

**REGULAR MEETING
DESTIN CITY COUNCIL
JUNE 21, 2021
ANNEX COUNCIL CHAMBERS
6:00 PM**

*****Core Value of the Month - Integrity*****

CALL TO ORDER

INVOCATION (Pastor David J. Butler - Faith Assembly Christian 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 June 14, 2021 Budget Workshop
- B. Approval of minutes of June 14, 2021 Special City Council Meeting
- C. Approval of minutes of May 10, 2021 City Council Workshop

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

- A. Proclamation - Parks and Recreation Month
- B. Water Safety Video - Mr. Greg Fisher, CEO, Okaloosa County Watersports Operators Coalition

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. Historical Information on Harbor Master and Harbor Compliance Officer
- D. Potential implementation of a countywide Tourism Development Taxing District
- E. COMPASS System/EnerGov Update
- F. ANNOUNCEMENTS
 - 1) Independence Day Fireworks: July 4th, 9:00pm, East Pass.
 - 2) City facilities will be closed in observance of Independence Day on Monday July 5th, 2021.
 - 3) The next City Council meeting will be held on Tuesday July 6th, 2021 at 6:00pm, City Hall Annex.
 - 4) FY22 Capital Projects budget workshop will be held on Monday July 12th, 2021.

5. PUBLIC HEARINGS

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

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

- A. Councilmember Braden
 - A) Low Speed Vehicles (SLV)
 - B) Livery Vessel Fees
- B. Councilmember Ramswell
 - A) Submerged Land Lease follow-up direction
- C. Councilmember Destin
- D. Councilmember Morgan
- E. Councilmember Hebert
- F. Councilmember King
 - A) Catch and Release Pond at Crosstown Connector
- 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. Past council meetings can also be viewed here.

Please visit our agenda center on the city website at www.cityofdestin.com/agendas

**MINUTES
BUDGET WORKSHOP
DESTIN CITY COUNCIL
JUNE 14, 2021
ANNEX COUNCIL CHAMBERS
5:30 PM**

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

Destin City Council

Mayor Gary Jarvis
Councilmember Kevin Schmidt
Councilmember Dewey Destin

Councilmember Chatham Morgan
Councilmember Terésa Hebert
Councilmember Prebble Ramswell

City of Destin Staff

City Manager Lance Johnson
City Clerk Rey Bailey
Public Services Director Michael Burgess
Parks and Recreation Director Lisa Firth
Grants/Program Manager Jeffrey Cozadd
Community Development Director Louis Zunguze
Code Compliance Manager Joey Forgione
City Attorney Kyle Bauman

Deputy City Manager Webb Warren
Finance Director Krystal Strickland
HR Manager Nichole De Vito
Public Info Manager Catherine Card
IT Manager Matthew Pace
Library Director Wen Livingston
Deputy Parks/Rec Director Ryan Reed

CALL TO ORDER

Mayor Gary Jarvis called the meeting to order at 5:40 PM.

WORKSHOP

A. Strategic Planning and Fiscal Year 2022 Operations Budget

The City Manager discussed the following items:

2021 Budget Process

- Visioning Session – January 2021
- Operational Budget Workshop – June 14, 2021
- Capital Budget Workshop – July 12, 2021
- Individual sessions with the Council for Capital and Operational budgets – August 4-5, 2021
- Optional Budget Workshop – August 9, 2021
- Adoption of a Balanced Budget – September 2021

Classifying Priority Items

Most items can be classified as:

- Capital Projects – will be discussed during budget workshop #2 on July 12th
- Improvements – generally management/administrative process related items
- Initiatives
- Parked or Shelved – waiting for future resources to become available

3 Kinds of Priorities:

- Critical – priorities must be successfully accomplished within a specific time, no matter what. Resources from “desirable” priority items may have to be acquired to meet the established deadline (1-3/year)
- Important – priorities have fixed resources with varying time requirements and/or objectives
- Desirable – priorities have variable resources and time. The organization desires an outcome but cannot absolutely commit specific resources over a specified timeframe. Resources from these are diverted to critical priorities when required

Strategic Planning Review

In January 2021, Council participated in the annual Visioning Session which resulted in the following list of projects, improvements and initiatives:

➤ Visioning Session Priority Items Identified

	<u>Council Votes</u>
❖ COMPASS/ENERGOV Implementation	7
❖ Staffing Needs (i.e., competitive wages, staff, etc...)	6
❖ City Marina (Phase 1 Feasibility Study)	5
❖ Convention Center/Multi-Use (Phase 1 Feasibility Study)	5
❖ City Annexation (Maintenance Issues, Enclaves-Inconsistent appearance)	3
❖ Livery Vessel Regulation/Permitting	3
❖ Parking lot drop off space (Fish cleaning, bathrooms, In-shore guides)	3
❖ Transit Trolley (i.e., access to public beach, along US Hwy 98)	3
❖ Building Permits (routine/quicker close out, do not add unless Code provides for)	2
❖ Improve parking (i.e., explore options, garage, surface)	2
❖ Beach Renourishment	1
❖ High School – assist private efforts	1
❖ Holiday Decorations (pre-plan/install electrical)	1
❖ Implement a roadway striping program	1
❖ Improve west end of US Hwy 98 (i.e., Harbor CRA)	1
❖ Request TDC funds for all services	1
❖ Revenue Sources (explore/expand)	1
❖ Wayfinding Program (develop/implement)	1

➤ Other Items Identified

	<u>Council Votes</u>
❖ Beach Cleanup – per contract/take over service	0
❖ Bring New Ideas (CM/Staff to Council)	0
❖ Continuity of Streetlights – convert to LED	0
❖ Contracts – improve writing/follow up	0
❖ Core Services – make effective/efficient	0
❖ Enforce Residential Boat & RV Parking Regulations	0
❖ Golf Cart/LSV Rules & Update	0
❖ Implement Enhanced Signage Control	0
❖ Improve City/County Relationship	0
❖ Improve Communications w/Council/Public/Staff/CM-Council	0
❖ Improve Sidewalks (wider/more walkable)	0
❖ Improvement of City’s Gateways	0
❖ Public Access Waterways	0
❖ Redevelopment (partnerships, attention to run down areas)	0
❖ Reestablish Environmental Committee	0
❖ Renewal & Replacement Program (Funds reoccurring)	0
❖ STR Compliance w/ Regulations	0
❖ US Hwy 98 Improve Sections Not Updated – add trees/signage	0
❖ US Hwy 98 Improvements (landscaping/utility to reduce interruption)	0
❖ Welcome Sign (move to east side, provide photo opportunity)	0

The City Manager noted that staff has updated the Strategic Plan Summary Sheet to expedite Council’s review. Council’s questions, comments, and recommended changes will help staff complete this document to meet the Council’s expectations. He stated this is Council’s plan and so Council members should feel free to point out needed changes so staff can bring back a revised version for adoption. The revised version will be placed on the June 21st Council meeting agenda for Council’s consideration and adoption.

Councilmember Ramswell pointed out that the Vision Statement under the City of Destin Strategic Plan reads: “*Destin is a family-oriented beach and fishing community where people want to live, work & play and where guests are welcomed to respectfully enjoy our community and its resources.*” Following that statement is a prioritized customer groups and they listed “Visitors” as a number 3 priority behind “Year-Round Residents” and “Destin-Based Businesses.” She stated that changing the word “visitors” to “guests” under Vision Statement seems awkward as it makes it sound the City operates a hotel business.

The City Manager will review meeting minutes to see when the change was made.

Mayor Jarvis asked if they could use some of the money from their reserved funds to construct pickleball courts. He stated that it is not on the list of priorities, but it would provide more recreational activities for the City. They could probably build enough courts to be used for tournaments.

The City Manager stated that the Council has the prerogative to add or make any changes they want on the list. Staff is crafting the document the Council will vote on in September. The document may change as they progress towards that period.

At this time, the City Manager called upon Finance Director Krystal Strickland to facilitate the rest of the meeting.

Ms. Strickland announced that the next Budget Workshop scheduled for July 12th will focus on the capital projects. She asked each member of the Council to identify their top 3 or 4 priority projects; stating they may not be able to fund everything this next fiscal year, but they will make every effort to have them funded at least within their 5-year plan.

Each member of the Council identified their top priorities:

Councilmember Schmidt:

- City Marina
- Convention Center/Multi Use (Phase 1 Feasibility Study)
- Crosstown Connector
- Beach acquisition

Councilmember Hebert:

- Staffing Needs (competitive wages, more staff, etc.)
- Convention Center/Multi Use Facility (Phase 1 Feasibility Study)
- Crosstown Connector

Mayor Jarvis:

- Public Beachfront Acquisition
- Convention Center/Multi Use Facility (Phase 1 Feasibility Study)
- Calhoun Multi-Use Redevelopment

Mayor Jarvis stated that pickleball courts is an expenditure that is not cost-prohibitive. Reserve fund can be used, and they could also look for some grants. He wants to put the city in a position where they could have off-season tournaments.

