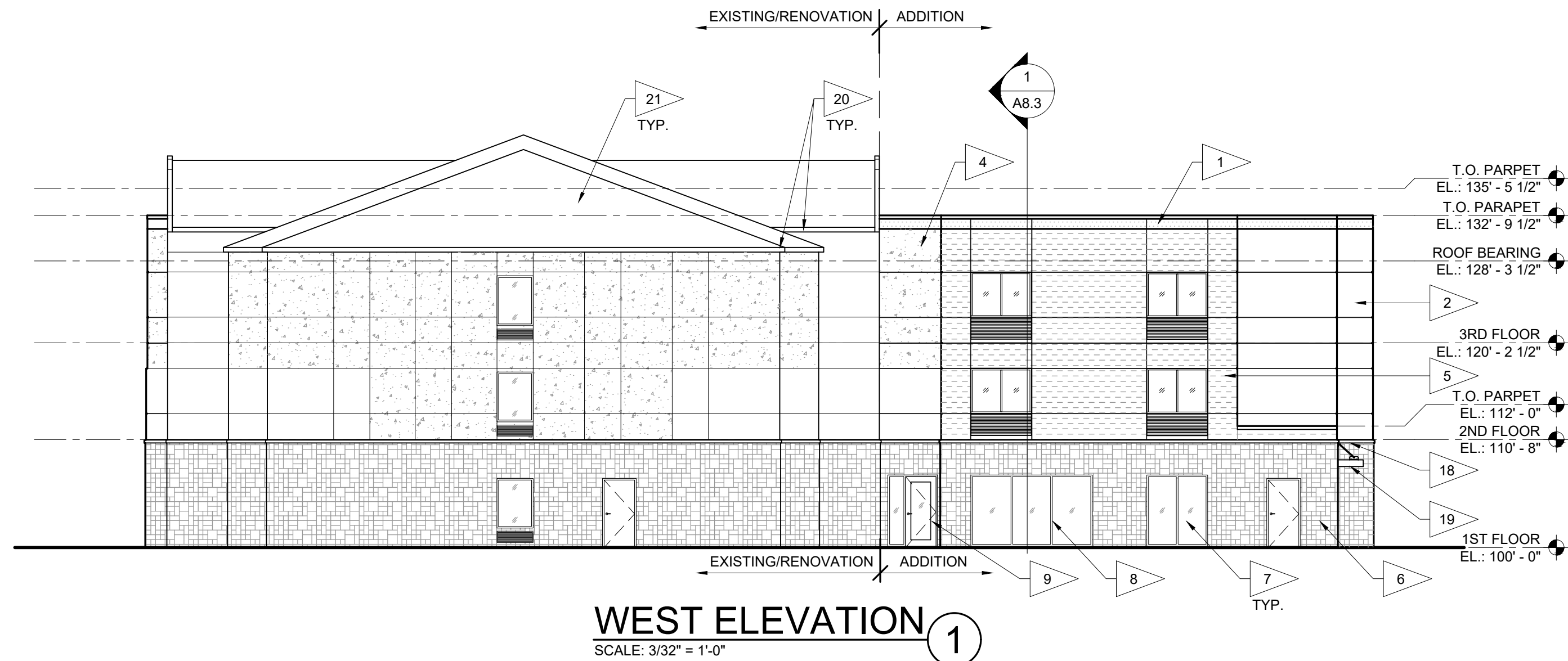


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EXTERIOR  
ELEVATIONS

A7.3



EXISTING CONDITIONS SHOWN ARE AS PROVIDED BY THE OWNER. THE CONTRACTOR SHOULD VERIFY ALL EXISTING CONDITIONS PRIOR TO CONSTRUCTION.



| GENERAL NOTES                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. EXISTING CONDITIONS AND LAYOUT - SHOWN IN ACCORDANCE WITH SITE PHOTOS AND INFORMATION PROVIDED BY THE OWNER. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS PRIOR TO BIDDING AND CONSTRUCTION. SEE CIVIL DRAWINGS FOR DEMOLITION, DIMENSIONS, GRADING, DRAINAGE, AND PAVEMENT REQUIREMENTS AND DETAILS. |

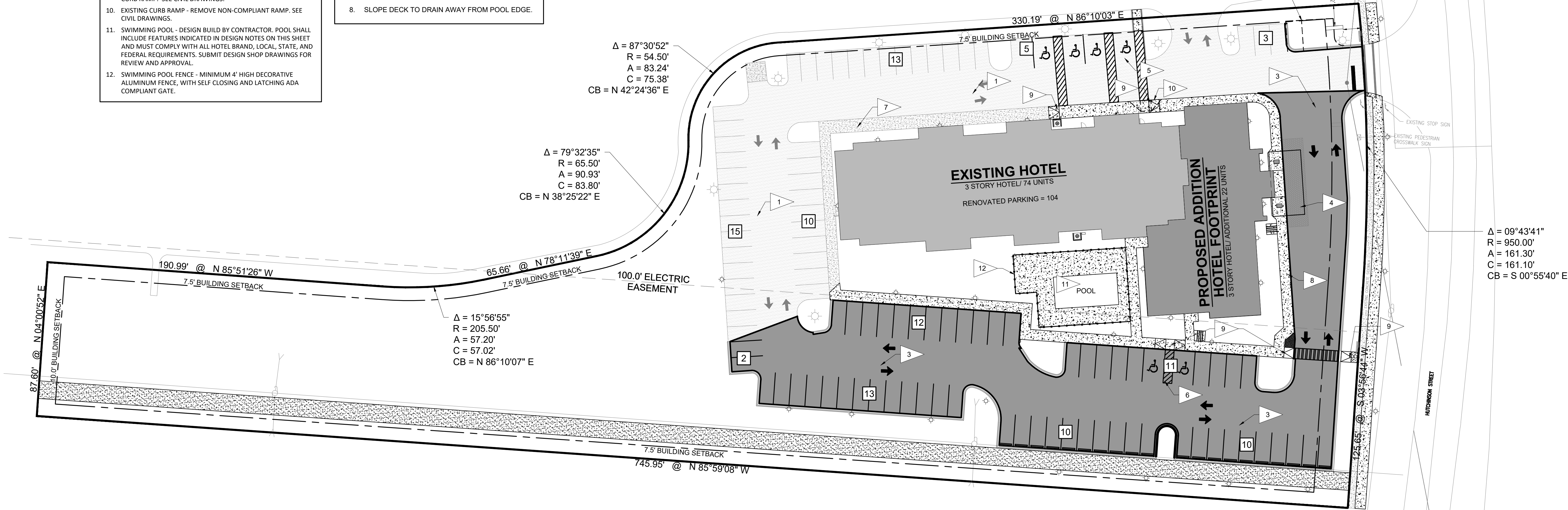
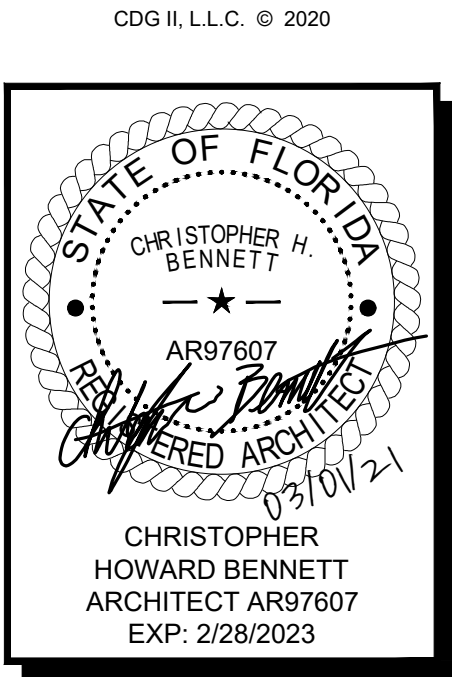
| KEYED NOTES                                                                                                                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. EXISTING PARKING AND DRIVES - FIELD VERIFY EXISTING CONDITION. REPAIR AND RESURFACE ANY DAMAGED PAVEMENT AND CURBS AS REQUIRED TO ESTABLISH A UNIFORM SURFACE AND PROVIDE POSITIVE DRAINAGE. SEAL SURFACE AND RESTRIPE PARKING AND AISLE IN ACCORDANCE WITH CIVIL DRAWINGS.                                        |
| 2. EXISTING PARKING SPACES AT ENTRY - REMOVE 3 EXISTING SPACES WITHIN 40' OF PROPERTY LINE AT DRIVE ENTRANCE TO COMPLY WITH CITY PARKING SET BACK AT ENTRANCE DRIVES. INSTALL NEW CURB AND TOP SOIL FOR LANDSCAPING. SEE CIVIL DRAWINGS.                                                                              |
| 3. NEW PARKING AND DRIVES - SEE CIVIL DRAWINGS FOR SUBGRADE PREPARATION AND PAVEMENT, AND MARKING REQUIREMENTS.                                                                                                                                                                                                       |
| 4. NEW PORTICO ACCENT PAVEMENT - 12' X 50' AREA CENTERED ON PORTICO. COLOR AND PATTERN AS SELECTED BY OWNER. PROVIDE FLUSH TRANSITION WITH ENTRY WALK OVER ENTIRE LENGTH. SEE CIVIL DRAWINGS.                                                                                                                         |
| 5. ACCESSIBLE PARKING AND ACCESS AISLES - RESURFACE AS REQUIRED TO PROVIDE POSITIVE DERANGED AND MAXIMUM 2% SLOPE IN ANY DIRECTION. SEE CIVIL DRAWINGS.                                                                                                                                                               |
| 6. ACCESSIBLE PARKING AND ACCESS AISLE - MAXIMUM 2% SLOPE IN ANY DIRECTION. SEE CIVIL DRAWINGS.                                                                                                                                                                                                                       |
| 7. EXISTING CONCRETE WALKS - FIELD VERIFY EXISTING CONDITIONS. REPAIR AND REPLACE DAMAGED SECTIONS AS REQUIRED TO PROVIDE SMOOTH UNIFORM SURFACE. REPLACED SECTIONS SHALL EXTEND THE ENTIRE LENGTH AND WIDTH BETWEEN EXISTING JOINTS. UNEVEN JOINTS SHALL BE GROUND DOWN TO PROVIDE SMOOTH ADA COMPLIANT TRANSITIONS. |
| 8. NEW CONCRETE WALKS - SEE CIVIL DRAWINGS. 5% MAXIMUM SLOPE IN TRAVEL DIRECTION. 2% MAXIMUM CROSS SLOPE.                                                                                                                                                                                                             |
| 9. NEW ACCESSIBLE CURB RAMP - INSTALL NEW ADA COMPLIANT CURB RAMP. SEE CIVIL DRAWINGS.                                                                                                                                                                                                                                |
| 10. EXISTING CURB RAMP - REMOVE NON-COMPLIANT RAMP. SEE CIVIL DRAWINGS.                                                                                                                                                                                                                                               |
| 11. SWIMMING POOL - DESIGN BUILD BY CONTRACTOR. POOL SHALL INCLUDE FEATURES INDICATED IN DESIGN NOTES ON THIS SHEET AND MUST COMPLY WITH ALL HOTEL BRAND, LOCAL, STATE, AND FEDERAL REQUIREMENTS. SUBMIT DESIGN SHOP DRAWINGS FOR REVIEW AND APPROVAL.                                                                |
| 12. SWIMMING POOL FENCE - MINIMUM 4' HIGH DECORATIVE ALUMINUM FENCE, WITH SELF CLOSING AND LATCHING ADA COMPLIANT GATE.                                                                                                                                                                                               |

| POOL DESIGN REQUIREMENTS                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. PROVIDE DESIGN/BUILD POOL SYSTEM MATCHING FOOT PRINT INDICATED WITH A MINIMUM WATER SURFACE AREA OF 475 SQ. FT. AND MAXIMUM DEPTH OF 5'-0".                                                                           |
| 2. PROVIDE CHROME PLATED BRASS, BRONZE OR STAINLESS STEEL HANDRAIL AT STAIR ENTRY AND LADDER AT OPPOSITE END.                                                                                                            |
| 3. PROVIDE ACCESSIBLE LIFT WHICH MEETS FEDERAL, STATE AND LOCAL CODES. COORDINATE INSTALLATION REQUIREMENTS WITH MANUFACTURER.                                                                                           |
| 4. PROVIDE A MINIMUM OF TWO DRAINS WITH EACH DRAIN EQUIPPED WITH ANSI/ASME A113.19.8-2007 ANTI-ENTRAPMENT DRAIN COVERS                                                                                                   |
| 5. PROVIDE PROFESSIONALLY MANUFACTURED DEPTH MARKINGS IN BOTH FEET AND METERS, NO DIVING WORDS AND INTERNATIONAL NO DIVING EMBLEM ON POOL DECK AND WATER LINE TILES. TILES SHALL BE SLIP RESISTANT IN CONTRASTING COLOR. |
| 6. PROVIDE LED UNDERWATER LIGHTING (MIN. 2 LIGHTS)                                                                                                                                                                       |
| 7. PROVIDE POOL SAFETY & MAINTENANCE ACCESSORIES: WATER TEST KIT, 24" USCG LIFE RING W/ 30' ROPE, RESCUE HOOK W/ 16' POLE, LEAF SKIMMER, 18" CURVE CLEANING BRUSH, VACUUM W/ 16' POLE & 50' HOSE.                        |
| 8. SLOPE DECK TO DRAIN AWAY FROM POOL EDGE.                                                                                                                                                                              |

| SITE DATA        |                    |          |
|------------------|--------------------|----------|
|                  | POI-TD REGULATIONS | PROPOSED |
| GUESTROOMS       | NO RESTRICTIONS    | 96       |
| PARKING          | 101 REQUIRED       | 104      |
| FLOOR AREA RATIO | 0.50 ALLOWED       | 0.42     |
| OPEN SPACE       | 25% MINIMUM        | 44.7%    |

| AREA CALCULATIONS   |         |       |                        |
|---------------------|---------|-------|------------------------|
| DESCRIPTION         | SQ. FT. | ACRES | PERCENTAGE OF LOT AREA |
| LOT AREA            | 131,946 | 3.03  |                        |
| IMPERVIOUS          | 69,937  | 1.61  | 53.00 %                |
| PERVIOUS            | 62,009  | 1.42  | 47.00 %                |
| BUILDING FOOTPRINT: | 18,426  | 0.42  | 13.96 %                |
| EXISTING            | 12,203  | 0.28  |                        |
| PROPOSED            | 6,223   | 0.14  |                        |
| SITE FEATURES       | 51,511  | 1.18  | 39.04 %                |
| PAVEMENT            | 44,284  | 1.02  |                        |
| SIDEWALK/FEATURES   | 7,227   | 0.17  |                        |

|            |                 |
|------------|-----------------|
| JOB NUMBER | 19002           |
| ISSUE DATE | 05-22-20        |
| REVISIONS  |                 |
| 3          | ADD 03.12-15-20 |
| 4          | ADD 04.03-01-21 |
|            |                 |
|            |                 |



**SITE PLAN** ①  
SCALE: 1" = 30'-0"

△ SHEET REVISED PER CITY COMMENTS

**Holiday Inn Express - Addition & Reno.**  
108 HUTCHINSON STREET  
DESTIN, OKALOOSA COUNTY, FL 32541

**ARCHITECTURE | PLANNING | INTERIOR DESIGN | PROCUREMENT**  
CENTRAL DESIGN GROUP II • 3200 PENN TERRACE, SUITE 100 • COLUMBIA, MISSOURI, 65202 • TEL: 573.441.9391

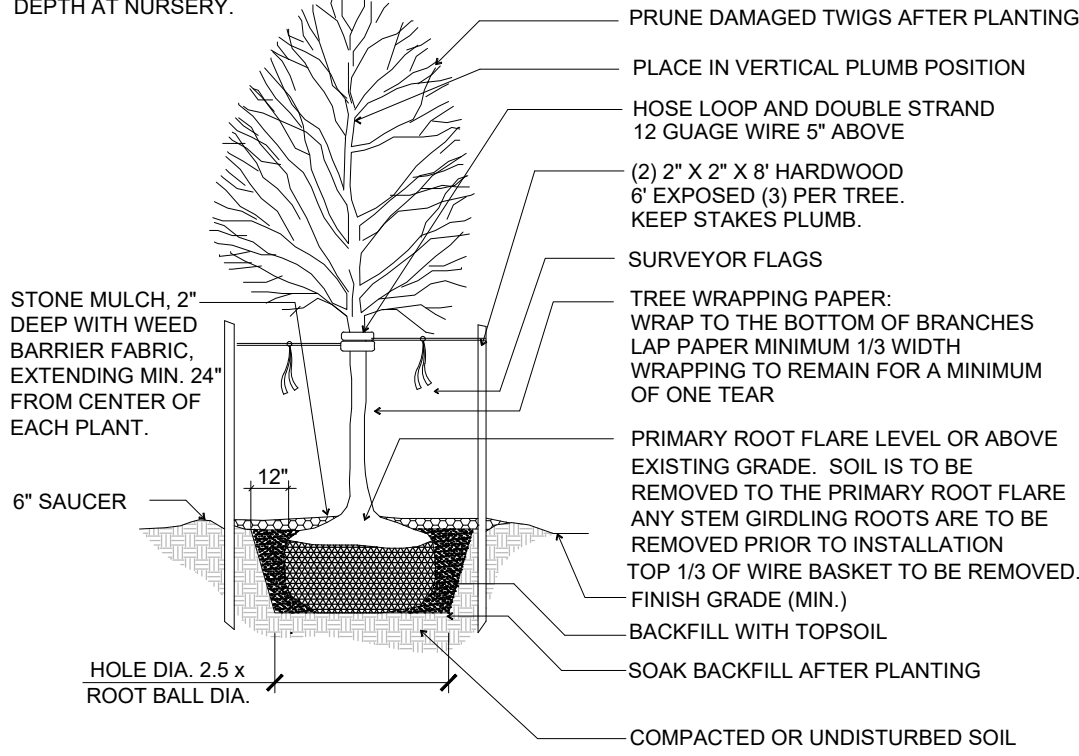


SITE PLAN

**A12.1**



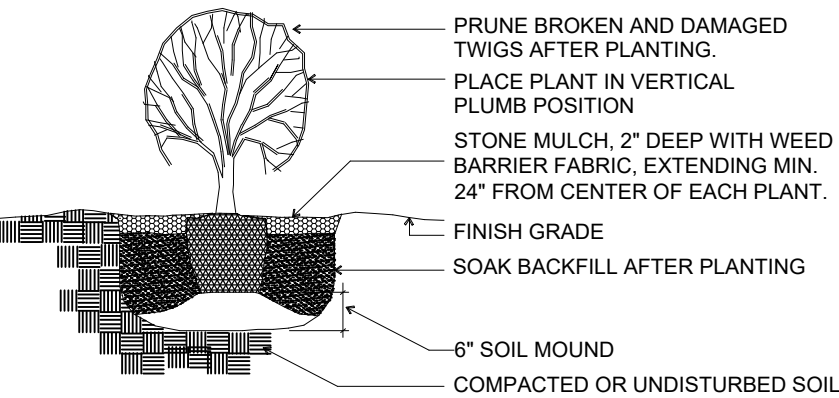
NOTES:  
BALL OF PLANT TO BE KEPT MOIST AND PROTECTED FROM DAMAGE PRIOR TO PLANTING. FERTILIZE SURFACE IMMEDIATELY AFTER PLANTING. PLANTING DEPTH OF ROOTBALL SHALL BE EQUAL TO ITS ORIGINAL PLANTING DEPTH AT NURSERY.



DECIDUOUS TREE PLANTING DETAIL

NO SCALE

NOTES:  
BALL OF PLANT TO BE KEPT MOIST AND PROTECTED FROM DAMAGE PRIOR TO PLANTING. FERTILIZE SURFACE IMMEDIATELY AFTER PLANTING. PLANTING DEPTH OF ROOTBALL SHALL BE EQUAL TO ITS ORIGINAL PLANTING DEPTH AT NURSERY.



SHRUB PLANTING DETAIL

NO SCALE

PLANT LIST

| Quantity | Common Name         | Scientific Name | Condition                               | Size                       |
|----------|---------------------|-----------------|-----------------------------------------|----------------------------|
| 30       | EXISTING PALM       |                 | REFORESTATION                           | VARIES - MIN. 7" AT DBH    |
| 13       | CABBAGE PALM        | Sabal palmetto  | REFORESTATION                           | MIN. 10' HT. & 2 5/8" CAL. |
| 10       | PINDO PALM          | Butea capitata  | STREET TREE                             | MIN. 10' HT. & 2 5/8" CAL. |
| 36       | SOUTHERN WAX MYRTLE | Myrica cerifera | PARKING TERMINATION PERIMETER SCREENING | MIN. 10' HT.               |
| 209      | DWARF YAUPON HOLLY  | Ilex vomitoria  | PERIMETER SCREENING                     | W/ MIN. 1' HT              |

- NOTES:
- REFORESTATION TREES  
REQUIRED = 3.09 ACRES x 110 = 31 TREES  
REQUIRED = (30 EXISTING PALMS x 3 EA.) + (13 CABBAGE PALMS x 1/2 EA.) = 103
  - FLORIDA POWER AND LIGHT RIGHT-OF-WAY ALL TREES SHALL HAVE A MATURE HEIGHT OF 14' OR LESS.

GENERAL NOTES

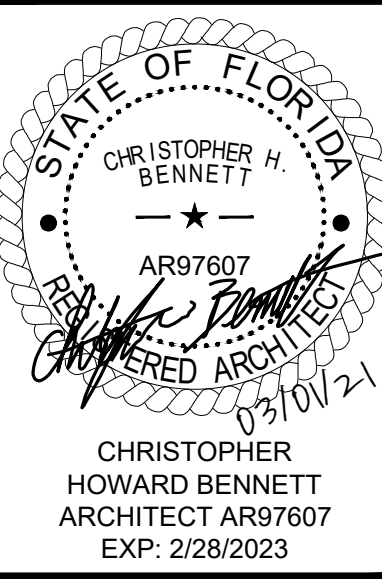
- EXISTING CONDITIONS AND LAYOUT - SHOWN IN ACCORDANCE WITH SITE PHOTOS AND INFORMATION PROVIDED BY THE OWNER. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS PRIOR TO BIDDING AND CONSTRUCTION. SEE CIVIL DRAWINGS FOR DEMOLITION, DIMENSIONS, GRADING, DRAINAGE, AND PAVEMENT REQUIREMENTS AND DETAILS.
- THIS PLAN IS TO SATISFY ALL APPLICABLE CITY OF DESTIN LANDSCAPING DESIGN STANDARD REQUIREMENTS AND IS SUBJECT TO THEIR APPROVAL.
- SUPPLEMENTAL LANDSCAPING - CONTRACTOR TO COORDINATE WITH OWNER AND HOTEL BRAND FOR ANY ADDITIONAL LANDSCAPING REQUIREMENTS.

PLANTING NOTES

- THE LANDSCAPE CONTRACTOR IS TO VERIFY THE LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO THE INSTALLATION OF PLANT MATERIAL. UTILITIES CAN BE FLAGGED BY CALLING 811.
- ALL PLANTING SHALL HAVE STONE MULCH, 2" DEEP WITH WEED BARRIER FABRIC, EXTENDING MIN. 24" FROM CENTER OF EACH PLANT.
- ALL EXCAVATIONS FOR TREE PLANTINGS SHALL BE DUG TO A DEPTH TO REMOVE ALL ROCK, PAVEMENT SUB BASE MATERIAL, TRACES OF SOIL STABILIZATION, AND COMPACTED SOIL. TOPSOIL SHALL BE ADDED TO THE BASE OF THE PIT AND COMPACTED 30 AS TO PREVENT SETTLING OF THE PLANTED TREE. THE PLANTING SOIL MIXTURE FOR ALL WOODY PLANTS, INCLUDING TREES, SHRUB, AND GROUND COVER IS TO BE TOPSOIL.
- THE ISLANDS WITHIN THE PARKING SHALL BE GRADED TO PROVIDE POSITIVE DRAINAGE TO THE CURB. THE LENGTHWISE CENTERLINE OF THE ISLANDS SHALL BE RAISED 4 TO 6" FROM THE TOP OF THE CURB.
- THE FINAL GRADE WITHIN ALL ISLANDS, AT ANY PAVED SURFACE OR SIDEWALK NEXT TO A MULCHED BED SHALL BE 2" BELOW THE TOP OF THE CURB OR PAVEMENT TO RETAIN MULCH IN THE BED.
- THE SUBGRADE OF ALL ROCK BEDS ADJACENT TO THE BUILDING SHALL BE A MINIMUM OF 4" BELOW THE FIRST FLOOR ELEVATION. POSITIVE DRAINAGE AWAY FROM THE BUILDING SHALL BE PROVIDED AT ALL PLANTING BEDS.
- REFER TO THE SITE GRADING PLAN FOR FINAL GRADES.
- LANDSCAPE CONTRACTOR IS TO DETERMINE THE QUALITY AND AVAILABILITY OF TOPSOIL ON SITE. IF ADDITIONAL TOPSOIL IS REQUIRED TO PERFORM PLANTING OPERATIONS, THE LANDSCAPE CONTRACTOR SHALL PROVIDE THE TOPSOIL NECESSARY AND INCLUDE THE PRICE IN HIS BID. THE TOPSOIL ON SITE OR BROUGHT TO SITE SHOULD BE TESTED TO DETERMINE IF ANY FERTILIZER OR SOIL AMENDMENTS ARE NECESSARY AND THE LANDSCAPE CONTRACTOR IS TO INCLUDE INDICATED SOIL AMENDMENTS IN HIS BID.
- ALL PLANT SUBSTITUTIONS SHALL BE REQUESTED IN WRITING AND APPROVED BY THE OWNER'S CONSTRUCTION REPRESENTATIVE PRIOR TO INSTALLATION.
- ALL AREAS NOT OTHERWISE LANDSCAPED WITH PLANTINGS AND MULCH SHALL HAVE GRASS SOD OF LOCAL VARIETY MATCHING EXISTING LAWN.
- EXTEND AND REPAIR EXISTING AUTOMATIC SUBGRADE IRRIGATION SYSTEM AS REQUIRED. CONTRACTOR TO FIELD VERIFY EXISTING SYSTEM CONDITION AND EXTENT PRIOR TO BID. ALL TREES AND SHRUB BEDS SHALL BE DRIP IRRIGATED. ALL SOD TO BE IRRIGATED WITH SPRAY HEADS.
- SITE IRRIGATION DESIGN AND INSTALLATION IS TO BE PROVIDED BY THE IRRIGATION CONTRACTOR.
- PUBLIC R.O.W PLANTINGS - CONTRACTOR SHALL COORDINATE WITH THE CITY AND FDOT TO VERIFY REQUIREMENTS AND OBTAIN A PERMIT PRIOR TO COMMENCING WORK.

JOB NUMBER  
19002  
ISSUE DATE  
05-22-20  
REVISIONS  
3 ADD 03.12-15-20  
4 ADD 04.03-01-21

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Holiday Inn Express - Addition & Reno.  
108 HUTCHINSON STREET  
DESTIN, OKALOOSA COUNTY, FL 32541  
ARCHITECTURE | PLANNING | INTERIOR DESIGN | PROCUREMENT  
CENTRAL DESIGN GROUP II • 3200 PENN TERRACE, SUITE 100 • COLUMBIA, MISSOURI, 65202 • TEL: 573.441.9391



LANDSCAPE PLAN

A13.1



LANDSCAPE PLAN

SCALE: 1" = 30'-0"

1

4

SHEET REVISED PER CITY COMMENTS



SITEWORK CONSTRUCTION PLANS  
FOR  
**HOLIDAY INN EXPRESS**  
**DESTIN**

**OWNER:**  
DESTIN HOTEL PARTNERS LLC  
C/O: JERRY CAMPBELL  
108 HUTCHINSON STREET  
DESTIN, FL 32541  
PHONE: (573) 441-9391

**DEVELOPER:**  
CENTRAL DESIGN GROUP  
CONTACT: JERRY CAMPBELL  
3200 PENN TERRACE, SUITE 100  
COLUMBIA, MISSOURI 65202  
PHONE: (573) 441-9391

**ENGINEER:**  
GECI & ASSOCIATES ENGINEERS, INC.  
CONTACT: CLINT GECI, P.E.  
2950 NORTH 12th AVENUE  
PENSACOLA, FLORIDA 32503  
PHONE: (850) 432-2929

UTILITY COMPANIES:

UTILITY INFORMATION SHOWN AS PER FIELD INFORMATION AND  
INFORMATION FURNISHED BY UTILITY COMPANIES INVOLVED.

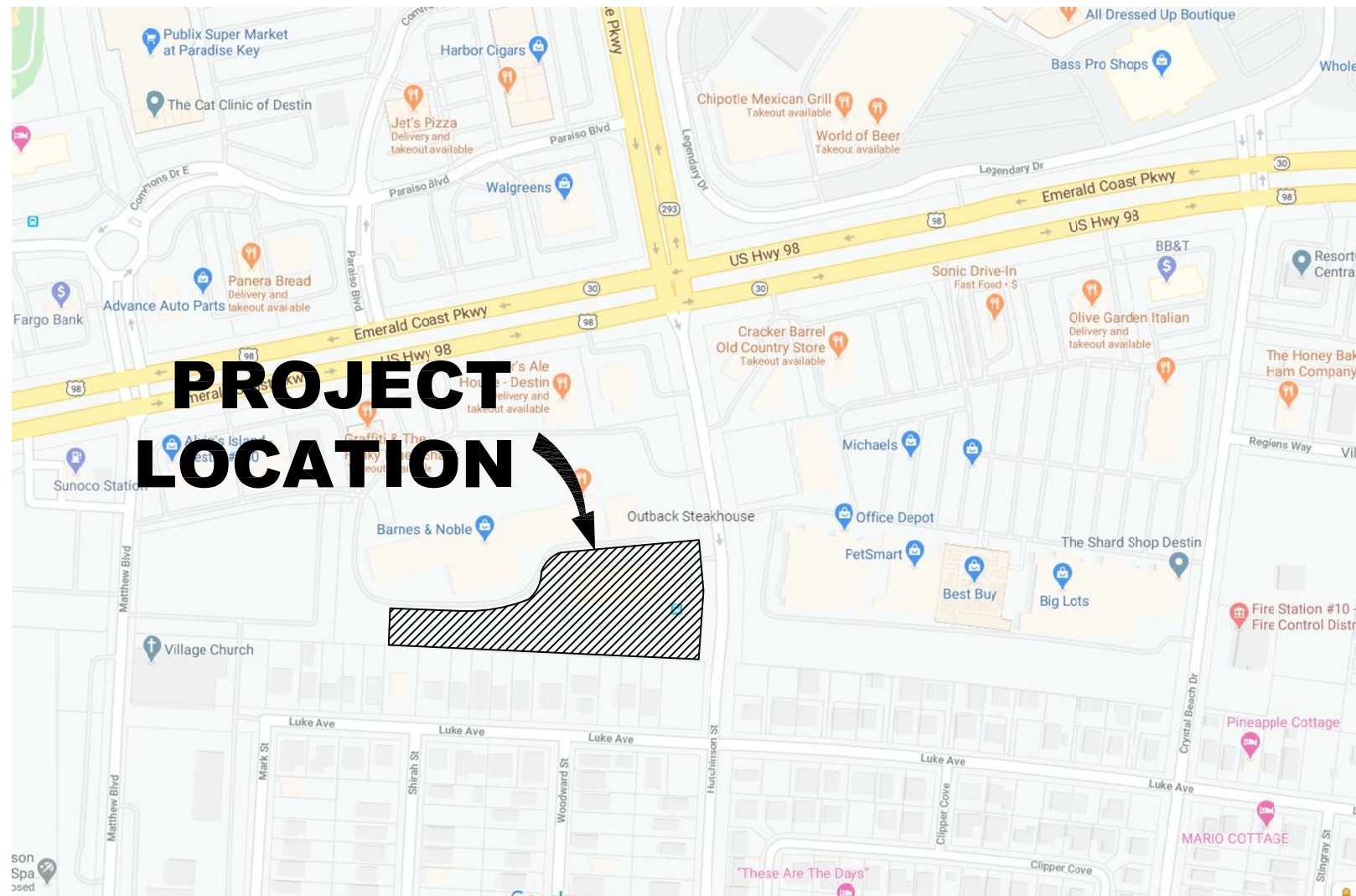
TELEPHONE - AT&T, INC., 34907 EMERALD COAST PARKWAY  
DESTIN, FLORIDA 32541; (850) 650-2665

ELECTRIC - GULF POWER COMPANY, 34854 EMERALD COAST PARKWAY,  
DESTIN, FLORIDA 32541; (850) 244-4701

SANITARY SEWER/WATER - DESTIN WATER USERS, INC., 218 MAIN STREET,  
DESTIN, FLORIDA 32541; (850) 837-6146

NATURAL GAS - OKALOOSA GAS, 4432 US-98,  
SANTA ROSA BEACH, FLORIDA 32459; (850) 729-4700

108 HUTCHINSON STREET, DESTIN, FLORIDA 32541



OKALOOSA COUNTY, FLORIDA

G&A REFERENCE NO. 27803

SITE DATA NOTES:

1. THESE PLANS ARE BASED UPON AS-BUILT SURVEY INFORMATION BY CHOCTAW ENGINEERING, INC. DATED 5/9/2002. CONTRACTOR SHALL FIELD VERIFY THE SURVEY INFORMATION BEFORE CONSTRUCTION AND REPORT ANY DEVIATIONS TO THE EOR BEFORE COMMENCING WORK.
2. CONTRACTOR'S SURVEYOR TO SET BENCHMARKS PRIOR TO CONSTRUCTION & SUBMIT TO EOR FOR VERIFICATION.
4. LOCATION OF EXISTING UTILITIES WERE TAKEN FROM THE RECORDS OF APPROPRIATE UTILITY COMPANIES AND HAVE NOT BEEN VERIFIED BY THE OWNER OR IT'S REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND IS FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES THAT MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL ABOVE GROUND AND UNDERGROUND UTILITIES.
5. ALL TRAFFIC CONTROL SIGNS AND MARKINGS SHALL CONFORM TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD), FHWA LATEST EDITION.
6. PAVEMENT MARKINGS AND SIGNS:
  - ALL NON-HANDCAP STRIPING TO BE WHITE
  - ALL SIGNS AND PAVEMENT MARKINGS WILL CONFORM TO FOOT DESIGN STANDARDS AND MUTCD.
7. ALL FINISHED PAVING GRADES SHOWN HEREON ARE TOP OF PAVING GRADES.
8. ALL SANITARY SEWER CONSTRUCTION SHALL CONFORM TO CURRENT DESTIN WATER USERS STANDARDS.
9. ALL POTABLE WATER CONSTRUCTION SHALL CONFORM TO CURRENT DESTIN WATER USERS STANDARDS.
10. ALL PAVING AND STORM DRAINAGE CONSTRUCTION SHALL CONFORM TO CURRENT OKALOOSA COUNTY STANDARDS.
11. THE CONTRACTOR SHALL NOTIFY THE ENGINEER OF RECORD, OKALOOSA COUNTY, AND DESTIN WATER USERS AT LEAST TWO WORKING DAYS (48 HRS MIN) PRIOR TO CONSTRUCTION.
12. THE CONTRACTOR SHALL DISPOSE OF ALL SURPLUS EARTH FROM THE SITE.
13. THE CONTRACTOR SHALL PLACE AND MAINTAIN ADEQUATE BARRICADES, CONSTRUCTION SIGNS, FLASHING LIGHTS, TORCHES, RED LANTERNS AND GUARDS DURING CONSTRUCTION AND UNTIL IT IS SAFE FOR BOTH PEDESTRIAN AND VEHICULAR TRAFFIC.
14. PIPES/SIGNS SHALL BE MADE FOR ADEQUATE FLOW OF SEWERS, DRAINS AND WATER COURSES DURING CONSTRUCTION.
15. THE CONTRACTOR IS CAUTIONED TO VISIT THE SITE AND FAMILIARIZE HIMSELF WITH THE PROJECT PRIOR TO BIDDING.
16. SHOULD THE CONTRACTOR IDENTIFY DISCREPANCIES ON THE PROJECT PLANS OR IN FIELD CONDITIONS, HE SHALL NOTIFY THE ENGINEER OF RECORD IMMEDIATELY.