Councilmember Morgan:

- Public Beachfront Acquisition
- Staffing Needs (competitive wages, more staff, etc.)
- Convention Center/Multi Use Facility (Phase 1 Feasibility Study)

Councilmember Destin:

- Staffing Needs (competitive wages, more staff, etc.)
- Parking lot drop off space (Fish cleaning, bathrooms, In-shore guides)

Councilmember Destin stated there are a lot of big projects that are beyond their ability to fund at this time. He recommends focusing on those projects that they could fund without putting the City in financial peril; adding he would not vote to fund projects that

could put the City in precarious financial situation. For instance, the Convention Center/Multi Use Facility could bankrupt the city unless they receive grants for it. The parcel alone which they previously looked at for this project costs \$15 - \$20 million. He also noted that they already have the grant in place for the crosstown connector, and that the COMPASS/Energov System is already underway and will soon be implemented. He added they should be able to fund the parking lot drop off space with fish cleaning, as well as the pickleball courts without putting the city in financial peril.

Councilmember Ramswell:

- City Annexation (Maintenance Issues, Enclaves-Inconsistent appearance)
- Transit Trolley (i.e., access to public beach, along US Hwy 98)
- Staffing Needs (competitive wages, more staff, etc.)
- Wayfinding Program/Beautification and improving appearance of the city
- City Marina/Pier
- Linear Trail

Councilmember Ramswell stated that she likes the idea of a Convention Center/Multi Use Facility; however, they will not be able to afford it at this time unless they pursue a partnership with another entity. She stated that city annexation is very important as it can generate taxes coming from little enclaves surrounding the city, and which will make them a fully cohesive city. She stated that beautification and improving the appearance of the entire City is very important. It will help bring people into the city. They have ongoing issues with the medians and having trash everywhere. This goes along with wayfinding program implementation. As the “World’s Luckiest Fishing Village” she has been a proponent of city marina/pier for a while.

With regards to annexation, Councilmember Morgan stated that a lot of people believe it cannot be done, but he would like the city to at least try.

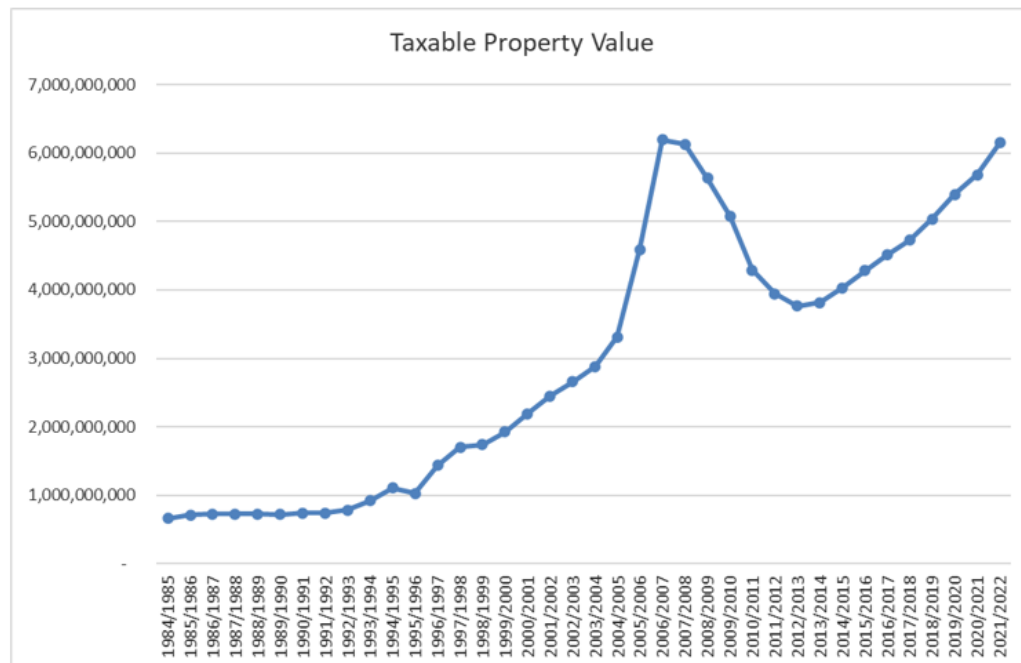
The Deputy City Manager stated that if they understand that city annexation is a council priority, they could bring back information as to what they believe it would require to pursue it from the budgetary and resource standpoints as it would also involve staff time and their ability to execute.

Councilmember Schmidt stated he would not object to staff conducting some research as it is already listed as one of the desirable priorities.

According to Councilmember Destin, staff could look at it, but the city would really need to incentivize people who live outside the city for the annexation effort to succeed; otherwise, it would most likely be a waste of money and staff time to pursue it.

Next, the Finance Director discussed the FY 2022 Operational Budget.

Ad Valorem – Taxable Property Values



Ms. Strickland announced their taxable property values has increased just above \$6 billion, just about the peak that they were in 2007.

Ad Valorem – Actual vs Projected

	<u>FY2021</u>	<u>FY2022</u>	<u>Amount of</u>	<u>%</u>
	<u>Actual</u>	<u>Projected</u>	<u>Increase</u>	<u>Change</u>
GF Ad Valorem @ 1.6150	\$8,069,061	\$8,685,256	\$ 616,195	7.6%
Town Center CRA (city)	290,297	397,430	107,133	36.9%
Harbor CRA (city)	331,449	354,898	23,450	7.1%
	<u>\$8,690,807</u>	<u>\$9,437,584</u>	<u>\$ 746,777</u>	

Above is the status of funding for the city at the current ad valorem rate of 1.615 mil; \$8.69 of which can be applied to General Budget.

Ad Valorem – at Different Millage Rates

Ad Valorem Taxes Payable per Household
Two scenarios to demonstrate the difference 1/10th of a mill creates

	<u>1.6150</u>	<u>1.7150</u>	<u>Variance</u>
Property Taxable Value			
\$100,000	\$161.50	\$171.50	\$10.00
\$475,000	\$767.13	\$814.63	\$47.50

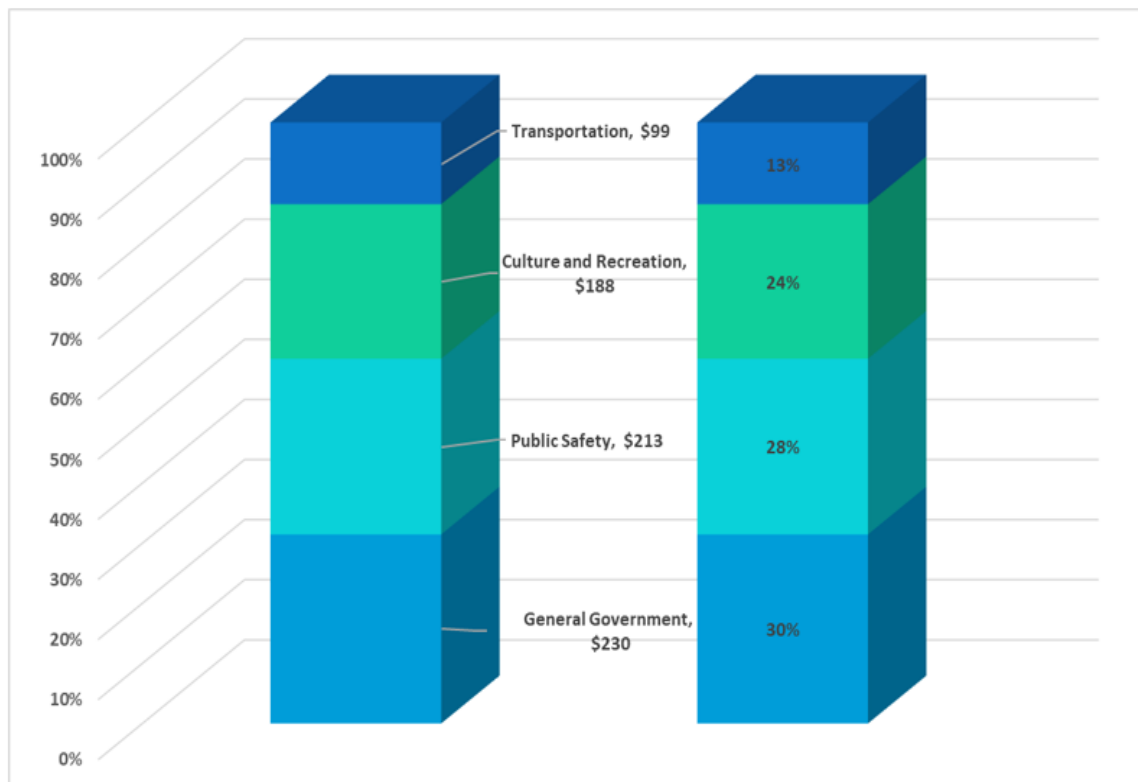
Zip code 32541 median real property value = \$475,000

Funding to the City at the two Different Millage Rates

	<u>1.6150</u>	<u>1.7150</u>	
Total Taxable Property Taxable Value*			
\$5,843,705,555	\$9,437,584	\$10,021,955	\$584,371
*for budgetary purposes use 95% of value			

This shows how much more money it will bring in to the City if they increase the millage rate from 1.6150 to 1.7150.

How are your tax dollars spent? (\$767 per median household)



General Fund Revenues

	<u>FY2020</u>	<u>FY2021</u>	<u>FY2021</u>	<u>FY2022</u>	
	<u>ACTUALS</u>	<u>ADOPTED</u>	<u>PROJECTED</u>	<u>PROJECTED</u>	<u>% Change</u>
Taxes	10,777,834	10,865,347	11,135,459	11,629,736	7%
Licenses & Permits	3,798,641	3,192,624	2,885,876	2,736,478	-14%
Intergovernmental (Op Grants & Sha	2,382,766	2,515,951	2,290,925	2,475,183	-2%
Intergovernmental (CIP Grants)	1,369,794	11,370,757	6,065,454	6,931,395	-39%
Charges for Services	513,087	499,843	613,518	553,992	11%
Other Revenues	655,895	49,521	124,238	186,012	276%
TOTAL GF REVENUES	19,498,016	28,494,043	23,115,469	24,512,795	-14%

Ms. Strickland noted a very big change in the State of Florida regarding the licensing and permitting category. All revenues related to building permits will be pulled out of the General Fund and will be placed in their own special revenue fund category. The State wants all the expenses related to enforcing Florida Building Code applied there. The State is trying to make sure building permit fees are not subsidizing general government. There is a new rule that if revenues are higher than building expenditures, the money will be returned to the citizens.

General Fund Revenue Highlights

- DECREASE \$4.4m: FY2022 Capital Grants are lower than FY2021
- INCREASE \$740k: FY2022 Ad Valorem taxable values increased
- DECREASE \$450k: Licenses and Permits in General Fund will decrease due to moving Building Permits into "Building Fund" (state regulatory)
- Parking fees will be segregated within the General Fund for commitment to addressing parking issues

FY2022 Projects

- Reviewing/revising the Schedule of Fees for all departments with possible increases in Parks and Recreation and Community Development fees
- An increase to the Electric Franchise fee is still under negotiations
- Exploring incorporation of parcels within City Limits

General Fund Expenditures

	<u>FY2020</u>	<u>FY2021</u>	<u>FY2021</u>	<u>FY2022</u>	
	<u>ACTUALS</u>	<u>ADOPTED</u>	<u>PROJECTED</u>	<u>PROJECTED</u>	<u>% Change</u>
Personnel	5,143,861	6,425,576	5,367,223	6,672,091	4%
Contract Svcs	3,951,348	4,412,606	4,088,680	4,182,172	-5%
Operations	2,144,712	2,911,505	2,127,639	2,866,189	-2%
Contributions/Contingencies	72,559	55,567	46,858	109,208	97%
Debt Service	509,643	545,598	4,228,274	85,738	-84%
Capital Outlays	869,979	22,470,621	12,363,696	9,821,565	-56%
TOTAL GF EXPENDITURES	12,692,101	36,821,472	28,222,370	23,736,962	

This is more of a functional way of listing business expenditures.

Councilmember Ramswell asked what accounts for the vast difference in debt service.

Ms. Strickland replied they have recently refunded the 2015 General Fund debt, and so the General Fund has far less debt at this point. The other restricted monies will be paying off the new debt.

Ms. Strickland noted that for FY 2021 they adopted a personnel budget of \$6,425,576. She explained that when they adopt this budget, they assume worst case scenario. They assume they will be 100% fully staffed, everyone will take full advantage of all benefits, and everybody will be placed at a certain level. The FY 2021 projected budget was about \$1 million less because they had a lot of unfilled positions and were never fully staffed all year long. About 62% of staff earned less than \$40,000 a year, which means they cannot take advantage of the city's full retirement benefit system.

General Fund Expenditures

	<u>FY2020</u>	<u>FY2021</u>	<u>FY2021</u>	<u>FY2022</u>	
	<u>ACTUALS</u>	<u>ADOPTED</u>	<u>PROJECTED</u>	<u>PROJECTED</u>	<u>% Change</u>
General Government	3,886,209	4,723,623	4,351,103	4,463,756	-6%
Public Safety	3,287,143	3,587,625	3,543,950	4,167,932	16%
Physical Environment	27,374	115,369	93,062	300,515	160%
Culture and Recreation	1,780,759	2,088,291	1,526,811	1,938,169	-7%
Others/Debt Svc/Cap Outlays	3,710,616	26,306,563	18,691,937	12,866,590	-51%
TOTAL GF EXPENDITURES	12,692,101	36,821,472	28,206,862	23,736,962	

This is another way of listing expenditures based on State of Florida categories.

General Fund Expenditure Highlights

- INCREASE \$246k: FY2022 Personnel Budget assumes all vacant positions will be filled (8 FT and 8 PT), wages will be increased to levels recommended by wage studies, and Health Insurance increase of 6%
 - *Implemented wage study achieves federal minimum wage schedule of \$15 per hour by 2026.*
- Capital Outlays for FY2022 are still under review and will be brought to the July Budget Workshop. Funding from capital grants (\$6m), RR fund balance (\$1.3m), Oka Half Penny (\$4m), Impact fees (\$2.6m), and excess general fund balance will be available for appropriation.

Personnel: 94 FT & 28 PT

- 2% Cost of Living
- 2% Merit
- Health Insurance increase 6%
- New Positions
 - 2 FT added during FY2021 (Permit Tech, Plans Examiner)
- Currently recruiting to fill 9 FT vacancies and 8 PT vacancies

	<u>FY2022</u>	
	<u>PROJECTED</u>	
Personnel	6,672,091	48%
Other Op Expenditures	7,157,569	52%
TOTAL GF Op Expenditures	13,829,659	

Ms. Strickland noted that 62% of staff currently earn less than \$40,000 a year, and 75% earn less than \$50,000. The lowest paid staff earn \$10.42 per hour (part time seasonal, i.e., day camp counselors). They would like to increase pay up to \$13.50 \$15.00 per hour depending on responsibility levels. The median hourly wage for all city workers is \$17.54 per hour, which equates to \$36,400 a year, which is really low. The goal is to increase the median hourly wage to \$21.15 per hour, which equates to nearly \$44,000 a year. This would result in 52% of staff earning between \$31,000 to \$50,000 a year.

General Fund Expenditure Highlights

- Working to better categorize expenditures by function as basis for fee schedules

BASIS FOR ALLOCATION OF TECHNOLOGY OPERATING EXPENDITURES						
<i>last updated: 6/11/2021 9:48 AM</i>						
# of Staff per Department			DRAFT: ALLOCATION EXAMPLE			
0151212	City Mgr	7				
0151215	City Clerk	3	<i>Allocation of communication services and general-use software licenses i.e. Microsoft Office, MUNIS, Outlook.</i>			
0151320	Finance	3				
			Total Staff	ORG		
0151321	HR	2	51 General Government	29	24% 0151932	\$ 80,834
0151324	Facilities	3	52 Public Safety - Gen*	9	8% 0152442	\$ 25,087
0151531	Com Dev	7	52 Public Safety - Bldg Fu	10	8% 11152441	\$ 27,874
0151932	IT	4	53 Physical Environment	2	2% 01513951	\$ 5,575
0152140	Xing Guards	3	54 Transportation	13	11% 0154160	\$ 36,236
0152441	Bldg Fund	10	57 Library	10	8% 0157180	\$ 27,874
0152442	Code Enforc	9	57 Parks and Rec	46	39% 0157283	\$ 128,220
0153951	StrmWtr	2		119	100%	\$ 331,700
						FY22 Software, Telco, Peripheries
0154160	Public Work	11	<i>*excludes 3 crossing guards charged to 0152140</i>			
0154161	Engineering	2				
0157180	Library	10				
0157233	LD Park	1	<i>Allocation of Energov annual maintenance/license expenditures</i>			
0157283	Parks	16				
			Total Staff	ORG	Dept Usage	
0157284	Morgans	8	0151531 Com Dev	7	27% 0151531	10%
0157291	TDC Beach	4	11152441 Bldg Fund	10	38% 11152441	80%
0157587	Com Ctr	17	0152442 Code Enforceme	9	35% 0152442	10%
		122		26	100%	100%

General Fund Expenditure Highlights

- Working to better highlight and capture true value of contributions:
 - Mattie-Kelly Landscaping (labor and equipment hours)
 - Rent subsidies (Museum, Food-4-Thought, Fishing Rodeo Blg)
- Other regular contributions:
 - \$9k Crossing Guards
 - \$13k Economic Development Council
 - \$25k Aquatic Center
 - \$1k Destin Fishing Rodeo

Ms. Stricland explained this is to highlight and put a value on the the city's contributions and donations including time and labor.