EROSION AND SEDIMENT CONTROL NOTE:

THE DEVELOPER SHALL REQUIRE THE CONTRACTOR AT ALL TIMES DURING CONSTRUCTION OF THIS PROJECT TO PROVIDE AND MAINTAIN THE NECESSARY EARTH BERMS, HAY BALES, PONDING AREAS, SILT FENCES AND SEDIMENTATION CONTROLS ALONG ALL THE STREET RIGHTS-OF-WAY AND PROPERTY LINES TO CONTROL AND PREVENT EROSION AND SEDIMENTATION RUNOFF DURING CONSTRUCTION OF THIS PROJECT. EROSION AND SEDIMENTATION CONTROLS SHALL BE ESTABLISHED TO MEET OR EXCEED COUNTY REQUIREMENTS. LOCATION AND DETAIL OF THE ABOVE TO BE INCLUDED ON THE CONSTRUCTION PLANS FOR THE PROJECT. SEDIMENT SHALL BE RETAINED ON THE SITE OF THE DEVELOPMENT. EROSION AND SEDIMENTATION CONTROLS WILL BE PROVIDED BY CONTRACTOR AT ALL TIMES AS PER COUNTY REQUIREMENTS. THE CONTRACTOR SHALL AT ALL TIMES DURING CONSTRUCTION OF THIS PROJECT, PROVIDE AND MAINTAIN NECESSARY EARTH BERMS, PONDING AREAS AND SEDIMENTATION CONTROL W/ALONG THE STREET RIGHT-OF-WAY AND PROPERTY LINES TO CONTROL THE RUNOFF FROM THIS PROJECT. (NO DIRECT PAYMENT FOR THIS. PAYMENT FOR THIS TO BE INCLUDED IN THE ITEM OF PAVING).

GENERAL NOTES:

- a. THE PROJECT ENGINEER (ENGINEER OF RECORD) SHALL PROVIDE TO OKALOOSA COUNTY "AS-BUILT" RECORD DRAWINGS FOR VERIFICATION AND APPROVAL BY OKALOOSA COUNTY ONE WEEK PRIOR TO REQUESTING A FINAL INSPECTION AND CERTIFICATE OF OCCUPANCY, OR PROVIDE "AS-BUILT" CERTIFICATION THAT THE PROJECT CONSTRUCTION ADHERES TO THE PERMITTED PLANS AND SPECIFICATIONS. THE "AS-BUILT" CERTIFICATION OR THE "AS-BUILT" RECORD DRAWING MUST BE SIGNED, SEALED AND DATED BY A REGISTERED "FLORIDA PROFESSIONAL ENGINEER".
- b. ALL ASPECTS OF THE STORMWATER / DRAINAGE COMPONENTS AND/OR TRANSPORTATION COMPONENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY.
- c. NO DEVIATIONS OR REVISION FROM THESE PLANS BY THE CONTRACTOR SHALL BE ALLOWED WITHOUT PRIOR APPROVAL FROM BOTH THE DESIGN ENGINEER AND OKALOOSA COUNTY. ANY DEVIATIONS MAY RESULT IN DELAYS IN OBTAINING A CERTIFICATE OF OCCUPANCY.
- d. THE CONTRACTOR SHALL INSTALL PRIOR TO THE START OF CONSTRUCTION AND MAINTAIN DURING CONSTRUCTION ALL SEDIMENT CONTROL MEASURES AS REQUIRED TO RETAIN ALL SEDIMENTS ON THE SITE. IMPROPER SEDIMENT CONTROL MEASURES MAY RESULT IN CODE ENFORCEMENT VIOLATION.
- e. RETENTION/DETENTION AREAS SHALL BE SUBSTANTIALLY COMPLETE PRIOR TO ANY CONSTRUCTION ACTIVITIES THAT MAY INCREASE STORMWATER RUNOFF RATES. THE CONTRACTOR SHALL CONTROL STORMWATER DURING ALL PHASES OF CONSTRUCTION AND TAKE ADEQUATE MEASURES TO PREVENT THE EXCAVATED POND FROM BLINDING DUE TO SEDIMENTS.
- f. ALL DISTURBED AREAS WHICH ARE NOT PAVED SHALL BE STABILIZED WITH SEEDING, FERTILIZER AND MULCH, HYDROSEED AND/OR SOD.
- g. ALL NEW BUILDING ROOF DRAINS, DOWN SPOUTS, OR GUTTERS SHALL BE ROUTED TO CARRY ALL STORMWATER TO RETENTION/DETENTION PONDS.
- h. DEVELOPER/CONTRACTOR SHALL RESHAPE PER PLAN SPECIFICATIONS, CLEAN OUT ACCUMULATED SILT, AND STABILIZED RETENTION/DETENTION POND(S) AT END OF CONSTRUCTION WHEN ALL DISTURBED AREAS HAVE BEEN STABILIZED AND PRIOR TO REQUEST FOR INSPECTION.
- i. CONTRACTOR SHALL MAINTAIN RECORD DRAWING DURING CONSTRUCTION WHICH SHOW "AS-BUILT" CONSTRUCTION OF ALL WORK INCLUDING PILING, DRAINAGE STRUCTURES, TOP OF POND(S), OUTLET STRUCTURES, DIMENSIONS,ELEVATIONS, GRADING ETC. RECORD DRAWING SHALL BE PROVIDED TO THE ENGINEER OF RECORD PRIOR TO REQUESTING FINAL INSPECTION.
- j. THE OWNER OR HIS AGENT SHALL ARRANGE/SCHEDULE WITH THE COUNTY A FINAL INSPECTION OF THE DEVELOPMENT UPON COMPLETION AND ANY INTERMEDIATE INSPECTIONS. AS-BUILT CERTIFICATION IS REQUIRED PRIOR TO REQUEST FOR FINAL INSPECTION/APPROVAL.
- k. NOTIFY SUNSHINE UTILITIES 48 HOURS IN ADVANCE PRIOR TO DIGGING WITHIN RIGHT-OF-WAY; 10-700-48-48.
- l. ANY DAMAGE TO EXISTING ROADS DURING CONSTRUCTION WILL BE REPAIRED BY THE DEVELOPER PRIOR TO FINAL AS-BUILT SIGN OFF FROM COUNTY.
- m. THE CONTRACTOR SHALL NOTIFY FDOT 48 HOURS IN ADVANCE PRIOR TO INITIATING ANY WORK IN THE STATE RIGHT-OF-WAY.

## NPDES NOTE:

THE CONTRACTOR SHALL BE THE RESPONSIBLE AUTHORITY & SUBMIT THE NPDES NOI WITHIN 2 WEEKS OF RECEIVING THE NOTICE OF AWARD.

**LOT COVERAGE:**

- TOTAL SITE = 3.09 AC = 134,600 SF
- PRE-DEVELOPMENT IMPERVIOUS AREA  $\approx$  58,214 SF
- POST-DEVELOPMENT IMPERVIOUS AREA  $\approx$  70,149 SF
- POST-DEVELOPMENT IMPERVIOUS COVERAGE OF PARCEL  $\approx$  52%

LEGAL DESCRIPTION:

FROM THE ALTA COMMITMENT FORM ISSUED BY THE STEWART TITLE GUARANTY COMPANY.

PARCEL 1

COUNTRY LINN SITE A PARCEL OF LAND LYING IN UNSECTIONALIZED TOWNSHIP 2 SOUTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA, LYING NORTH OF STATE ROAD NO. 30 (U.S. 98), AND WEST OF THE CHOCALAHATCHEE BAY BRIDGE ROAD AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF LOT 4, BLOCK 6, SILVER BEACH SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 16 1/2 OF THE OFFICIAL RECORDS OF OKALOOSA COUNTY, THENCE GO N03°58'42", ALONG THE EAST LINE AND A PROJECTION OF THE EAST LINE OF SAID LOT 4, FOR 117728 FEET (PASSING THROUGH A CONCRETE MONUMENT AT 106713 FEET) TO THE CENTERLINE OF STATE ROAD NO. 30 (U.S. 98); THENCE GO S86°02'07"E, ALONG SAID CENTERLINE, FOR 3848.75 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH AND HAVING A RADIUS OF 5729.52 FEET, A CENTRAL ANGLE OF 13'59'05" (CHORD = 1394.99 FEET, CHORD BEARING = N86°57'35"E); THENCE RUN NORTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 1398.46 FEET TO THE POINT OF TANGENCY OF THE CENTERLINE; THENCE LEAVING SAID CENTERLINE, RUN N10°01'55"W FOR 90.00 FEET TO THE POINT OF TANGENCY OF NORTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 30 (U.S. 98); THENCE RUN N79°58'05"E ALONG SAID NORTHERLY RIGHT-OF-WAY 2107.57 FEET TO THE INTERSECTION OF THE EAST RIGHT-OF-WAY OF COMMONS BOULEVARD; THENCE RUN N10°01'55"W ALONG THE EAST RIGHT-OF-WAY OF COMMONS BOULEVARD FOR 146.51 FEET TO A POINT OF CURVATURE OF A CURVE BEING CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 210.00 FEET, A CENTRAL ANGLE OF 37° 39'28" (CHORD = 135.55 FEET, CHORD BEARING = N05°47'49"E); THENCE CONTINUING ALONG THE SOUTHEASTERLY RIGHT-OF-WAY OF COMMONS BOULEVARD RUN NORTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 138.02 FEET; THENCE DEPARTING SAID CURVE RUN N62°22'27"W FOR 99.74 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY OF COMMONS BOULEVARD AND THE POINT OF BEGINNING. SAID POINT BEING ON A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 262.48 FEET, A CENTRAL ANGLE OF 06°40'54" (CHORD = 30.59 FEET, CHORD BEARING = S25°18'26"W) THENCE RUN SOUTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 30.61 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE BEING CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 74° 33'04" (CHORD = 30.28 FEET, CHORD BEARING = S59°31'31"W) THENCE RUN SOUTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 32.53 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE BEING CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 511.77 FEET, A CENTRAL ANGLE OF 02°33'10" (CHORD = 22.80 FEET, CHORD BEARING = N84°45'32"W) THENCE RUN WESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 22.80 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE BEING CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 822.32 FEET, A CENTRAL ANGLE OF 23°06'47" (CHORD = 329.48 FEET, CHORD BEARING = S82°24'30"W) THENCE RUN WESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 331.72 FEET TO THE POINT OF TANGENCY; THENCE RUN S70°51'06"W FOR 2.84 FEET; THENCE RUN N10°01'55"W FOR 280.41 FEET; THENCE RUN N79°58'05"E FOR 400.00 FEET; THENCE RUN S10°01'55"E FOR 264.32 FEET TO THE POINT OF BEGINNING.

PARCEL 2

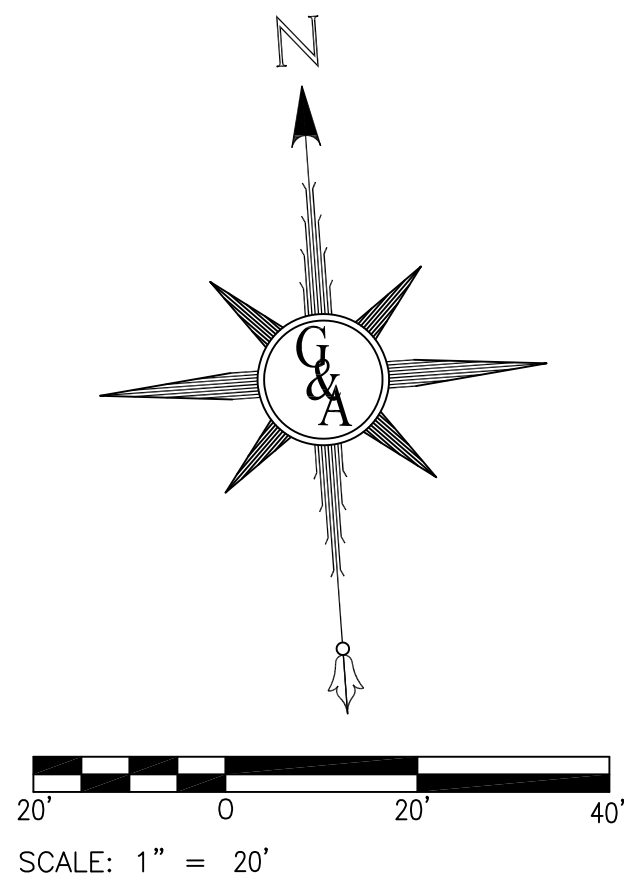
A PARCEL OF LAND LYING IN UNSECTIONALIZED TOWNSHIP 2 SOUTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA, LYING NORTH OF STATE ROAD NO. 30 (U.S. 98), AND WEST OF THE CHOCTAWHATCHEE BAY BRIDGE ROAD AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF LOT 4, BLOCK 6, SILVER BEACH SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 16 1/2 OF THE OFFICIAL RECORDS OF OKALOOSA COUNTY, THENCE GO N03°58'04"E, ALONG THE EAST LINE AND A PROJECTION OF THE EAST LINE OF SAID LOT 4, FOR 1177.28 FEET (PASSING THROUGH A CONCRETE MONUMENT AT 1167.13 FEET) TO THE CENTERLINE OF STATE ROAD NO. 30 (U.S. 98); THENCE GO S86°02'07"E, ALONG SAID CENTERLINE, FOR 3848.75 FEET TO THE POINT OF CURVATURE; THENCE GO S86°02'07"E, ALONG A CURVE HAVING A RADIUS OF 5726.92 FEET, A CENTRAL ANGLE OF 13°59'05" (CHORD = 1394.99 FEET, CHORD BEARING = N86°57'35"E); THENCE RUN NORTHEASTERLY ALONG SAID CURVE AN CHORD DISTANCE OF 1398.46 FEET TO THE POINT OF TANGENCY OF THE CENTERLINE; THENCE LEAVING THE CENTERLINE, RUN N10° 01'55"W 90.00 FEET TO THE POINT OF TANGENCY OF NORTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 30 (U.S. 98); THENCE RUN N79°58'05"E ALONG SAID NORTHERLY RIGHT-OF-WAY 2007.57 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT-OF-WAY RUN N10°01'55"W FOR 238.12 FEET, THENCE RUN S22° 55'01"E FOR 86.60 FEET TO A POINT ON A CURVE BEING CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 262.48 FEET, A CENTRAL ANGLE OF 92°59'44" (CHORD=380.78 FEET, CHORD BEARING=N68°27'53"E); THENCE RUN NORTHEASTERLY ALONG SAID CURVE AN CHORD DISTANCE OF 426.03 FEET TO THE POINT OF TANGENCY; THENCE RUN S65°02'15"E FOR 70.09 FEET; THENCE RUN S24°55'45"E FOR 100.00 FEET; THENCE RUN N65° 02'15"W FOR 22.63 FEET TO THE POINT OF CURVATURE; THENCE GO S65°02'15"E, ALONG A CURVE HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 12°49'40" (CHORD=37.54 FEET, CHORD BEARING=S52°27'55"W); THENCE RUN SOUTHWESTERLY ALONG SAID CURVE AN CHORD DISTANCE OF 458.13 FEET TO THE POINT OF TANGENCY; THENCE RUN S10°01'55"E FOR 146.51 FEET TO THE NORTHERLY RIGHT-OF-WAY OF STATE ROAD NO. 30 (U.S. 98); THENCE RUN S79°58'05"E ALONG SAID RIGHT-OF-WAY FOR 100.00 FEET TO THE POINT OF BEGINNING.

| INDEX OF DRAWING |                                                         |
|------------------|---------------------------------------------------------|
| SHEET            | DESCRIPTION                                             |
| C000             | COVER SHEET                                             |
| C100             | OVERALL PLAN                                            |
| C110             | EXISTING CONDITIONS, DEMOLITION, & EROSION CONTROL PLAN |
| C130             | GRADING & DRAINAGE PLAN                                 |
| C140             | UTILITIES PLAN                                          |
| C150             | TRAFFIC CONTROL PLAN                                    |
| C500             | DETAILS                                                 |
| C510             | DETAILS – STORM CHAMBERS                                |

|                                                                                                                                                                                                                                                                                                        |  |                                                                                                                                                                                                                                                               |                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| PROJECT NO.                                                                                                                                                                                                                                                                                            |  | SHEET NO.                                                                                                                                                                                                                                                     |                |
| 27803                                                                                                                                                                                                                                                                                                  |  | C000<br>(6 TOTAL)                                                                                                                                                                                                                                             |                |
| <div style="display: flex; justify-content: space-between;"> <div> <p><b>HOLIDAY INN EXPRESS</b></p> <p><b>DESTIN</b></p> <p>COVER SHEET</p> <p>PAVING &amp; STORM DRAINAGE PLANS</p> </div> <div>  </div> </div> |  |                                                                                                                                                                                                                                                               |                |
|                                                                                                                                                                                                                    |  | <p><b>GECI &amp; ASSOCIATES, INC.</b></p> <p>E N G I N E E R S</p> <p>2950 N. 12th Ave. PENSACOLA, FL 32503</p> <p>Phone (850) 432-2929 - Fax (850) 432 2875</p> <p>CERTIFICATE OF AUTHORIZATION NUMBER 00005149</p> <p>E-Mail - geci@geciengineering.com</p> |                |
| <p>SCALE: AS SHOWN</p>                                                                                                                                                                                                                                                                                 |  | DESIGNED: CAG                                                                                                                                                                                                                                                 | DRAWN: CAG     |
| <p>NOT RELEASED FOR CONSTRUCTION</p>                                                                                                                                                                                                                                                                   |  | CHECKED: SAG                                                                                                                                                                                                                                                  | DATE: 03/01/21 |
| <p>REVISION</p>                                                                                                                                                                                                                                                                                        |  | NO.                                                                                                                                                                                                                                                           | DATE           |
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LEGEND

NEW ASPHALT

EXISTING ASPHALT

EXISTING CONCRETE

NOTES

1. PROPERTY REFERENCE NUMBER: 00-25-22-0594-0000-004C

2. PROJECT ADDRESS: 108 HUTCHINSON STREET, DESTIN, FL 32541

3. PROJECT AREA = 3.09 ACRES

4. CURRENT ZONING: R01-TD (RESIDENTIAL, OFFICE, & INSTITUTIONAL TOURIST DEVELOPMENT)

5. FLU: R01 (RESIDENTIAL, OFFICE, AND INSTITUTIONAL)

6. MAXIMUM ALLOWED BUILDING HEIGHT: 30 FEET / 3 STORIES

7. BUILDING SETBACK LINE (BSL) REQUIREMENTS: FRONT = 20', SIDES = 7.5', REAR = 10'

8. PARKING CALCULATION:

a. THE REQUIRED NUMBER OF MOTOR VEHICLE PARKING SPACES = 1 SPACE FOR FIRST SLEEPING ROOM WITHIN A UNIT AND 0.5 SPACE FOR EACH ADDITIONAL SLEEPING ROOM WITHIN A UNIT, PLUS 1 SPACE PER 20 UNITS (FOR STAFF).

74 EXISTING ROOMS + 22 PROPOSED ROOMS = 96 ROOMS

96 X 1 + 96/20 = 101 SPACES

EXISTING PARKING = 80 SPACES (INCL. 4 HC SPACES)

PROPOSED PARKING = 104 SPACES (INCL. 6 HC SPACES)

b. THE REQUIRED NUMBER OF BICYCLE PARKING SPACES EQUALS 5% OF THE REQUIRED NUMBER OF MOTOR VEHICLE PARKING SPACES.

101 X 0.05 = 5.05 SPACES.

PROPOSED BICYCLE PARKING = 6 SPACES

CLUSTER(S) OF BICYCLE PARKING SPACES MUST BE LOCATED WITHIN 20' OF BUILDING ENTRANCE(S).

| THE BUILDING SHOWN FOR DEVELOPMENT IS LOCATED WITHIN THE FOLLOWING FLOOD ZONE(S) AS DETAILED BY FEMA FIRM (FLOOD INSURANCE RATE MAP) INFORMATION DESCRIBED BELOW: |                  |             |                 |        |                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------|-----------------|--------|-------------------|
| Flood zone(s)                                                                                                                                                     | Community number | Map number  | Panel number(s) | Suffix | Map Revision Date |
| X                                                                                                                                                                 | 125158           | 12091C0493H | X               | H      | 12/6/2002         |

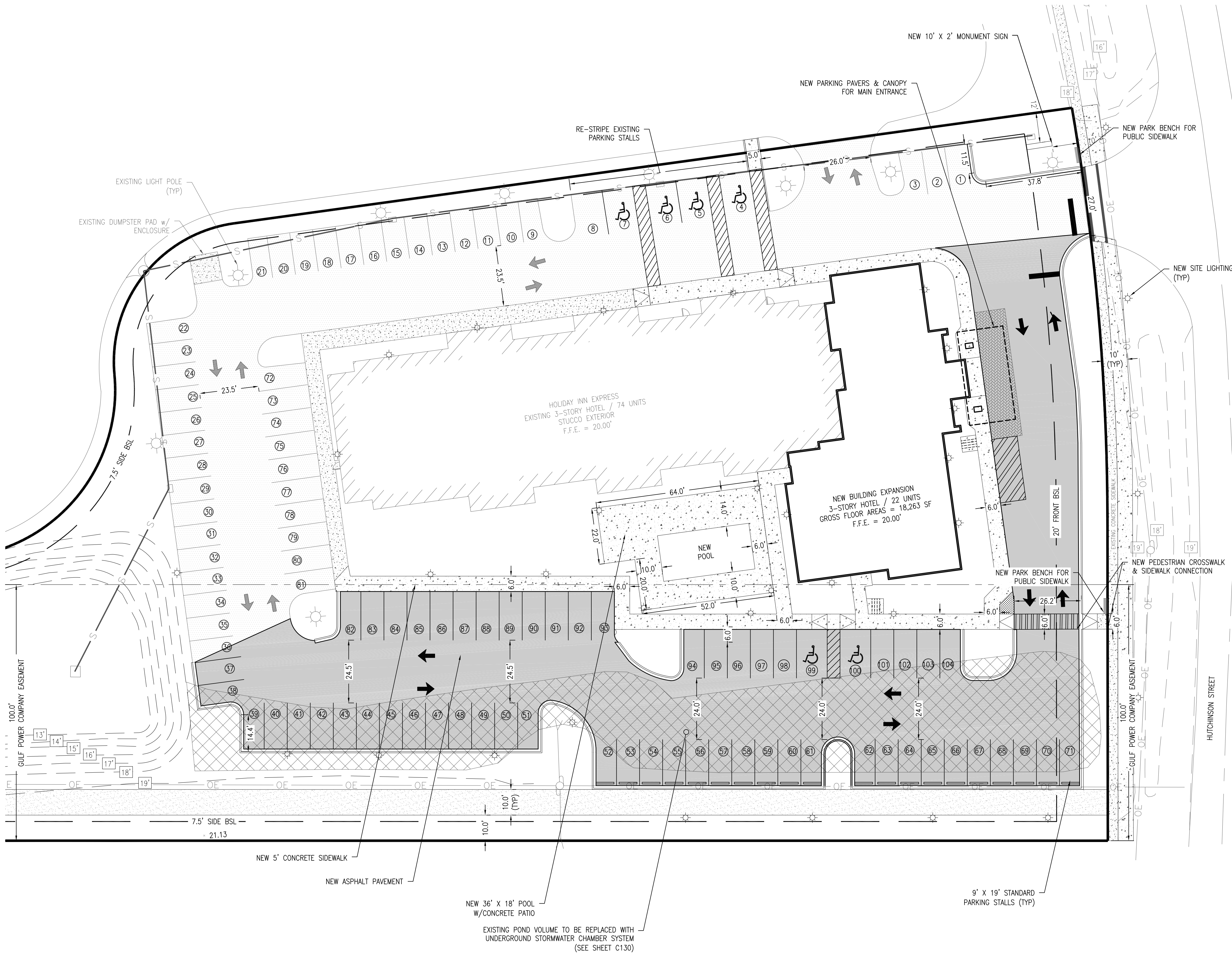
LOT COVERAGE:

a. TOTAL SITE = 3.09 AC = 134,600 SF

b. PRE-DEVELOPMENT IMPERVIOUS AREA ≈ 58,214 SF

c. POST-DEVELOPMENT IMPERVIOUS AREA ≈ 69,901 SF

d. POST-DEVELOPMENT IMPERVIOUS COVERAGE OF PARCEL ≈ 52%



ALL PAVING AND STORM DRAINAGE CONSTRUCTION TO CONFORM TO THE OKALOOSA COUNTY STANDARDS AND F.D.O.T. STANDARDS. R/W SHOULDER STABILIZATION TO CONFORM WITH FDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.

ALL POTABLE WATER AND SANITARY SEWER WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITION OF DESTIN WATER USERS STANDARD SPECIFICATIONS.

PROJECT NO. 27803

SHEET NO. C100 (8 TOTAL)

HOLIDAY INN EXPRESS  
DESTIN  
OVERALL PLAN  
PAVING & STORM DRAINAGE PLANS

FLORIDA PROFESSIONAL ENGINEERING  
No. 73982  
GECI & ASSOCIATES, INC.

NOT RELEASED FOR CONSTRUCTION

SCALE: AS SHOWN  
DESIGNED: CAG  
DRAWN: CAG  
CHECKED: SAG  
DATE: 03/01/21

REVISION

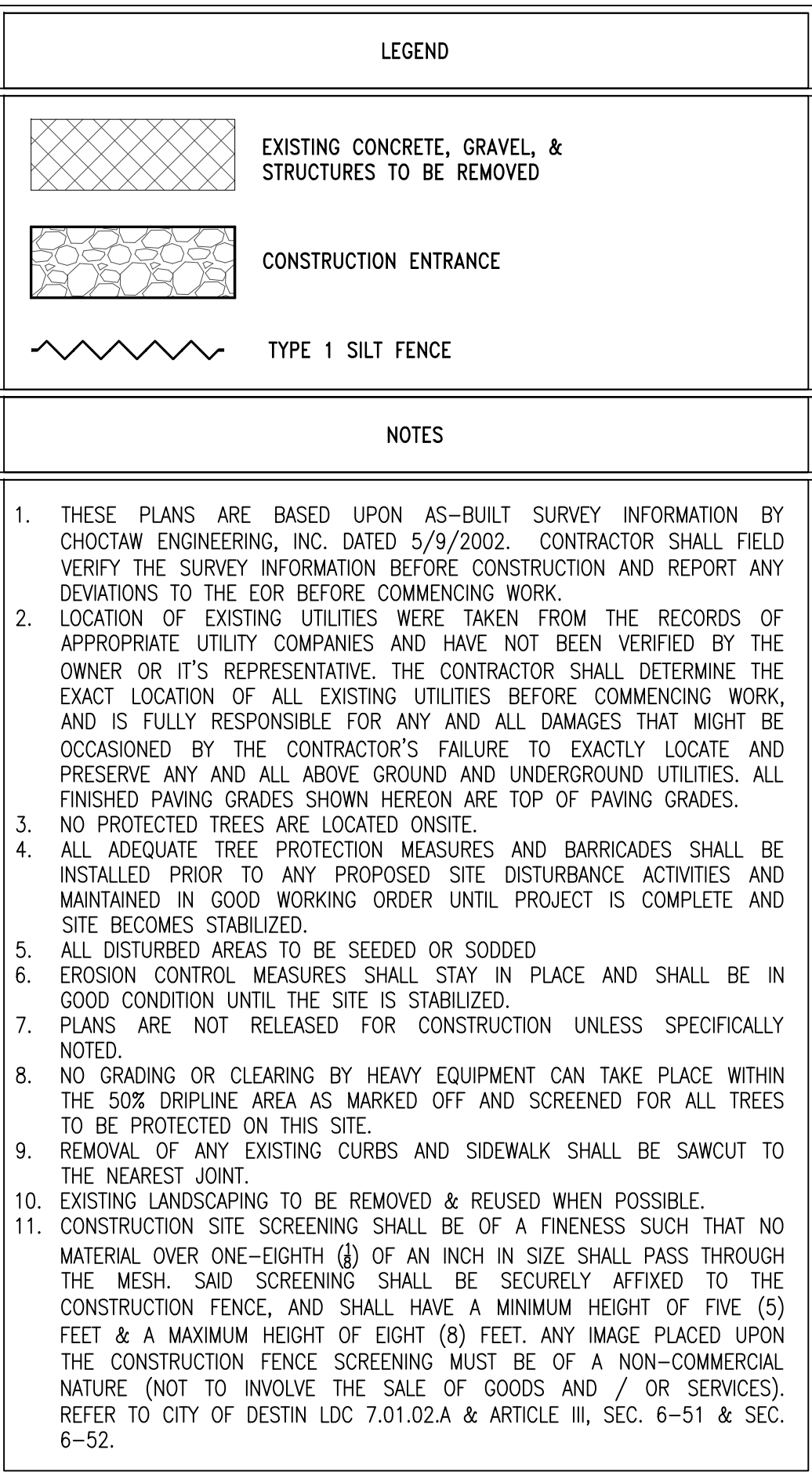
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GEI & ASSOCIATES, INC.

ENGINEERS

295 N. 13th Ave. PENSACOLA, FL 32503  
Phone (850) 432-2929 • Fax (850) 432-2875  
CERTIFICATE OF AUTHORIZATION NUMBER 00005149  
E-Mail: gec@geciengineering.com



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ALL PAVING AND STORM DRAINAGE CONSTRUCTION TO CONFORM TO THE OKALOOSA COUNTY STANDARDS AND F.D.O.T. STANDARDS. R/W SHOULDER STABILIZATION TO CONFORM WITH FDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.

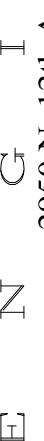
ALL POTABLE WATER AND SANITARY SEWER WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITION OF DESTIN WATER USERS STANDARD SPECIFICATIONS.

|                                       |                   |                                                                                                              |  |
|---------------------------------------|-------------------|--------------------------------------------------------------------------------------------------------------|--|
| <b>HOLIDAY INN EXPRESS<br/>DESTIN</b> |                   | <b>EXISTING CONDITIONS, DEMOLITION, &amp;<br/>EROSION CONTROL PLAN<br/>PAVING &amp; STORM DRAINAGE PLANS</b> |  |
| <b>PROJECT NO.</b>                    | <b>SHEET NO.</b>  |                                                                                                              |  |
| 27803                                 | C110<br>(8 TOTAL) |                                                                                                              |  |



DAVID C. GECEZI  
No. 73924  
STATE OF FLORIDA  
PROFESSIONAL ENGINEER  
MECHANICAL ENGINEERING

FLORIDA REG.# W3924



# GECI & ASSOCIATES, INC.

## ENGINEERS

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Phone (850) 432-2929 - Fax (850) 432 2875  
CERTIFICATE OF AUTHORIZATION NUMBER 00005149  
E-Mail - gec@gecengineering.com

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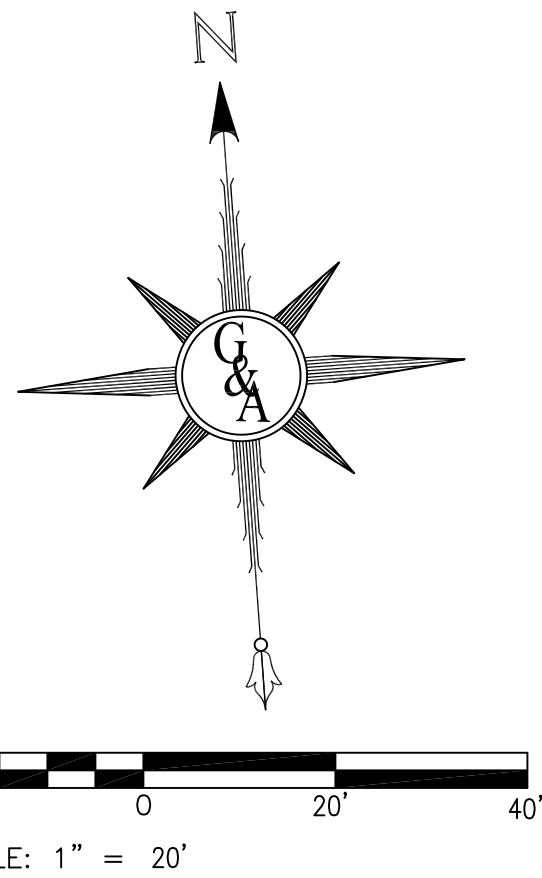
SCALE: AS SHOWN

**NOT RELEASED FOR CONSTRUCTION**

DESIGNED:    CAG    DRAWN:    CAG    CHECKED:    SAG

DATE: 03/01/21





LEGEND

IMPERVIOUS FLOW ARROW

PERVIOUS FLOW ARROW

PROPOSED SPOT ELEVATION

EXISTING SPOT ELEVATION

TOP OF WALL ELEVATION

NOTES

1. CONTRACTOR'S SURVEYOR TO SET BENCHMARKS PRIOR TO CONSTRUCTION & SUBMIT TO EOR FOR VERIFICATION.

2. CONTRACTOR SHALL VERIFY THAT POST DEVELOPMENT RUNOFF WILL DRAIN AS INDICATED BY THE FLOW ARROWS SHOWN HERE.

3. ALL UNSUITABLE MATERIAL EXCAVATED FROM THE SITE WILL BE HAULED OFF PREMISES.

4. ALL STORMWATER PIPE TO HAVE A MINIMUM COVER OF 12".

5. ALL NEW STORM MANHOLE COVERS TO BE LABELED "STORM".

6. CONTRACTOR SHALL "SPILL OUT" GUTTER WHERE PAVEMENT IS GRADED AWAY FROM CURB & GUTTER.

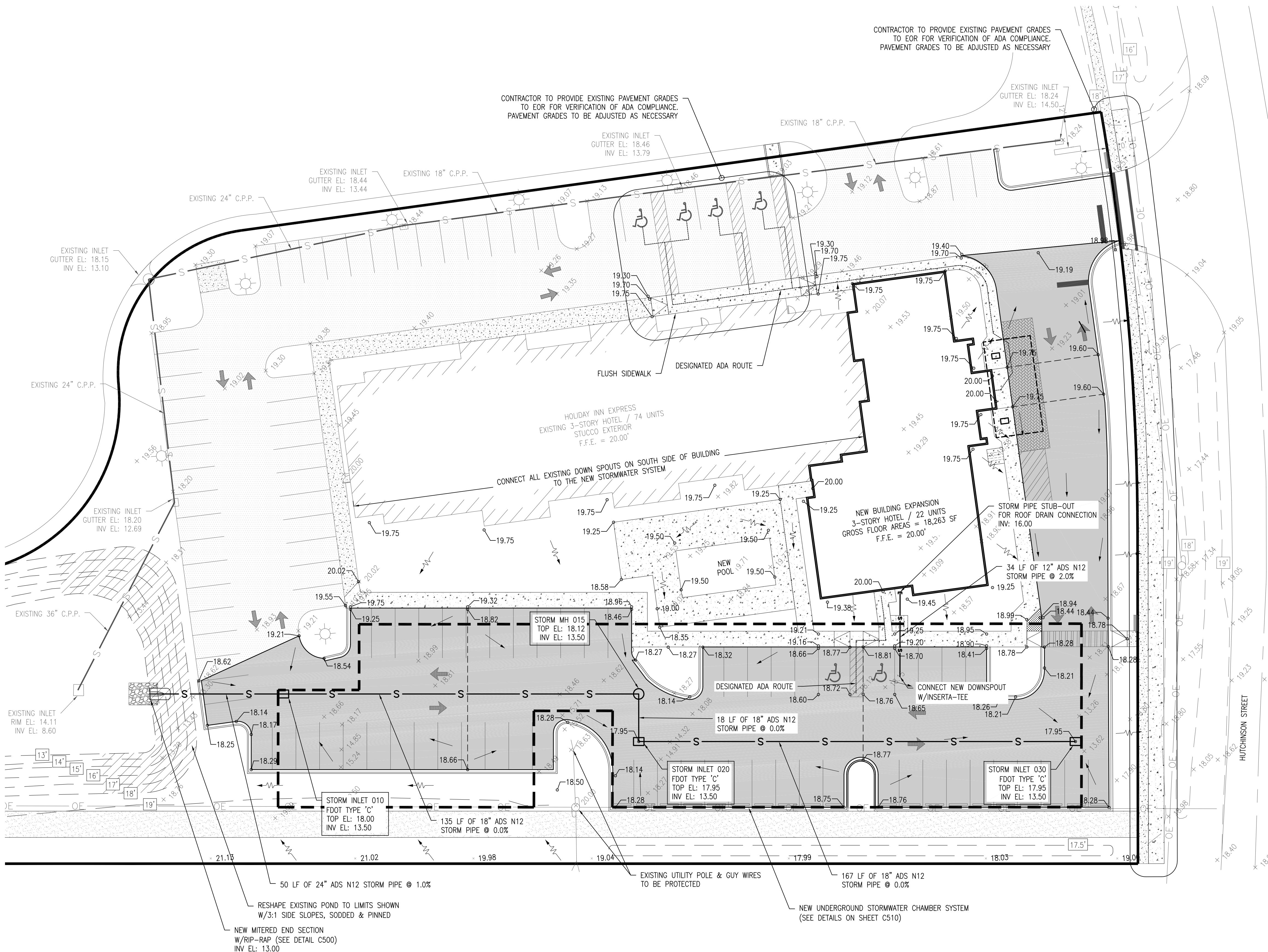
7. PLANS ARE NOT RELEASED FOR CONSTRUCTION UNLESS SPECIFICALLY NOTED.