Change in Fund Balance

ALL FUNDS	FY2020 ACTUALS	FY2021 BUDGET*	FY2021 YTD ACTUAL	FY2021 PROJECTION	FY2022 PROJECTION
Net change in fund balances	6,364,540	1,165,340	5,733,168	556,892	(108,026)
Fund Balance, Beginning	24,384,428	27,727,696	27,579,624	27,579,624	28,136,516
Fund Balance, Ending	27,716,135	19,856,364	33,312,792	28,136,516	28,028,489

Ms. Strickland explained that most fund balance are restricted, and the following slide list all the details of restricted fund balance. Most of it are restricted by State regulations and cannot be spent on general operations. Looking at the details on both slides, they show that \$4.6 million of the \$28 million FY 2021 projection is restricted by outside agreements. The city has restricted another \$15 million internally by resolutions adopted by Council (i.e., tech fund, parking fund, debt service).

Fund Balance

ALL FUNDS	FY2020 ACTUALS	FY2021 BUDGET*	FY2021 YTD ACTUAL	FY2021 PROJECTION	FY2022 PROJECTION
Restricted					
102 Town Center CRA (State Regulations)			nonspendable 'til greater than zero		
110 Harbor CRA (State Regulations)	167,124	203,630	439,069	276,755	354,680
111 Building Fund (State Regulations)	-	-	(646)	229,374	87,028
209 Harbor CRA 2009 Debt Svc	276,722	(422)	40	0	-
213 General 2013 Debt Svc	92,757	92,623	386,368	93,341	93,341
214 Town Ctr CRA 2014 Debt Svc	244,394	244,463	1,699	245,752	245,852
221 Beach 2021 Debt Svc	-	(2)	1,611	1,650	1,650
305 Capital Projects (Grant Agreements)	-	22,252	(230,218)	1,141,743	1,799,113
315 Impact Fees (State Regulations)	3,279,071	821,801	3,302,947	2,673,345	2,705,010
	4,060,068	1,384,345	3,900,870	4,661,959	5,286,673
Committed					
1 yr debt svc	1,858,650	1,807,915	4,887,469	5,794,249	2,588,740
3 mos emergency ops x 2	6,028,129	6,028,129	6,028,129	6,028,129	6,910,389
122 Parking Fund	-	-	-	-	200,000
125 Tech Fund	148,072	153,234	179,054	207,051	47,849
129 Oka Half Penny	-	3,234,674	3,025,067	3,073,445	2,282,875
	8,034,851	11,223,952	14,119,718	15,102,874	12,029,853
Assigned					
Open PO Balance	1,016,824	1,016,824	4,411,751	1,000,000	1,000,000
	1,016,824	1,016,824	4,411,751	1,000,000	1,000,000
Unassigned	12,213,872	3,943,903	8,929,465	5,146,462	7,978,469
Grand Total Fund Balance	27,716,135	19,856,364	33,312,792	28,136,516	28,028,489

FY 2022 Grants

FY 2022 Grants	
RESTORE Captain Royal Melvin	1,138,229
RESTORE Clement Taylor	729,918
TPO X-Town ROW Acquisition	2,700,000
FDOT Median Maintenance	15,883
FDOT Traffic Signal/Hwy Light Maint	144,117
FDEP Ops Leonard Destin Park	84,809
TDD Beach and Water Access	459,000
TDD Beach Acquisition	2,285,784
County Library Cooperative	62,629
American Rescue Plan	790,000
TPO Stahlman Ave Intersection*	1,501,500
IMLS Cares Act Library Grant	31,464
FDEM Stormwater Equipment	46,000
	\$ 9,989,333

***Awaiting confirmation and award**

Councilmember Morgan stated that wages for the staff seems awfully low, and that he would be interested to know how they compare to area municipalities and counties. It would also be nice if the City of Destin could strive towards providing wages that would allow for city employees to live in the City of Destin.

Ms. Strickland stated that they put out a public records request for wage information to all neighboring cities and Okaloosa County, and the Human Resources Manager is compiling all the responses. They will provide that information to Council. She also noted that the City of Destin is different from other municipalities as they are mostly in the Florida Retirement System. The City of Destin is not paying into social security and so city employees are not receiving social security credits while working for the city.

At this time, Ms. Strickland provided the City a brief orientation on the following City of Destin Monthly Financial Report. She stated that she routinely provides the Council a very summarized version of this report on a monthly basis at their second Council meeting. This version that has been provided to the Council is more detailed as it shows the specific funds involved so they could see the big picture.

CITY OF DESTIN - MONTHLY FINANCIAL REPORT

Actuals 10/01/2020 - 04/30/2021

ALL FUNDS	FY2020 ACTUALS	FY2021 BUDGET*	FY2021 YTD ACTUAL	FY2021 PROJECTION	FY2022 PROJECTION
	FY2020 ACTUALS	FY2021 BUDGET*	FY2021 YTD ACTUAL	FY2021 PROJECTION	FY2022 PROJECTION
01 GENERAL FUND					
01-31 Ad Valorem Taxes	7,883,186	8,104,316	8,119,687	8,119,687	8,674,579
01-31 Sales and Use Taxes	2,894,648	2,761,031	2,101,835	3,015,771	2,955,156
01-32 Licenses and Permits	3,342,590	3,148,624	1,973,834	2,570,034	2,620,478
01-33 Intergovernmental	3,752,560	13,886,708	6,104,327	8,356,378	9,406,578
01-34 Charges for Services	513,087	499,843	395,118	613,518	303,992
01-35 Fines and Forfeitures	106,750	27,520	44,303	44,303	44,098
01-36 Miscellaneous Revenue*	535,374	22,001	69,856	70,957	141,739
01-32 Impact Fees	456,051	44,000	-	-	-
TOTAL REVENUES	19,484,245	28,494,043	18,808,960	22,790,648	24,146,620
01-51 General Government	3,886,209	4,723,623	2,466,013	4,351,103	4,463,756
01-52 Public Safety	3,287,143	3,584,206	1,867,919	2,938,660	3,293,024
01-53 Physical Environment	27,374	115,369	30,526	93,062	300,515
01-54 Transportation	1,780,759	2,088,291	985,938	1,526,811	1,888,169
01-55 Economic Environment	51,209	15,000	9,906	13,208	38,208
01-56 Human Services	63,494	100,000	42,621	78,862	111,642
01-57 Culture and Recreation	2,450,426	3,269,645	1,674,879	2,819,202	3,639,727
01-59 Debt Service	509,643	545,598	4,213,756	4,228,274	85,738
TOTAL EXPENDITURES	12,056,258	14,441,733	11,291,557	16,049,182	13,820,779
Excess (deficiency) of revenues over expenditures	7,427,987	14,052,310	7,517,403	6,741,467	10,325,842
01-38 Transfers In	-	-	3,682,536	3,682,536	-
01-58 Transfers Out	(3,363,829)	(18,958,166)	(8,624,615)	(12,729,970)	(11,217,046)
Total other financing sources (uses)	(3,363,829)	(18,958,166)	(4,942,079)	(9,047,434)	(11,217,046)
Net change in fund balances	4,064,158	(4,905,856)	2,575,324	(2,305,967)	(891,205)
Fund Balance (deficit), Beginning	21,442,003	25,506,161	25,506,161	25,506,161	23,200,194
Fund Balance (deficit), Ending	25,506,161	20,600,305	28,081,485	23,200,194	22,308,989

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

CITY OF DESTIN - MONTHLY FINANCIAL REPORT

Actuals 10/01/2020 - 04/30/2021

	FY2020	FY2021	FY2021	FY2021	FY2022
102 TOWN CENTER CRA (RESTRICTED)	ACTUALS	BUDGET*	YTD ACTUAL	PROJECTION	PROJECTION
102-31 County TIF	600,079	688,589	681,523	681,523	933,282
102-31 City TIF	257,304	290,297	290,297	290,297	397,430
102-36 Miscellaneous Revenue	1,360	-	864	1,264	1,301
TOTAL REVENUES	858,743	978,886	972,683	973,083	1,332,013
102-55 Economic Environment	45,108	134,425	45,676	76,572	108,869
102-59 Capital Outlay	-	10,000	-	-	-
TOTAL EXPENDITURES	45,108	144,425	45,676	76,572	108,869
Excess (deficiency) of revenues over expenditures	813,635	834,461	927,008	896,511	1,223,144
102-38 Transfers In	-	-	-	-	-
102-58 Transfers Out	(973,001)	(731,281)	(487,474)	(731,212)	(731,418)
Total other financing sources (uses)	(973,001)	(731,281)	(487,474)	(731,212)	(731,418)
Net change in fund balances	(159,366)	103,180	439,533	165,300	491,726
Fund Balance (deficit), Beginning	(2,231,154)	(2,390,520)	(2,390,520)	(2,390,520)	(2,225,220)
Fund Balance (deficit), Ending	(2,390,520)	(2,287,340)	(1,950,987)	(2,225,220)	(1,733,494)

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

	FY2020	FY2021	FY2021	FY2021	FY2022
110 HARBOR CRA (RESTRICTED)	ACTUALS	BUDGET*	YTD ACTUAL	PROJECTION	PROJECTION
110-31 County TIF	314,648	331,449	328,932	328,932	351,349
110-31 City TIF	319,174	331,449	331,449	331,449	354,898
110-36 Miscellaneous Revenue	1,467	-	549	789	300
TOTAL REVENUES	635,288	662,898	660,930	661,170	706,547
110-55 Economic Environment	33,856	71,675	17,054	26,822	147,565
110-59 Capital Outlay	-	30,000	-	-	-
TOTAL EXPENDITURES	33,856	101,675	17,054	26,822	147,565
Excess (deficiency) of revenues over expenditures	601,432	561,223	643,876	634,348	558,982
110-38 Transfers In	-	-	-	-	-
110-58 Transfers Out	(707,736)	(524,717)	(371,931)	(524,717)	(481,057)
Total other financing sources (uses)	(707,736)	(524,717)	(371,931)	(524,717)	(481,057)
Net change in fund balances	(106,304)	36,506	271,945	109,631	77,925
Fund Balance (deficit), Beginning	273,428	167,124	167,124	167,124	276,755
Fund Balance (deficit), Ending	167,124	203,630	439,069	276,755	354,680

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

CITY OF DESTIN - MONTHLY FINANCIAL REPORT
Actuals 10/01/2020 - 04/30/2021

	FY2020 ACTUALS	FY2021 BUDGET*	FY2021 YTD ACTUAL	FY2021 PROJECTION	FY2022 PROJECTION
111 BUILDING FUND (RESTRICTED)					
111-32 Licenses and Permits	-	-	326,072	606,072	650,000
111-36 Miscellaneous Revenue	-	-	-	60	62
TOTAL REVENUES	-	-	326,072	606,132	650,062
111-52 Public Safety	-	-	326,717	601,378	727,408
111-59 Capital Outlay	-	-	-	-	-
TOTAL EXPENDITURES	-	-	326,717	601,378	727,408
Excess (deficiency) of revenues over expenditures	-	-	(646)	4,754	(77,346)
111-38 Transfers In	-	-	-	252,620	-
111-58 Transfers Out	-	-	-	(28,000)	(65,000)
Total other financing sources (uses)	-	-	-	224,620	(65,000)
Net change in fund balances	-	-	(646)	229,374	(142,346)
Fund Balance (deficit), Beginning	-	-	-	-	229,374
Fund Balance (deficit), Ending	-	-	(646)	229,374	87,028

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

	FY2020 ACTUALS	FY2021 BUDGET*	FY2021 YTD ACTUAL	FY2021 PROJECTION	FY2022 PROJECTION
122 PARKING FUND (IN GF)					
122-34 Charges for Services	-	-	-	-	250,000
122-36 Miscellaneous Revenue	-	-	-	-	25
TOTAL REVENUES	-	-	-	-	250,000
122-54 Transportation	-	-	-	-	50,000
122-59 Capital Outlay	-	-	-	-	-
TOTAL EXPENDITURES	-	-	-	-	50,000
Excess (deficiency) of revenues over expenditures	-	-	-	-	200,000
122-38 Transfers In	-	-	-	-	-
122-58 Transfers Out	-	-	-	-	-
Total other financing sources (uses)	-	-	-	-	-
Net change in fund balances	-	-	-	-	200,000
Fund Balance (deficit), Beginning	-	-	-	-	-
Fund Balance (deficit), Ending	-	-	-	-	200,000

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

The Building Fund is a work in progress. Ms. Strickland is working with staff to build it up. It would be restricted fund which would be reported to the State separately.

They have provided a very conservative revenue estimate of \$250,000 from the Parking Fund next year. About 50% (\$50,000) is the amount they spent on the collection process from the Gateways and credit card fees and other collection type fees. Funds for resurfacing and striping will come out of this fund.

CITY OF DESTIN - MONTHLY FINANCIAL REPORT

Actuals 10/01/2020 - 04/30/2021

	FY2020 ACTUALS	FY2021 BUDGET*	FY2021 YTD ACTUAL	FY2021 PROJECTION	FY2022 PROJECTION
125 TECH FUND (COMMITTED IN GF)					
125-36 Miscellaneous Revenue	-	-	230	310	-
TOTAL REVENUES	-	-	230	310	-
125-52 Public Safety	-	3,419	3,912	3,912	147,500
125-59 Capital Outlay	-	111,878	76,458	80,221	150,000
TOTAL EXPENDITURES	-	115,297	80,370	84,133	297,500
Excess (deficiency) of revenues over expenditures	-	(115,297)	(80,141)	(83,823)	(297,500)
125-38 Transfers In	-	120,459	111,123	142,803	138,298
125-58 Transfers Out	-	-	-	-	-
Total other financing sources (uses)	-	120,459	111,123	142,803	138,298
Net change in fund balances	-	5,162	30,982	58,979	(159,202)
Fund Balance (deficit), Beginning	148,072	148,072	148,072	148,072	207,051
Fund Balance (deficit), Ending	148,072	153,234	179,054	207,051	47,849

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

	FY2020 ACTUALS	FY2021 BUDGET*	FY2021 YTD ACTUAL	FY2021 PROJECTION	FY2022 PROJECTION
129 OKA 1/2 PENNY (COMMITTED IN GF)					
129-36 Miscellaneous Revenue	-	-	391	471	150
TOTAL REVENUES	-	-	391	471	150
129-59 Capital Outlay	-	2,596,000	2,802,008	3,028,710	1,694,426
TOTAL EXPENDITURES	-	2,596,000	2,802,008	3,028,710	1,694,426
Excess (deficiency) of revenues over expenditures	-	(2,596,000)	(2,801,617)	(3,028,239)	(1,694,276)
129-38 Transfers In	-	3,863,832	3,732,842	4,134,842	1,256,790
129-58 Transfers Out	-	(127,000)	-	(127,000)	(353,084)
Total other financing sources (uses)	-	3,736,832	3,732,842	4,007,842	903,706
Net change in fund balances	-	1,140,832	931,225	979,603	(790,570)
Fund Balance (deficit), Beginning	-	2,093,842	2,093,842	2,093,842	3,073,445
Fund Balance (deficit), Ending	-	3,234,674	3,025,067	3,073,445	2,282,875

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

CITY OF DESTIN - MONTHLY FINANCIAL REPORT
Actuals 10/01/2020 - 04/30/2021

	FY2020 ACTUALS	FY2021 BUDGET*	FY2021 YTD ACTUAL	FY2021 PROJECTION	FY2022 PROJECTION
209 DEBT SERVICE 2009 NOTE (RESTRICTED)					
209-36 Miscellaneous Revenue	403	-	440	440	-
TOTAL REVENUES	403	-	440	440	-
209-59 Debt Service	570,884	92,468	4,079,294	4,079,294	-
TOTAL EXPENDITURES	570,884	92,468	4,079,294	4,079,294	-
Excess (deficiency) of revenues over expenditures	(570,481)	(92,468)	(4,078,855)	(4,078,855)	-
209-38 Transfers In	707,736	371,931	4,393,355	4,393,355	-
209-58 Transfers Out	-	(419,352)	(453,927)	(453,967)	-
Total other financing sources (uses)	707,736	(47,421)	3,939,427	3,939,388	-
Net change in fund balances	137,255	(139,889)	(139,427)	(139,467)	-
Fund Balance (deficit), Beginning	139,467	139,467	139,467	139,467	-
Fund Balance (deficit), Ending	276,722	(422)	40	0	-

	FY2020 ACTUALS	FY2021 BUDGET*	FY2021 YTD ACTUAL	FY2021 PROJECTION	FY2022 PROJECTION
213 DEBT SERVICE 2013 NOTE (RESTRICTED)					
213-36 Miscellaneous Revenue	1,148	-	367	584	-
TOTAL REVENUES	1,148	-	367	584	-
213-59 Debt Service	556,827	556,047	77,454	556,047	555,245
TOTAL EXPENDITURES	556,827	556,047	77,454	556,047	555,245
Excess (deficiency) of revenues over expenditures	(555,679)	(556,047)	(77,086)	(555,463)	(555,245)
213-38 Transfers In	574,637	555,913	370,698	556,047	555,245
213-58 Transfers Out	-	-	-	-	-
Total other financing sources (uses)	574,637	555,913	370,698	556,047	555,245
Net change in fund balances	18,959	(134)	293,611	584	-
Fund Balance (deficit), Beginning	73,798	92,757	92,757	92,757	93,341
Fund Balance (deficit), Ending	92,757	92,623	386,368	93,341	93,341

	FY2020 ACTUALS	FY2021 BUDGET*	FY2021 YTD ACTUAL	FY2021 PROJECTION	FY2022 PROJECTION
214 DEBT SERVICE 2014 NOTE (RESTRICTED)					
214-36 Miscellaneous Revenue	657	-	551	866	100
TOTAL REVENUES	657	-	551	866	100
214-59 Debt Service	730,939	731,212	730,720	730,720	731,418
TOTAL EXPENDITURES	730,939	731,212	730,720	730,720	731,418
Excess (deficiency) of revenues over expenditures	(730,283)	(731,212)	(730,169)	(729,854)	(731,318)
214-38 Transfers In	973,001	731,281	487,474	731,212	731,418
214-58 Transfers Out	-	-	-	-	-
Total other financing sources (uses)	973,001	731,281	487,474	731,212	731,418
Net change in fund balances	242,718	69	(242,695)	1,358	100
Fund Balance (deficit), Beginning	1,676	244,394	244,394	244,394	245,752

This is how they make sure they have enough cash in certain restricted bank accounts to make sure they pay the City's debt on time.