8. CONTRACTOR TO VERIFY EXISTING GRADES AT SIDEWALK & PAVEMENT CONNECTIONS & NOTIFY EOR OF ANY DISCREPANCIES TO THESE PLANS.

ADA NOTE:

ALL HANDICAP PARKING SPACES, ACCESS AISLES, ROUTES, AND RAMPS TO MEET CURRENT ADA GUIDELINES AND FLORIDA BUILDING CODE; CONTRACTOR TO NOTIFY ENGINEER IF EXISTING AND/OR PROPOSED GRADES CONFLICT WITH THESE STANDARDS.

- DUST CONTROL PLAN (PER CITY OF DESTIN LOC 11.10.03):
- PRIOR TO THE COMMENCEMENT OF CONSTRUCTION FOR ALL NONRESIDENTIAL OR MULTIFAMILY DEVELOPMENT SITES, THE CONTRACTOR SHALL PROVIDE TO THE CITY, FOR REVIEW AND APPROVAL, A WRITTEN DUST CONTROL PLAN. ADDITIONALLY, THE CONTRACTOR SHALL PROVIDE TO THE CITY A COPY OF THE DAILY DUST CONTROL CHECKLIST ON WHICH THE CONTRACTOR WILL DOCUMENT THE COMPLIANCE OF THE MITIGATION ACTIVITIES DETAILED IN THE DUST CONTROL PLAN. THE DUST CONTROL PLAN SHALL ADDRESS THE FOLLOWING:
- HOW GRADING OPERATIONS WILL BE HANDLED/SUSPENDED WHEN WINDS EXCEED 30 MILES PER HOUR.
  - HOW WATER WILL BE APPLIED TO ALL SURFACES PRIOR TO, AND IF NECESSARY DURING, EXCAVATION.
  - HOW WATER OR A COVERING WILL BE APPLIED TO ALL PARTICULATE MATERIALS CONTAINED IN OPEN-BODIED TRUCKS, TRAILERS OR OTHER VEHICLES TRANSPORTING PARTICULATE MATTER PRIOR TO OPERATION OF THE VEHICLE, IN ORDER TO PREVENT AS MUCH DUST AS POSSIBLE FROM BECOMING AIRBORNE DURING TRANSPORTATION.
  - HOW WATER OR A COVERING WILL BE APPLIED TO ALL STOCKPILES OF PARTICULATE MATERIAL TO PREVENT AS MUCH DUST AS POSSIBLE DUST FROM BECOMING AIRBORNE DURING HIGH-WIND CONDITIONS.
  - HOW TRANSFER PROCESSES INVOLVING FREE FALL OF SOIL OR OTHER PARTICULATE MATTER WILL BE PERFORMED IN ORDER TO MINIMIZE FREE FALL DISTANCE AND THUS REDUCE DUST EMISSIONS.
  - HOW AND WHEN WATER WILL BE APPLIED TO UNPAVED SURFACES, INCLUDING ADJACENT RIGHTS-OF-WAY, OR ANY OTHER SURFACE THAT CAN CREATE AIRBORNE DUST IN ORDER ADEQUATELY TO CONTROL DUST EMISSIONS.
  - HOW AND WHEN GROUND COVER ON THE DEVELOPMENT SITE WILL BE REESTABLISHED PRIOR TO FINAL OCCUPANCY.
  - THE DESIGNATED ROUTES WITHIN THE JOB SITE THAT WILL BE USED BY VEHICLES TRANSPORTING SOIL OR OTHER MATERIALS TO AND FROM THE SITE.
  - HOW SOIL, SAND, DIRT AND ANY OTHER PARTICULATE MATTER WILL BE REMOVED FROM VEHICLE TIRES AND UNDERCARRIAGES PRIOR TO LEAVING THE DEVELOPMENT SITE, IN ORDER TO PREVENT THE TRACKING OUT OF SAID SOIL, SAND, DIRT, ETC. ONTO THE ADJACENT RIGHTS-OF-WAY.
  - THE MAXIMUM SPEED LIMIT ON UNPAVED ROADS THROUGH THE CONSTRUCTION SITE AND HOW AND WHERE SPEED LIMIT SIGNS WILL BE POSTED ALONG THE HAUL ROAD ROUTES SO THAT THEY ARE VISIBLE TO VEHICLES ENTERING AND LEAVING THE DEVELOPMENT SITE.
  - HOW AND WHEN SOIL, SAND AND OTHER PARTICULATE MATERIAL DEPOSITED OR EMITTED ONTO ANY RIGHT-OF-WAY NEAR THE DEVELOPMENT SITE WILL BE REMOVED.
  - HOW DUST CONTROL SYSTEMS AND/OR DEVICES, INCLUDING BUT NOT LIMITED TO WATER APPLICATION SYSTEMS, FILTER REPLACEMENT, OR DAILY REMOVAL OF EXCESS DUST FROM CONTAINMENT AREAS, WILL BE MAINTAINED.
  - HOW AND WHEN OPACITY MONITORING WILL BE PERFORMED BY A PROPERLY TRAINED AND CERTIFIED INDIVIDUAL IN ORDER TO MAKE SURE THAT DUST EMISSIONS DO NOT EXCEED 30 PERCENT OVER A SIX-MINUTE PERIOD; AND HOW REMEDIAL ACTIONS TO ADDRESS EXCESS OPACITY WILL BE IMMEDIATELY MANAGED AND DOCUMENTED.
  - THE CONTRACTOR SHALL MAKE THE DUST CONTROL PLAN AND THE DAILY DUST CONTROL CHECKLIST AVAILABLE AT THE JOB SITE FOR PERIODIC REVIEW, INSPECTION, AND COPYING BY THE CITY'S REPRESENTATIVES.



ALL PAVING AND STORM DRAINAGE CONSTRUCTION TO CONFORM TO THE OKALOOSA COUNTY STANDARDS AND F.D.O.T. STANDARDS. R/W SHOULDER STABILIZATION TO CONFORM WITH FDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.

ALL POTABLE WATER AND SANITARY SEWER WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITION OF DESTIN WATER USERS STANDARD SPECIFICATIONS.

REVISION

| NO. | DATE | APPR. |
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GECI & ASSOCIATES, INC.

ENGINEERS

290 N. 13th Ave. PENSACOLA, FL 32503  
Phone: (850) 432-2929 • Fax: (850) 432-2875  
E-Mail: geci@geciengineering.com

CERTIFICATE OF AUTHORIZATION NUMBER 00005149

NOT RELEASED FOR CONSTRUCTION

HOLIDAY INN EXPRESS  
DESTIN

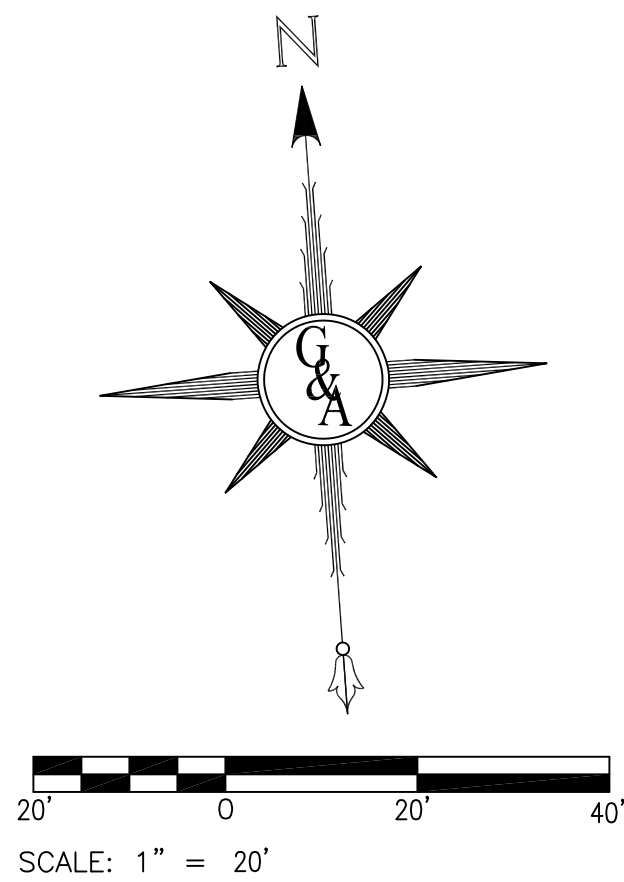
GRADING & DRAINAGE PLAN

PAVING & STORM DRAINAGE PLANS

PROJECT NO. 27803

SHEET NO. C130 (8 TOTAL)





LEGEND

— W — W — W —

WATER LINE

— OE — OE —

EXISTING OVERHEAD ELECTRICAL

NOTES

1. LOCATION OF EXISTING UTILITIES HAVE NOT BEEN VERIFIED BY THE OWNER OR IT'S REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND IS FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES THAT MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL ABOVE GROUND AND UNDERGROUND UTILITIES.

2. ALL UTILITIES ARE TO BE UNDERGROUND.

3. MINIMUM 30" OF COVER ON ALL UTILITIES.

4. UTILITY PROVIDERS ARE TO BE PRESENT DURING CONNECTIONS TO THE EXISTING UTILITIES.

5. PLANS ARE NOT RELEASED FOR CONSTRUCTION UNLESS SPECIFICALLY NOTED. SEE ARCHITECTURAL PLANS BY OTHERS FOR BUILDING UTILITY CONNECTIONS.

6. ALL NEW SANITARY SEWER PIPE TO BE DR 26 PVC.

7. NEW LATTICE SCREENS OF AT LEAST 50% OPACITY TO BE INSTALLED AROUND EXISTING AIR CONDITIONING CONDENSERS. SCREENS SHALL BE INSTALLED TO A MINIMUM OF 6' IN HEIGHT OR TO THE HIGHEST POINT OF THE EQUIPMENT, WHICHEVER IS LOWER.

8. ALL REVISIONS TO THE WATER AND/OR SEWER UTILITIES OF ANY PREVIOUSLY APPROVED PROJECT MUST BE RE-APPROVED BY DESTIN WATER USERS, INC. IN WRITING AT LEAST 24 HOURS PRIOR TO IMPLEMENTATION.

9. FIELD VERIFIED AND SCALED 'AS-BUILT' PLANS INCLUDING ALL UTILITY INFRASTRUCTURES MUST BE SUBMITTED TO THE CITY OF DESTIN AND FORWARDED TO DESTIN WATER USERS, INC. FOR FINAL INSPECTION BY DESTIN WATER USERS, INC. A WRITTEN APPROVAL SHALL THEN BE SUBMITTED TO THE CITY OF DESTIN PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY BY THE CITY OF DESTIN IF THERE ARE NO OUTSTANDING ISSUES.

10. WATER TAP ON EXISTING WATER MAIN SHALL BE PERFORMED BY DWU WITH A 24 HOURS NOTICE FROM CONTRACTOR.

11. ALL SEWER MAINS SHALL BE VIDEOED, AND A COPY GIVEN TO DWU FOR REVIEW & APPROVAL.

12. ALL WATER SERVICE LINES SHALL BE INCASED UNDER ROAD PER UTILITY PLANS.

13. SWIMMING POOL METER SHALL HAVE A REDUCED PRESSURE BACKFLOW WHICH IS THE SAME SIZE AS THE METER.

14. CONNECTION ON THE EXISTING 8" SEWER MAIN FOR THE NEW MANHOLE IS TO BE COORDINATED AND INSPECTED BY DWU WITH A 24 HOURS NOTICE GIVEN.

DESTIN WATER USERS GENERAL NOTES

1. CONTRACTOR SHALL CONTACT PWS AT LEAST 48 HOURS PRIOR TO CONNECTION OF PROPOSED FACILITIES TO EXISTING PWS FACILITIES. PWS PERSONNEL SHALL BE PRESENT FOR ALL TAPS.

2. ALL ON-SITE WATER AND SEWER FACILITIES SHALL BE PRIVATELY OWNED, OPERATED, AND MAINTAINED.

3. CONTRACTOR IS RESPONSIBLE FOR ADJUSTMENT OF EXISTING UTILITIES IF PROPOSED IMPROVEMENTS IMPACT EXISTING UTILITIES.

4. NO PRESSURE PIPING OF FITTINGS SHALL BE ALLOWED UNDER ANY PROPOSED PAVING INCLUDING SIDEWALKS, FLUMES, ROADWAYS, ETC.

5. CONTRACTOR SHALL HAVE AT MINIMUM ONE SET OF PLANS APPROVED BY PWS ON THE JOB SITE.

6. SUBMITTALS ON ALL MATERIAL LOCATED IN THE ROW SHALL BE SUBMITTED TO PWS FOR APPROVAL PRIOR TO CONSTRUCTION.

7. ANY DEVIATIONS OF THIS FINISHED GRADE FROM APPROVED CONSTRUCTION PLANS THAT AFFECTS ANY WATER, SEWER, OR RECLAIMED WATER MAINS AND / OR SERVICES MUST BE ADJUSTED TO REQUIRED DEPTHS AT DEVELOPERS EXPENSE.

ALL PAVING AND STORM DRAINAGE CONSTRUCTION TO CONFORM TO THE OKALOOSA COUNTY STANDARDS AND F.D.O.T. STANDARDS. R/W SHOULDER STABILIZATION TO CONFORM WITH FDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.

ALL POTABLE WATER AND SANITARY SEWER WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITION OF DESTIN WATER USERS STANDARD SPECIFICATIONS.

REVISION

NO.

DATE

APPR.

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GECE & ASSOCIATES, INC.

E N G I N E E R S

290 N. 13th Ave. PENSACOLA, FL 32503

Phone (850) 432-2929 • Fax (850) 432-2875

CERTIFICATE OF AUTHORIZATION NUMBER 00005149

E-Mail: geci@geceengineering.com

SCALE: AS SHOWN

DESIGNED: CAG

DRAWN: CAG

CHECKED: SAG

DATE: 03/01/21

NOT RELEASED FOR CONSTRUCTION

HOLIDAY INN EXPRESS

DESTIN

UTILITIES PLAN

PAVING & STORM DRAINAGE PLANS

PROJECT NO.

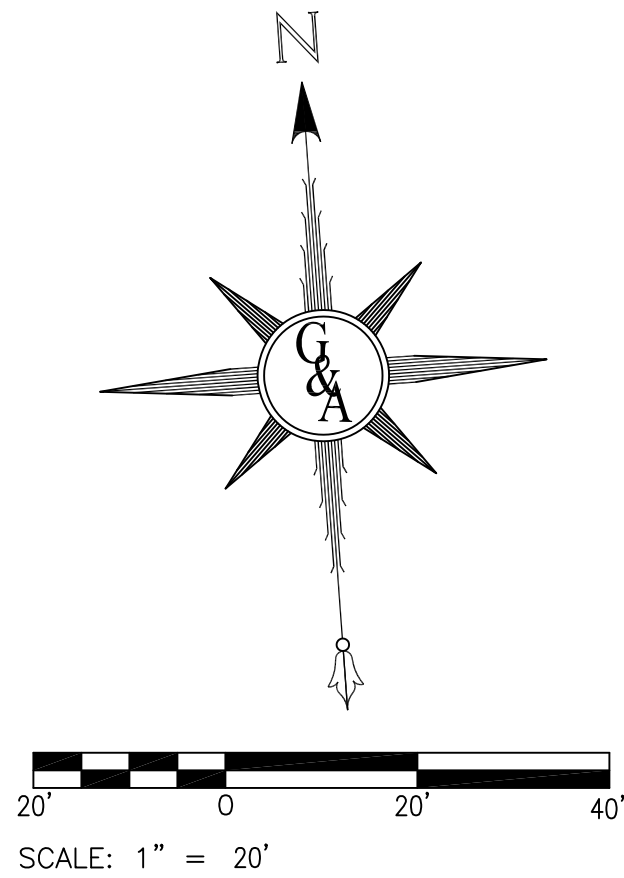
27803

SHEET NO.

C140

(8 TOTAL)





NOTES

1. ALL ADEQUATE TREE PROTECTION MEASURES AND BARRICADES SHALL BE INSTALLED PRIOR TO ANY PROPOSED SITE DISTURBANCE ACTIVITIES AND MAINTAINED IN GOOD WORKING ORDER UNTIL PROJECT IS COMPLETE AND SITE BECOMES STABILIZED.
2. ALL DISTURBED AREAS TO BE STABILIZED WITH SOD UNLESS OTHERWISE NOTED. ALL SLOPES 4:1 AND GREATER TO BE SOD & PINNED. PLANTING SOD SHALL BE IN ACCORDANCE WITH FDOT SECTION 570-3.3 AND 981-3.1.
3. SEE SHEET C500 FOR THE TREE INSTALLATION AND TREE PROTECTION DETAIL.
4. ALL TRAFFIC MARKINGS TO BE THERMOPLASTIC. IT IS THE OWNER'S RESPONSIBILITY TO MAINTAIN STRIPING AND REPAINT AS NECESSARY. WHITE STRIPING ON CONCRETE SHALL BE OUTLINED IN BLACK.
5. GRASS AND IRRIGATION TO EXTEND FROM PROPERTY LINES TO BACK OF CITY SIDEWALKS AND/OR CURBS.
6. INSTALL PIPE SLEEVES WHERE IRRIGATION LINES CROSS OR ARE UNDER PAVEMENT. ALL SLEEVES SHALL BE TWICE THE DIAMETER OF THE PIPE(S) IT HOUSES.
7. TURF NOTES: SELECT LOW MAINTENANCE HYBRID TURF FROM LOCAL GROWER. TEST SOIL FOR PROPER PH FOR SELECT SOD. AMEND SOIL WITH ORGANIC MATERIAL, FERTILIZER, AND FINISH GRADE. STAGGER ALL SOD SEAMS, FILL ANY GAPS WITH SAND, WATER, AND ROLL SMOOTH. CONTRACTOR TO REPLACE ANY DEAD SOD WITHIN ONE GROWING SEASON.
8. SLOPE STABILIZATION - HYDROSEED WITH COMPATIBLE TURF SEED AND OVERLAY TURF MATS ON ALL SLOPES GREATER THAN 3:1 ON SITE, IF SOD CAN NOT BE STAKED PROPERLY. USE PYRAMAT, BY SYNTHETIC INDUSTRIES, OR EQUAL. CONTRACTOR TO REPAIR ALL AREAS OF EROSION TO SATISFACTION TO ESTABLISH PROPER TURF WITHIN ONE YEAR.
9. TO PREVENT OBSTRUCTION, BICYCLE PARKING SPACES SHALL BE NO LESS THAN 2' AWAY FROM EXTERIOR OF BUILDING.
10. THE REQUIRED NUMBER OF BICYCLE PARKING SPACES SHALL BE DISTRIBUTED EQUALLY IN CLUSTERS BETWEEN THE PRIMARY BUILDING ENTRANCES.
11. REGARDING THE NEW BIKE RACKS TO BE INSTALLED, CONTRACTOR TO SUBMIT PROPOSED BIKE RACK TO THE "OWNER" FOR APPROVAL.
12. REGARDING THE NEW PARK BENCHES FOR THE PUBLIC SIDEWALK, CONTRACTOR TO SUBMIT PROPOSED BENCH TO THE "OWNER" FOR APPROVAL.

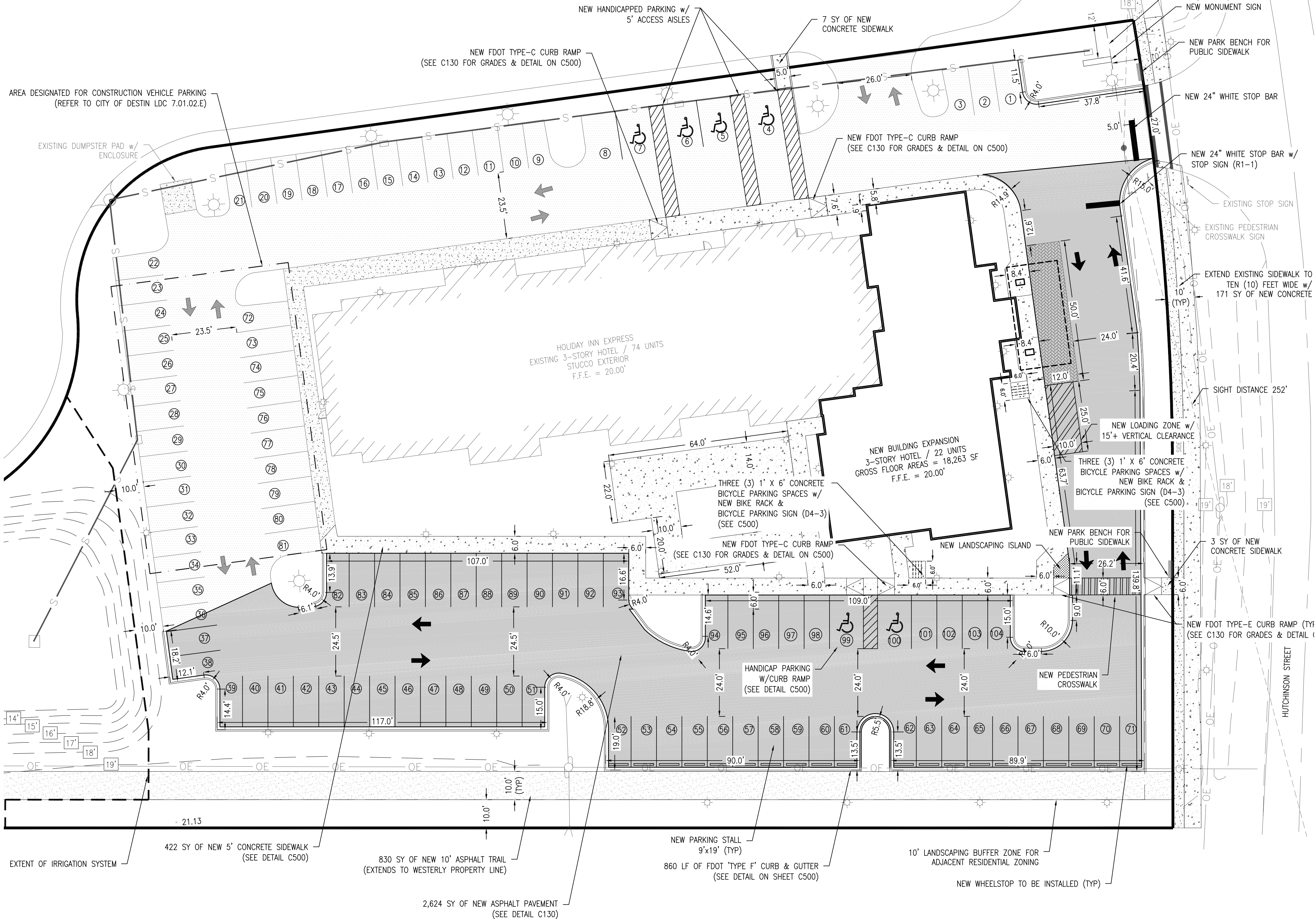
IRRIGATION NOTE:

IRRIGATION PLAN PREPARED BY THE LANDSCAPER TO BE PROVIDED BY THE CONTRACTOR TO THE EOR DURING REVIEW OF MATERIAL SUBMITTALS.

ADA NOTE:

ALL HANDICAP PARKING SPACES, ACCESS AISLES, ROUTES, AND RAMPS TO MEET CURRENT ADA GUIDELINES AND FLORIDA BUILDING CODE; CONTRACTOR TO NOTIFY ENGINEER IF EXISTING AND/OR PROPOSED GRADES CONFLICT WITH THESE STANDARDS.

AREA DESIGNATED FOR CONSTRUCTION VEHICLE PARKING  
(REFER TO CITY OF DESTIN LDC 7.01.02.E)



ALL PAVING AND STORM DRAINAGE CONSTRUCTION TO CONFORM TO THE OKALOOSA COUNTY STANDARDS AND F.D.O.T. STANDARDS.  
R/W SHOULDER STABILIZATION TO CONFORM WITH FDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.

ALL POTABLE WATER AND SANITARY SEWER WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITION OF DESTIN WATER USERS STANDARD SPECIFICATIONS.

| REVISION |   | DATE | APPR. |
|----------|---|------|-------|
| NO.      | 1 |      |       |
| 2        |   |      |       |
| 3        |   |      |       |
| 4        |   |      |       |
| 5        |   |      |       |

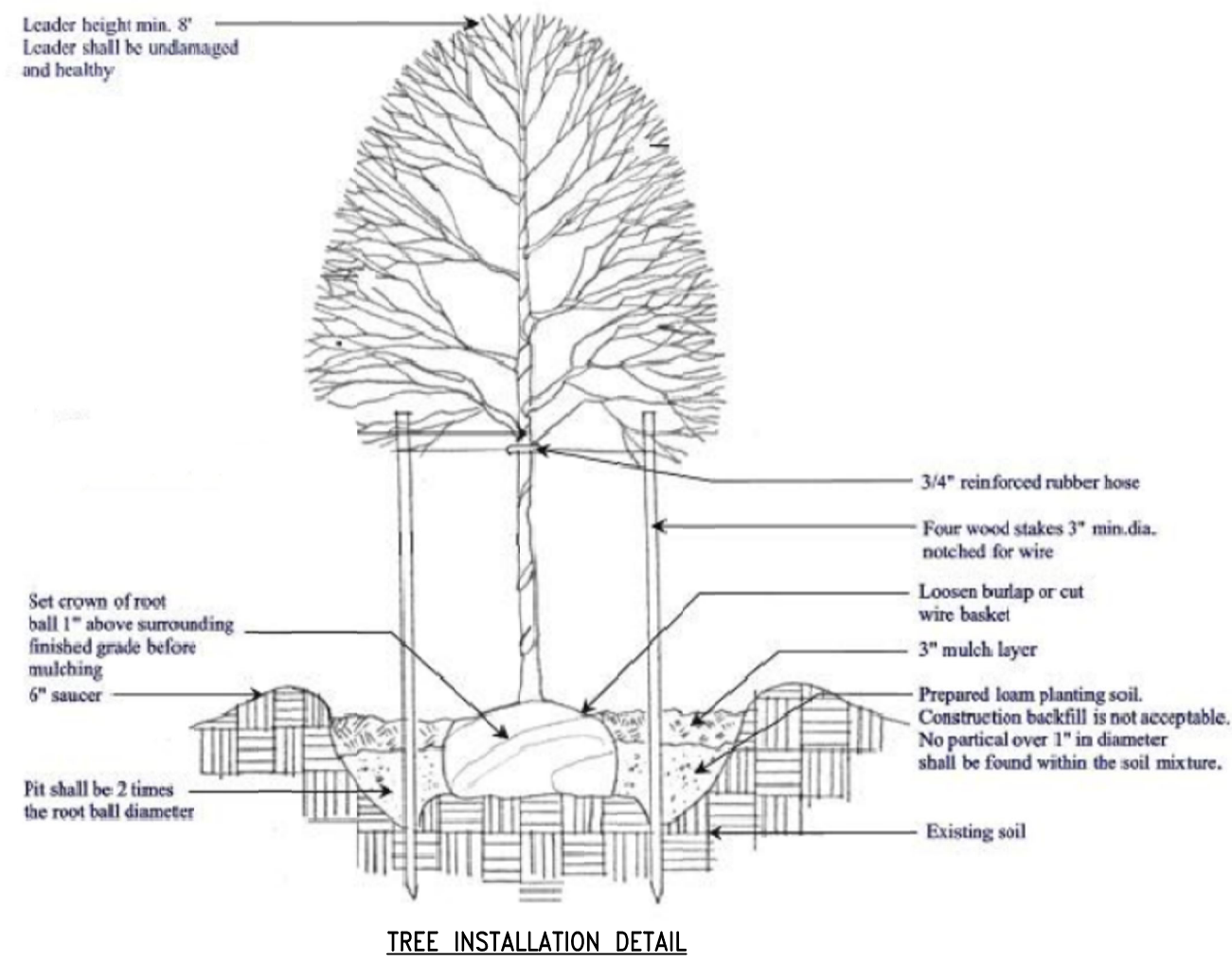
**GECE & ASSOCIATES, INC.**  
ENGINEERS  
2906 N. 12th Ave. PENSACOLA, FL 32503  
Phone (850) 432-2929 • Fax (850) 432-2875  
CERTIFICATE OF AUTHORIZATION NUMBER 00005149  
E-Mail: gce@geceengineering.com

**HOLIDAY INN EXPRESS  
DESTIN**  
TRAFFIC CONTROL PLAN  
PAVING & STORM DRAINAGE PLANS

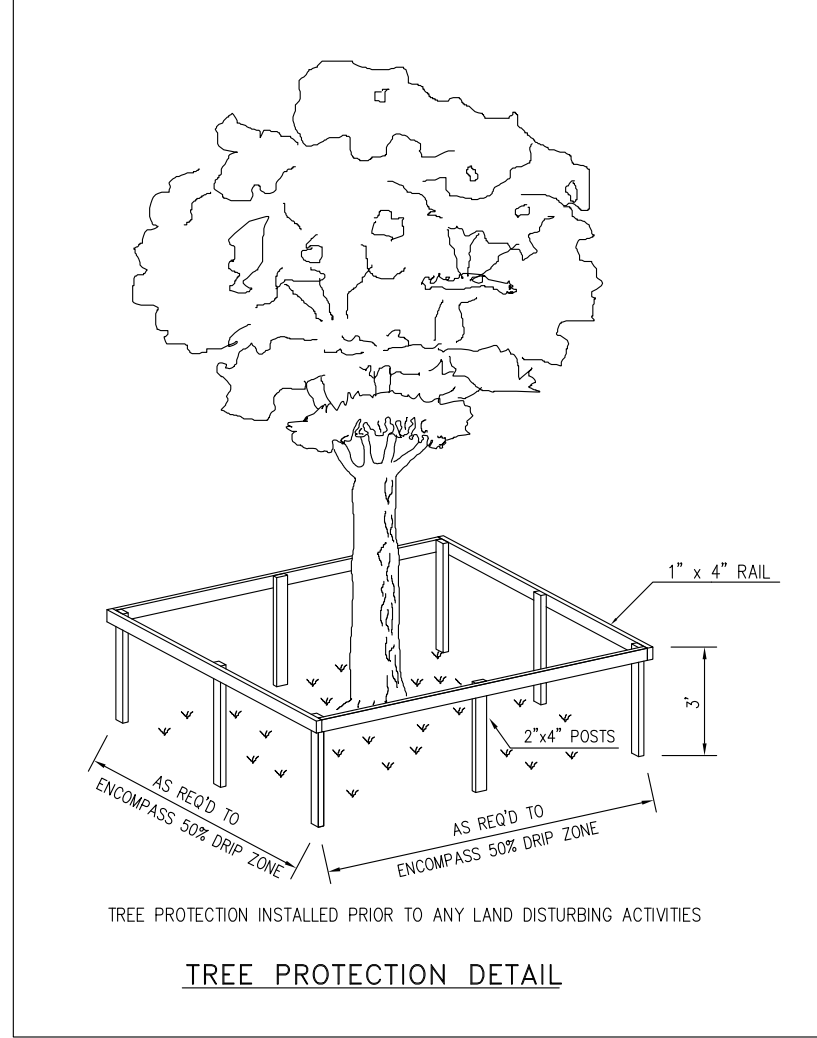
| SCALE: AS SHOWN               | DESIGNED: CAG | DRAWN: CAG | CHECKED: SAG | DATE: 03/01/21 |
|-------------------------------|---------------|------------|--------------|----------------|
| NOT RELEASED FOR CONSTRUCTION |               |            |              |                |

| PROJECT NO. | SHEET NO.         |
|-------------|-------------------|
| 27803       | C150<br>(8 TOTAL) |

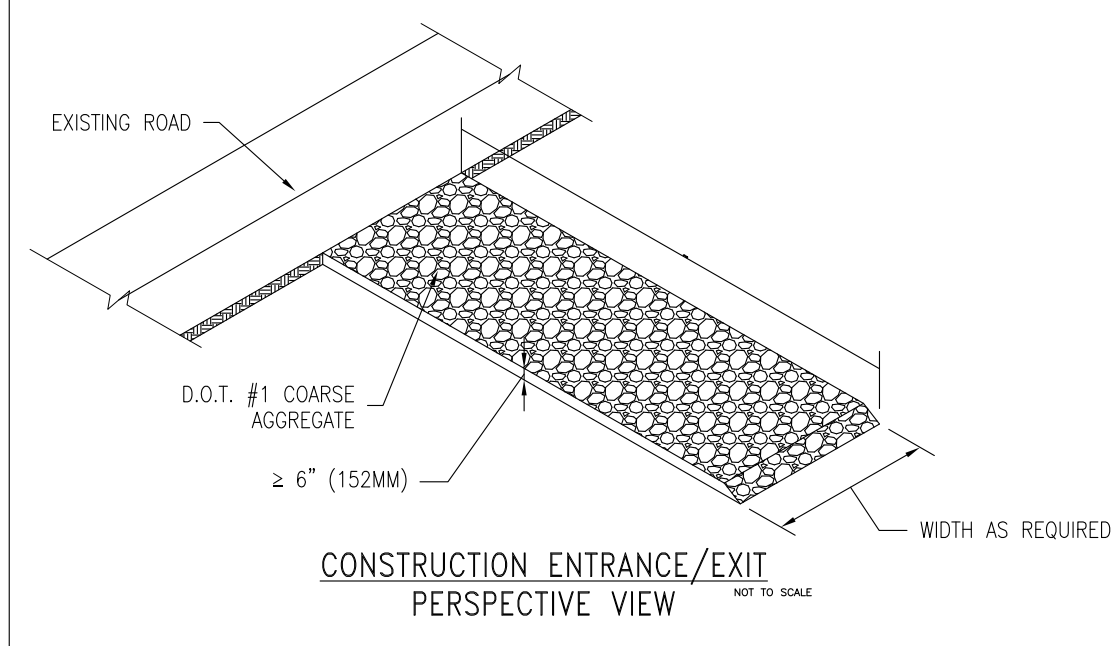




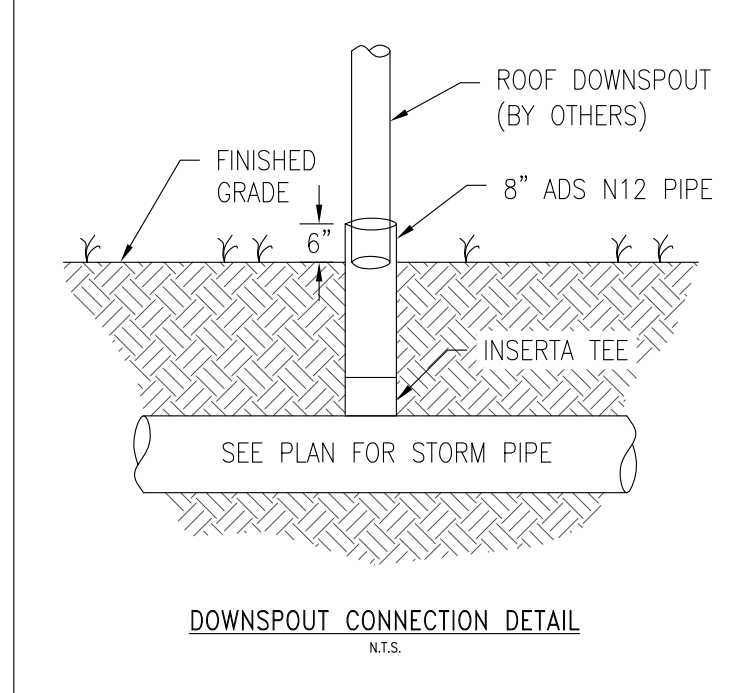
TREE INSTALLATION DETAIL



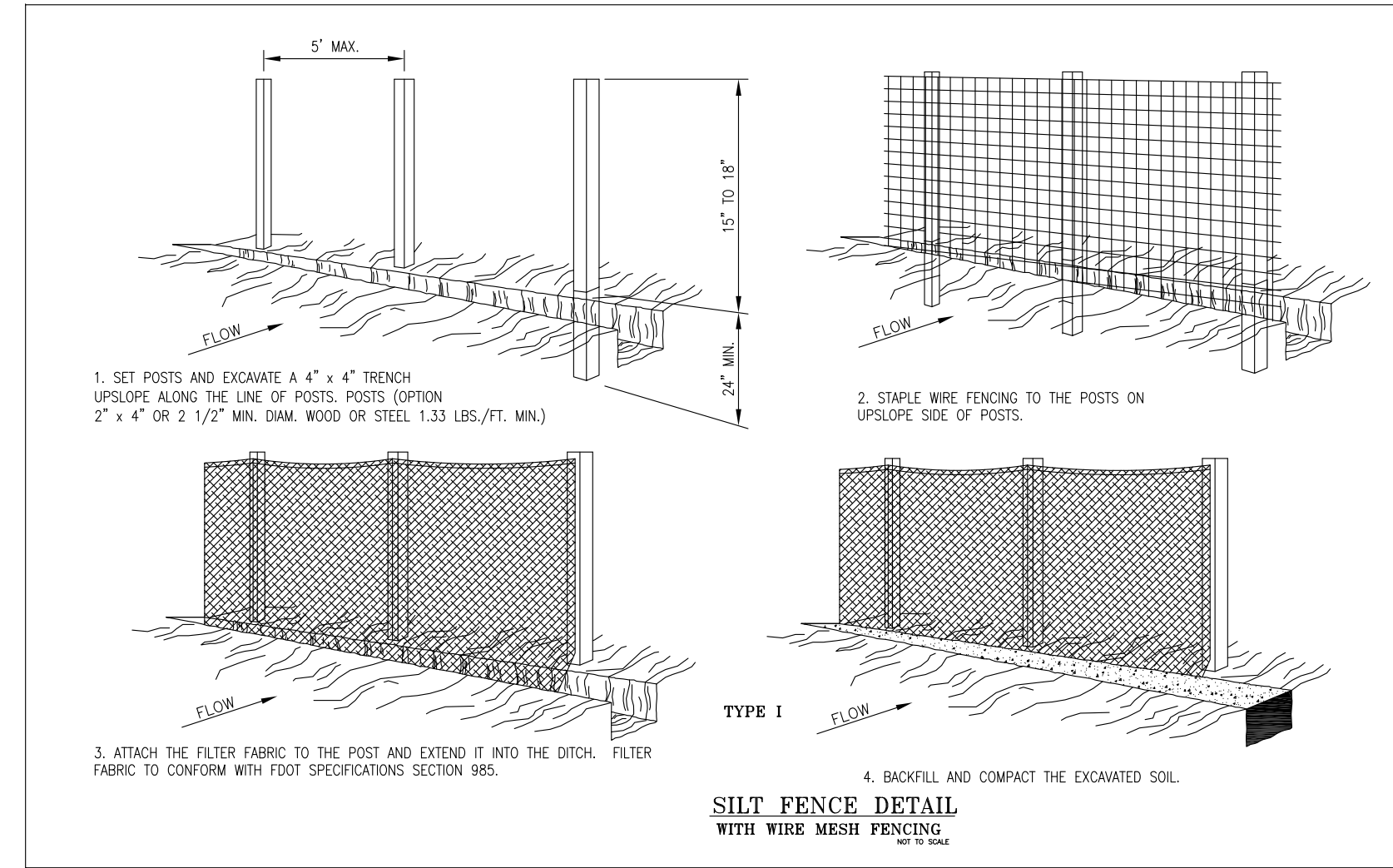
TREE PROTECTION DETAIL



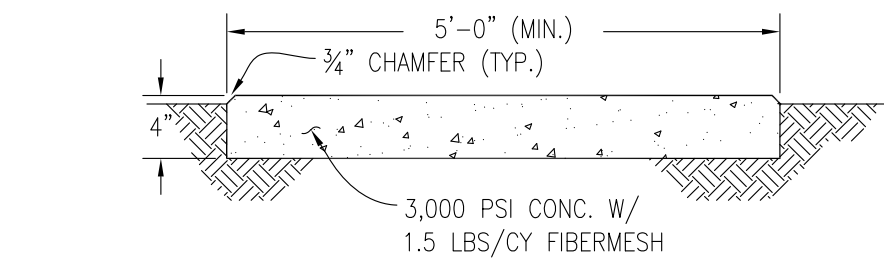
CONSTRUCTION ENTRANCE/EXIT PERSPECTIVE VIEW



DOWNSPOUT CONNECTION DETAIL



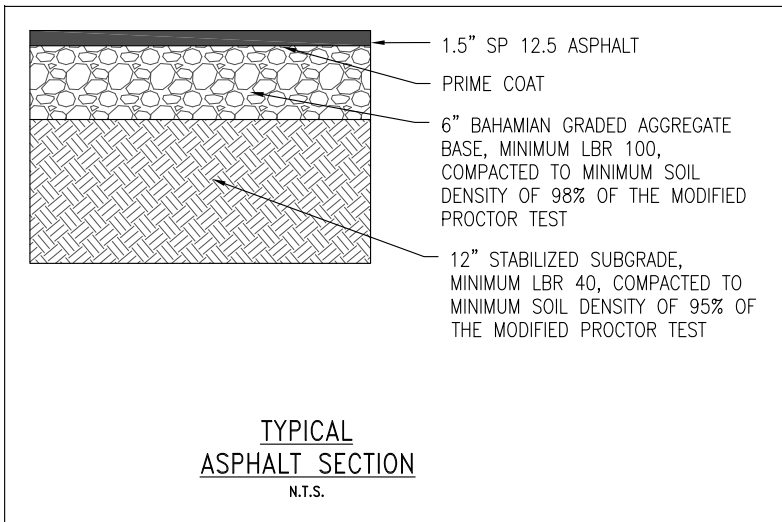
SILT FENCE DETAIL WITH WIRE MESH FENCING



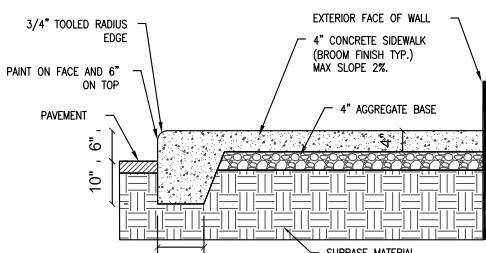
SIDEWALK DETAIL

**SIDEWALK NOTE :**  
ALL SIDEWALKS CONSTRUCTED IN OKALOOSA COUNTY SHALL MEET THE FOLLOWING REQUIREMENTS:

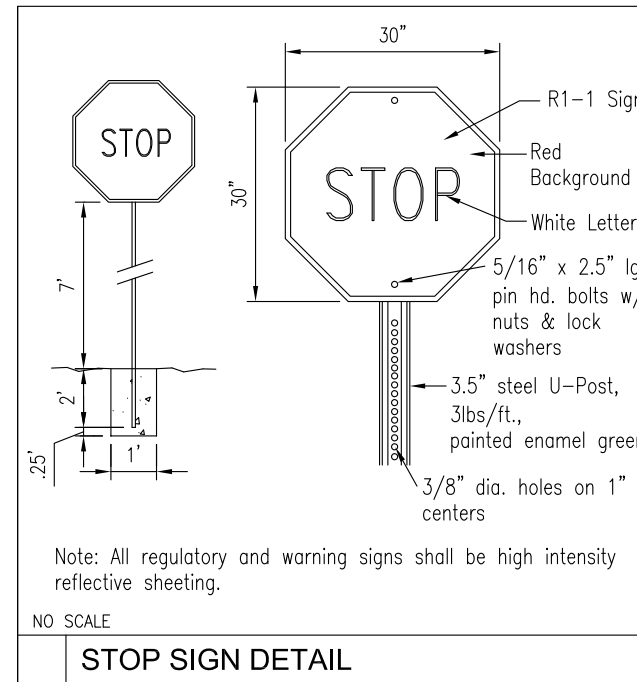
- THE CONCRETE SHALL HAVE A MINIMUM STRENGTH OF THREE THOUSAND (3,000) POUNDS PER SQUARE INCH (PSI).
- THE MINIMUM WIDTH OF SIDEWALKS SHALL NOT BE LESS THAN FIVE (5) FEET.
- THE SIDEWALK SHALL NOT BE LESS THAN FOUR (4) INCHES THICK. AT DRIVEWAYS A MINIMUM THICKNESS OF SIX (6) INCHES OR FOUR (4) INCHES WITH WOVEN WIRE FABRIC REINFORCEMENT SHALL BE REQUIRED.
- ALL SIDEWALKS SHALL BE CONSTRUCTED WITH A MAXIMUM 2.0% CROSS SLOPE
- ONE-HALF (1/2) INCH EXPANSION JOINTS SHALL BE AT THIRTY (30) FOOT INTERVALS OR LESS, WITH CONTROL JOINTS AT TEN (10) FOOT INTERVALS.
- LOCATION OF PROPOSED IMPROVEMENTS SUCH AS SIDEWALKS, BIKEWAYS, OR BRIDLE PATHS SHALL BE INCLUDED ON CONSTRUCTION PLANS.



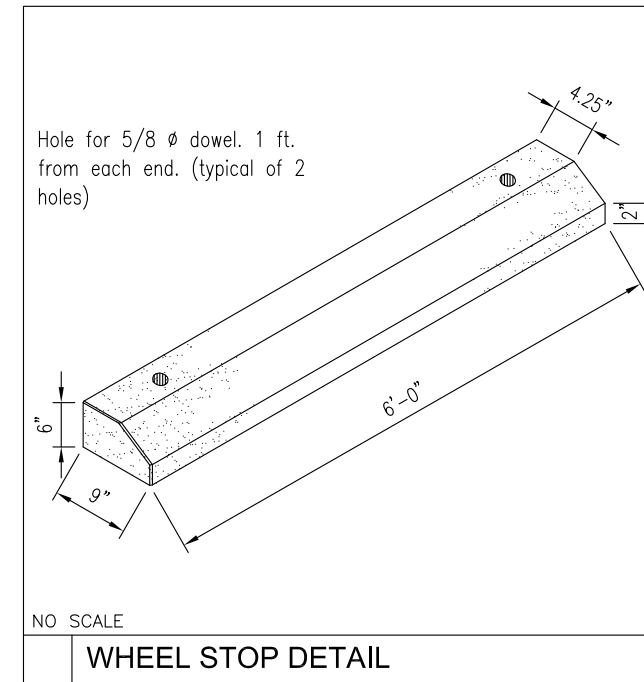
TYPICAL ASPHALT SECTION



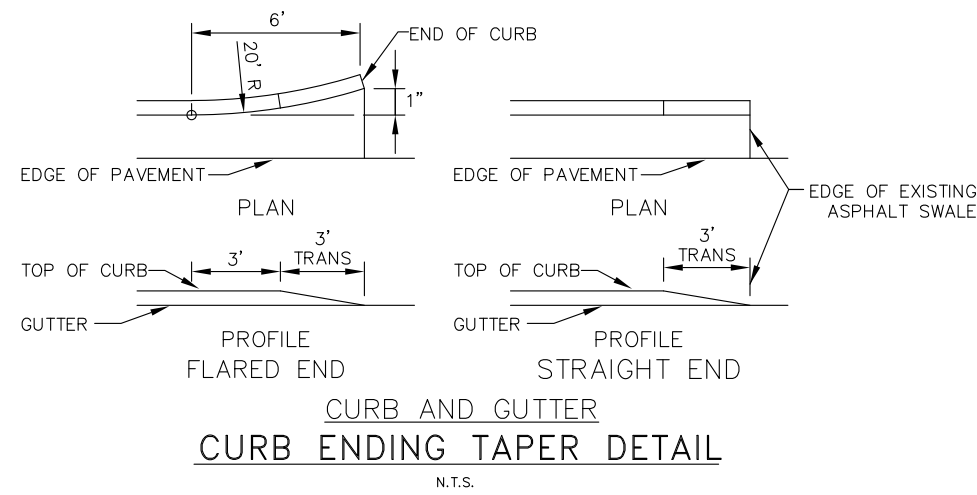
TURNDOWN SIDEWALK



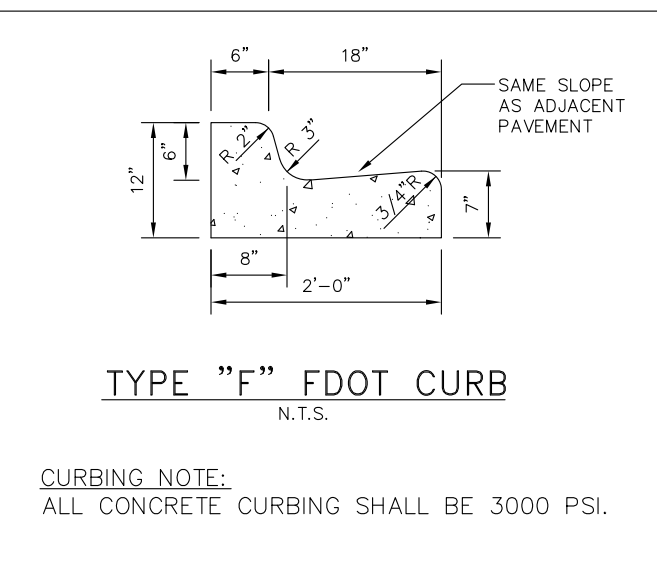
STOP SIGN DETAIL



WHEEL STOP DETAIL

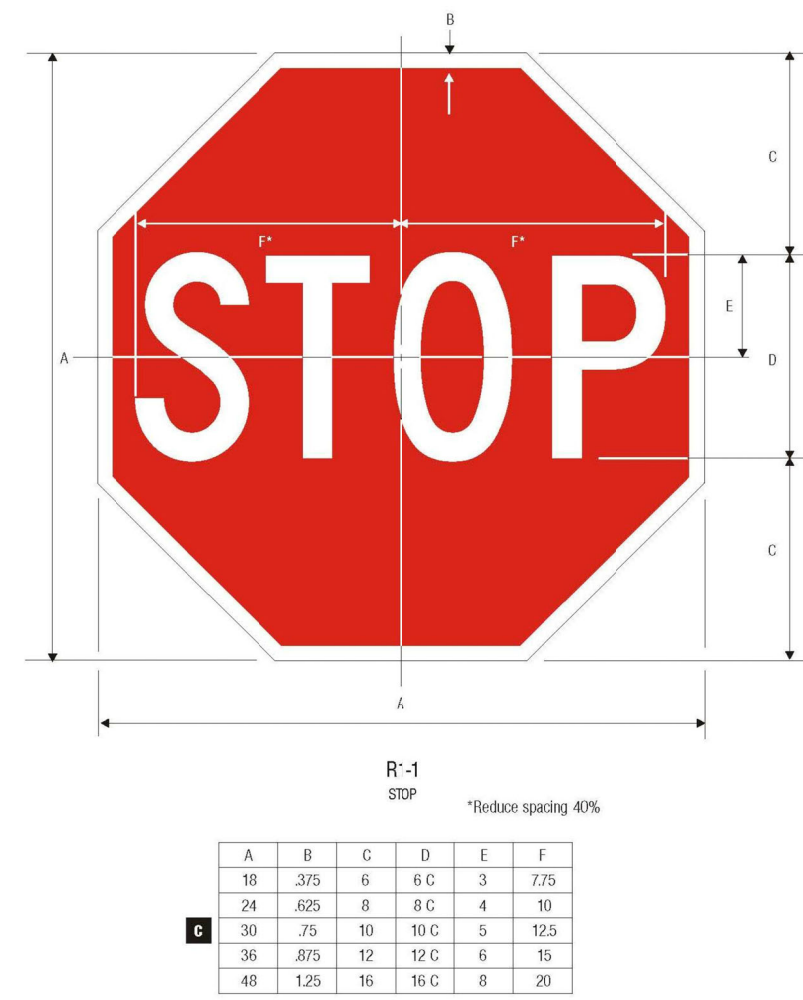


CURB AND GUTTER CURB ENDING TAPER DETAIL



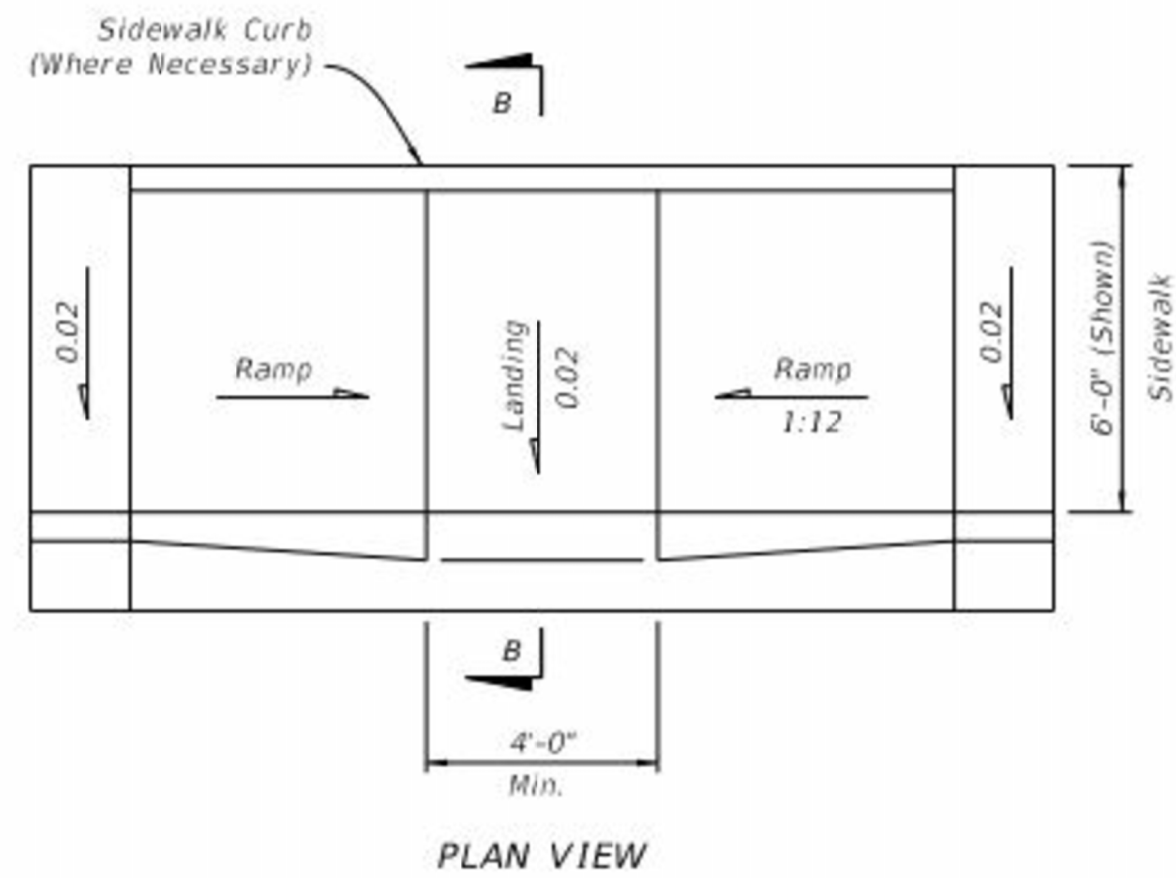
TYPE "F" FDOT CURB

**CURBING NOTE:**  
ALL CONCRETE CURBING SHALL BE 3000 PSI.



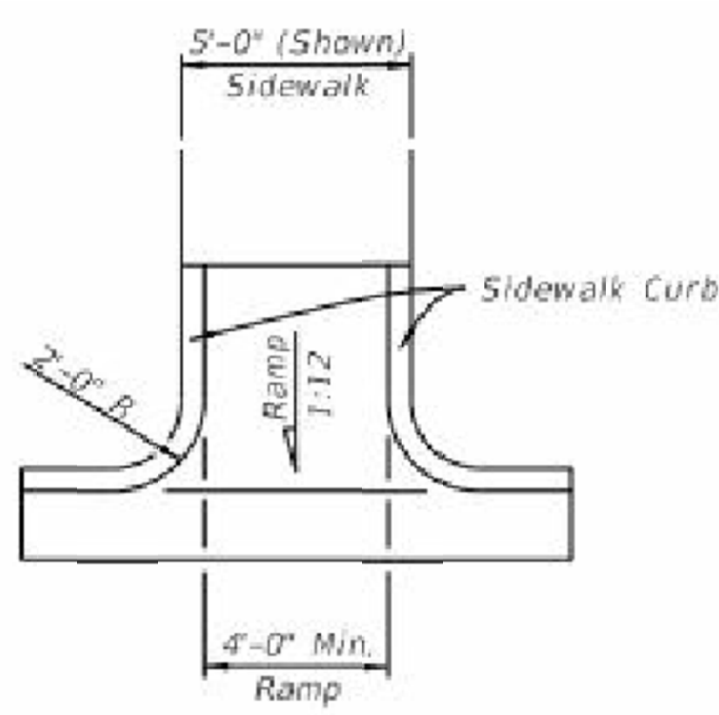
STOP SIGN

| A  | B  | C  | D  | E | F    |
|----|----|----|----|---|------|
| 18 | 24 | 6  | 6  | 3 | 7.5  |
| 24 | 30 | 8  | 8  | 4 | 10   |
| 30 | 36 | 10 | 10 | 5 | 12.5 |
| 36 | 42 | 12 | 12 | 6 | 15   |
| 42 | 48 | 14 | 14 | 7 | 17.5 |



FDOT TYPE-C CURB RAMP

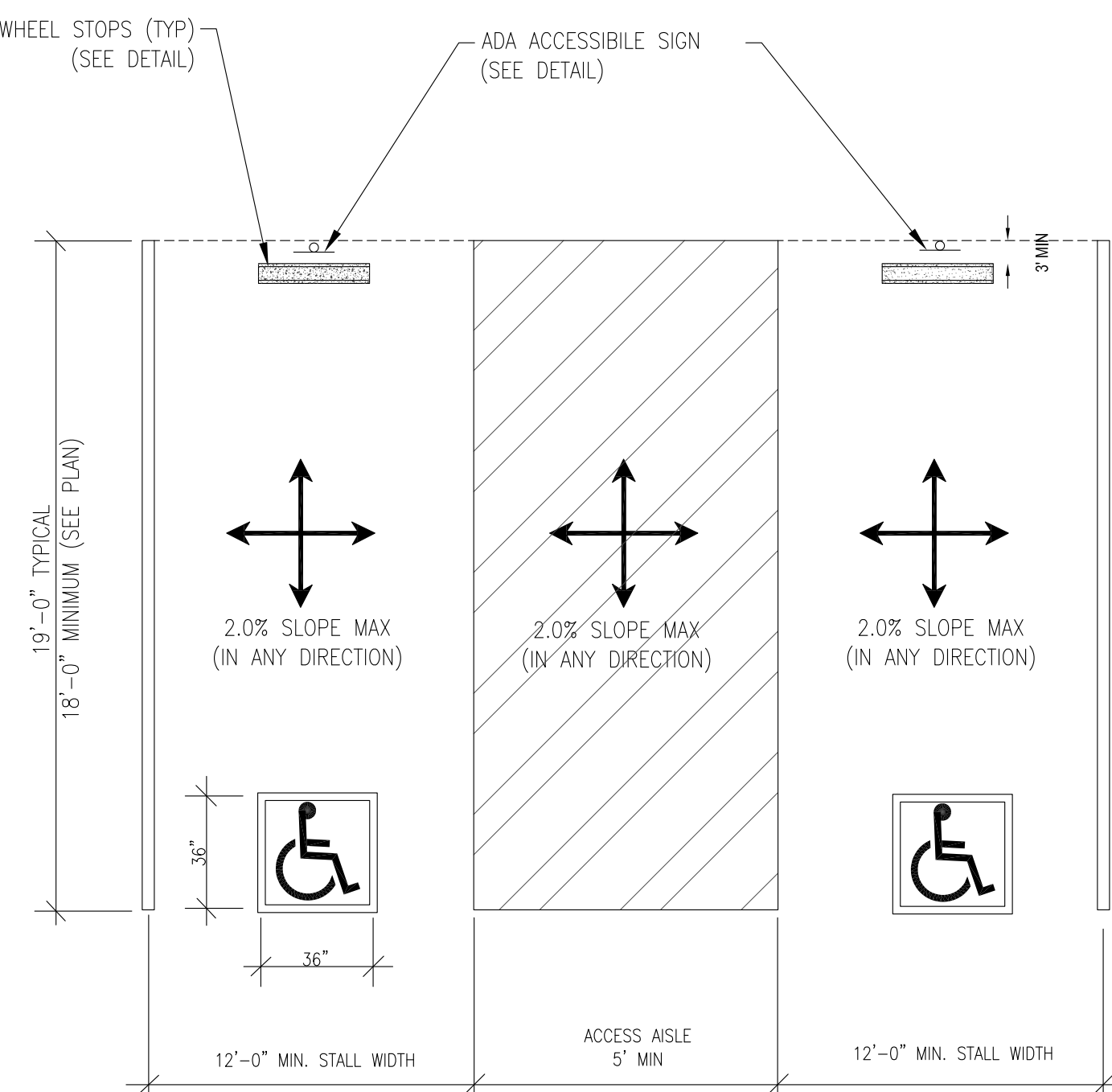
\*SEE FDOT STANDARD PLAN 522-002 FOR COMPLETE SPECIFICATIONS



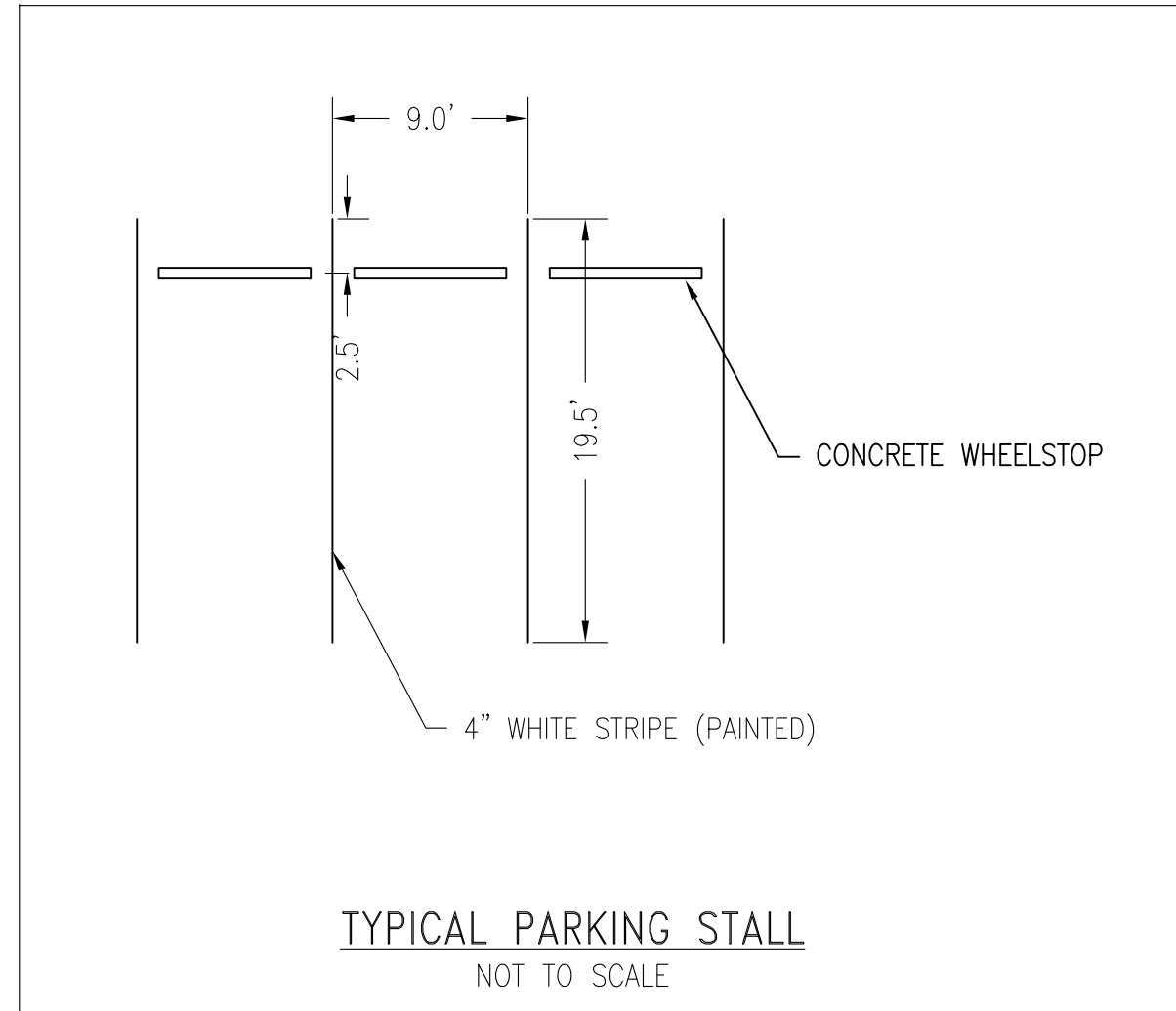
PLAN VIEW

FDOT TYPE-E CURB RAMP

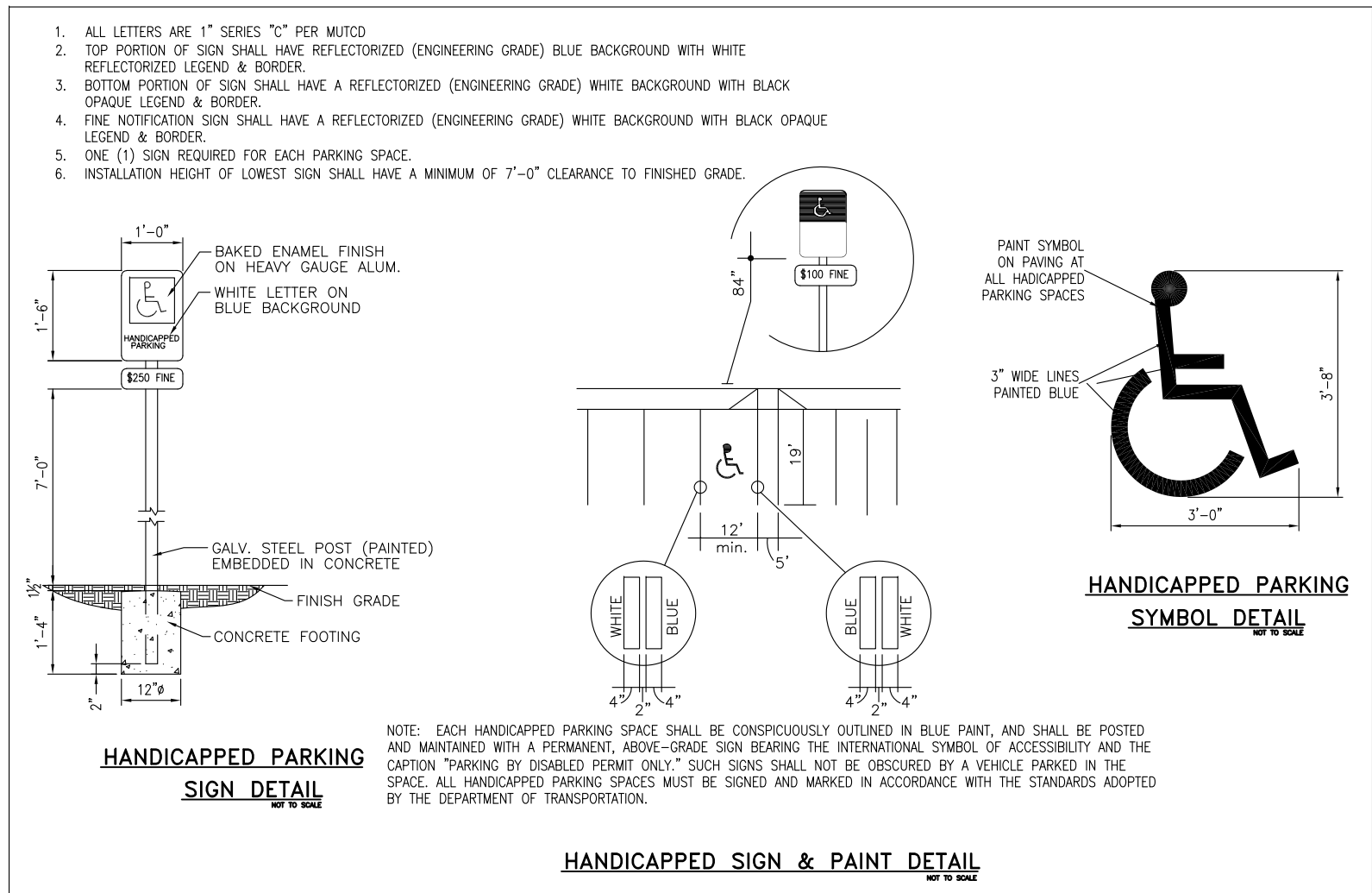
\*SEE FDOT STANDARD PLAN 522-002 FOR COMPLETE SPECIFICATIONS



HC PARKING SPACES DETAIL



TYPICAL PARKING STALL



HANDICAPPED PARKING SIGN DETAIL

HANDICAPPED SIGN & PAINT DETAIL



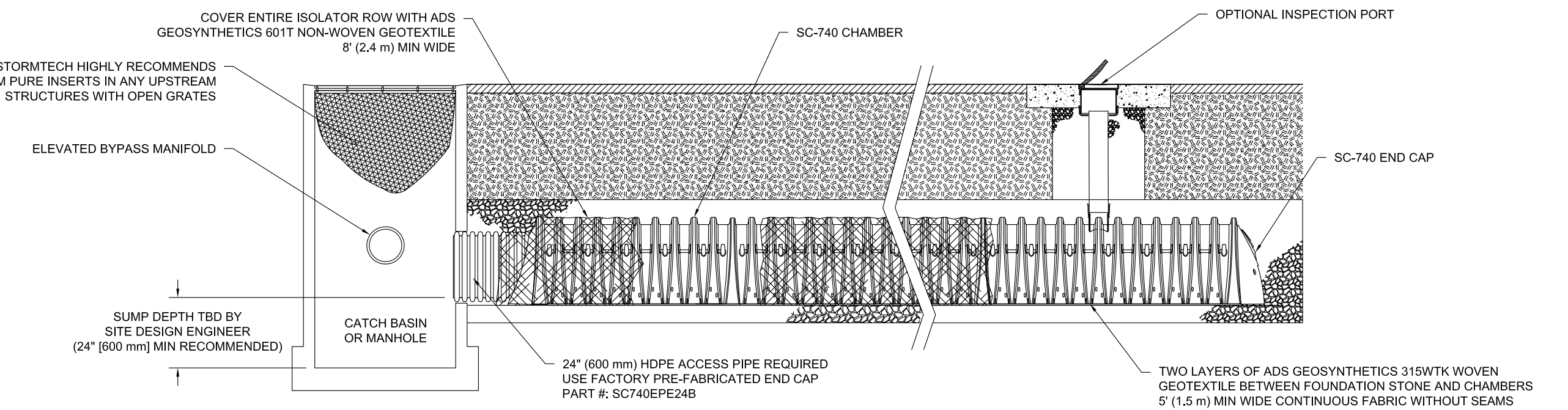
BICYCLE PARKING SIGN DETAIL

STANDARD MUTCD D4-3 PLAQUE SIZE 12x18 (LEFT OR RIGHT ARROW TO BE UTILIZED)



**NOTES**

- MANHOLE SIZE TO BE DETERMINED BY SITE DESIGN ENGINEER. SEE TECHNICAL NOTE 6.32 FOR MANHOLE SIZING GUIDANCE.
- DUE TO THE ADAPTATION OF THIS CHAMBER SYSTEM TO SPECIFIC SITE AND DESIGN CONSTRAINTS, IT MAY BE NECESSARY TO CUT AND COUPLE ADDITIONAL PIPE TO STANDARD MANHOLE COMPONENTS IN THE FIELD.
- THE SITE DESIGN ENGINEER MUST REVIEW ELEVATIONS AND IF NECESSARY ADJUST GRADING TO ENSURE THE CHAMBER IS PROPERLY JUNCTIONED TO THE MAINLINE.
- THIS CHAMBER SYSTEM WAS DESIGNED WITHOUT SITE-SPECIFIC INFORMATION ON SOIL CONDITIONS OR BEARING CAPACITY. THE SITE DESIGN ENGINEER IS RESPONSIBLE FOR DETERMINING THE SUITABILITY OF THE SOIL AND PROVIDING THE BEARING CAPACITY OF THE INSITU SOILS. THE BASE STONE DEPTH MAY BE INCREASED OR DECREASED ONCE THIS INFORMATION IS PROVIDED.