CITY OF DESTIN - MONTHLY FINANCIAL REPORT

Actuals 10/01/2020 - 04/30/2021

Fund Balance (deficit), Ending	244,394	244,463	1,699	245,752	245,852
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	FY2020 ACTUALS	FY2021 BUDGET*	FY2021 YTD ACTUAL	FY2021 PROJECTION	FY2022 PROJECTION
221 DEBT SERVICE 2021 NOTE (RESTRICTED)					
221-36 Miscellaneous Revenue	-	-	31	31	-
221-38 Refunding Bond Proceeds	-	7,086,000	7,086,000	7,086,000	-
221-38 New Bond Proceeds	-	2,819,000	2,819,000	2,819,000	-
TOTAL REVENUES	-	9,905,000	9,905,031	9,905,031	-
221-59 Debt Service	-	428,188	-	428,188	1,302,077
221-59 PRINCIPAL PAYOFF	-	7,663,827	-	-	-
221-59 COST OF ISSUANCE	-	78,781	75,383	75,383	-
TOTAL EXPENDITURES	-	8,170,796	75,383	503,571	1,302,077
Excess (deficiency) of revenues over expenditures	-	1,734,204	9,829,647	9,401,460	(1,302,077)
221-38 Transfers In	-	1,063,807	675,731	1,103,958	1,302,077
221-58 Transfers Out	-	(2,798,013)	(10,503,768)	(10,503,768)	-
Total other financing sources (uses)	-	(1,734,206)	(9,828,037)	(9,399,810)	1,302,077
Net change in fund balances	-	(2)	1,611	1,650	-
Fund Balance (deficit), Beginning	-	-	-	-	1,650
Fund Balance (deficit), Ending	-	(2)	1,611	1,650	1,650

300 RENEWAL AND REPLACEMENT FUND (IN GF)	FY2020 ACTUALS	FY2021 BUDGET*	FY2021 YTD ACTUAL	FY2021 PROJECTION	FY2022 PROJECTION
300-36 Miscellaneous Revenue	194	-	2,266	2,966	-
TOTAL REVENUES	194	-	2,266	2,966	-
300-59 Capital Outlay	514,897	2,882,289	656,656	1,663,004	963,484
TOTAL EXPENDITURES	514,897	2,882,289	656,656	1,663,004	963,484
Excess (deficiency) of revenues over expenditures	(514,704)	(2,882,289)	(654,390)	(1,660,038)	(963,484)
300-38 Transfers In	659,540	2,544,558	2,401,385	2,548,817	1,379,969
300-58 Transfers Out	-	-	-	-	-
Total other financing sources (uses)	659,540	2,544,558	2,401,385	2,548,817	1,379,969
Net change in fund balances	144,837	(337,731)	1,746,995	888,779	416,485
Fund Balance (deficit), Beginning	352,002	496,839	496,839	496,839	1,385,618
Fund Balance (deficit), Ending	496,839	159,108	2,243,834	1,385,618	1,802,103

CITY OF DESTIN - MONTHLY FINANCIAL REPORT

Actuals 10/01/2020 - 04/30/2021

	FY2020 ACTUALS	FY2021 BUDGET*	FY2021 YTD ACTUAL	FY2021 PROJECTION	FY2022 PROJECTION
302 CAPITAL PROJECT (2002 BOND)					
302-36 Miscellaneous Revenue	170	-	35	35	-
TOTAL REVENUES	170	-	35	35	-
302-59 Capital Outlay	-	28,139	28,139	28,139	-
TOTAL EXPENDITURES	-	28,139	28,139	28,139	-
Excess (deficiency) of revenues over expenditures	170	(28,139)	(28,104)	(28,104)	-
302-38 Transfers In	-	-	-	-	-
302-58 Transfers Out	-	-	-	-	-
Total other financing sources (uses)	-	-	-	-	-
Net change in fund balances	170	(28,139)	(28,104)	(28,104)	-
Fund Balance (deficit), Beginning	28,090	28,104	28,104	28,104	(0)
Fund Balance (deficit), Ending	28,260	(35)	(0)	(0)	(0)

	FY2020 ACTUALS	FY2021 BUDGET*	FY2021 YTD ACTUAL	FY2021 PROJECTION	FY2022 PROJECTION
304 CAPITAL PROJECT (2009 BOND)					
304-36 Miscellaneous Revenue	75	-	21	21	-
TOTAL REVENUES	75	-	21	21	-
304-59 Capital Outlay	975	16,248	16,248	16,248	-
TOTAL EXPENDITURES	975	16,248	16,248	16,248	-
Excess (deficiency) of revenues over expenditures	(900)	(16,248)	(16,227)	(16,227)	-
304-38 Transfers In	-	-	-	-	-
304-58 Transfers Out	-	-	-	-	-
Total other financing sources (uses)	-	-	-	-	-
Net change in fund balances	(900)	(16,248)	(16,227)	(16,227)	-
Fund Balance (deficit), Beginning	16,227	16,227	16,227	16,227	(0)
Fund Balance (deficit), Ending	15,327	(21)	(0)	(0)	(0)

CITY OF DESTIN - MONTHLY FINANCIAL REPORT

Actuals 10/01/2020 - 04/30/2021

305 GRANT AND GF CAPITAL PROJECT FUND (IN GF)	FY2020 ACTUALS	FY2021 BUDGET*	FY2021 YTD ACTUAL	FY2021 PROJECTION	FY2022 PROJECTION
305-33 Intergovernmental	-	-	-	-	-
305-36 Miscellaneous Revenue	179	-	0	0	-
TOTAL REVENUES	179	-	0	0	-
305-59 Capital Outlay	33,469	14,024,759	4,670,345	6,189,828	6,607,774
TOTAL EXPENDITURES	33,469	14,024,759	4,670,345	6,189,828	6,607,774
Excess (deficiency) of revenues over expenditures	(33,290)	(14,024,759)	(4,670,345)	(6,189,828)	(6,607,774)
305-38 Transfers In	1,475,670	14,047,011	4,440,127	7,331,571	7,265,144
305-58 Transfers Out	-	-	-	-	-
Total other financing sources (uses)	1,475,670	14,047,011	4,440,127	7,331,571	7,265,144
Net change in fund balances	1,442,380	22,252	(230,218)	1,141,743	657,370
Fund Balance (deficit), Beginning	1,442,380	-	-	-	1,141,743
Fund Balance (deficit), Ending	-	22,252	(230,218)	1,141,743	1,799,113
315 IMPACT AND OTHER RESTRICTED FUND (RESTRICTED IN GF)	FY2020 ACTUALS	FY2021 BUDGET*	FY2021 YTD ACTUAL	FY2021 PROJECTION	FY2022 PROJECTION
315-32 Impact Fees	-	-	315,842	315,842	116,000
315-36 Miscellaneous Revenue	13,154	-	5,176	5,176	-
TOTAL REVENUES	13,154	-	321,018	321,018	116,000
315-59 Capital Outlay	86,502	2,717,007	443,587	1,147,618	303,000
TOTAL EXPENDITURES	86,502	2,717,007	443,587	1,147,618	303,000
Excess (deficiency) of revenues over expenditures	(73,349)	(2,717,007)	(122,569)	(826,600)	(187,000)
315-38 Transfers In	653,981	259,737	146,446	220,874	218,665
315-58 Transfers Out	-	-	-	-	-
Total other financing sources (uses)	653,981	259,737	146,446	220,874	218,665
Net change in fund balances	580,633	(2,457,270)	23,876	(605,726)	31,665
Fund Balance (deficit), Beginning	2,698,438	3,279,071	3,279,071	3,279,071	2,673,345
Fund Balance (deficit), Ending	3,279,071	821,801	3,302,947	2,673,345	2,705,010

CITY OF DESTIN - MONTHLY FINANCIAL REPORT
Actuals 10/01/2020 - 04/30/2021

FUND BALANCE - ALL FUNDS	FY2020 ACTUALS	FY2021 BUDGET*	FY2021 YTD ACTUAL	FY2021 PROJECTION	FY2022 PROJECTION
Beginning Fund Balance	24,384,428	27,727,696	27,579,624	27,579,624	28,136,516
Nonspendable	2,390,520	2,287,340	1,950,987	2,225,220	1,733,494
Restricted	4,060,068	1,384,345	3,900,870	4,661,959	5,286,673
Committed	8,034,851	11,223,952	14,119,718	15,102,874	12,029,853
Assigned	1,016,824	1,016,824	4,411,751	1,000,000	1,000,000
Unassigned	12,213,872	3,943,903	8,929,465	5,146,462	7,978,469
Ending Fund Balance	27,716,135	19,856,364	33,312,792	28,136,516	28,028,489
	27,716,135	19,856,364	33,312,792	28,136,516	28,028,489
	-	-	-	-	-
	27,716,135	19,856,364	33,312,792	28,136,516	28,028,489