STEP 1) INSPECT ISOLATOR ROW FOR SEDIMENT

- A. INSPECTION PORTS (IF PRESENT)
  - A.1. REMOVE/OPEN LID ON HYDROPLAST INLINE DRAIN
  - A.2. REMOVE AND CLEAN FLEXSTORM FITTER IF INSTALLED
  - A.3. USING A FLASHLIGHT AND STADIA ROD, MEASURE DEPTH OF SEDIMENT AND RECORD ON MAINTENANCE LOG
  - A.4. LOWER A CAMERA INTO ISOLATOR ROW FOR VISUAL INSPECTION OF SEDIMENT LEVELS (OPTIONAL)
    - IF SEDIMENT IS AT, OR ABOVE, 3' (80 mm) PROCEED TO STEP 2; IF NOT, PROCEED TO STEP 3.
- B. ALL ISOLATOR ROWS
  - B.1. REMOVE COVER FROM STRUCTURE AT UPSTREAM END OF ISOLATOR ROW
  - B.2. USING A FLASHLIGHT, INSPECT DOWN THE ISOLATOR ROW THROUGH OUTLET PIPE
  - B.3. MIRRORS ON POLES OR CAMERAS MAY BE USED TO AVOID A CONFINED SPACE ENTRY
    - IF FOLLOW OSHA REGULATIONS FOR CONFINED SPACE ENTRY IF ENTERING MANHOLE
    - IF SEDIMENT IS AT, OR ABOVE, 3' (80 mm) PROCEED TO STEP 2; IF NOT, PROCEED TO STEP 3.

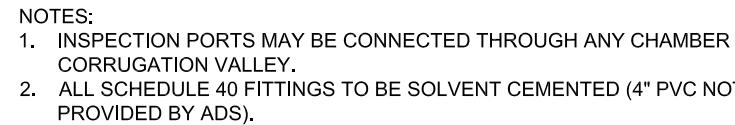
STEP 2) CLEAN OUT ISOLATOR ROW USING THE JETVAC PROCESS

- A. FIXED CULVERT CLEANING NOZZLE WITH REAR FACING SPREAD OF 45° (1.1 m) OR MORE IS PREFERRED
- B. APPLY MULTIPLE PASSES OF JETVAC UNTIL BACKFUSH WATER IS CLEAN
- C. VACUUM STRUCTURE PUMP AS REQUIRED

STEP 3) REPLACE ALL COVERS, GRATES, FILTERS, AND LIDS; RECORD OBSERVATIONS AND ACTIONS.

STEP 4) INSPECT AND CLEAN BASINS AND MANHOLES UPSTREAM OF THE STORMTACE SYSTEM.

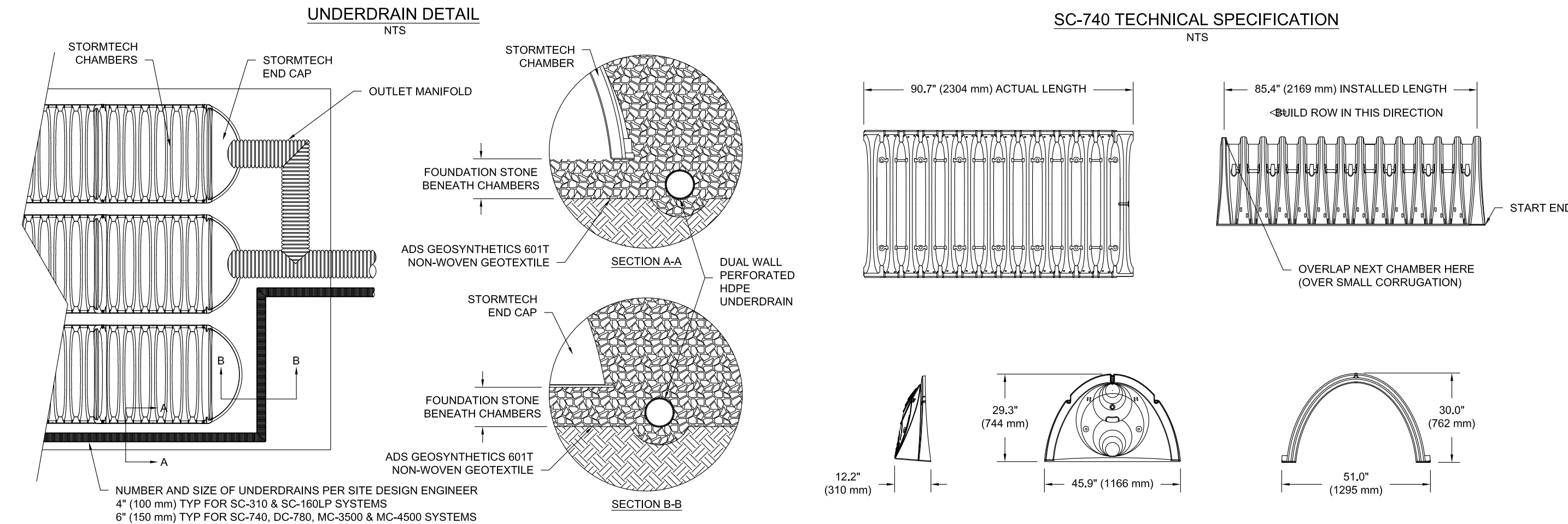
1. INSPECT EVERY 6 MONTHS DURING THE FIRST YEAR OF OPERATION. ADJUST THE INSPECTION INTERVAL BASED ON PREVIOUS OBSERVATIONS OF SEDIMENT ACCUMULATION AND HIGH WATER ELEVATIONS.
2. CONDUCT JETTING AND VACTORING ANNUALLY OR WHEN INSPECTION SHOWS THAT MAINTENANCE IS NECESSARY.



|   | MATERIAL LOCATION                                                                                                                                                                                                | DESCRIPTION                                                                                                                                                | AASHTO MATERIAL CLASSIFICATIONS                                                                                                                       | COMPACTION / DENSITY REQUIREMENT                                                                                                                                                                                                                                                                                                                                   |
|---|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| D | <b>FINAL FILL:</b> FILL MATERIAL FOR LAYER 'D' STARTS FROM THE TOP OF THE 'C' LAYER TO THE BOTTOM OF FLEXIBLE PAVEMENT OR UNPAVED FINISHED GRADE ABOVE. NOTE THAT PAVEMENT SUBBASE MAY BE PART OF THE 'D' LAYER. | ANY SOIL/ROCK MATERIALS, NATIVE SOILS, OR PER ENGINEER'S PLANS. CHECK PLANS FOR PAVEMENT SUBGRADE REQUIREMENTS.                                            | N/A                                                                                                                                                   | PREPARE PER SITE DESIGN ENGINEER'S PLANS, PAVED INSTALLATIONS MAY HAVE STRONGER MATERIAL AND PREPARATION REQUIREMENTS.                                                                                                                                                                                                                                             |
| C | <b>INITIAL FILL:</b> FILL MATERIAL FOR LAYER 'C' STARTS FROM THE TOP OF THE EMBEDMENT STONE (B LAYER) TO 18" (450 mm) ABOVE THE TOP OF THE CHAMBER. NOTE THAT PAVEMENT SUBBASE MAY BE A PART OF THE 'C' LAYER.   | GRANULAR WELL-GRADED SOIL/AGGREGATE MIXTURES, <35% FINES OR PROCESSED AGGREGATE.<br><br>MOST PAVEMENT SUBBASE MATERIALS CAN BE USED IN LIEU OF THIS LAYER. | AASHTO M145 <sup>1</sup><br>A-1, A-2-4, A-3<br><br>OR<br><br>AASHTO M43 <sup>3</sup><br><br>3, 357, 4, 467, 5, 56, 57, 6, 67, 68, 7, 76, 8, 89, 9, 10 | BEGIN COMPACTIONS AFTER 12" (300 mm) OF MATERIAL OVER THE CHAMBERS IS REACHED. COMPACT ADDITIONAL LAYERS IN 6" (150 mm) MAX LIFTS TO A MIN. 95% PROCTOR DENSITY FOR WELL GRADED MATERIAL AND 95% RELATIVE DENSITY FOR PROCESSED AGGREGATE MATERIALS. ROLLER GROSS VEHICLE WEIGHT NOT TO EXCEED 12,000 lbs (53 kN). DYNAMIC FORCE NOT TO EXCEED 20,000 lbs (89 kN). |
| B | <b>EMBEDMENT STONE:</b> FILL SURROUNDING THE CHAMBERS FROM THE FOUNDATION STONE (A' LAYER) TO THE 'C' LAYER ABOVE.                                                                                               | CLEAN, CRUSHED, ANGULAR STONE                                                                                                                              | AASHTO M43 <sup>3</sup><br>3, 357, 4, 467, 5, 56, 57                                                                                                  | NO COMPACTION REQUIRED.                                                                                                                                                                                                                                                                                                                                            |
| A | <b>FOUNDATION STONE:</b> FILL BELOW CHAMBERS FROM THE SUBGRADE UP TO THE FOOT (BOTTOM) OF THE CHAMBER.                                                                                                           | CLEAN, CRUSHED, ANGULAR STONE                                                                                                                              | AASHTO M43 <sup>3</sup><br>3, 357, 4, 467, 5, 56, 57                                                                                                  | PLATE COMPACT OR ROLL TO ACHIEVE A FLAT SURFACE. <sup>2,3</sup>                                                                                                                                                                                                                                                                                                    |

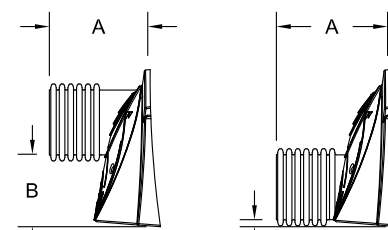
[illegible]

1. CHAMBERS SHALL MEET THE REQUIREMENTS OF ASTM F2418-16a, "STANDARD SPECIFICATION FOR POLYPROPYLENE (PP) CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
2. SC-740 CHAMBERS SHALL BE DESIGNED IN ACCORDANCE WITH ASTM F2787 "STANDARD PRACTICE FOR STRUCTURAL DESIGN OF THERMOPLASTIC CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
3. THE SITE DESIGN ENGINEER IS RESPONSIBLE FOR ASSESSING THE BEARING RESISTANCE (ALLOWABLE BEARING CAPACITY) OF THE SUBGRADE SOILS AND THE DEPTH OF FOUNDATION STONE WITH CONSIDERATION FOR THE RANGE OF EXPECTED SOIL MOISTURE CONDITIONS.
4. PERIMETER STONE MUST BE EXTENDED HORIZONTALLY TO THE EXCAVATION WALL FOR BOTH VERTICAL AND SLOPED EXCAVATION WALLS.
5. REQUIREMENTS FOR UNWINDING AND INSTALLATION:
  - TO MAINTAIN THE WIDTH OF CHAMBERS DURING SHIPPING AND HANDLING, CHAMBERS SHALL HAVE INTEGRAL, INTERLOCKING STACKING LUGS.
  - TO ENSURE A SECURE JOINT DURING INSTALLATION AND BACKFILL, THE HEIGHT OF THE CHAMBER JOINT SHALL NOT BE LESS THAN 2".
  - TO ENSURE THE INTEGRITY OF THE ARCH SHAPE DURING INSTALLATION, a) THE ARCH STIFFNESS CONSTANT AS DEFINED IN SECTION 6.2.8 OF ASTM F2418 SHALL BE GREATER THAN OR EQUAL TO 550 LBS/IN. AND b) TO RESIST CHAMBER DEFORMATION DURING INSTALLATION AT ELEVATED TEMPERATURES (ABOVE 73° F / 23° C), CHAMBERS SHALL BE PRODUCED FROM REFLECTIVE GOLD OR YELLOW COLORS.



| NOMINAL CHAMBER SPECIFICATIONS  |                       |                              |
|---------------------------------|-----------------------|------------------------------|
| SIZE (W X H X INSTALLED LENGTH) | 51.0" X 30.0" X 85.4" | (1295 mm X 762 mm X 2169 mm) |
| CHAMBER STORAGE                 | 45.9 CUBIC FEET       | (1.30 m³)                    |
| MINIMUM INSTALLED STORAGE*      | 74.9 CUBIC FEET       | (2.12 m³)                    |
| WEIGHT                          | 75.0 lbs.             | (33.6 kg)                    |

\*ASSUMES 6" (152 mm) STONE ABOVE, BELOW, AND BETWEEN CHAMBERS



PRE-FAB STUBS AT BOTTOM OF END CAP FOR PART NUMBERS ENDING WITH "B"  
PRE-FAB STUBS AT TOP OF END CAP FOR PART NUMBERS ENDING WITH "T"  
PRE-CORED END CAPS END WITH "PC"

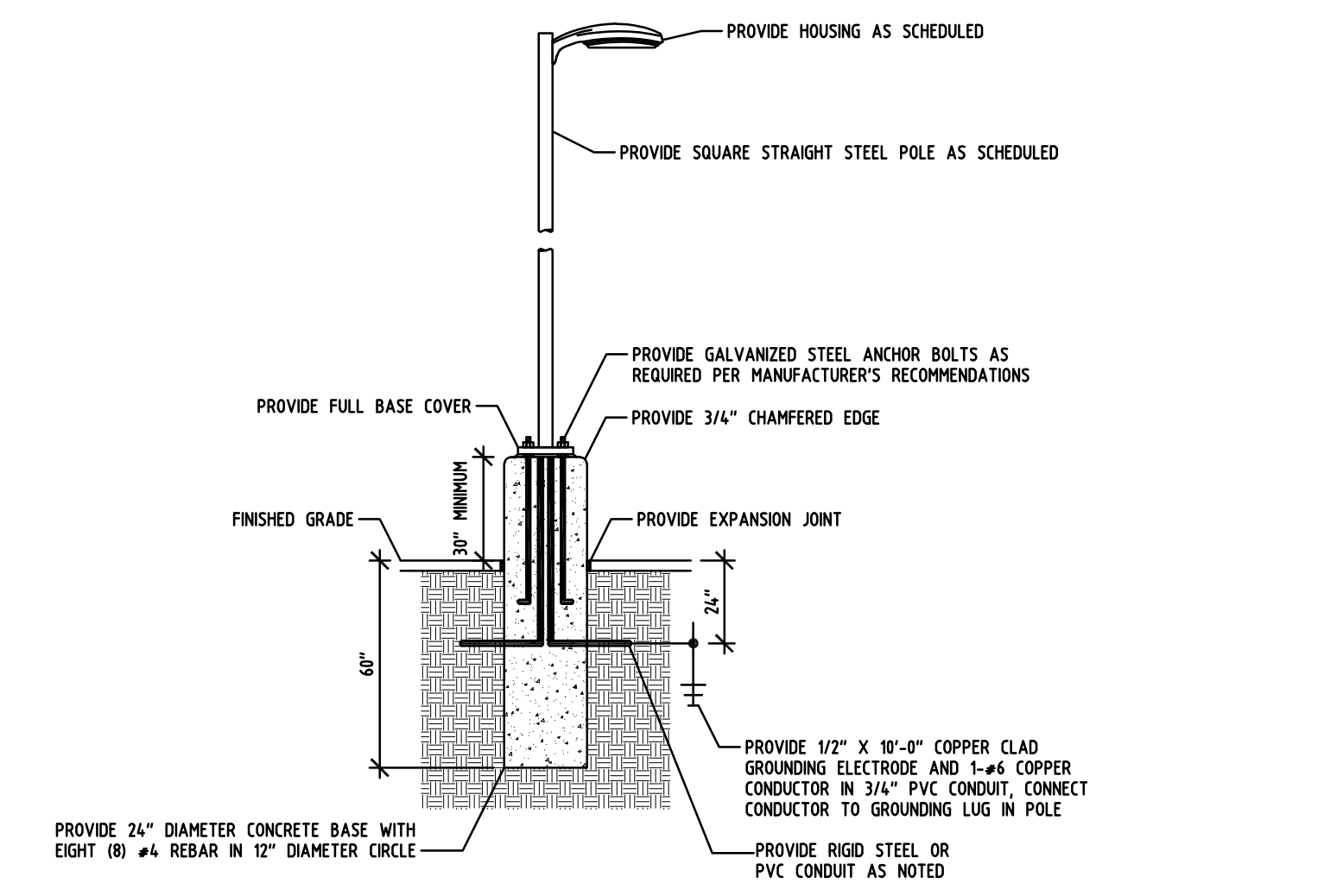
| <b>PART #</b>             | <b>STUB</b>  | <b>A</b>       | <b>B</b>       | <b>C</b>     |
|---------------------------|--------------|----------------|----------------|--------------|
| SC740EPE06T/SC740EPE06TPC | 6" (150 mm)  | 10.9" (277 mm) | 18.5" (470 mm) | —            |
| SC740EPE06B/SC740EPE06BPC |              |                |                | 0.5" (13 mm) |
| SC740EPE16T/SC740EPE16TPC | 8" (200 mm)  | 12.2" (310 mm) | 16.5" (419 mm) | —            |
| SC740EPE08B/SC740EPE08BPC |              |                |                | 0.6" (15 mm) |
| SC740EPE10T/SC740EPE10TPC |              |                |                | —            |
| SC740EPE10B/SC740EPE10BPC | 10" (250 mm) | 13.4" (340 mm) | 14.6" (368 mm) | 0.7" (18 mm) |
| SC740EPE12T/SC740EPE12TPC |              |                |                | —            |
| SC740EPE12B/SC740EPE12BPC | 12" (300 mm) | 14.7" (373 mm) | 12.5" (318 mm) | —            |
| SC740EPE15T/SC740EPE15TPC |              |                |                | —            |
| SC740EPE15B/SC740EPE15BPC | 15" (375 mm) | 18.4" (467 mm) | 9.0" (229 mm)  | 1.2" (30 mm) |
| SC740EPE16T/SC740EPE16TPC |              |                |                | —            |
| SC740EPE16B/SC740EPE16BPC | 16" (400 mm) | 19.7" (500 mm) | 5.0" (127 mm)  | —            |
| SC740EPE18T/SC740EPE18TPC |              |                |                | —            |
| SC740EPE18B/SC740EPE18BPC | 18" (450 mm) | 19.7" (500 mm) | —              | 1.6" (41 mm) |
|                           | 24" (600 mm) | 18.5" (470 mm) | —              | —            |

ALL STUBS, EXCEPT FOR THE SC740EPE24B ARE PLACED AT BOTTOM OF END CAP SUCH THAT THE OUTSIDE DIAMETER OF THE STUB IS FLUSH WITH THE BOTTOM OF THE END CAP. FOR ADDITIONAL INFORMATION CONTACT STORMTECH AT 1-888-892-2694.

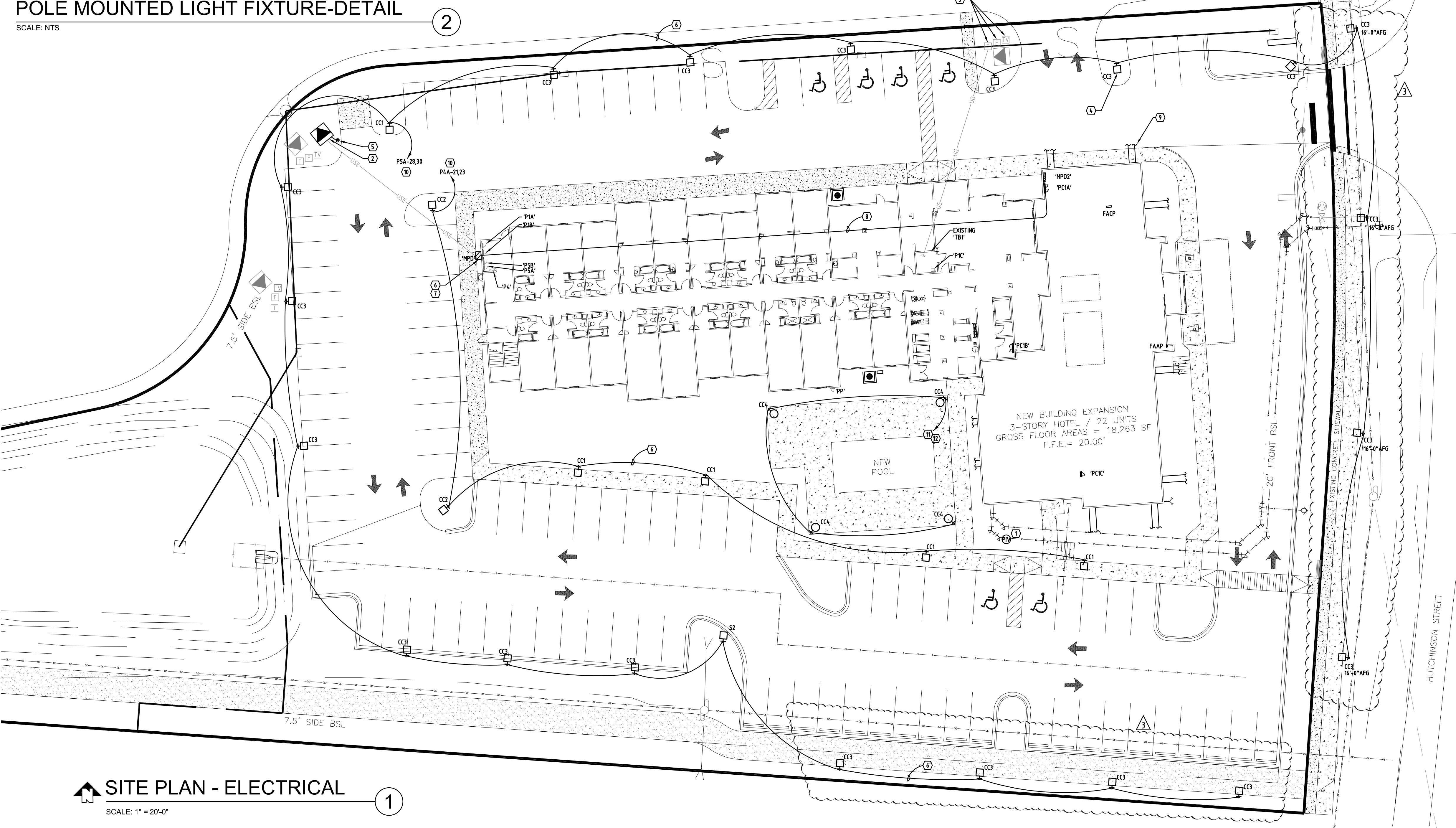
\* FOR THE SC740EPE24B THE 24" (600 mm) STUB LIES BELOW THE BOTTOM OF THE END CAP APPROXIMATELY 1.75" (44 mm). BACKFILL MATERIAL SHOULD BE REMOVED FROM BELOW THE N-12 STUB SO THAT THE FITTING SITS LEVEL.

NOTE: ALL DIMENSIONS ARE NOMINAL





POLE MOUNTED LIGHT FIXTURE-DETAIL  
SCALE: NTS



SITE PLAN - ELECTRICAL  
SCALE: 1" = 20'-0"

**SHEET NOTES**

- POINTS OF CONTACT KEY NOTE SYMBOL = (X)
- ELECTRICAL UTILITY: GULF POWER COMPANY  
ADDRESS: 34854 EMERALD COAST PARKWAY  
DESTIN, FLORIDA 32541  
PHONE NUMBER: 1-800-225-5797
  - TELEPHONE UTILITY: AT&T  
ADDRESS: 34854 EMERALD COAST PARKWAY  
DESTIN, FLORIDA 32541  
PHONE NUMBER: (850) 650-2645

**GENERAL NOTES**

- IN COMPLIANCE WITH STATE AND LOCAL JURISDICTIONS, CONTACT THE UTILITY LOCATING SERVICE/DIGGERS HOTLINE THIS SHOULD BE DONE A MINIMUM OF 48 HOURS, (EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS), PRIOR TO ACTUAL NEED, TO ARRANGE FOR LOCATION OF UNDERGROUND UTILITY CABLES AND EQUIPMENT. ACTUAL LOCATING OF THE CABLES AND EQUIPMENT WILL THEN BE DONE BY EACH UTILITY. GENERAL SERVICE OR RESIDENTIAL CUSTOMERS MUST MAKE SEPARATE ARRANGEMENTS FOR LOCATION OF THEIR NON-UTILITY-OWNED UNDERGROUND FACILITIES SITUATED UPON THEIR OWN PROPERTY.
- UTILITY LOCATIONS ARE SUBJECT TO INTERPRETATION. LOCATIONS ARE APPROXIMATE AND NO GUARANTEE IS MADE OR IMPLIED AS TO THEIR ACCURACY. FURTHER VERIFICATION MAY BE REQUIRED TO IDENTIFY UTILITIES. CONTACT LOCAL UTILITY COMPANIES FOR REQUIREMENTS. COORDINATION ON CONDUIT AND/OR CABLE SHALL BE DONE PRIOR TO INSTALLATION. ALL INSTALLATIONS MUST BE INSTALLED PER LOCAL UTILITY STANDARDS AND INSPECTED PRIOR TO BEING COVERED.
- CONTRACTOR SHALL INCUR ALL COSTS FOR CLEARING EITHER OVERHEAD OR UNDERGROUND ROUTES, INCLUDING TREE REMOVAL, BUILDING AND/OR FOUNDATION OR RUBBLE REMOVAL, ANY OTHER OBSTACLES ENCOUNTERED, AND ALL SITE WORK REQUIRED BY LOCAL UTILITIES.
- CONTRACTOR SHALL COORDINATE ALL REQUIREMENTS WITH LOCAL UTILITY COMPANY REGARDING AD-TO-CONSTRUCTION COSTS. AD TO CONSTRUCTION COSTS SHALL BE INCLUDED AS AN ALLOWANCE AND NOT PART OF THE CONTRACTOR BID.
- REFER TO ELECTRICAL/TELECOM RISER DIAGRAMS FOR ADDITIONAL INFORMATION.
- PHONE AND DATA SYSTEMS DESIGN AND MODIFICATIONS BY A SEPARATE DESIGN CONSULTANT.

**KEY NOTES**

- POST INDICATOR VALVE - PROVIDE WIRING IN 3/4" C. AND ROUTE UNDERGROUND TO FIRE ALARM CONTROL PANEL. VERIFY LOCATION WITH FIRE SPRINKLER CONTRACTOR.
- EXISTING 120/208V 3PH 4W PAD MOUNT TRANSFORMER. VERIFY SIZE WITH UTILITY. SEE ELECTRICAL ONE-LINE DIAGRAM.
- EXISTING TELECOM, FIBER, AND CATV PEDESTALS. SEE TELECOM RISER DIAGRAM.
- TYPICAL. SEE POLE LIGHT DETAIL ON THIS SHEET.
- EXISTING METER MOUNTED ON POST PER UTILITY. FILED VERIFY LOCATION.
- TYPICAL. #4 UNDERGROUND FEEDERS THROUGHOUT IN 1 1/4" C. WITH 2-#10, #10 GND FROM BASE TO LIGHT FIXTURE.
- FIELD VERIFY GROUNDING CONNECTION POINT AND EXTEND AROUND NEW BUILDING FOOTPRINT. CONNECT/BOND TO BOTH SERVICES.
- NEW CONDUITS TO NEW DISTRIBUTION PANEL SHALL RUN THROUGH ATTIC SPACE OF EXISTING BUILDING. FIELD VERIFY ROUTING WITH ARCH/OWNER AND OTHER TRADES PRIOR TO ROUGH-IN.
- TYPICAL. PROVIDE CONDUIT STUB-OUTS BELOW GRADE FOR FUTURE CONNECTIONS. STUB CONDUITS TO ACCESSIBLE AREA AT INTERIOR OF BUILDING. COORDINATE WITH STRUCTURAL.
- ROUTE THROUGH LCPIA.
- ROUTE THROUGH LCPIB.
- CONNECT TO EXISTING CIRCUIT FEEDING THIS AREA.

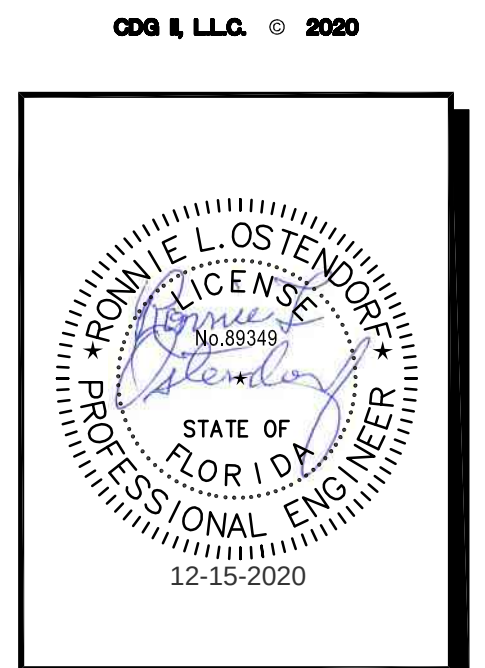
EXISTING CONDITIONS ARE SHOWN ARE AS PROVIDED BY THE OWNER. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS PRIOR TO COMMENCING WORK.

JOB NUMBER  
**19002**

ISSUE DATE  
**05-22-2020**

REVISIONS

|        |          |
|--------|----------|
| ADD 01 | 07-22-20 |
| ADD 02 | 09-24-20 |
| ADD 03 | 12-15-20 |



**Holiday Inn Express - Addition & Reno.**  
108 HUTCHINSON STREET  
DESTIN, OKALOOSA COUNTY, FL 32541

ARCHITECTURE | PLANNING | INTERIOR DESIGN | PROCUREMENT  
CENTRAL DESIGN GROUP II • 200 OLD 63 SOUTH, SUITE 305 • COLUMBIA, MISSOURI, 65201 • TEL: 573.441.9391



**AES** ADVANCED  
ENGINEERING  
SYSTEMS

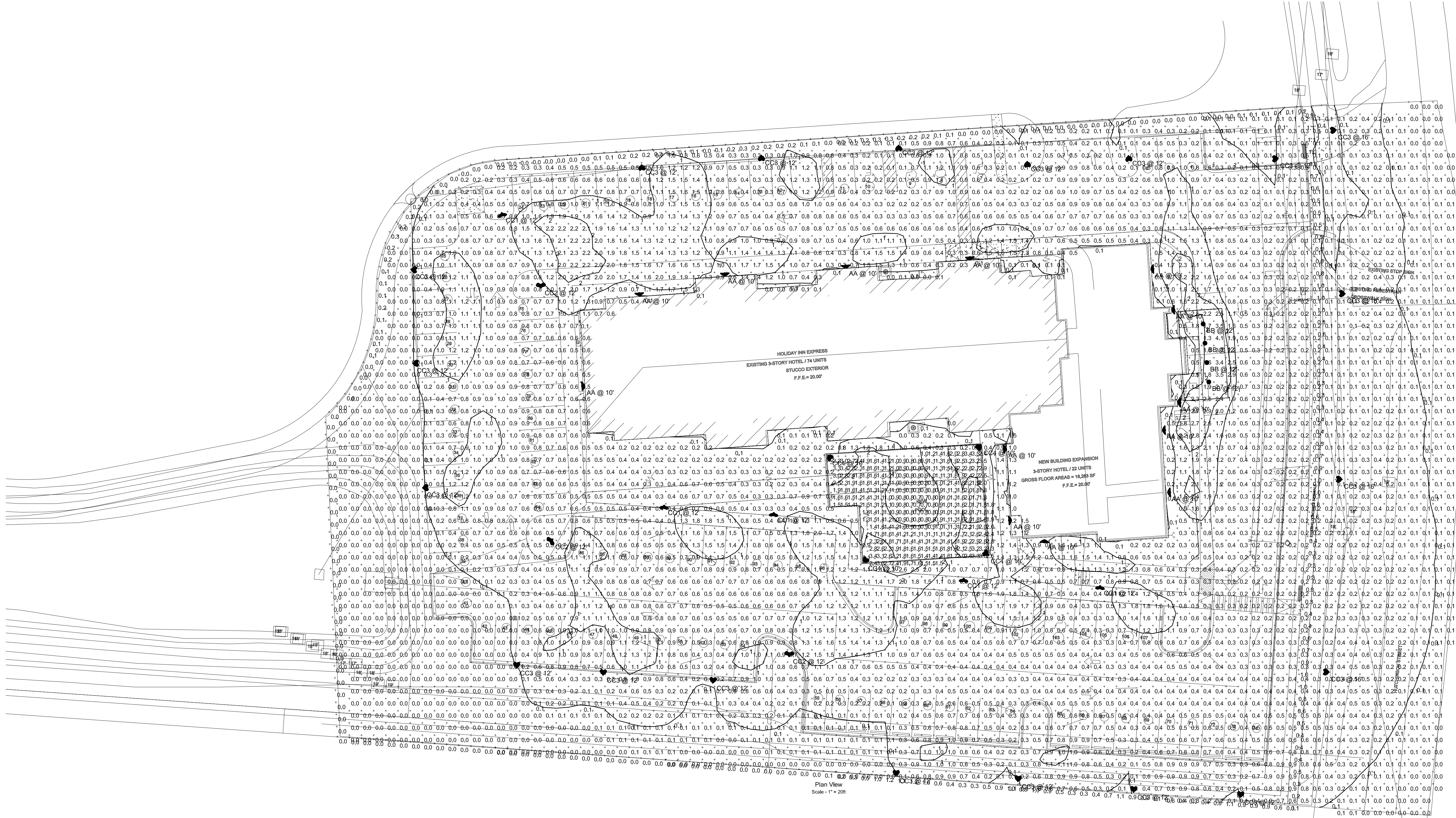
WWW.A-E-SYSTEMS.COM PROJECT # 20-009

4630 ANTELOPE CREEK RD STE 200 P: 402-488-0075  
LINCOLN, NE 68506 F: 402-488-0272

ELECTRICAL  
SITE PLAN

**E0.1**





| Schedule                                                                            |       |                                                                                     |     |                               |                                  |                                                                                                    |      |              |                                       |                 |         |                |     |            |                                            |            |       |
|-------------------------------------------------------------------------------------|-------|-------------------------------------------------------------------------------------|-----|-------------------------------|----------------------------------|----------------------------------------------------------------------------------------------------|------|--------------|---------------------------------------|-----------------|---------|----------------|-----|------------|--------------------------------------------|------------|-------|
| Symbol                                                                              | Label | Image                                                                               | QTY | Manufacturer                  | Catalog Number                   | Description                                                                                        | Lamp | Number Lamps | Filename                              | Lumens per Lamp | Wattage | Lumen Multiple | LLF | Efficiency | Distribution                               | Polar Plot | Notes |
|  | AA    |  | 13  | Lithonia Lighting             | WSQ LED P1 SR3 40K MVOLT         | WSQ LED WITH P1- PERFORMANCE PACKAGE, 4000K, AND SR3 OPTIC TYPE                                    | LED  | 1            | WSQ_LED_P1_SR3_40K_MVOLT.tes          | 2244            | 19.56   | 1              | 0.7 | 100%       | TYPE III, MEDIUM, BUG RATING: B1 - U0 - G1 |            |       |
|  | BB    |  | 4   | Gotham Architectural Lighting | EVO6 4015 AR WD LSS              | EVO 6IN ROUND, 80 CRI, 4000K, 1500LM, WIDE DIST, CLEAR, SEMI-SPEC                                  |      | 1            | EVO6_40_15A_R_WD_LSS.tes              | 1442            | 14.7    | 1              | 0.7 | 100%       | DIRECT, SC- I=1.23, SC- 90=1.24            |            |       |
|  | CC1   |  | 5   | Lithonia Lighting             | DSXW2 LED 20C 350 40K T25 MVOLT  | DSXW2 LED WITH 2 LIGHT ENGINES, 20 LED's, 350mA DRIVER, 4000K LED, TYPE 2 SHORT OPTIC              | LED  | 1            | DSXW2_LED_2_0C_350_40K_T25_MVOLT.tes  | 2988            | 25      | 1              | 0.7 | 100%       |                                            |            |       |
|  | CC2   |  | 3   | Lithonia Lighting             | DSXW2 LED 20C 530 40K T3M MVOLT  | DSXW2 LED WITH 2 LIGHT ENGINES, 20 LED's, 530mA DRIVER, 4000K LED, TYPE 3 MEDIUM OPTIC             | LED  | 1            | DSXW2_LED_2_0C_530_40K_T3M_MVOLT.tes  | 4342            | 36      | 1              | 0.7 | 100%       |                                            |            |       |
|  | CC3   |  | 20  | Lithonia Lighting             | DSXW2 LED 20C 350 40K TFTM MVOLT | DSXW2 LED WITH 2 LIGHT ENGINES, 20 LED's, 350mA DRIVER, 4000K LED, TYPE FORWARD THROW MEDIUM OPTIC | LED  | 1            | DSXW2_LED_2_0C_350_40K_TFTM_MVOLT.tes | 2986            | 25      | 1              | 0.7 | 100%       | TYPE IV, SHORT, BUG RATING: B1 - U0 - G1   |            |       |
|  | CC4   |  | 4   | Lithonia Lighting             | DSXW2 LED 20C 350 40K TFTM MVOLT | DSXW2 LED WITH 2 LIGHT ENGINES, 20 LED's, 350mA DRIVER, 4000K LED, TYPE FORWARD THROW MEDIUM OPTIC | LED  | 1            | DSXW2_LED_2_0C_350_40K_TFTM_MVOLT.tes | 2986            | 25      | 1              | 0.7 | 100%       | TYPE IV, SHORT, BUG RATING: B1 - U0 - G1   |            |       |

ALL MEASUREMENTS TAKEN PERPENDICULAR AT FINISH GRADE.

| Statistics          |        |        |        |        |         |         |
|---------------------|--------|--------|--------|--------|---------|---------|
| Description         | Symbol | Avg    | Max    | Min    | Max/Min | Avg/Min |
| Parking Areas       | +      | 0.0 fc | 0.0 fc | 0.0 fc | N/A     | N/A     |
| Pool                | +      | 1.6 fc | 3.6 fc | 0.7 fc | 5.1:1   | 2.3:1   |
| Property Line-East  | +      | 0.6 fc | 1.1 fc | 0.1 fc | 11.0:1  | 6.0:1   |
| Property Line-North | +      | 0.1 fc | 0.3 fc | 0.0 fc | N/A     | N/A     |
| Property Line-South | +      | 0.3 fc | 1.2 fc | 0.0 fc | N/A     | N/A     |
| Property Line-West  | +      | 0.0 fc | 0.3 fc | 0.0 fc | N/A     | N/A     |
| Site Plan           | +      | 0.5 fc | 4.1 fc | 0.0 fc | N/A     | N/A     |





# Community Development Department

## Office of the Director

4100 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-654-1119 | Email: [planning@cityofdestin.com](mailto:planning@cityofdestin.com)

**April 20, 2021**

**Development Order No. 21-13**

### **Final Development Order:**

**CRYSTAL BEACH PLAZA 9<sup>TH</sup> AMENDMENT -  
(HOLIDAY INN EXPRESS ADDITION)  
A MAJOR DEVIATION TO AN EXISTING  
MAJOR DEVELOPMENT ORDER  
(20-26-SP)**

**Based upon the City's approval and issuance of this Development Order on April 20, 2021, this document will serve as your Final Development Order, and includes all of the provisions and conditions in the attached Technical Review Committee Report.**

Jerry Campbell of Central Design Group, LLC on behalf of Destin Hotel Partners, LLC is requesting approval of a Major Deviation to a Major Development Order identified as "Crystal Beach Plaza 9<sup>th</sup> Amendment – Holiday Inn Express Addition". The project consists of a ±18,250 square foot addition to the existing hotel. The addition will consist of 22 new guestrooms, a lobby, and the related site work. The proposed project is located at 108 Hutchinson St. (Parcel ID: 00-2S-22-0594-0000-004C). The site consists of approximately 3 acres. No changes to the other approved uses or site improvements are proposed. The previously approved development orders and deviations are:

- DO-98-03 – Crystal Beach Plaza Shopping Center
- DO-00-17 – Crystal Beach Plaza, 1<sup>st</sup> Amendment (Outback)
- DO-00-25 – Crystal Beach Plaza, 2<sup>nd</sup> Amendment
- DO-00-38 – Crystal Beach Plaza, 3<sup>rd</sup> Amendment
- DO-01-02 – Crystal Beach Plaza, 4<sup>th</sup> Amendment (O'Charley's)
- DO-01-35 – Crystal Beach Plaza, 5<sup>th</sup> Amendment (Chili's)
- DO-01-32 – Crystal Beach Plaza, 6<sup>th</sup> Amendment (Holiday Inn Express)
- DO-11-05 – Crystal Beach Plaza, 7<sup>th</sup> Amendment (Miller's Ale House)
- DO-12-02 – Crystal Beach Plaza, 8<sup>th</sup> Amendment (Miller's Ale House)

### **DETERMINATIONS:**

1. This final development order is in accordance with the approved construction documents, which is inclusive of the site construction plans (Exhibit A), dated approved April 5, 2021.
2. All the findings and requirements of the Technical Review Committee report are incorporated herein.