Nonspendable = Long-term advance to TownCenter CRA

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

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

emergency ops x2, CD Tech Fund, Oka Half Penny

Assigned = Contracts, purchase orders

Maintain unassigned fund bal of 15% of GF expenditures for previous FY

	1,808,439	2,166,260	1,693,734	2,407,377	2,073,117
Under/Over	10,405,433	1,777,643	7,235,732	2,739,085	5,905,352

Restricted

102 Town Center CRA (State Regulations)			nonspendable 'til greater than zero		
110 Harbor CRA (State Regulations)	167,124	203,630	439,069	276,755	354,680
111 Building Fund (State Regulations)	-	-	(646)	229,374	87,028
209 Harbor CRA 2009 Debt Svc	276,722	(422)	40	0	-
213 General 2013 Debt Svc	92,757	92,623	386,368	93,341	93,341
214 Town Ctr CRA 2014 Debt Svc	244,394	244,463	1,699	245,752	245,852
221 Beach 2021 Debt Svc	-	(2)	1,611	1,650	1,650
305 Capital Projects (Grant Agreements)	-	22,252	(230,218)	1,141,743	1,799,113
315 Impact Fees (State Regulations)	3,279,071	821,801	3,302,947	2,673,345	2,705,010
	4,060,068	1,384,345	3,900,870	4,661,959	5,286,673

Committed

1 yr debt svc	1,858,650	1,807,915	4,887,469	5,794,249	2,588,740
3 mos emergency ops x 2	6,028,129	6,028,129	6,028,129	6,028,129	6,910,389
122 Parking Fund	-	-	-	-	200,000
125 Tech Fund	148,072	153,234	179,054	207,051	47,849
129 Oka Half Penny	-	3,234,674	3,025,067	3,073,445	2,282,875
	8,034,851	11,223,952	14,119,718	15,102,874	12,029,853

Assigned

Open PO Balance	1,016,824	1,016,824	4,411,751	1,000,000	1,000,000
	1,016,824	1,016,824	4,411,751	1,000,000	1,000,000

Councilmember Schmidt asked what encompasses “Culture and Recreation” which is a category listed under General Funds.

Ms. Strickland replied that the “Culture and Recreation” category is their library, community center, Morgan Sports Center and the small parks owned by the City of Destin. She continued that these categories are defined by the State of Florida. For instance, “Physical Environment” is stormwater and cemeteries.

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 7:30 PM.

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

**MINUTES
SPECIAL MEETING
DESTIN CITY COUNCIL
JUNE 14, 2021
DESTIN CITY HALL
ANNEX COUNCIL CHAMBERS
6:00 PM**

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

Destin City Council

Mayor Gary Jarvis
Councilmember Prebble Ramswell
Councilmember Kevin Schmidt

Councilmember Dewey Destin
Councilmember Terésa Hebert
Councilmember Chatham Morgan

Destin City Staff

City Manager Lance Johnson
Finance Director Krystal Strickland
Public Information Manager Catherine Card
Public Services Director Michael Burgess
Community Dev. Director Louis Zunguze
Use Attorney Kimberly Kopp

Deputy City Manager Webb Warren
City Clerk Rey Bailey
Grants Manager Jeffery Cozadd
IT Manager Matthew Pace
Parks/Recreation Director Lisa Firth Land
City Attorney Kyle Bauman

CALL TO ORDER

Mayor Gary Jarvis called the meeting to order at 7:40 PM; followed by the recitation of the Pledge of Allegiance.

NEW BUSINESS

A. Potential Expansion of the Okaloosa County Tourism Development Taxing District

Councilmember Destin stated that in the absence of the mayor, as the Mayor Pro Tem he has elected to utilize the discretion afforded to him pursuant to the City Charter to call a special meeting; adding that he felt certain that the mayor would have taken the same action has he been available. He stated they recently learned that Okaloosa County has on their meeting agenda for Tuesday, June 15, 2021, the potential expansion of the Tourism Development District. This is a very important issue for the City of Destin, which is the reason they are here to discuss that issue. He continued that he has discussed this matter with County Commissioner Mel Ponder, and that Commissioner Ponder is amenable to having the City of Destin attorneys work with the Okaloosa County attorneys to try to address any issues the City may have to include the equitable distribution of funds. He stated there is approximately \$41 million currently in the reserved funds. As one of the larger contributors to that fund, the City of Destin has a large stake in the outcome of the County's decision regarding the proposed expansion.

Councilmember Destin moved to direct the City of Destin attorneys to work with Okaloosa County attorneys in coming up with any safeguard they could put into the process to ensure an equitable distribution of funds. Councilmember Hebert provided a second to the motion.

At this time, the mayor opened the floor for public comments.

Okaloosa County Commissioner Mel Ponder noted that he has recently met and discussed this issue with Mayor Pro Tem Dewey Destin, and that they have agreed to have their attorneys work together to come up with a solution that would be equitable to all parties involved. He stated there is a long history of the City of Destin having a strong presence and reputation in terms of tourism and bed tax impacts. He would also ask his fellow commissioners to delay the vote on this issue for about 30 days to allow the county and city attorneys enough time to fulfill their task. They could then decide if they should move forward with the special election in October or delay it. It was his understanding that the \$41 million currently in the reserved funds have to be spent in the district from which they were collected. Should they decide to proceed with the referendum, they need to know how situations would be like going forward.

The mayor noted that the referendum language is really quite important for the City of Destin to be protected.

Commissioner Ponder pointed out the referendum language is limited to 75 words or less, and so this is where the attorneys need to work together to come up with the proper language.

Councilmember Destin stated that delaying the vote for 30 days will allow the attorneys time to conduct the proper research for any law that has already been settled on a similar issue.

Councilmember Destin offered an amended motion to direct the City of Destin attorneys to work with Okaloosa County attorneys to come up with any safeguard they could put into the process to ensure an equitable distribution of funds; and to request Okaloosa County to delay the vote on this issue for at least 30 days to allow the City time to work together with the County. Councilmember Hebert provided a second to the motion.

Councilmember Destin also recommends the city's attorneys contact the other municipalities within the existing district to ensure the City of Destin is not pursuing a course that is not agreeable to them.

Councilmember Ramswell noted that as far back as 2019, when the county first brought this issue to their attention, the county assured them the county attorneys would be working together with the city attorneys on the ballot language, which is why the current development has come as a big surprise to the city. She also noted that TDC meeting minutes also discussed the potential expansion but in just a more general term. She would like to know why the City Council and attorneys did not receive appropriate information and were uninformed of the situation.

Councilmember Ramswell also noted that the FAQ that was part of the agenda packet talks about Destin losing its seat as a voting member of the TDC. There are two seats that are given to an elected official; one is given to the most populous city which is the City of Fort Walton Beach at this time, and the City of Destin has the other seat. She asked how the City of Destin could lose its seat.

Commissioner Ponder stated that he has discussed this issue with county staff, and even though they know the idea of an expansion was imminent, the decision may not have been properly communicated to all. The city and county have worked well together recently, and his intent is for that relationship to continue. He also explained that the two guaranteed council seats go to the two largest municipalities. If the expansion goes forward, the seats will then go to the City of Crestview and the City of Fort Walton Beach. The ordinance currently states that the City of Destin will have a permanent seat on the TDC, and that he will make sure it stays that way.

Councilmember Ramswell noted that according to state statutes, at least one of the two guaranteed seats will be given to the most populous municipality. It did not specify that both seats will be given to the two most populous municipalities.

The City Attorney stated that Councilmember Ramswell's interpretation of the State Statutes is correct; adding it may be possible the county's current ordinance reserves both seats to the two most populous municipalities; which is why the City of Destin has that guaranteed seat. He stated they will work things out with the county attorneys to ensure the City of Destin maintains that guaranteed seat.

Councilmember Morgan noted that when Commissioner Kelly Windes, County Administrator John Hofstad, and County Attorney Greg Stewart came before this Council in 2019 and discussed this issue, they gave explicit assurances that the money collected will be distributed based on the original taxing district. He stated that the City of Destin pays 30-40 percent of the ad valorem taxes to the county and generates about 70 percent of the revenue; and that his major concern is for that money being distributed to areas in the county where funds were not generated. He also stated that the City of Destin's relationship with Okaloosa County has been the best since he has been associated with the city and that he would like to see that it continues. He further stated they could memorialize the equitable distribution of the money and the guaranteed Destin seats in ordinance form, but that could change if future County Commission has different opinions. He would like to see some concrete assurances in the ballot language that funds cannot be reappropriated to the other end of the county. Without those assurances, he believes they will have a hard time getting the support of the City of Destin on the ballot initiative.

Councilmember Ramswell stated that she shares the concern of the other members of the Council as to where the money is going to be allocated and where it is going to be spent; adding that the City of Destin has infrastructure needs that have not been addressed. She also noted that she read one of the news releases from the county back in November 2020 that they are looking at this expansion generating about \$2.2 million additional bed tax money. They are already collecting \$18 million to \$20 million. The special election and other expenses involved in this initiative will cost over half a million dollars; and so bringing in an additional \$1.5 million may not be worth the effort.