## CONDITIONS OF APPROVAL:

1. Pursuant to the City of Destin Land Development Code:

Construction of infrastructure must commence within one (1) year of approval date (date from which the Final Development Order is issued by the Community Development Department) of the Final Development Order on **April 20, 2021** (no later than **April 20, 2022**), and must be completed as shown on plans approved by the Technical Review Committee.

**WARNING:** If the applicant/owner has not obtained a building permit(s) for either the construction of infrastructure or construction of the entire project and that construction has not commenced within one (1) year of issuance of the final development order, the final development order will become null and void and the application for development order approval must be re-initiated (Article 2, Section 2.21.00).

**NOTE:** Construction of infrastructure shall be defined as site work, grading, or other construction activity (not including clearing and grubbing or demolition of existing structures) related to installation of roadways, access drives, parking lots, underground utilities, stormwater or drainage facilities, or building foundations (Article 2, Section 2.21.00).

**NOTE:** An applicant/owner who desires to extend the twelve (12) month (1 year) deadline for either the construction of infrastructure or construction of the entire project must submit a written request to the Community Development Department, no less than thirty (30) days prior to the expiration of the twelve (12) month deadline to obtain a building permit and commence construction of infrastructure or construction of the entire project. The applicant may receive only one extension, and such extension shall not exceed one year. The applicant /owner should review Article 2, Section 2.21.00, of the Destin Land Development Code for further explanation of the Development Order extension process.

2. If the applicant fully complies with the requirements of Condition No. 1. above, the concurrency capacity allocation status for “**Crystal Beach Plaza 9<sup>th</sup> Amendment – Holiday Inn Express Addition**” will be protected. However, the protected concurrency status will be lost and the application for development order approval must be re-initiated if:
  - A. Construction permit(s) in association with construction of infrastructure or construction of the entire project are not obtained in accordance with Article 2, Section 2.10.00 of the Land Development Code to maintain concurrency, or
  - B. Construction activity ceases for a period of one (1) year after a building permit for construction of infrastructure or construction of the entire project has been issued so that concurrency is not maintained under Article 6 of the Destin Land Development Code.
3. The applicant must obtain City of Destin permits for the following activities on and off site (these may require appropriate bonding):
  - A. Disturbance of the City's Right-Of-Way (Note: Applicant must obtain the proper ROW permit(s) from the Public Services Department prior to issuance of building permits,



unless otherwise exempted by the Public Services Director).

- B. Pavement cuts.
- C. Construction of any kind.
- D. Clearing, grubbing, or demolition.
- E. Paving, grading, drainage, sidewalks.
- F. Signage.
- G. Installation of utilities.
- H. Construction trailers.

4. The following items must be addressed in the appropriate order:

- A. **Prior to the issuance of any City Permit**, a sign must be posted on the subject property notifying the public of the emergency contact information of the person responsible for the project. Refer to section 7.01.02(B) of the Land Development Code for details on the size, location and contents of the sign. Additionally, a posting of emergency contact information sign affidavit must be submitted to the Planning Division prior to the issuance of any permits.
- B. **Prior to the Commencement of Construction**, a permit, with a copy of the demolition plan for the site indicating the location of the Construction Site Screening, must be submitted and approved by the City. Said screening must meet the requirements set forth in Destin Code of Ordinances, Section 6-51 *Screen Criteria*.
- C. **Prior to the issuance of any City Permit**, obtain a Florida Department of Transportation Right-of-Way Construction Permit and submit copy to the Public Services Department.
- D. **Prior to the issuance of any City Permit**, obtain a FDEP NPDES permit and submit a copy to the Public Services Department.
- E. **Prior to the issuance of any City Permit**, a copy of the Northwest Florida Water Management District (NFWFMD) storm water permit and a National Pollution Discharge Elimination System (NPDES) storm water construction generic Permit (if applicable) approval shall be provided.
- F. **Prior to the issuance of a Certificate of Occupancy**, all applicable Impact Fees and other outstanding costs associated with this project that are owed to the City must be paid in full.

Estimated impact fee total: \$27,170.

- G. **Prior to the issuance of a Certificate of Occupancy**, the site layout, landscaping, outdoor lighting and architectural design must be inspected and approved by the Community Development Department.
- H. **Prior to the issuance of a Certificate of Occupancy**, a Stormwater Operation/Maintenance Plan (SWOMP) approved by the City shall be acknowledged and signed by the Owner.
- I. **Prior to the issuance of a Certificate of Occupancy**, assigned address number for the principal building shall be displayed and clearly visible and legible, preferably reflective, from the street or private way on which the building fronts with Arabic numerals not less than three inches in height and one-half inch in width. Numbers must be in a color contrasting to the building or



other background. Assigned numbers for principal buildings which are not visible from the street or private way shall additionally be displayed at the intersection of the driveway and servicing street, and attached to a post, wall, fence or mailbox at a level to ensure visibility. *Ref. LDC Section 7.18.04.*

---

Louis Zunguze, MURP  
Community Development Director  
City of Destin

Date

---

Jerry Campbell  
Authorized Agent  
Central Design Group, LLC

Date

**CRYSTAL BEACH PLAZA 9<sup>TH</sup> AMENDMENT -  
(HOLIDAY INN EXPRESS ADDITION)  
A MAJOR DEVIATION TO AN EXISTING  
MAJOR DEVELOPMENT ORDER  
(20-26-SP)**

|                                 |                                                                           |
|---------------------------------|---------------------------------------------------------------------------|
| <b>Applicant:</b>               | Destin Hotel Partners, LLC                                                |
| <b>Agent:</b>                   | Jerry Campbell, Central Design Group, LLC                                 |
| <b>Location:</b>                | 108 Hutchinson St.                                                        |
| <b>Request:</b>                 | Hotel addition consisting of 22 guest rooms, lobby, and related site work |
| <b>Parcel Size:</b>             | ± 3.13 acres / 136,342 square feet                                        |
| <b>Future Land Use:</b>         | Residential, Office, and Institutional – Tourist Development (ROI-TD)     |
| <b>Zoning District:</b>         | Residential, Office, and Institutional (ROI)                              |
| <b>Density:</b>                 | Not applicable                                                            |
| <b>Intensity:</b>               | 0.42 FAR                                                                  |
| <b>Application Date:</b>        | July 30, 2020                                                             |
| <b>Approved Site Plan Date:</b> | April 5, 2021                                                             |

**DISCUSSION/FINDINGS**

Jerry Campbell of Central Design Group, LLC on behalf of Destin Hotel Partners, LLC is requesting approval of a Major Deviation to a Major Development Order identified as “Crystal Beach Plaza 9th Amendment – Holiday Inn Express Addition”. The project consists of a ±18,250 square foot addition to the existing hotel. The addition will consist of 22 new guestrooms, a lobby, and the related site work. The proposed project is located at 108 Hutchinson St. (Parcel ID: 00-2S-22-0594-0000-004C). The site consists of approximately 3 acres.

**COMPREHENSIVE PLAN/LAND DEVELOPMENT CODE**

The property has a Future Land Use Map Designation of **Residential, Office, and Institutional (ROI)** and a zoning designation of **Residential, Office, and Institutional – Tourist Development (ROI-TD)**. The proposed project is consistent with the Comprehensive Plan and Land Development Code (LDC).

**LAND USE**

Hotels and motels are permitted uses in both the ROI future land use designation and the ROI-TD zoning district.

**DENSITY**

|                  |                |
|------------------|----------------|
| Maximum allowed: | Not applicable |
| Provided:        | Not applicable |

**HEIGHT**

|                  |                 |
|------------------|-----------------|
| Maximum allowed: | 35' / 3 stories |
| Provided:        | 31' / 3 stories |

**PITCHED ROOF**

|                   |     |
|-------------------|-----|
| Minimum required: | 60% |
| Provided:         | 68% |

**FLOOR AREA RATIO**

Maximum allowed: 0.50

Provided: 0.42

**SETBACKS**

Front minimum required: 20 feet

Front provided: 45 feet

Side minimum required: 7.5 feet

Side provided: 20 feet

Rear minimum required: 10 feet

Rear provided: 380 feet

**OPEN SPACE**

Minimum required: 25%

Provided: 44.7%

**PLATTING**

Not applicable.

**CONCURRENCY MANAGEMENT**

Concurrency requirements have been met:

**Traffic:** Signed November 17, 2020

**Stormwater Management:** Signed November 19, 2020

**Potable Water/Sanitary Sewer:** Signed September 15, 2020

**Solid Waste:** Signed September 18, 2020

**AIRPORT PROTECTION**

As proposed, this project is not affected by nor affects the Destin – Ft. Walton Beach Airport. The applicant has indicated on the development order application that the proposed project is not within the Airport Expansion Area.

**NOTE:** If construction necessitates the use of a crane, or other obstruction, which exceeds Federal Aviation Administration FAR 77 Standards (normally 200 feet above ground level), the applicant must request a variance from the FAA for temporary encroachment into this restrictive area and a copy of a completed FAA Form 7460, must be placed on file with the City of Destin prior to the crane, or other obstruction, penetrating the restricted airspace.

**TRANSPORTATION ANALYSIS**

The traffic analysis, signed and dated August 12, 2020, indicates the proposed development is estimated to generate 13 PM peak hour trips. The analysis is consistent with the technical methodology outlined in LDC 6.05.05.

**RIGHT-OF-WAY DEDICATION**

Not applicable.

**INGRESS/EGRESS**

Vehicular access to the property is provided by a two-way drive from the Hutchinson Street public ROW.

## **PEDESTRIAN NETWORK**

The project provides a complete pedestrian network as required in LDC 8.09.03.A(6). A continuous on-site internal sidewalk is provided throughout the development.

## **PARKING:**

|                                          |     |
|------------------------------------------|-----|
| Required minimum vehicle parking spaces: | 101 |
| Provided vehicle parking spaces:         | 104 |
| Required minimum bicycle parking spaces: | 6   |
| Provided bicycle parking spaces:         | 6   |

## **UTILITIES:**

All utilities are required to be underground.

## **STORMWATER:**

The City Manager's Stormwater designee approved the stormwater plan on November 19, 2020.

## **REFUSE COLLECTION:**

All non-construction related dumpsters, trashcans, and recycling bins shall be placed in a solid waste collection area or inside a building.

## **WHITE SANDS ZONE**

The proposed project is not located within any White Sands Zones.

## **LANDSCAPING**

|                                  |                 |
|----------------------------------|-----------------|
| Front perimeter/common boundary: | Requirement met |
| Interior parking landscape:      | Requirement met |
| Buffer zone:                     | Requirement met |
| Preservation and restoration:    |                 |
| Reforestation trees required:    | 31              |
| Reforestation credits:           | 90              |
| Preserved trees to be removed:   | 0               |
| Replacement trees:               | 31              |
| Required parking trees:          | 5               |
| <b>Total required trees:</b>     | <b>36</b>       |
| <b>Total trees provided:</b>     | <b>59</b>       |

## **SIGNS**

All signs must comply with the sign code section of the Destin Land Development Code in effect at the time a sign application is submitted.

## **IMPACT FEES:**

Final impact fee amounts will be determinant upon the gross floor area of the overall development land uses and whether exemption or credits are applicable and reevaluated at the time a Certificate of Occupancy is requested. The impact fees for the proposed project are estimated to be:



**20-26-SP – Holiday Inn Express Addition**

| <b>LAND USE</b>          | <b>UNITS</b> | <b>PARK</b>       | <b>LIBRARY</b> | <b>POLICE</b>   | <b>TRANS.</b>      | <b>TOTAL</b>       |
|--------------------------|--------------|-------------------|----------------|-----------------|--------------------|--------------------|
| Hotel/Motel,<br>per room | 22           | \$243.00          | \$0.00         | \$11.00         | \$981.00           |                    |
| <b>Totals</b>            | <b>22</b>    | <b>\$5,346.00</b> | <b>\$0.00</b>  | <b>\$242.00</b> | <b>\$21,582.00</b> | <b>\$27,170.00</b> |

**OTHER FEES: NONE**

**COMMENTS:**

*Per Community Development Department:*

1. **Prior to the issuance of a Clearing Permit**, a clearing plan must be submitted and approved by the Community Development Department.
2. **Prior to the issuance of a Certificate of Occupancy**, all required parking and related landscaping shall be installed, inspected, and approved by the Engineering and Community Development Departments.

CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** April 19, 2021

**TYPE OF AGENDA ITEM:** Presentation

**AGENDA OUTLINE NUMBER:** 5.B.

---

**TO:** City Council

**THRU:** Lance Johnson, City Manager

**FROM:** Louis Zunguze, Community Development Director  
Kimberly Kopp, Land Use Attorney  
Lauren Witt, Principal Planner

**DATE:** April 14, 2021

**SUBJECT:** Second reading of Ordinance 21-02-LC - Amending the official Zoning Map as referenced in the Land Development Code, **Section 7.12.01(A)2** Zoning Maps to include a change in the zoning designations of the parcels from Low Density Residential - Village (LDR-V) to Residential, Office and Institutional-Village Residential (ROI-VR)

---

**I. BACKGROUND:** Under City Council direction, Staff has been working to eliminate inconsistencies between the City's Zoning Map and Future Land Use Map. The zoning designation of the two subject parcels along Main Street is not consistent with the future land use of this area as identified in the City's Comprehensive Plan.

The current Zoning Map has the abovementioned parcels zoned as '**Low Density Residential – Village**'; however, the Future Land Use Map designates these properties as '**Residential, Office, & Institutional**'. Therefore, a rezoning of the subject parcels is needed to eliminate the inconsistencies.

**II. DISCUSSION:** The parcels requiring a zoning amendment are as follows:

- **Parcel ID: 00-2S-22-3091-000J-0200**



| Current Zoning                  | Current Future Land Use           | Proposed Zoning                                           |
|---------------------------------|-----------------------------------|-----------------------------------------------------------|
| Low Density Residential Village | -Residential, Institutional (ROI) | Office, Residential, Institutional – Residential (ROI-VR) |
|                                 |                                   | Office, Village                                           |

- Parcel ID: 00-2S-22-3091-000J-0190



| Current Zoning                  | Current Future Land Use           | Proposed Zoning                                           |
|---------------------------------|-----------------------------------|-----------------------------------------------------------|
| Low Density Residential Village | -Residential, Institutional (ROI) | Office, Residential, Institutional – Residential (ROI-VR) |
|                                 |                                   | Office, Village                                           |

The intent of the Residential, Office, and Institutional - Village Residential (ROI-VR) zoning district is to maintain and conserve the area as permanent single-family detached residential dwelling units, with or without limited and supportive commercial uses. It is the intent of the ROI - VR zoning district to specifically not allow the following uses to be located in the district: seasonal single-family detached residential dwelling units; commercial hotels, motels, bed and breakfast establishments, and other commercial transient living accommodations.

If approved, the zoning of these parcels will be consistent with the Future Land Use Map.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

**III. CONCLUSION:** The proposed amendments are consistent with Council's directive to align the Future Land Use and Zoning Maps.

At a public hearing held at the regularly scheduled City Council meeting April 5, 2021, the City Council approval of proposed **Ordinance 21-02-LC at the first reading.**

**IV. RECOMMENDED MOTION:** I move that the City Council approve proposed **Ordinance 21-02-LC.**

Attachments:

1. Admin Rezone Ordinance (LDR-V to ROI VR)



**ORDINANCE NO. 21-02-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE OFFICIAL ZONING MAP AS REFERENCED IN THE LAND DEVELOPMENT CODE, SECTION 7.12.01(A)2 ZONING MAPS TO INCLUDE A CHANGE IN THE ZONING DESIGNATIONS OF THE PARCELS DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM LOW DENSITY RESIDENTIAL - VILLAGE (LDR-V) TO RESIDENTIAL, OFFICE AND INSTITUTIONAL-VILLAGE RESIDENTIAL (ROI-VR); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Parcel ID Numbers: 00-2S-22-3091-000J-0200 & 00-2S-22-3091-000J-0190)**

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DESTIN, OKALOOSA COUNTY, FLORIDA, AS FOLLOWS:**

**SECTION 1. AUTHORITY.** The authority for enactment of this Ordinance is Article 1, Section 1.01(b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

**SECTION 2. FINDINGS OF FACT.**

**WHEREAS**, Future Land Use Element Objective 1-3.6. of the City's Comprehensive Plan requires that the City ensure consistency between the City's Zoning Map, and the City's Future Land Use Map; and

**WHEREAS**, Future Land Use Element Policy 1-3.6.4 requires the City continually review land uses within the City and to ensure appropriate Future Land Use and Zoning Map categories that are consistent and that reflect the City's vision; and

**WHEREAS**, the City Council has determined that various parcels of property within the City of Destin are not currently within zoning categories that are consistent with the current Future Land Use designations in place for such properties; and

**WHEREAS**, the City Council desires to administratively rezone the parcels depicted in Exhibit A, from Low Density Residential - Village (LDR) to Residential, Office & Institutional-Village Residential (ROI-VR); and

**WHEREAS**, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens;

**WHEREAS**, after due public notice, a public hearing was conducted by the Local Planning Agency on February 18, 2021, and its recommendations reported to the City Council; and

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

**SECTION 3. ZONING MAP AMENDMENT.** The Official Zoning Map of the City of Destin, Florida, as referenced in the Land Development Code, section 7.12.01(A)2, Zoning Maps, is hereby amended to include a change of zoning map designation from Low Density Residential (LDR-V) to Residential, Office and Institutional – Village Residential (ROI-VR), for the parcels with Okaloosa County Parcel ID numbers 00-2S-22-3091-000J-0200 & 00-2S-22-3091-000J-0190, which are generally depicted and described in Exhibit A, attached hereto and incorporated herein by this reference.

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

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

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

**SECTION 7. EFFECTIVE DATE.** This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2021.

BY: \_\_\_\_\_  
Gary Jarvis, Mayor

ATTEST:

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

\_\_\_\_\_  
Rey Bailey, City Clerk

\_\_\_\_\_  
Kimberly Kopp, City Land Use Attorney

**EXHIBIT A**



**Northern Parcel ID: 00-2S-22-3091-000J-0200**

Kell-Aire Gardens 1<sup>st</sup> Addition Lot 20 Block J

**Southern Parcel ID: 00-2S-22-3091-000J-0190**

Kell-Aire Gardens 1<sup>st</sup> Addition Lot 19 Block J





CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** April 19, 2021

**TYPE OF AGENDA ITEM:** Public Hearing

**AGENDA OUTLINE NUMBER:** 5.C.

---

**TO:** City Council

**THRU:** Lance Johnson, City Manager

**FROM:** Louis Zunguze, Community Development Director  
Kimberly Kopp, Land Use Attorney  
Lauren Witt, Principal Planner

**DATE:** April 14, 2021

**SUBJECT:** Second reading of Ordinance 21-06-LC - Amending Article 7 of the Land Development Code - *Land Use, Type, Density, Intensity, Zoning and Regulatory Controls*; amending Table 7-2 - *Table of Allowable Uses* to include police protection and fire protection as a conditional use in all city zoning districts; providing for consistency with the City's Comprehensive Plan

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**I. BACKGROUND:** The Table of Allowable Uses (**Article 7.12.00 – Table 7-2**) in the City's Land Development Code lists the allowed uses within the City and which zoning districts those uses are either permitted or conditional. Currently, Table 7-2 does not include a use specific to police and fire protection.

**II. DISCUSSION:** In order to allow emergency services such as police and fire protection throughout the City, Staff is proposing **Ordinance 21-06-LC**, which amends **Article 7 – Table 7-2** to include police and fire protection as a conditional use in all zoning districts.

**A. Link to Strategic Goals / Objectives:**

**B. Effect on Budget (EOB):**

**C. Level of Service (LOS):**

**III. CONCLUSION:** The proposed ordinance provides consistency with the City's Comprehensive Plan & provides incorporation into the Land Development Code.

At a public hearing held during the regularly scheduled City Council meeting on April 5, 2021 the Ordinance passed at the first reading.

**IV. RECOMMENDED MOTION:** I move to approve proposed Ordinance 21-06-LC on

second reading.

**Attachments:**

1. 21-06-LC Emergency Services Table  
7-2

**ORDINANCE NO. 21-06-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO ARTICLE 7 OF THE LAND DEVELOPMENT CODE “LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS”; AMENDING TABLE 7-2 “TABLE OF ALLOWABLE USES” TO INCLUDE POLICE PROTECTION AND FIRE PROTECTION AS A CONDITIONAL USE IN ALL CITY ZONING DISTRICTS”; PROVIDING FOR CONSISTENCY WITH THE CITY’S COMPREHENSIVE PLAN; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE, CONFLICTING PROVISIONS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**SECTION 1. AUTHORITY.**

The authority for enactment of this Ordinance is Article 1, Section 1.01 (b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

**SECTION 2. FINDINGS OF FACT.**

**WHEREAS**, the City Council of the City of Destin deems it crucial to the public health, safety, and welfare to provide flexibility in its land development regulations for future emergency services throughout the City, subject to all other applicable city regulations, the Comprehensive Plan, and the City Charter; and

**WHEREAS**, Table 7-2 of the City’s Land Development Code, entitled, “*Table of Allowable Uses*” does not currently allow the City Council to consider permitting police and fire protection services in all zoning districts; and

**WHEREAS**, the City Council in providing for the health, safety and welfare of its citizens desires to amend the City’s Land Development Code to allow police and fire protection services as a conditional use in all zoning districts, subject to all other applicable city regulations, the Comprehensive Plan, and the City Charter; and

**WHEREAS**, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens; and

**WHEREAS**, a public hearing has been conducted after due public notice by the Local Planning Agency on March 18, 2021, and its recommendations reported to the City Council; and

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

notice.

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

**NOTE: Language in all sections of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol \*\*\* represents sections of the Land Development Code that have been skipped and remain unchanged.**

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### **SECTION 3. AMENDMENT TO TABLE 7-2 “TABLE OF ALLOWABLE USES”**

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*Table 7-2:* Table of Allowable Uses contains all of the allowed uses within the City and in what zoning districts those uses are allowed. Uses not listed as permitted, conditional, or accessory uses in Table 7-2 are prohibited uses. The North American Industry Classification System (NAICS), 2002 Edition shall be used to provide definitions of each use or use groupings listed in Table 7-2. All sub-uses listed under a use in the NAICS, which use is permitted in the zoning designation in question, shall be considered as a permitted use.

| TABLE 7-2: TABLE OF ALLOWABLE USES      |        |               |                |               |               |                |             |             |        |        |             |                        |                        |                             |             |              |             |                   |              |          |              |              |              |        |   |          |             |             |  |
|-----------------------------------------|--------|---------------|----------------|---------------|---------------|----------------|-------------|-------------|--------|--------|-------------|------------------------|------------------------|-----------------------------|-------------|--------------|-------------|-------------------|--------------|----------|--------------|--------------|--------------|--------|---|----------|-------------|-------------|--|
|                                         | B<br>E | LD<br>R-<br>V | LD<br>R-<br>HI | LD<br>R-<br>H | M<br>DR<br>-V | M<br>DR<br>-HI | H<br>D<br>R | C<br>B<br>N | C<br>L | C<br>G | C<br>T<br>S | R<br>OI<br>-<br>T<br>D | R<br>OI<br>-<br>V<br>R | R<br>OI<br>-<br>C<br>B<br>R | C<br>B<br>R | TC<br>M<br>U | C<br>M<br>U | C<br>M<br>U-<br>V | SH<br>M<br>U | NH<br>MU | GR<br>M<br>U | HI<br>M<br>U | BR<br>M<br>U | I<br>N | A | IN<br>ST | R<br>E<br>C | C<br>O<br>N |  |
| Permanent or long-term residential uses |        |               |                |               |               |                |             |             |        |        |             |                        |                        |                             |             |              |             |                   |              |          |              |              |              |        |   |          |             |             |  |
| Single-family detached dwelling         | P      | P             | P              | P             | P             | P              | P           | P           | P      |        |             |                        | P                      | P                           | P           |              | P           | P                 | C            | C        | P            | C            | P            |        |   |          |             |             |  |
| Multi-family attached                   |        |               |                |               | P             | P              | P           | C           | P      | C      |             |                        | C                      |                             | P           | C            | P           | C                 | P            | P        | P            | P            | P            | P      |   |          |             |             |  |



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| Sector 42 Wholesale Trade                             |  |  |  |  |  |  |  | C                | P |  |   |   |  |  |   |   |  |  | P |   |  |  |  |
| 424460 Fish and seafood merchant wholesalers          |  |  |  |  |  |  |  |                  | P |  |   |   |  |  | P | P |  |  | P |   |  |  |  |
| Sector 44-45 Retail trade                             |  |  |  |  |  |  |  |                  |   |  |   |   |  |  |   |   |  |  |   |   |  |  |  |
| 441 Motor vehicle and parts dealers                   |  |  |  |  |  |  |  |                  |   |  |   |   |  |  |   |   |  |  |   |   |  |  |  |
| 4411 Automobile dealers                               |  |  |  |  |  |  |  |                  |   |  | C |   |  |  |   | C |  |  |   | P |  |  |  |
| 4412 Other motor vehicle dealers                      |  |  |  |  |  |  |  |                  |   |  | C |   |  |  | P | P |  |  |   | P |  |  |  |
| 4413 Auto parts, accessories, and tire stores         |  |  |  |  |  |  |  | C                | P |  | C |   |  |  |   |   |  |  |   |   |  |  |  |
| 441310 Parts and Accessories Dealer—Automotive/marine |  |  |  |  |  |  |  | C                | P |  | C |   |  |  | P | P |  |  |   | P |  |  |  |
| 442 Furniture and home furnishings stores             |  |  |  |  |  |  |  | P<br>(<br>2<br>) | P |  |   | P |  |  | P | P |  |  |   |   |  |  |  |
| 443 Electronics and appliance                         |  |  |  |  |  |  |  | P<br>(<br>2<br>) | P |  |   | P |  |  | P | P |  |  |   |   |  |  |  |



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|---------------------------------------------------------------------------------|--|--|--|--|--|--|--|--|-----------------|-----------------|---|---|---|-----------------|---|---|---|---|---|---|---|-----------------|------------------|-----------------|-----------------|--|--|
| 512131<br>Motion<br>picture<br>theaters                                         |  |  |  |  |  |  |  |  | P               | P               |   |   |   | P               |   |   | P | P | P | P | P |                 |                  |                 |                 |  |  |
| 515<br>Broadcasting<br>, except<br>internet                                     |  |  |  |  |  |  |  |  | P               | P               |   |   |   | P               |   |   |   |   |   |   |   |                 |                  |                 |                 |  |  |
| 516 Internet<br>publishing<br>and<br>broadcasting                               |  |  |  |  |  |  |  |  | P               | P               | P | C |   | P               |   |   | P | P | P | P | P |                 |                  |                 |                 |  |  |
| 517<br>Telecommu<br>nications                                                   |  |  |  |  |  |  |  |  | P               | C               |   |   |   |                 |   |   |   |   |   |   |   | P               |                  |                 |                 |  |  |
| 5172<br>Wireless<br>telecommun<br>ications<br>carriers<br>(except<br>satellite) |  |  |  |  |  |  |  |  | P <sub>15</sub> | P <sub>15</sub> |   |   |   | P <sub>15</sub> |   |   |   |   |   |   |   | P <sub>15</sub> |                  | P <sub>15</sub> | P <sub>15</sub> |  |  |
| 518 ISPs,<br>search<br>portals, and<br>data<br>processing                       |  |  |  |  |  |  |  |  | P               | P               | P | C |   | P               |   |   | P | P | P | P | P |                 |                  |                 |                 |  |  |
| 519 Other<br>information<br>services                                            |  |  |  |  |  |  |  |  | P               | P               | P | C |   | P               |   |   | P | P | P | P | P |                 |                  |                 |                 |  |  |
| <b>Sector 52<br/>Finance and<br/>Insurance</b>                                  |  |  |  |  |  |  |  |  | P               | P               | P | P | C |                 | P | P | P | P | P | P | P |                 |                  |                 |                 |  |  |
| 522298<br>Pawn shops                                                            |  |  |  |  |  |  |  |  | C               |                 |   |   |   |                 |   |   |   |   |   |   |   |                 | P<br>(<br>8<br>) |                 |                 |  |  |
| <b>Sector 53 Real Estate and Rental and Leasing</b>                             |  |  |  |  |  |  |  |  |                 |                 |   |   |   |                 |   |   |   |   |   |   |   |                 |                  |                 |                 |  |  |

|                                                        |  |  |  |  |  |  |  |   |   |   |   |   |  |  |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |  |
|--------------------------------------------------------|--|--|--|--|--|--|--|---|---|---|---|---|--|--|---|---|---|---|---|---|---|---|---|---|---|---|---|---|--|--|
| 531 Real Estate services                               |  |  |  |  |  |  |  | P | P | P | P | C |  |  | P | P | P | P | P | P | P | P | P | P |   |   |   |   |  |  |
| 531120 Conference/convention center                    |  |  |  |  |  |  |  |   | C |   |   |   |  |  |   | P | P | C | P | P | P | P | P |   |   |   |   |   |  |  |
| 531120 Commercial special event venue                  |  |  |  |  |  |  |  |   | P |   |   |   |  |  | P | P | P | P | P | P | P | P | P |   |   |   |   |   |  |  |
| 531130 Mini-warehouse and self-storage leasing         |  |  |  |  |  |  |  |   | C | P |   |   |  |  |   |   |   |   |   | C |   |   |   |   |   | P |   |   |  |  |
| 531190 Boat, vehicle, equipment, etc., storage leasing |  |  |  |  |  |  |  |   | C | P |   |   |  |  |   |   |   | P | P |   |   |   |   |   |   | P | P |   |  |  |
| 532 Rental and leasing services                        |  |  |  |  |  |  |  |   |   |   |   |   |  |  |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |  |
| 5321 Automotive equipment rental and leasing           |  |  |  |  |  |  |  |   | C | P |   |   |  |  |   |   |   |   |   |   |   |   |   |   |   |   | P | P |  |  |
| 5322 Consumer goods rental                             |  |  |  |  |  |  |  | P | C | P | P | C |  |  | P | C | P | C | P | P | P | P | P | P | P | P |   |   |  |  |
| 5323 General rental centers                            |  |  |  |  |  |  |  |   | P | P |   |   |  |  |   | P |   |   | P | P |   |   |   |   |   | P |   |   |  |  |
| 5324 Machinery                                         |  |  |  |  |  |  |  |   | C | P |   |   |  |  |   | P |   |   | P | P |   |   |   |   |   | P |   |   |  |  |



| Sector 61 Educational Services                     |  |  |  |  |  |  |  |   |   |   |   |   |   |   |   |   |   |   |   |   |   |                   |   |  |
|----------------------------------------------------|--|--|--|--|--|--|--|---|---|---|---|---|---|---|---|---|---|---|---|---|---|-------------------|---|--|
| 611<br>Educational services                        |  |  |  |  |  |  |  |   |   |   |   |   |   |   |   |   |   |   |   |   |   |                   |   |  |
| 6111<br>Elementary and secondary schools           |  |  |  |  |  |  |  |   |   | P | C |   |   |   |   |   |   |   |   |   |   | P                 |   |  |
| 6112 Junior colleges                               |  |  |  |  |  |  |  |   |   | P | C |   |   |   |   |   |   |   |   |   |   | P                 |   |  |
| 6113<br>Colleges and universities                  |  |  |  |  |  |  |  |   |   | P | C |   |   |   |   |   |   |   |   |   |   | P                 |   |  |
| 6114<br>Business, computer and management training |  |  |  |  |  |  |  | P | P | P | P | C |   | P | P | P | P | P | P | P | P | P                 | P |  |
| 6115<br>Technical and trade schools                |  |  |  |  |  |  |  |   | P | P | C |   |   |   |   |   |   |   |   |   | P | P                 | P |  |
| 6116 Other schools and instruction                 |  |  |  |  |  |  |  | P |   | P | C |   | P | P | C | P | P | P | P | P |   | P                 | P |  |
| 6117<br>Educational support services               |  |  |  |  |  |  |  | P |   | P | C |   | P | P | C | P | P | P | P | P |   | P                 |   |  |
| Sector 62 Health Care and Social Assistance        |  |  |  |  |  |  |  |   |   |   |   |   |   |   |   |   |   |   |   |   |   |                   |   |  |
| 621<br>Ambulatory health care services             |  |  |  |  |  |  |  | P | C | P | P | C | P | P | P | P | P | P | P | P |   | C <sup>(14)</sup> |   |  |



|                                                            |  |  |  |  |  |  |   |   |   |   |   |  |   |   |   |   |   |   |   |   |
|------------------------------------------------------------|--|--|--|--|--|--|---|---|---|---|---|--|---|---|---|---|---|---|---|---|
| 622<br>Hospitals                                           |  |  |  |  |  |  |   | P | C |   |   |  |   |   |   |   |   |   | P |   |
| 623 Nursing<br>and<br>residential<br>care<br>facilities    |  |  |  |  |  |  |   |   |   |   |   |  |   |   |   |   |   |   |   |   |
| 6231<br>Nursing care<br>facilities                         |  |  |  |  |  |  |   | P | C |   |   |  |   |   |   |   |   |   | P |   |
| 6232<br>Residential<br>mental<br>health<br>facilities      |  |  |  |  |  |  |   | C | C |   |   |  |   |   |   |   |   |   | P |   |
| 6233<br>Community<br>care<br>facilities for<br>the elderly |  |  |  |  |  |  |   |   | C |   | P |  |   |   |   |   |   |   | P |   |
| 6239 Other<br>residential<br>care<br>facilities            |  |  |  |  |  |  |   |   | C |   | P |  |   |   |   |   |   |   | P |   |
| 624 Social<br>assistance                                   |  |  |  |  |  |  |   | P | C |   |   |  |   |   |   |   |   |   | P |   |
| 6244 Child<br>day care<br>services                         |  |  |  |  |  |  | C | C | P | P | C |  | C | P | P | C | P | P | P |   |
| Sector 71 Arts, Entertainment, and Recreation              |  |  |  |  |  |  |   |   |   |   |   |  |   |   |   |   |   |   |   |   |
| 711<br>Performing<br>arts and<br>spectator<br>sports       |  |  |  |  |  |  |   | P | C |   | C |  | P | P | P | C | P | P | P |   |
| 712<br>Museums,<br>historical                              |  |  |  |  |  |  | P | P |   | C | C |  | C | C | C | C | C | C | C | P |

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| Sector 72 Accommodation and Food Services                           |  |  |  |  |  |  |  |   |   |  |   |  |  |   |          |   |   |   |   |   |   |   |  |   |  |  |
|---------------------------------------------------------------------|--|--|--|--|--|--|--|---|---|--|---|--|--|---|----------|---|---|---|---|---|---|---|--|---|--|--|
| 721<br>Accommoda-<br>tion                                           |  |  |  |  |  |  |  |   |   |  |   |  |  |   |          |   |   |   |   |   |   |   |  |   |  |  |
| 721110<br>Hotels and<br>motels                                      |  |  |  |  |  |  |  | P | C |  | P |  |  | P | P<br>(5) | P | C | P | P | P | P | P |  |   |  |  |
| 721191<br>Bed-and-<br>breakfast<br>inns                             |  |  |  |  |  |  |  | P | C |  | P |  |  | P | P<br>(5) | P | C | P | P | P | P | P |  |   |  |  |
| 721199<br>Other<br>traveler<br>accommoda-<br>tion, C.T.L.A.<br>(12) |  |  |  |  |  |  |  | P | C |  | P |  |  | P | P<br>(5) | P | C | P | P | P | P | P |  |   |  |  |
| 7212 RV<br>parks and<br>recreational<br>camps                       |  |  |  |  |  |  |  |   | C |  |   |  |  |   |          |   |   |   |   |   |   |   |  |   |  |  |
| 7213<br>Rooming<br>and<br>boarding<br>houses                        |  |  |  |  |  |  |  | P | C |  | P |  |  | P | P<br>(5) | P | P | P | P | P | P | P |  |   |  |  |
| 722 Food<br>services and<br>drinking<br>places                      |  |  |  |  |  |  |  | P | C |  |   |  |  | P | P        | C | C | P | P | P | P | P |  | P |  |  |
| 722110<br>Full-service<br>restaurants                               |  |  |  |  |  |  |  | P | C |  |   |  |  | P | P        | C | C | P | P | P | P | P |  |   |  |  |
| 722111<br>Limited-<br>service<br>restaurants                        |  |  |  |  |  |  |  | P | C |  |   |  |  | P | P        | C | C | P | P | P | P | P |  | P |  |  |

|                                                             |  |  |  |  |  |  |  |  |                  |   |   |   |   |   |  |  |  |   |          |          |   |   |          |          |          |          |          |                  |   |  |  |  |
|-------------------------------------------------------------|--|--|--|--|--|--|--|--|------------------|---|---|---|---|---|--|--|--|---|----------|----------|---|---|----------|----------|----------|----------|----------|------------------|---|--|--|--|
| 7224<br>Drinking<br>places,<br>alcoholic<br>beverages       |  |  |  |  |  |  |  |  | P<br>(<br>7<br>) | C |   |   |   |   |  |  |  |   | P<br>(7) | P<br>(7) | C | C | P<br>(7) | P<br>(7) | P<br>(7) | P<br>(7) | P<br>(7) | P<br>(<br>7<br>) |   |  |  |  |
| Sector 81 Other Services, Except Public Administration      |  |  |  |  |  |  |  |  |                  |   |   |   |   |   |  |  |  |   |          |          |   |   |          |          |          |          |          |                  |   |  |  |  |
| 811 Repair<br>and<br>maintenanc<br>e                        |  |  |  |  |  |  |  |  |                  | C | P |   |   |   |  |  |  |   |          |          |   |   |          |          |          |          |          |                  | P |  |  |  |
| 8111<br>Automotive<br>repair and<br>maintenanc<br>e         |  |  |  |  |  |  |  |  |                  | C | P |   |   |   |  |  |  |   |          |          |   |   | P        |          |          |          |          |                  | P |  |  |  |
| 811192 Car<br>washes                                        |  |  |  |  |  |  |  |  |                  | C | P |   |   |   |  |  |  | C |          |          |   |   |          |          |          |          |          |                  |   |  |  |  |
| 81149<br>Other<br>personal and<br>household<br>goods repair |  |  |  |  |  |  |  |  |                  | P | P |   |   |   |  |  |  | C | P        | P        | P | P | P        | P        | P        | P        | P        | P                |   |  |  |  |
| 811491<br>Boat and<br>motorcycle<br>repair                  |  |  |  |  |  |  |  |  |                  | C | P |   |   |   |  |  |  |   |          |          |   |   | P        |          |          |          |          |                  | P |  |  |  |
| 812 Personal<br>and laundry<br>services                     |  |  |  |  |  |  |  |  |                  | P | P | P | P | C |  |  |  | P | P        | P        | P | P | P        | P        | P        | P        | P        |                  |   |  |  |  |
| 8122 Death<br>care services                                 |  |  |  |  |  |  |  |  |                  |   | P |   |   |   |  |  |  |   |          |          |   |   |          |          |          |          |          |                  | P |  |  |  |
| 8123 Dry<br>cleaning and<br>laundry<br>services             |  |  |  |  |  |  |  |  |                  | P | C | P | P | C |  |  |  | P | P        | P        | P | P | P        | P        | P        |          |          | P                |   |  |  |  |
| 81233<br>Linen and<br>uniform                               |  |  |  |  |  |  |  |  |                  | P | P |   |   |   |  |  |  |   |          |          |   |   |          |          |          |          |          |                  | P |  |  |  |

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City of Destin  
Ordinance No. 21-06-LC  
Page 21 of 24

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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <sup>9</sup> Office space associated with this use shall not exceed 25 percent of the total square footage of the building.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <sup>10</sup> Zoos are only allowed in the Industrial zoning district.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <sup>11</sup> Passive recreation includes the following as accessory uses: beach accessways, such as dune walkovers, parking lots, docks, and restroom facilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <sup>12</sup> Commercial transient living accommodations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <sup>13</sup> Used merchandise stores are restricted to only those that are classified as a nonprofit business.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <sup>14</sup> Can only provide said services free of charge, refer to Section 7.09.02B(11) for further information.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <sup>15</sup> Telecommunication towers are an allowable use in this zoning district subject to a hierarchy of eligibility per Section 7.19.04.A.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <sup>16</sup> Refer to Section 7.09.02(B)12 for further information.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <sup>17</sup> Reserved.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <sup>18</sup> Land Use 7132 Gambling Industries and 72112 Casino Hotels shall be prohibited in all districts.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <sup>19</sup> No sexually oriented business shall be located on any Industrial (IN) zoned parcel within the Town Center CRA with a boundary within 330' south of the southern right-of-way boundary of Airport Road or within 330' east of the eastern right-of-way boundary of Main Street. The measurement of the minimum separation distance shall be a line perpendicular to the right-of-way of Airport Road or Main Street, as the case may be, to the nearest point of the property line of the parcel on which the Sexually Oriented Business is proposed to be located.                                                                                              |
| <sup>20</sup> No medical marijuana dispensary shall be located on any Industrial (IN) zoned parcel within the Town Center CRA with a boundary within 330 feet south of the southern right-of-way boundary of Airport Road or within 330 feet east of the eastern right-of-way boundary of Main Street. The measurement of the minimum separation distance shall be a line perpendicular to the right-of-way of Airport Road or Main Street, as the case may be, to the nearest point of the property line of the parcel on which the medical marijuana dispensary is proposed to be located. Cultivating or processing medical marijuana shall be prohibited within the City. |
| <b>NOTE:</b> Any change of use within the Harbor District Overlay that is part of an application for a certificate of appropriateness shall require conditional use approval pursuant to Section 7.12.06(DD).                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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

**SECTION 5. CONFLICTING PROVISIONS.** Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions,

or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

**SECTION 6. SEVERABILITY.** If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 7. EFFECTIVE DATE.** This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

**ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_,**  
**2021.**

By: \_\_\_\_\_  
Gary Jarvis, Mayor

ATTEST:

The form and legal sufficiency of the foregoing has  
been reviewed and approved by the City Land Use  
Attorney for the City of Destin, only.

\_\_\_\_\_  
Rey Bailey, City Clerk

\_\_\_\_\_  
Kimberly Kopp, City Land Use Attorney

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

## CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** April 19, 2021**TYPE OF AGENDA ITEM:** Public Hearing**AGENDA OUTLINE NUMBER:** 5.D.**TO:** City Council**THRU:** Lance Johnson, City Manager**FROM:** Louis Zunguze, Community Development Director  
Kimberly Kopp, Land Use Attorney  
Lauren Witt, Principal Planner**DATE:** April 14, 2021**SUBJECT:** Second reading of Ordinance 21-07-LC - Relating to preserving the historic Zerbe-Calhoun area within the City of Destin; amending Article 7 of the Land Development Code - *Land Use, Type, Density, Intensity, Zoning and Regulatory Controls* to create a Zerbe-Calhoun historic district overlay

**I. BACKGROUND:** Staff has been directed to create a Zerbe-Calhoun Historic Overlay District. This district would encompass all land that is located in the area depicted on the attached "Exhibit A", Zerbe-Calhoun Historic District Overlay Map. This area is a vital part of the City of Destin's history, and will continue to play an important role in the City's future. The Calhoun and Zerbe areas border the North and South Harbor Mixed Use areas (NHMU and SHMU areas) and provide a transition between the North and South Harbor Mixed Use areas, U.S. 98 to the south, the "Old Destin Area" to the northeast, and Clement Taylor Park to the north.

**II. DISCUSSION:** The intent of the Zerbe-Calhoun Historic District Overlay is to achieve the following objectives:

1. encourage development and redevelopment that is architecturally compatible with existing and previously existing development in the Calhoun-Zerbe area, as well as in the neighboring areas
2. ensure a smooth transition from the Historic Harbor Area and its significance, derived from the Harbor's historic role in the City's formation as a world-class fishing village
3. preserve the area's historic sense of place
4. support development and redevelopment that is visually compatible with the heritage of the Destin Zerbe-Calhoun area; and



5. preserve structures and sites of historic and recreational significance, inclusive of the Destin Community Center, Destin History and Fishing Museum, 1934 Post Office, Primrose boat; existing parks and historic cemeteries.

**Proposed Ordinance 21-07-LC** also designates certain properties within this district that shall be preserved and collectively be considered as the “Zerbe-Calhoun Historic Park” (also depicted in Exhibit A), deemed devoted to active or passive recreation. It was suggested to include Dalton Threadgill Park in the Zerbe-Calhoun Historic Park as well, however due to its location and the additional protection provided to City parks through the recent Charter amendment, it is not included in the Zerbe-Calhoun Historic Overlay. Additionally, the proposed ordinance also outlines the process and criteria for the designation of structures and sites to be deemed significant to the History of the Zerbe-Calhoun Area, beginning on page 5 of the Proposed Ordinance.

**A. Link to Strategic Goals / Objectives:**

**B. Effect on Budget (EOB):**

**C. Level of Service (LOS):**

**III. CONCLUSION:** Proposed Ordinance 21-07-LC would create a Zerbe-Calhoun Historic Overlay District, hereby preserving and protecting the developments and character of the Zerbe and Calhoun areas.

At a public hearing held during the regularly scheduled City Council meeting on April 5, 2021, the City Council approval of proposed **Ordinance 21-07-LC at first reading.**

**IV. RECOMMENDED MOTION:** I move to approve proposed **Ordinance 21-07-LC.**

Attachments:

1. Calhoun Zerbe Historic Overlay
2. Exhibit A

## **ORDINANCE NO. 21-07-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO PRESERVING THE HISTORIC ZERBE-CALHOUN AREA WITHIN THE CITY OF DESTIN; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE, "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS" TO CREATE A ZERBE-CALHOUN HISTORIC DISTRICT OVERLAY; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR BOUNDARIES OF THE ZERBE-CALHOUN HISTORIC OVERLAY; ESTABLISHING A PROCESS FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE ZERBE-CALHOUN HISTORIC OVERLAY AREA; ESTABLISHING CRITERIA FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE ZERBE-CALHOUN AREA; ESTABLISHING A CERTIFICATE OF APPROPRIATENESS; AUTHORIZING CODE WAIVERS; PROVIDING FOR APPEALS; PROVIDING FOR PENALTIES; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

### **SECTION 1. AUTHORITY.**

The authority for enactment of this Ordinance is Article 1, Section 1.01 (b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

### **SECTION 2. FINDINGS OF FACT.**

**WHEREAS**, the City Council in providing for the health, safety and welfare of its citizens finds that the City should establish the Zerbe-Calhoun Historic District Overlay to preserve the historic character of the area; and

**WHEREAS**, Fred Zerbe and his wife, Donaldda, moved to Destin in 1936 and proposed the idea of building a "community house" as well as a library and athletic field; and

**WHEREAS**, in 1940, Fred Zerbe opened a library in a room of the Presbyterian Church on Calhoun Ave and his wife served as a chairman of the board; and

**WHEREAS**, in 1943, Tyler Calhoun and his wife, Ida, donated approximately four acres to Zerbe, as trustee, "for the benefit and use of the people of Destin," and subsequently donated approximately two more acres for these purposes; and

**WHEREAS**, the original community house building was completed in 1947 and became the center of government, since Destin wasn't incorporated until 1984; and

**WHEREAS**, in 1947, the library relocated to the second floor of the old Destin Community Center before moving to its own building on Stahlman Avenue in 1966; and

**WHEREAS**, in 2001, the groundbreaking for the current library building on Sibert Avenue kicked off construction and the old building on Stahlman Avenue became the Destin History and Fishing Museum in 2005; and

**WHEREAS**, in a November 1981 article in The Destin Log, reporter Karen MacGrogan said of the Destin Community Center, “within its doors and grounds, thousands of villagers have danced, laughed, dined, argued, planned, raised money and struggled to solve Destin’s problems, large and small;” and

**WHEREAS**, the original Community Center, or as it was first known Community House, came about when the folks of Destin wanted a place to meet, hold social events and youth activities; and

**WHEREAS**, for more than four decades the old Destin Community House was the hub, the gathering place, the place where people voted, the place where Santa handed out candy on Christmas Eve; and

**WHEREAS**, over thirty years ago (in 1990), the old Destin Community House, which later became known as the Destin Community Center, was torn down to make room for the Destin Community Center that now stands at the corner of Stahlman Avenue and Zerbe Street in Destin; and

**WHEREAS**, The Destin History & Fishing Museum is a tourist destination and key historical repository for the Destin area, with exhibits that present the history of Destin and journey from a small fishing village to a major tourist attraction; and

**WHEREAS**, the Destin History & Fishing Museum covers the time of early Indians through development and growth of the fishing village; and

**WHEREAS**, exhibits at the Destin History & Fishing Museum in the outdoor Museum Historic Park Complex include the historic seine boat "Primrose", mullet boat "Lil Jimmy", seine net reel, and the original 1934 Post Office as well as the "Footprints in the Sand" memorial walkway; and

**WHEREAS**, the Destin History & Fishing Museum holds over 75 mounts of locally caught fish; historic photographs, artifacts, fishing equipment and documents of early Destin and the Fishing industry; an exhibit on the science of "Why Destin Sand is White"; historic and genealogical data on the founding families and those that shaped the growth of early Destin; and Destin Fishing Rodeo Gallery featuring "all things" Rodeo in videos, photos and artifacts; and

**WHEREAS**, it is the intent of the Zerbe-Calhoun Historic District Overlay is to preserve the Destin Community Center, the Destin Fishing Museum, the 1934 Post Office, and existing

parks and cemeteries within the Zerbe-Calhoun historic area; and

**WHEREAS**, the City Council of the City of Destin has determined that the Zerbe-Calhoun area is significant, and has been crucial, to the history of the City of Destin; and

**WHEREAS**, much of the area's historic significance is derived from its role in the City's formation as a world-class fishing village as well as the area's quasi-governmental functions prior to official incorporation as a city in 1984; and

**WHEREAS**, the intent of the Zerbe-Calhoun Historic District Overlay is to preserve the history of the City of Destin; and

**WHEREAS**, it is also the intent of the Zerbe-Calhoun Historic District Overlay to encourage development and redevelopment that is architecturally compatible with existing and previously existing development in the area, as well as in the historic neighboring areas of the harbor; and

**WHEREAS**, in addition to ensuring architectural styles are compatible with the area's heritage, the Zerbe-Calhoun Historic District Overlay is intended to preserve the area's historic sense of place and growth over time into a world-class fishing village; and

**WHEREAS**, this overlay district is also intended to support development and redevelopment that is visually compatible with the heritage of the area and foster knowledge of the city's living heritage; and

**WHEREAS**, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens; and

**WHEREAS**, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; and

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

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

**NOTE: Language in all sections of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol \*\*\* represents sections of the Land Development Code that have been skipped and remain unchanged.**

**SECTION 3. AMENDMENT OF LAND DEVELOPMENT CODE SECTION 7.12.06.**

Section 7.12.06 of the Land Development Code is hereby amended as follows:

\*\*\*

EE. Zerbe-Calhoun Historic District Overlay. The Zerbe-Calhoun Historic District Overlay implements Future Land Use Element Policy 1-2.4.3, which recognizes this general area as a transition between the North and South Harbor Mixed Use areas, U.S. 98 to the south, the "Old Destin Area" to the northeast, and Clement Taylor Park to the north. Further, the Zerbe-Calhoun Historic District Overlay implements Policy 1-3.7.8: Urban Design and Community Appearance, which encourages procedures that enhance general community appearance as well as to preserve and enhance open space and landscape, and encourages protecting major natural and manmade resources within the City, including such scenic natural resources as Choctawhatchee Bay, natural drainage corridors, as well as developing residential neighborhoods and centers of commercial or institutional activity. Additional policies implemented include but are not limited to, Policy 1-1.1.4: Scenic Vistas and Waterfront Views, encourages protection of views of Choctawhatchee Bay, and Policy 1-1.2.4: Orderly Transition in Land Use encourages smooth transitions in land use.

1. **Purpose and intent.** The Zerbe-Calhoun Historic District Overlay encompasses all land that is located in the area depicted on the attached Exhibit "A", Zerbe-Calhoun Historic District Overlay Map. This area is a vital part of the City of Destin's history, and will continue to play an important role in the City's future. The Calhoun and Zerbe areas border the North and South Harbor Mixed Use areas (NHMU and SHMU areas) and provide a transition between the North and South Harbor Mixed Use areas, U.S. 98 to the south, the "Old Destin Area" to the northeast, and Clement Taylor Park to the north.
2. The intent of the Zerbe-Calhoun Historic District Overlay is to (1) encourage development and redevelopment that is architecturally compatible with existing and previously existing development in the Calhoun-Zerbe area, as well as in the neighboring areas and (2) to ensure a smooth transition from the Historic Harbor Area and its significance, derived from the harbor's historic role in the City's formation as a world-class fishing village; (3) to preserve the area's historic sense of place; this overlay district is also intended to support development and redevelopment that is visually compatible with the heritage of the Destin Zerbe-Calhoun area; and (4) to preserve structures and sites of historic and recreational significance, inclusive of the Destin Community Center, Destin History and Fishing Museum, 1934 Post Office, Primrose boat; existing parks and historic cemeteries.
3. **Preservation of Existing Historic Structures within the Zerbe-Calhoun Historic Overlay District.**
  - (i) The following properties owned by the City of Destin are deemed Structures and Sites Significant to the History of the City of Destin, and additionally shall be considered collectively as the "Zerbe-Calhoun Historic Park", deemed devoted to active or passive recreation, and shall be subject to all provisions of the City Charter related to City parks:
    - a. Destin Memorial Cemetery located at 120 Sibert Ave.
    - b. Destin Memorial Cemetery located at 111 Stahlman Ave and 122 Sibert Avenue.
    - c. Clement Taylor Park located at 131 Calhoun Ave.
    - d. Capt. Leonard Destin Park located at 101 Calhoun Ave.
    - e. Destin Library located at 150 Sibert Ave.



- f. Destin History & Fishing Museum located at 108 Stahlman Ave.
        - g. Destin Community Center located at 101 Stahlman Ave.
      - (ii) The following may not occur upon any structure or property within the Zerbe-Calhoun Historic Park without a super-majority vote of the City Council:
        - a. Change of use to any structure, portion of a structure, real property, or portion of real property
        - b. Alteration of any real property boundary
        - c. Relocation of any structure
        - d. Modification of building footprint
  - 4. **Process for Designation of Structures and Sites Significant to the History of the Zerbe-Calhoun Area.** In addition to the set Zerbe-Calhoun Historic Park set forth in subsection 3, a property owner or authorized agent of a property owner may apply to designate a structure or site as significant to the history of the City of Destin within the Zerbe-Calhoun Historic Overlay Area pursuant to this section. Such application may include a request for a conditional use, if applicable.
    - A. Applications for a Certificate of Appropriateness (with or without a Conditional Use) shall be submitted to the city manager on a form to be provided by the city, along with a signed, sealed survey of the subject property, which survey is dated within at least one year of the application date.
    - B. The owner of the subject property must either sign the application or give written authorization.
    - C. The city manager, in consultation with the city land use attorney and city staff, shall review a Certificate of Appropriateness (with or without a Conditional Use) application for sufficiency, and shall forward the request to the city council once the city manager has determined that the application includes all required information.
    - D. The city manager shall schedule a public hearing on the Certificate of Appropriateness (with or without a Conditional Use) before the city council, which hearing shall be held not later than sixty (60) days after receipt of an application, said hearing may be continued once, at the discretion of the City Council, upon request of the applicant to the City Council or for good cause. A separate hearing before the Board of Adjustment shall not be required if a Certificate of Appropriateness application is submitted with a Conditional Use.
    - E. Notice will be published in a local newspaper of general circulation at least ten (10) days prior to the public hearing.
    - F. The city council shall render an order to either issue or deny the application for a Certificate of Appropriateness (with or without a Conditional Use).
    - G. The order shall be mailed to the applicant and shall include findings of fact and conclusions of law, and shall state specifically (i) that the Certificate of Appropriateness (with or without a Conditional Use) vests the uses, structures,

driveways, accessways, parking, (as applicable) and any other items depicted on the survey, as well as any City code waivers authorized by approval of the survey submitted by the applicant; all until such time that the applicant abandons the uses for a period of at least 180 days; and (ii) that no further permits shall be required from the City of Destin with respect to any uses, structures, driveways, accessways, parking, (as applicable) and any other items depicted on the survey, all until such time that the applicant abandons the uses for a period of at least 180 days, and subject to any limitation that may exist, to the extent that the Building Official has determined a serious threat to the public health or safety exists without such limitations. Nothing in this section releases the Applicant from any requirement to obtain a business tax receipt on the subject property, if applicable.

5. **Criteria for Designation of Structures and Sites Significant to City History.** The City Council may grant a Certificate of Appropriateness if there is an existing structure on the site, which the applicant seeks to preserve, and which was constructed prior to 1975 (according to records of the Property Appraiser and/or the City of Destin) and at least one of the following additional criteria are met:

**A. Historical Significance**

Proposed changes of use, developments or redevelopments in the overlay district, should show character, interest or value as part of the development, heritage, or cultural characteristics of the area; be the site of historic or prehistoric event(s) that had an effect upon the City of Destin; or exemplify the cultural, political, economic, or social heritage of the City of Destin.

**B. Architectural Significance**

Proposed changes of use, developments or redevelopments should portray an era of history characterized by distinctive architectural period(s)/style(s); embody those distinguishing characteristics of an architectural type specimen, contain elements of architectural design, detail, materials or craftsmanship that represent a significant era in the history of the Zerbe-Calhoun area.

**C. Environmental Significance**

Proposed changes of use, developments or redevelopments should enhance the variety, interest, and sense of identity of the Zerbe-Calhoun area by the protection of the unique natural and man-made environments, by preserving waterfront views, preserving water dependent activity, fostering a pedestrian-oriented environment, and promoting convenient public access to the bay for the public.

6. **Conditional uses.** If an applicant desires to change the use of an existing structure on the site, the applicant is required to apply for a Certificate of Appropriateness with

Conditional Use. Conditional uses in the Zerbe-Calhoun Historic Area Overlay shall include those listed in Table 7-2, Table of Allowable Uses. To the extent that there is any conflict between the permissibility of any specific use in the underlying zoning district and the Zerbe-Calhoun Historic Area Overlay, the provisions of the underlying zoning district shall apply, unless an application for a Certificate of Appropriateness has been submitted. The following shall apply to all applications for a Certificate of Appropriateness with Conditional Use within the Zerbe-Calhoun Historic Area Overlay:

- a. *Findings.* A conditional use shall be permitted upon a finding by the city council, after a duly noticed public hearing on the Certificate of Appropriateness with a Conditional Use, that the proposed use, application and, if applicable, survey or site plan, comply with the criteria specified in this section, including specific conditions established by the city council during review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations. If the proposed conditional use is a major development pursuant to Chapter 2 of the LDC, the city council shall render the final determination pursuant to the procedures for major developments. A conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public's interest. An application for a conditional use shall describe how the specific land use characteristics proposed meet the criteria described herein and shall include a description of any measures proposed to mitigate against possible adverse impacts of the proposed conditional use on properties in the immediate vicinity. The City Council is authorized to grant any waivers to the Land Development Code pursuant to subsection 7.12.06(DD)(6), in order to further the purposes of the Zerbe-Calhoun Historic District Overlay.
- b. *Characteristics of use described.* The following characteristics of a proposed conditional use shall be clearly described as part of the conditional use application:
  - (1) Scale and intensity of the proposed conditional use as measured by the following:
    - i. Floor area ratio;
    - ii. Traffic generation;
    - iii. Square feet of enclosed building for each specific use;
    - iv. Proposed employment;
    - v. Proposed number and type of service vehicles; and
    - vi. Off-street parking needs.
  - (2) On- or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection, including the following:

- i. Utilities;
- ii. Public facilities, especially any improvements required to ensure compliance with concurrency management;
- iii. Roadway or signalization improvements, or other similar improvements;
- iv. Accessory structures or facilities; and
- v. Other unique facilities/structures proposed as part of site improvements.

(3) On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:

- i. Open space;
- ii. Setbacks from adjacent properties;
- iii. Screening and buffers;
- iv. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites; and
- v. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts.

c. Criteria for Conditional Uses in the Zerbe-Calhoun Historic District Overlay:

- i. Land use compatibility. The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.
- ii. Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use. The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.
- iii. Proper use of mitigative techniques. The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the

design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

- iv. Hazardous waste. The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of city-approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The plan shall provide for appropriate identification of hazardous waste and hazardous material and shall regulate its use, storage and transfer consistent with best management principles and practices. No use which generates hazardous waste or uses hazardous materials shall be located in the city unless the specific location is consistent with the comprehensive plan and land development regulations and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources.
- v. Preservation of “Old Destin”. The Zerbe-Calhoun Historic District Overlay is intended to promote the public health, safety, and welfare by protecting, enhancing, and perpetuating buildings, sites, and areas of the district that are reminiscent of past eras, events, and persons important in local, state, or national history or providing significant examples of architectural styles of the past. It is also the purpose of this zoning district to develop and maintain appropriate settings and environments for such buildings, sites, and areas to enhance property values, stabilize the South Harbor Mixed Use and North Harbor Mixed Use zoning districts, promote the tourist trade and interest, and foster knowledge of the city's living heritage. Therefore, conditional uses should meet one or more of the following criteria:

A. Historical Significance

Proposed changes of use, developments or redevelopments in the overlay district, should show character, interest or value as part of the development, heritage, or cultural characteristics of the Zerbe-Calhoun area; be the site of historic or prehistoric event(s) that had an effect upon the City of Destin; or exemplify the cultural, political, economic, or social heritage of the City of Destin.

B. Architectural Significance

Proposed changes of use, developments or redevelopments



should portray an era of history characterized by distinctive architectural period(s)/style(s); embody those distinguishing characteristics of an architectural type specimen, contain elements of architectural design, detail, materials or craftsmanship that represent a significant era in the history of the Zerbe-Calhoun area.

### C. Environmental Significance

Proposed changes of use, developments or redevelopments should enhance the variety, interest, and sense of identity of the Zerbe-Calhoun area by the protection of the unique natural and man-made environments, by preserving waterfront views, preserving water dependent activity, fostering a pedestrian-oriented environment, and promoting convenient public access to the Bay.

- vi. Compliance with applicable laws and ordinances. A conditional use application shall demonstrate compliance with all applicable federal, state, county, and city laws and ordinances except that the City Council may grant waivers or variances to the City Land Development Code pursuant to section 7.12.06(DD)(6) of this Code. Where permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The city may affix other conditions to any approval of a conditional use in order to protect the public health, safety, and welfare.
7. **Certificate of Appropriateness.** Evidence of the approval required under the terms of the Zerbe-Calhoun Historic District Overlay shall be a Certificate of Appropriateness issued by the City Council, stating that the change of use and development or re-development depicted on the survey has been made are approved by the City Council. The City Council may permit modifications of original proposals if such modifications are formally acknowledged, clearly described, and recorded in the records of the case. Any action by applicants following issuance of a Certificate of Appropriateness shall be in accord with the application and material approved and any conditions appended thereto.
8. **Code Waivers.** To further the intent and purpose of Zerbe-Calhoun Historic District Overlay, the City Council may waive or modify requirements of the Land Development Code pursuant to this section 7.12.06(DD)(6), including but not limited to parking requirements, driveway requirements, stormwater requirements, any performance standards, requirements for lot area, lot width, lot depth, setback, and open space standards set forth in Table 7-3, Table of Dimensional Regulations, provided however, that if the Building Official determines there is a serious threat to the public health, safety

or welfare, such waivers may not be granted. Further, alternative stormwater requirements may be imposed to prevent flooding on the subject property.

**9. Appeals:**

A. Any appeal of a city council decision on a determination under this section shall be by petition for certiorari review to the circuit court of Okaloosa County, Florida, based solely on the record of the hearing before the city council. The application forms shall contain a venue selection provision requiring venue to be in Okaloosa County.

B. The applicant is responsible for providing a verbatim transcript of the record of that hearing.

C. Such an appeal must be filed within thirty (30) days after the date the city renders its order.

10. **Penalties:** The code compliance department may enforce the terms of this section by bringing a case to the Special Magistrate or Code Enforcement Board, whichever is applicable, as provided in Chapter 14, Offenses and Miscellaneous Provisions, Article III, Code Enforcement Board or Special Magistrate, of the Code Ordinances of the City of Destin and Chapter 162, Part 1, Florida Statutes. Additionally, the code compliance department, or other duly authorized officer or authority, may enforce the terms of this section through issuance of civil citation as provided in Chapter 14, Offenses and Miscellaneous Provisions, Article III, Code Enforcement Citation Program and Procedures, of the Code Ordinances of the City of Destin and Chapter 162, Part 2, Florida Statutes.

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**Table 7-2 Table of Allowable Uses**

\*\*\*

|                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b><u>NOTE:</u></b> <u>Any change of use within the Zerbe-Calhoun Historic District Overlay that is part of an application for a Certificate of Appropriateness shall require conditional use approval pursuant to section 7.12.06(DD).</u></p> |
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**SECTION 4. INCORPORATION INTO LAND DEVELOPMENT CODE.** This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

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

**SECTION 6. SEVERABILITY.** If any section, phase, sentence, or portion of this Ordinance is,

for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 7. EFFECTIVE DATE.** This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

**ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_,  
2021.**

\_\_\_\_\_  
By: Gary Jarvis, Mayor

ATTEST:

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Land Use Attorney, for the City of Destin, only.

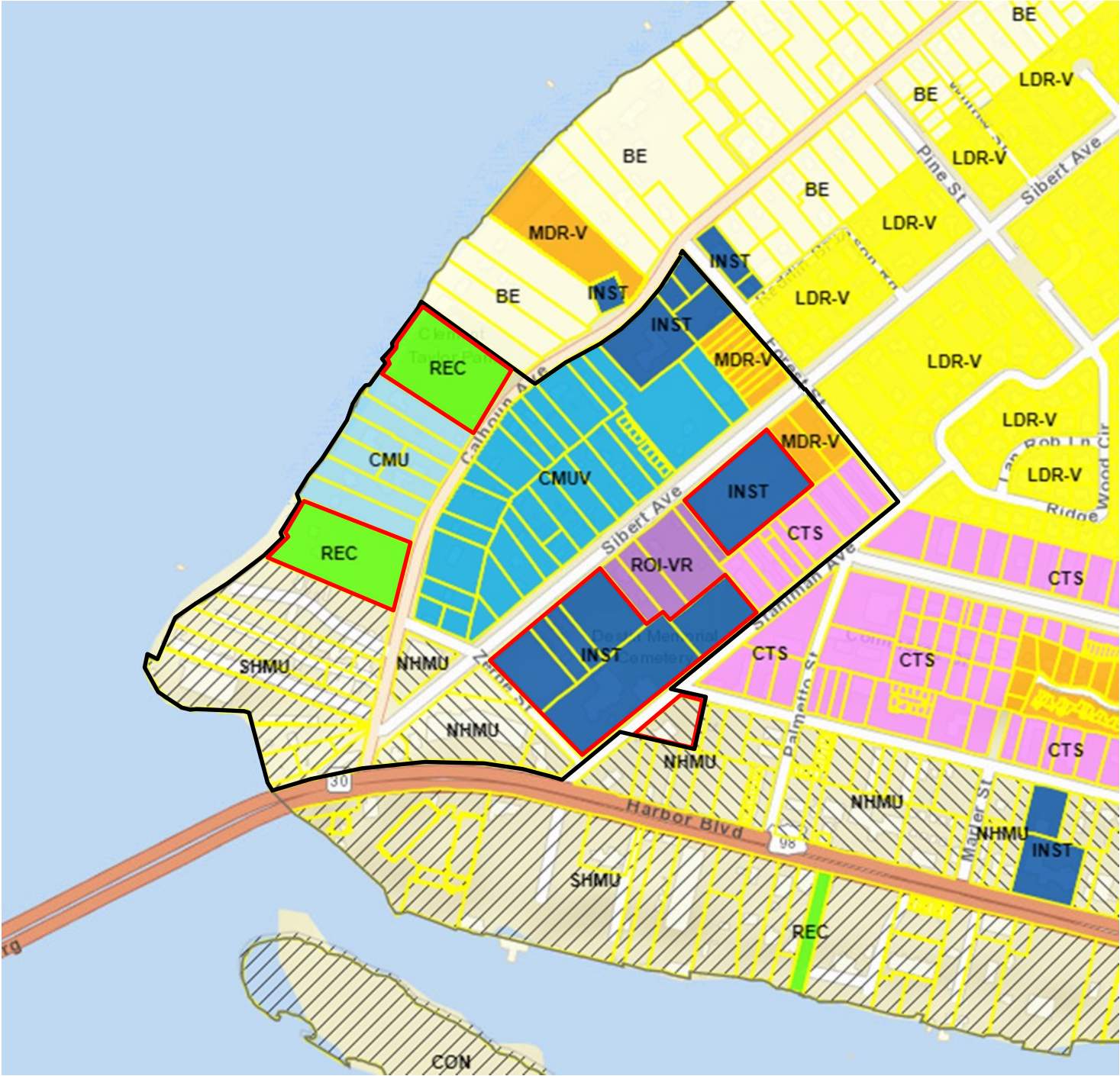
\_\_\_\_\_  
Rey Bailey, City Clerk

\_\_\_\_\_  
Kimberly Kopp, City Land Use Attorney

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Exhibit A



- Zerbe-Calhoun Historic Overlay
- Zerbe-Calhoun Historic Park

**LOCAL PLANNING AGENCY  
MEETING MINUTES  
MARCH 18, 2021 - 5:30 P.M.  
DESTIN CITY HALL BOARDROOM**

**1. CALL TO ORDER:**

Chairman Wood called the Local Planning Agency Meeting to order on Thursday, March 18, 2021 at 5:30 p.m., in the Destin City Hall Boardroom; with the Pledge of Allegiance immediately following.

**2. ROLL CALL:**

**Members Present**

James T. Wood, Jr.  
Marcie Bell  
Jason Klosterman  
Don David  
Karen Drexler  
Corey Ledbetter

**Members Absent**

Darryl Shelton

**Staff Members Present**

Kim Montgomery Deputy City Clerk  
Lauren Witt Senior Planner  
Daniel Butler Planner  
Don Smith Engineer  
Joe Bodi Engineering Asst. II  
Kimberly Kopp Land Use Attorney  
Kyle Bauman City Attorney

**3. APPROVAL OF MINUTES:**

**February 18, 2021**

**Motion by Agency member Klosterman, seconded by Agency member David to approve the February 18, 2021 minutes as written. The motion passed 6-0.**

**4. OLD BUSINESS:**

**None**

**5. NEW BUSINESS:**

**Motion to set aside the order of the day and move Item E into the A position was made by Agency member Bell with Agency member Ledbetter providing the second. The motion passed 6-0.**

**A. Proposed Ordinance 21-07-LC relating to the creation of a historic district in the City of Destin.**

The City Attorney read the ordinance by title into the record.

**ORDINANCE NO. 21-07-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO PRESERVING  
THE HISTORIC ZERBE-CALHOUN AREA WITHIN THE CITY OF DESTIN;**



**AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE, “LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS” TO CREATE A ZERBE CALHOUN HISTORIC DISTRICT OVERLAY; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR BOUNDARIES OF THE ZERBE-CALHOUN HISTORIC OVERLAY; ESTABLISHING A PROCESS FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE ZERBE-CALHOUN HISTORIC OVERLAY AREA; ESTABLISHING CRITERIA FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE ZERBE-CALHOUN AREA; ESTABLISHING A CERTIFICATE OF APPROPRIATENESS; AUTHORIZING CODE WAIVERS; PROVIDING FOR APPEALS; PROVIDING FOR PENALTIES; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Land Use Attorney informed the members that this was a Council directed ordinance for staff to create this ordinance. And the two things that this ordinance does is, it mirrors what has been done in the Harbor with the historic harbor overlay. Which allows and encourages preservation in the Comprehensive Plan. Which helps keep the Festive Market Place alive and well and it allows, through an application process, for staff and Council to review them prior to the approval process. Regarding the map, she brought to everyone’s attention that the Destin Fishing Museum was inadvertently left off and will be corrected prior to this being taken before City Council.

Mrs. Witt added that the ordinance also includes language for the criteria of any other historical structures that are significant to the area to be processed and deemed appropriate.

The Chairman opened the hearing to the public.

Mrs. Jan Best of 504 Norriego Street and serves on the Harbor CRA-AC. Spoke of being the one who introduces this concept to the Harbor CRA and then to City Council. She provided additional information on how she discovered two of the founding families of Destin, the Zerbe’s and the Calhoun’s got together and agreed a meeting place was needed. And how Mr. Taylor Calhoun donated the property where the Community Center is located to the citizens of Destin for a meeting place.

The Chairman mentioned he does not like the term “Certificate Appropriateness.” And asked if it could be changed to “Certificate of Historical Significance” instead of “Appropriateness.” According to the Land Use Attorney, that is the term that was used in the Ordinance for the Harbor Area and chose it, to stay consistent.

Mr. Zunguze added that the term is what, as a community, is deemed appropriate. And it’s an industry term that is used very often with these types of ordinances.

**Agency member Ledbetter made the recommended motion that the Local Planning Agency recommends City Council approve proposed Ordinance 21-07-LC, with Agency member Bell**

**providing the second. With no further discussion, the Chairman called for the vote and the motion passed 6-0.**

**B. Proposed Ordinance 20-24-LC relating to Low Speed Vehicles**

The City Attorney read the ordinance by title into the record.

**ORDINANCE NO. 20-24-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, REGULATING LOW SPEED VEHICLES; AMENDING ARTICLE VIII "TRANSPORTATION" AND CREATING A NEW SECTION 8.09.04 ENTITLED "ALTERNATIVE MODES OF TRANSPORTATION"; DEFINING "LOW SPEED VEHICLES"; PROVIDING FOR LIMITED OPERATION OF LOW SPEED VEHICLES ON CERTAIN CITY STREETS; PROHIBITING LOW SPEED VEHICLES ON SPECIFIED STREETS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Engineering Assistant, Joe Bodi informed the members that the ordinance has previously come before them last year. However, when it went before Council, they directed staff to not allow LSV's on Main Street, Airport Road, portions of Indian Bayou Trail and a section of Gulfshore Drive from La Paz to the intersection of Highway 98.

The Chairman opened the hearing to the public. With no one coming forward to speak, he closed the public and turned the discussion over to the Agency members.

The members discussed moving the restrictions on Gulfshore Drive from La Paz to the intersection at Moreno Point Road because of the speeding that takes place along the area where the roadway turns into a 4-lane road up to the traffic light.

**Motion by Klosterman to recommend City Council amend allowing LSV's access on Gulfshore Drive from La Paz back to Moreno & Gulfshore Drive, with Bell providing the second. Motion Failed with a 3-3 vote.**

Agency member Drexler asked if there are any plans to have signage up along the routes so people will know where they are allowed and where they are not allowed. According to Mr. Bodi, staff does intend to erect signage informing the public of LSV friendly roadways.

There was a discussion regarding how the tourist are going to know what roads they will be allowed on and how there are so many rental homes that provide just plain golf carts. How are they to know they're not allowed on the roads. Also, concern was raised how is the information going to get out. According to Mr. Forgione, he will make sure to get the information is distributed to all of his the short term rental contacts.

Agency member Bell asked if LSV's count as a parking space at a rental home. According to Mr. Forgione, they do.

The Chairman spoke of how this ordinance can always be amended later after this has been in effect. And if Council feels its necessary to make additional changes to the roads where they are allowed, it can be amended.

**Motion by David to recommend City Council to approve proposed ordinance 20-24-LC, with Agency member Drexler providing the second passed 6-0**

**C. Proposed Ordinance 21-04-PC relating to the regulation of building height in the Comprehensive Plan.**

The City Attorney read the ordinance by title into the record.

**ORDINANCE NO. 21-04-PC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING ITS COMPREHENSIVE PLAN: 2020; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR TITLE; PROVIDING FOR JURISDICTION; PROVIDING FOR INTENT; AMENDING CHAPTER 1 - FUTURE LAND USE ELEMENT RELATED TO BUILDING HEIGHTS TO PROVIDE FOR CONSISTENCY WITH THE CITY CHARTER; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

The Land Use Attorney informed the members that back in November of 2020 the citizens voted to put the current maximum building height in the Comprehensive Plan in the Charter. And, to add a Variance process for those that want something higher than the six-story maximum currently allowed in the city. Additionally, the process would require that it go to public referendum vote and then back to city council for a final decision, if first approved by the voters.

The Chairman opened the hearing to the public, with no one coming forward to speak, he closed the public hearing and turned the discussion over to the Agency members.

Agency member David asked if a developer is applying for a project that will call for this Variance and a referendum has to be held, does the developer bear the cost?

According to Ms. Kopp, yes the developer will be responsible and the fees will be provided in the application process and will be based on if the developer wants it on the General Election or a Special Election.

**Motion by Agency member Bell with Agency member Ledbetter providing the second, to recommend City Council approve ordinance 21-04-LC and direct staff to submit the proposed ordinance to the State Department of Economic Opportunity for review. A roll call vote of 6-0 was taken and the motion passed.**

At this time, the City Attorney realized that he skipped Ordinance 21-03-LC and asked the chairman to call for a motion to change the order of the day.

**Motion by Agency member Bell, seconded by Agency member Ledbetter to change the order of the day so that Ordinance 21-03-LC could be heard next. The motion passed unanimously.**

**D. Proposed Ordinance 21-03-LC relating to the regulation of building height in the Comprehensive Plan.**

The City Attorney read the ordinance by title into the record.

**ORDINANCE NO. 21-03-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO ARTICLE 7, SECTION 7.12.08 “DIMENSIONAL REQUIREMENTS”; AMENDING TABLE 7-3 “SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS”; PROVIDING FOR CONSISTENCY WITH THE CITY’S COMPREHENSIVE PLAN; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE, CONFLICTING PROVISIONS, SEVERABILITY, AND AN EFFECTIVE DATE.**

According to Mr. Butler, this ordinance addresses the inconsistencies between Chapter 1, Future Land Use Element and the LDC, Table 7-3, scheduled dimensional requirements. Noting, that the last time the Comprehensive Plan was amended to amend the building height requirements, there are still some inconsistencies with the Density and the FAR between those amended items and Table 7-3 in the LDC. So, this would clean up those inconsistencies.

**Agency member David made the motion to recommend City Council approve ordinance 21-03-LC with Agency member Bell providing the second. With no further questions or comments, the motion passed 6-0**

**E. Proposed Ordinance 21-05-PC relating to the requirement for pitched roofs in the City of Destin.**

The City Attorney read the ordinance by title into the record.

**ORDINANCE NO. 21-05-PC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING ITS COMPREHENSIVE PLAN: 2020; PROVIDING FOR AUTHORITY; PROVIDING FOR**

**FINDINGS OF FACT; PROVIDING FOR TITLE; PROVIDING FOR JURISDICTION; PROVIDING FOR INTENT; AMENDING CHAPTER 1 - FUTURE LAND USE ELEMENT, POLICY 1- 2.1.4 RELATING TO ROOFING AND ROOF PITCH; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Mrs. Witt explained currently, in the Comprehensive Plan there is a requirement that 60% of the roof on all buildings are required to be pitched, with a specific slope between a minimum pitch of 5:12 and a maximum pitch of 12:12 is required for the fully pitched roofs above the cornice line. Which certain projects are not eligible for a Variance through the Board of Adjustment process because, it is a Comprehensive Plan requirement. Additionally, staff sees this as a future problem based on the requirements of mechanical equipment required on the roofs. Which causes a hardship to meet both the requirement for the pitch roof and the spacing requirements from the Florida Building Code for mechanical equipment. It also forces the layout issues for the inside of the building, based on where their rooftop mechanical equipment is located. So, the goal of this ordinance is not to remove those requirements, but to keep the intent of the design, and remove the specific technical requirement of 60%. Which would then be housed in the Land Development Code and the Comprehensive Plan. She then provided the members with an example of this problem with the Conditional Use they approved recently for the Panda Express.

Agency member David asked why the clause is in the ordinance regarding the City Manager or his designee and why it doesn't just state the Community Development Director. The Land Use Attorney explained that ultimately the City Manager has the power to direct staff and is why the clause reads as it does.

**Agency member David made the motion to recommend City Council approve proposed Ordinance 21-05-PC and direct staff to submit the proposed ordinance to the Florida Department of Economic Opportunity, with Agency member Drexler providing the second. The motion passed 6-0.**

**F. Proposed Ordinance 21-06-LC relating to the regulation of police and fire protection within the City of Destin.**

The City Attorney read the ordinance by title into the record.

**ORDINANCE NO. 21-06-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO ARTICLE 7 OF THE LAND DEVELOPMENT CODE "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS"; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES" TO INCLUDE POLICE PROTECTION AND FIRE PROTECTION AS A CONDITIONAL USE IN ALL CITY ZONING DISTRICTS"; PROVIDING FOR CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE, CONFLICTING PROVISIONS, SEVERABILITY, AND AN**



**EFFECTIVE DATE.**

City Planner Daniel Butler explained currently there is a use in table 7-2 in the Land Development Code labeled as Justice Public Order and Safety Activities which entails Fire and Police protection under the North American Industry Classification System (NAICS) code. However, this use is only permitted in two zoning districts and as a Conditional Use in one zoning district. With these being some of the city's smallest zoning districts, what this ordinance would do is it would add a NAICS code for specifically Police and Fire Protection and make them a Conditional Use in all zoning districts in the city.

The Chairman opened the hearing to the public. With no one coming forward to speak, he closed the public portion of the hearing and asked the Agency members for comments or a motion.

**Motion by Agency member Ledbetter to recommend City Council approve Ordinance 21-06-LC, with Agency member David providing the second. A roll call vote of 6-0 was taken and the motion passed.**

**G. Proposed Ordinance 21-08-LC relating to amendments to the multi-family long term uses in the Commercial General zoning district in Article 7 of the Land Development Code.**

The City Attorney read the ordinance by title into the record.

**ORDINANCE NO. 21-08-LC**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO ARTICLE 7 OF THE LAND DEVELOPMENT CODE “LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS” TO REQUIRE MULTI-FAMILY LONG-TERM USES TO INCLUDE COMMERCIAL COMPONENTS IN THE COMMERCIAL GENERAL (C-G) ZONING DISTRICT; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE, CONFLICTING PROVISIONS; SEVERABILITY, AND AN EFFECTIVE DATE.**

Mr. Butler explained that Ordinance 21-08-LC would amend the LDC to prohibit long-term residential uses without a commercial component of at least 45% of publicly leasable commercial space. And currently, long-term residential uses are already conditional within the CG Zoning District. However, staff wants to add a minimum of 45% to keep the intent of the Commercial Zoning District.

Agency member Ledbetter asked for an example of one already built.

Mr. Butler explained that if somebody was to propose a long-term residential multicomplex units of ten units or more, at least 45% of that space would have to be publicly leasable to a commercial tenant. And explained further that if the sites 5,000 square feet then just under twenty-five hundred square foot would have to be available for public lease.

Mrs. Witt added an example of the Vintage Destin apartments near Target explaining those would not be able to be built, if this provision were already passed or, 45% of that development would be required to be commercial to keep the intent of the Commercial General District.

**Agency member Bell made the recommended motion for the Local Planning Agency to recommend City Council approve proposed Ordinance 21-08-LC, with Agency member Ledbetter providing the second. A roll call vote of 6-0 was taken and the motion passed.**

## H. Cross Town Connector Update

The City Engineer provided the Agency members with an update of the status of the Crosstown Connector (CTC). He provided a short Power Point Presentation of the background of the project and how currently it is at a 30% status, the following goals that have been met:

- June 1, 2020 – City Council approved the redesign of the CTC from a 4-lane to a 2-lane roadway.
- October 19, 2020 – City entered a contract with Atkins for redesign.
- February 2021 – Atkins provided 30% plans for review and comment.



CTC Design Element:

- Boulevard Style Roadway with a large, landscaped median.
- Benning Intersection Proposed All Way Stop, as directed by City Council.
- Beach Intersection Proposed Roundabout.
- Open Space –Possible Linear Park.



According to the Chairman, he checked with FDOT's 5- year work plan, prior to the meeting and they are showing in 2021 of \$5.865M in 2022 of 1.7 million and Okaloosa County has given us 1.6 million per year for three years for construction.

The City Attorney explained that the amount from the TDC was lowered to \$3.3 total and because they had to shift some funds around so that the city council complete the beach acquisition project.

## 6. DIRECTOR'S REPORT:

According to Mr. Zunguze, the long-awaited Harbor Capacity Study began last month, and the Steering Committee appointed by Council to oversee the study, has started to meet as well. The study should take about a year to establish the environmental health of the harbor, the overall safety for our visitors and workers, and the viability of the businesses on the harbor in order for City Council to be able to create potential guidelines.

Mr. Zunguze also informed the Agency members that staff has started the undertaking of the Land Development Code Update. They will be presenting the proposed budget and contract for approval at the April 5<sup>th</sup> City Council Meeting. After which staff will be bringing it before them to outline how they are going to proceed.

## 7. NEXT MEETING: April 19, 2020

## 8. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 7:30 p.m.

Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
James Wood, Jr. Chairman

\_\_\_\_\_  
Kim Montgomery, Destin City Clerk

**MINUTES  
HARBOR COMMUNITY REDEVELOPMENT  
AGENCY ADVISORY COMMITTEE MEETING  
MARCH 10, 2021 - 5:30 PM  
DESTIN CITY HALL BOARDROOM**

**1. CALL TO ORDER:**

Chairman Buckingham called the meeting to order at 5:30 p.m. on Wednesday, March 10, 2021 in the Destin City Hall Board Room.

**2. ROLL CALL & PLEDGE OF ALLEGIANCE:**

**Present**

Mike Buckingham  
James Green  
Casey Jones  
Sandy Trammell  
Jan Best  
Mike Raim  
Ian Blaise

**Staff Present**

Kim Montgomery, Deputy City Clerk  
Traci Goodhart, Planner  
Louis Zunguze CD Director  
Himangi Mutha  
Daniel Butler  
Don Smith, City Engineer

**3. MINUTES: February 10, 2021**

**Motion to approve the minutes of the February 10, 2021 was made by Committee member Green with Committee member Trammell providing the seconded. The motion passed with a 7-0 vote for approval.**

**4. Public Records/Sunshine Law Training - City Attorney Kyle Bauman:**

The City Attorney presented the members with the City's Public Records Policy, Resolution 19-27 explaining how it was modeled after the City of Tallahassee's and adopted by Council. He also presented the members with a short Power Point Presentation with a Sunshine Law Handout and touched briefly on each important items.

He spoke of how they all should now be using their City of Destin email address for all city business. And explained how if they do get a city related email to their personal email account, to forward it to their city email address so that it can be captured and searchable in the city's email server. He also covered text messages and how to handle those as well social media, in regard to comments and likes. He also spoke of how that now that they are considered a public official, they are responsible to keep those Under the Sunshine as well.

For the Sunshine Law, he explained how any meeting of two or more members where a conversation may be about city business, constitutes a public meeting and has to be done "In the Sunshine." So, it would have to be open to the public with a reasonable notice advertised and minutes would have to be taken. Noting that there is no reason why two or more members cannot be friends and do things together, however, they cannot discuss any item that may come before the committee for discussion and a possible vote. He also briefly covered Standards of Conduct and Voting Conflicts.

**5. OLD BUSINESS:**

➤ **Harbor CRA Master Plan**

Mrs. Goodhart informed the members that staff is in the process of undertaking an overdue update of the plan. She explained that City staff went back through past minutes over the past few years and identified some items that advisory members had identified for changes or updates that they'd like to see included.

Chairman Buckingham spoke of wanting assurance that that the plan will come back before them in a staged process of around 50% to review and add as necessary. Then be brought back again for a final review and they make a recommendation for adoption by Council.

**Motion by Vice Chairman Green, seconded by Chairman Buckingham for staff to precede to update the Harbor CRA Master Plan for consistency with the Comprehensive Plan and complete an update and revision of the Master Plan as a whole. The motion passed 6-1 with Best dissenting.**

Mrs. Goodhart also informed the members that if they have any additional suggestions that they would like to see added before their next review, to please forward those to staff so they can be implemented.

➤ **2021 Work Plans**

According to Mrs. Goodhart, staff has noted the work plans that the Advisory Committees has chosen, and they are:

- Established Harbor Regulations. Mrs. Goodhart noted for the record that Mr. Jones' name still has not been removed however, she assured everyone that she will have his name removed by the next meeting.
- Harbor Parking and Transportation Improvements; staff has taken the items they wanted in their work plans and have identified projects within the city that may benefit or support those items.
- Land Development Code update, is expected to be completed by the end of this year.
- Harbor Parking and Transportation Improvements, which is number two under Improved Harbor Regulations. She spoke of how staff feels that the Harbor Capacity Study would support this initiative. And, this particular project will become active in the next couple months and is expected to wrap up at the end of this year. With the final product ready by Fall of 2022. The Harbor Stormwater Mitigation Plan supports the City's Master Plan Update. This should be brought before them for review and comment in the coming months.
- The Harbor Median Landscaping, is supported by the Way Finding Master Plan and is initiative that the city is undertaking in addition to the FDOT Landscape Project, which has been approved and will be initiated.
- Harbor CRA Master Plan. This staff driven initiative with the support of the CRA and supports their work going forward.

**Committee member Trammell motioned to change the Order of the Day to move Wen Livingston's Presentation from her Committee Member Comments to the Work Plan discussion. Committee member Jones provided the second. A roll call vote of 7-0 was taken and the motion passed.**



## DRAFT

The Library Director, Wen Livingston explained she has been working with the Grants & Projects Manager and Kathy Marler Blue for historical sites and locations to place markers. Some of the areas identified are:

- Clement Taylor Park
- Capt. Royal Melvin Heritage Park
- The Harbor Boardwalk
- The docks behind Harborwalk Village

She informed the members that she has had discussions with Mr. Zunguze regarding the Wayfinding Plan and how to implement the same designs into the markers to stay consistent from location to location. With a future plan to one day to have a historical walking tour.

Committee member Trammell stated that she will work on creating a work plan item and come up with some measurable goals.

Committee member Green spoke of how growing up the docks behind Harborwalk Village were always called the Kelly Docks and wanted assurance that when the signs are created, that is the name that will be on the signs, since that is their historical name. Committee member Raim agreed with they should be named the Kelly Docks.

Mrs. Livingston stated that she is also gathering information from Ms. Blue on the first fish camp locations and the early pioneering families. But is just in the preliminary stages of gathering the information. She also spoke of the need to have a good concept of what direction they need to go so that the funds can be appropriated, and grants obtained.

**Motion by Committee member Trammell, seconded by Chairman Buckingham to add the Historical Identity Work Plan to their list of Work Plan items. The motion passed 7-0.**

### ➤ Development Project Update

Committee member Best asked that they be briefed on the status of the Point One Marina project, as it stands at their next meeting. According to Mr. Zunguze, that project's Completeness Review is just being finalized and he will gladly place it on the next agenda for discussion.

### ➤ Calhoun Avenue/Zerbe Street Pedestrian Improvements

According to Mr. Smith, this is a Public Works project however, he does know that the project is has started. And in reference to some questions that was brought up during their last meeting regarding the boardwalk; the contractor has been informed to stop at the Clement Taylor Park until those issues are resolved.

## 6. NEW BUSINESS:

### ➤ Finance Update / Krystal Strickland - Debt Financing Update

- \$3.9M Bond that will be maturing in 2029.
  - RFP has been put out for a lower interest loan with the plan to include this bond since it's callable.
  - If it's a benefit, she will bring before them the Interlocal Agreement between

the CRA and the City to agree on the repayment.

Committee member Green asked what her projection is with the with the current loan rates compared and kind of benefit will there be?

According to Ms. Strickland, the General Fund has a debt that also has about a 10-year maturity. And when packaged together with the new debt, that we're likely to take on for the recent beach purchases, but should be paid by the Okaloosa Half Penny Tax. Additionally, she explained, she will be putting about \$12M out in the market, with a potential to get a rate under 2% and closer to the 1%. Adding that she is projecting that between the General Fund and the and the Harbor CRA, the city could save between a hundred to three hundred thousand dollars over the life that last 10-year life of the of the bonds. She emphasizes that this is just informational at this time.

Committee member Trammell asked if her plan was to stay with the 10-year limit or will it be extended. According to Ms. Strickland, the plan is to stay at the 10-year period, since the rates are so good. Adding that the Okaloosa Half Penny Tax will also expire in 2029. So, there is no real reason to extend it any further. And her plan is to bring them updates on the financial status of just the Harbor CRA at their future meetings.

She then provided the following:

- **Capital Projects and the Operational Report**
  - Captain Royal Melvin Heritage Park & Plaza
  - Wayfinding Signs
  - Harbor Capacity Study
- **Operational Report/Year-to-date Budget**
  - **Both CRA's have their own funds**
  - **TIF Funds are restricted solely for use within the CRA's**
    - Debt Services
    - General Funds
  - **Projected Unassigned Balance**
    - Cash Reserves of \$3M
      - Cash flow account for cash reimbursement grants totaling \$30M.

Explaining the budget is on the website and is very user-friendly noting that there are imbedded links in the Table of Contents that will take anyone directly to the page they are looking for.

➤ **Cross Town Connector Update (CTC)**

The City Engineer provided the Agency members with an update of the status of the Crosstown Connector (CTC). He provided a short Power Point Presentation of the background of the project and how currently, it is at a 30% status, and the following goals that have been met:

- June 1, 2020 – City Council approved the redesign of the CTC from a 4-lane to a 2-lane roadway.
- October 19, 2020 – City entered a contract with Atkins for redesign.
- February 2021 – Atkins provided 30% plans for review and comments.

- ROW Consultant is the next step in order to purchase the necessary ROW and finalize the plans.
- 2024 is the current projected start of the project.



CTC Design Element:

- Boulevard Style Roadway design with a large, landscaped median.
- Benning Intersection Proposed All Way Stop, as directed by City Council.
- Beach Intersection Proposed Roundabout.
- Open Space –Possible Linear Park.



Committee member Green asked why the roundabout was removed from the Benning drive portion of the plans. According to Mr. Smith, there are utilities in the ROW that would have to be moved and would be a significant cost increase as well as grade issues. Also, City Council directed staff to make it a four-way stop.

## DRAFT

Committee member Trammell spoke of how she feels that the roundabout needs to be reconsidered because of how the traffic stacks up already and the people that live on Azalea near there are not going to be able to back out of their driveways. Not to mention the new attached housing that is under construction in the general vicinity will be adding to the traffic congestion.

**Motion by Committee member Trammell for this committee to look again at the intersection at Benning and Azalea City Council to reconsider a roundabout to facilitate the flow of traffic and also to facilitate the ingress and egress to those townhomes on Azalea. With Chairman Buckingham providing the second. The motion passed 7-0.**

Committee member Trammell asked staff how much financing is coming from the TPO, noting that this has been on the agenda for the past 15-years.

According to Mr. Smith, he knows that there is a TRIP grant of approximately \$2.7M for the ROW. As well as \$3.3M TDD funds.

Committee member Trammell spoke of how the project was at one time moved to the top of for the TPO but because it was not ready at the time, it was moved back down on the list. She also mentioned that she knows additional funds can be obtained from the State and the TPO.

According to Ms. Strickland, after July, there is the TRIP award from the State of Florida of \$1M for FY-21 and \$1.7 million for FY-22 that can be used after July. But only for ROW acquisition and nothing else. However, there is an issue with the grant in regard to fund matching requirements. She spoke of how staff working through the details and hopefully, they can bring back additional information at either their April or May meeting. Adding that the current funding set aside is not enough to acquire the additional ROW.

Committee member Trammell suggested staff get in touch with Mr. Jim Wood since he is the former TPO Chairman still follows every detail, since he still serves on the TPO Advisory, and may have some connections to get this project back to the top of the funding list.

### ➤ **Committee member Comments:**

**Committee member Green:** Spoke of the boardwalk decking problems that are taking place in front of his boat. He explained that the stringers that are holding up the decking is where the rotten wood is located. He noted that there are cones out there but, and something needs to be done soon before additional litigation happens.

**Committee member Raim:** Spoke of how he has been having some work done on his dock and the people on the wave runners are still coming too close to the docks and something needs to be done.

### ➤ **Public Comment:**

Mr. Mike Abadie of 530 Harbor Blvd. spoke of how he tried the boom/sock filtration that this committee recommended at a recent past meeting and spoke of how it did not work as well as they all thought it would. He added that he set up tarps and had the runoff contained on his property into his stormwater runoff and it worked very well. He suggested that this method be used as opposed to their

recommendations. Adding that he had staff from Code Compliance and Engineering, and they all agreed.

Mr. Claude Perry spoke of the City Marina idea and how there could be an impact on the tax funds that come into the city as well as the TIFF Funds. He then asked the Chairman for some clarification on the information at this point since he was leading the charge on the city marina concept.

According to Chairman Buckingham, he is not representing the City of Destin nor is he representing any particular property owner. Adding that he just had thought of how nice it would be to have a city marina in the harbor. He spoke of how he brought this up to several different property owners including him (Mr. Perry) asking if they would be interested in selling their property. Some said no and others said maybe. He emphasized that he is only doing this because he is interested in protecting the fishing industry, of which is very important to the city and its citizens.

Mr. Perry also spoke of how Destin is a resort destination, and he will defend the harbor as a Festive Market Place and the pontoon and jet ski businesses. Further conversations took place regarding the need to have the channel realigned and how it would benefit a lot of businesses on the harbor and allow for more slips.

**DIRECTORS REPORT:**

Mr. Zunguze announced that the Harbor Capacity Committee has officially started on February 22<sup>nd</sup>.

- **Next meeting: April 14, 2021**

**7. ADJOURNMENT:**

Having no further business at this time, the meeting was adjourned at 7:00 PM.

Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Mike Buckingham, Chairman

\_\_\_\_\_  
Kim Montgomery, Deputy City Clerk



## CITY OF DESTIN



## AGENDA ITEM

**COUNCIL MEETING DATE:** April 19, 2021  
**TYPE OF AGENDA ITEM:** Consent Agenda  
**AGENDA OUTLINE NUMBER:** 6.B.

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**TO:** City Council

**THRU:** Webb Warren, Deputy City Manager

**FROM:** Rey Bailey, City Clerk

**DATE:** April 14, 2021

**SUBJECT:** Request approval of Councilmember Teresa Hebert's enrollment in the Destin Chamber of Commerce Destin Forward Class

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**I. BACKGROUND:** Destin Forward is designed to provide a hands-on learning experience into the issues facing the Destin community on a day-to-day basis. Participants learn from experts in many different fields, including the environment, boat safety, tourism promotion, and government affairs.

**II. DISCUSSION:** Up to 25 business professionals will be accepted into Destin Forward. The program will begin in late August and end with graduation in May. Class will meet on the second Thursday of every month.

**A. Link to Strategic Goals / Objectives:**

**B. Effect on Budget (EOB):** Enrollment fee for Destin Forward is \$690. Staff recommend an internal budget transfer from Council-Travel (015110-540000) to Council-Training (015110-555000) to cover the cost of this training. See the attached internal budget transfer.

|                                | FY2021<br>BUDGET |
|--------------------------------|------------------|
| 0151110-555000                 |                  |
| COUNCIL-TRAINING               | \$ -             |
| FY21 Adopted Budget            | -                |
| Internal Transfer              | 690              |
| Previous Expenses/Encumbrances | -                |
| Available Program Budget       | 690              |
| This Agreement +(-)            | (690)            |
| FY21 Remaining Program Budget  | \$ -             |

**C. Level of Service (LOS):**

**III. CONCLUSION:** Councilmember Hebert requests Council's approval to enroll in Destin Forward class, with enrollment fee to be taken from the Training Budget Account for the City's elected officials.

**IV. RECOMMENDED MOTION:** Motion to approve Councilmember Hebert's enrollment to the Destin Forward class and to approve the recommended internal budget transfer.

Attachments:

1. Internal Budget Transfer Council Training

# CITY OF DESTIN Budget Internal Transfer Form

|             |      |                   |           |                             |          |
|-------------|------|-------------------|-----------|-----------------------------|----------|
| Fiscal Year | 2021 | Short Description |           | Entity Code                 | 1        |
| Period      | 7    | Effective Date    | 4/19/2021 | Amendment Type*             | 1        |
| Ref 1       | BUA  | Budget Year Code  | 1         | Budget Projection Inclusion | One Time |
| Ref 2       | ADJ  |                   |           |                             |          |

\*AMENDMENT TYPE: 1 = Exp/Exp or Rev/Rev, 2 = Exp/Rev, 3 = Exp/Rev one sided, 7 = Exp/Rev Inter fund, 8 = Exp/Exp Inter Fund

| ORG                     | OBJECT             | PROJECT | LINE DESCRIPTION              | (I)ncrease<br>(D)ecrease | AMOUNT    | CURRENT<br>AVAILABLE<br>BUDGET | REVISED<br>AVAILABLE<br>BUDGET |
|-------------------------|--------------------|---------|-------------------------------|--------------------------|-----------|--------------------------------|--------------------------------|
|                         |                    |         |                               |                          |           |                                |                                |
|                         |                    |         |                               |                          |           |                                |                                |
| 0151110<br>CITY COUNCIL | 555000<br>TRAINING |         | HEBERT DESTIN FORWARD TUITION | I                        | \$ 690.00 | \$ -                           | \$ 690.00                      |
| 0151110<br>CITY COUNCIL | 540000<br>TRAVEL   |         | HEBERT DESTIN FORWARD TUITION | D                        | \$ 690.00 | \$ 12,924.00                   | \$ 12,234.00                   |
|                         |                    |         |                               |                          |           |                                |                                |
|                         |                    |         |                               |                          |           |                                |                                |
|                         |                    |         |                               |                          |           |                                |                                |
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|                         |                    |         |                               |                          |           |                                |                                |

|              |          |       |
|--------------|----------|-------|
|              | Initials | Date  |
| Created by:  | _____    | _____ |
| Entered by:  | _____    | _____ |
| Approved by: | _____    | _____ |

Note  
Internal Transfer from Travel to Training to pay tuition for Council person  
Hebert to attend the 9-month Destin Forward course

|                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| First Name                                     | Daniella                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Last Name                                      | Piper                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Home Address                                   | 608 Main Street                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| City                                           | Destin                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| State                                          | FL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Zip                                            | 32541                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Phone                                          | 4044356439                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Email                                          | daniellampiper@gmail.com                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Business Name                                  | Field not completed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Business Address                               | Field not completed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| City                                           | Field not completed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| State                                          | Field not completed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Zip                                            | Field not completed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Brief description of education and experience: | I graduated from Choctawhatchee High School in 1981 and moved to the Atlanta area where I attended Kennesaw State University. I have 20 years of experience as a paralegal and I currently work remotely for a law firm in Atlanta. My work involves quiet title lawsuits, property disputes, legal description errors and various probate and tax issues affecting property ownership. My husband and I purchased our home in Destin five years ago and we moved here to be close to family and the beautiful Gulf of Mexico.. |
| How long have you lived in Destin?             | 5 years                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

|                                                                                                             |                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Are you currently a resident of Destin?                                                                     | Yes                                                                                                                                                                                                                                                                                 |
| Are you a registered voter in Okaloosa County?                                                              | Yes                                                                                                                                                                                                                                                                                 |
| Do you currently hold a public office?                                                                      | No                                                                                                                                                                                                                                                                                  |
| Have you ever been convicted of a felony?                                                                   | No                                                                                                                                                                                                                                                                                  |
| If you have been convicted of a felony, please explain and provide date(s).                                 | <i>Field not completed.</i>                                                                                                                                                                                                                                                         |
| List any city boards or committees you are currently a member of.                                           | Parks and Recreation                                                                                                                                                                                                                                                                |
| Select the board or committee you are interested in serving on.                                             | Board of Adjustment                                                                                                                                                                                                                                                                 |
| List your qualifications to serve on the selected board or committee.                                       | I currently work remotely for a law firm in Atlanta. My work involves quiet title lawsuits, property disputes, legal description errors and various probate and tax issues affecting property ownership.                                                                            |
| What do you consider the purpose of this board/committee to be?                                             | To hear and decide upon applications for variances, special exceptions, and administrative appeals when it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance.        |
| What would you like to see this board/committee accomplish?                                                 | I would like to see this committee help make fair decisions regarding issuing variances, exceptions and appeals that adhere to the City of Destin Vision both in the short term and long term, and are fair to residents and businesses and support the healthy growth of our city. |
| If you have discussed this application with any member(s) of the Destin City Council, please identify them. | Teresa Hebert                                                                                                                                                                                                                                                                       |

**BY CHECKING THE ELECTRONIC SIGNATURE VERIFICATION BOX BELOW, I INDICATE MY DESIRE TO SERVE THE CITY OF DESTIN IN A VOLUNTARY CAPACITY AS A MEMBER OF ONE OF ITS BOARDS, COMMITTEES, PANELS**



OR COMMISSIONS. I ALSO CONFIRM MY UNDERSTANDING OF THE MEETING TIMES AND ATTENDANCE REQUIREMENTS, AND WHERE APPLICABLE, THE REQUIREMENT TO FILE AN ANNUAL FINANCIAL DISCLOSURE FORM (FORM 1). I UNDERSTAND THAT I WILL BE REQUIRED TO FILE THIS FORM ANNUALLY IF SELECTED AS A MEMBER OF THE LOCAL PLANNING AGENCY OR BOARD OF ADJUSTMENT. INITIAL FILING WILL BE REQUIRED WITHIN 30 DAYS OF APPOINTMENT; FOLLOWING THAT, I WILL BE NOTIFIED BY MAIL BY THE COMMISSION ON ETHICS OR THE SUPERVISOR OF ELECTIONS OFFICE.

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Signature

Electronic Signature Verification

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Date

3/22/2021

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