Mr. Jim Bagby, a Destin resident, asked the council to instruct the city attorneys to take the following actions:

- Have the money currently in the reserved funds stays within the current district by making sure it is codified in some manner. It is the county's money, and the county can spend it for the benefit of the taxing district which is the entire county
- Check on the state voting requirements and attorney general opinions on the proposed taxing district expansion. When Walton County expanded the taxing district to the north of the county, it did not expand the south end because they were afraid everybody in the south end would vote against the expansion because of the concern about the money going to Defuniak Springs and not benefit the taxing district. The way state statutes currently reads, if they establish a taxing district or sub-county taxing district, everybody gets to vote
- Talk to Bay County attorneys about protected seats on the TDC. Panama City Beach had a similar problem. They generate most of the bed tax money. Panama City and Mexico Beach, the other two taxing districts in Bay County, generate money but no where near what Panama City Beach generates. Panama City is the most populous city. There are two guaranteed municipal seats, but only one goes to the most populous. The ordinance was codified so that there would always be a guaranteed seat for Panama City Beach.
- They need to make sure they have the appropriate ballot language to protect the interest of the city and its citizens

Mr. Parker Destin, a Destin resident and former Council member, stated that everything Mr. Bagby stated is completely correct, and that what he was trying to convey to this council is the deep concern shared by many and which everybody in this council should take into consideration. He also stated that the city attorneys need to get things right. Since they do not know what future city council or county commission may bring, they need to make sure they have an iron clad deal that cannot easily be broken, which include the equitable distribution of funds and the City of Destin having a guaranteed seat on the TDC.

Having no further comments from the public, the mayor closed the public hearing portion.

The mayor called for a vote on the motion, which passes 5-0 (Council members Schmidt, Hebert, Destin, Morgan, and Ramswell voted "yes"; Council members King and Braden were absent from the meeting).

B. GLC Contracting Inc. Change Order Approval

The City Manager explained that GLC Contracting Inc., is the general contractor for the Captain Royal Melvin Heritage Park. The GLC subcontractor for the water line relocation portion of this project was unable to complete that work in the timeframe required by Destin Water Users, and that GLC Contracting has agreed to hire Destin Water Users as a subcontractor to complete the waterline relocation. Change order #6 documents the additional costs associated with this change of subcontractor, and they are asking the council's approval of Change Order #6.

Motion by Councilmember Destin, seconded by Councilmember Ramswell, to approve Change Order #6 and authorize the City Manager to execute it passed 5-0 (Council members Schmidt, Hebert, Destin, Morgan, and Ramswell voted “yes”; Council members King and Braden were absent from the meeting).

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 8:20 PM

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

**MINUTES
SPECIAL WORKSHOP
DESTIN CITY COUNCIL
MAY 10, 2021
ANNEX COUNCIL CHAMBERS
5:30 PM**

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

Destin City Council

Mayor Gary Jarvis (arrived: 5:50 PM)

Councilmember Johnny King

Councilmember Dewey Destin

Councilmember Terésa Hebert

Councilmember Prebble Ramswell

City of Destin Staff

City Manager Lance Johnson

City Clerk Rey Bailey

Code Compliance Manager Joey Forgione

Community Development Director Louis Zunguze

Engineering Assistant Joe Bodi

Land Use Attorney Kimberly Kopp (Virtual)

Deputy City Manager Webb Warren

Finance Director Krystal Strickland

City Engineer Donald Smith

IT Specialist James Lauria

City Planner Traci Goodhart

City Attorney Kyle Bauman

CALL TO ORDER

Mayor Pro Tem Dewey Destin called the meeting to order at 5:30 PM.

WORKSHOP

A. Impacts of the Crosstown Connector at the Intersection of US Highway 98 and Stahlman Avenue

Mayor Pro Tem Dewey Destin asked for each Council member to give their preliminary views on the concept and actual design of the crosstown connector.

Councilmember King stated that he lives in the older portion of the city and often drives through the back roads, which he considers the current crosstown connector. He stated that keeping the roadway to two lanes would be quite advantageous to the city.

Councilmember Hebert noted seeing many out-of-town license plates as she drives or runs through Kelly and Main Streets and Airport Road; and more so between 4-6 PM. She stated she is in favor of keeping the crosstown connector at two lanes.

Councilmember Ramswell stated they have been presented with a much better design, but she still has some concern about the potential for a 4-lane expansion. However, there are different infrastructures in place beneath the curb and other areas of the road that could prevent that expansion from occurring. She recommends pursuing the idea of a linear park as she believes it would benefit the entire community. It would also add to the aesthetics of that particular section of the connector and the community as a whole.

Councilmember Destin stated that the crosstown connector would be a benefit to the city; and even though he is concern about the road turning into a raceway, it could easily be abated by putting in certain traffic control devices on that road such as 4-way stop signs and speed bumps and avoiding having safety issues right in the middle of town. He also recommends lowering the speed limit. He also stated that as they approach the campground they previously acquired, they need to seriously consider moving the right-of-way over to one side and using the rest of the long linear distance as the greenway for people to recreate. They also need to actually do a multi-modal pathway similar to what they have on 30A or in Sandestin, which they could easily incorporate into the right-of-way. He recommends bringing all these recommendations before the Council at a regular Council meeting for approval and giving directions to the designer.

Councilmember Ramswell noted that the plans show a 5-foot space on either side of the road for dedicated bike lanes, which could be used to incorporate into an entire multi-modal project.

The mayor arrived at the meeting at 5:50 PM.

At this time, Ms. Jessica Golema, Project Manager, Atkins North America, Inc., provided the following presentation to Council:

Crosstown Connector Redesign Update

- Major Design Elements Criteria
 - ❖ Facility Type – Minor Collector
 - ❖ Design Speed – 35 MPH
 - ❖ Posted Speed – 25 MPH
 - ❖ Typical Section
 - Lane Width – 11’
 - Bike Lane Width – 5’
 - Median Width – 12’
 - Sidewalk Width – 10’ (6’ when constrained by ROW)
 - Sidewalk Buffer – 6’ (less when constrained by ROW)

Intersection Analysis – Benning Drive

- Traffic Operations Rank
 - ❖ Roundabout – LOS A
 - ❖ Signal – LOS B
 - ❖ All-way Stop – LOS C
 - ❖ Two-Way Stop – LOS E
- Safety Rank
 - ❖ Roundabout
 - ❖ All-Way Stop
 - ❖ Signal
 - ❖ Two-Way Stop

- Recommendation: All-Way Stop
 - ❖ Roundabout not recommended due to:
 - Previous Council direction
 - Additional right-of-way acquisitions
 - Additional utility relocations (overhead electric/sanitary sewer)
 - Driveway impacts
 - ❖ All-way stop reduced impacts while providing for safety and still meeting an acceptable Level of Service

Note: Harbor CRA Advisory Committee recommends the city further evaluates this intersection to look at a roundabout

Intersection Analysis – Beach Drive

- Traffic Operations Rank
 - ❖ Roundabout – LOS A
 - ❖ Signal – LOS B
 - ❖ All-Way Stop – FAIL
 - ❖ Two-Way Stop – FAIL
- Safety Rank
 - ❖ Roundabout
 - ❖ All-Way Stop
 - ❖ Signal
 - ❖ Two-Way Stop
- Recommendation: Roundabout
 - ❖ Skewed geometry at this intersection is remedied by use of a roundabout rather than 4-leg configuration
 - ❖ There are right-of-way impacts associated with this option
- Current redesign cannot be easily altered to a 4-lane facility because:
 - ❖ Ponds sized to 2-lane facility – would need additional pond(s) or underdrain facilities
 - ❖ Drainage structures beneath curb would have to be moved
 - ❖ Potential new utility relocations
 - ❖ Additional right-of-way needs

Note: Any change would be expensive and requires Council approval



Ms. Marsha Hayes, Acquisition Consultant, provided the following information:

- Anticipated Right-of-Way Acquisition
 - ❖ Typically plan for 24 months on a ROW project to determine any changes along the way
 - This is on a typical FDOT project when it involves eminent domain
 - ❖ This type of project where there is voluntary acquisition makes it a lot more difficult
 - There are certain factors that dictate how long a project takes
 - For voluntary acquisitions, they have spent 2-10 years acquiring properties
 - Lots of time spent negotiating or re-designing around the parcel due to property owner unwilling to sell

Councilmember Hebert asked how many more properties they are still awaiting to acquire.

Ms. Golema replied they are looking at 9 full property acquisition and a couple of temporary construction easement.

Councilmember Ramswell noted that this project has been in process for many years, whether it is for 2 lanes or 4 lanes roadway. She continued that they should have been further along in terms of looking into eminent domain and having reached out to some of the property owners.

Ms. Hayes stated they were actively in the process of acquiring the parcels until the project was put on hold for a redesign. They have been successful on acquiring and relocating 3 properties; one of which was not occupied; but there is one property owner that they have not been able to contact at all.

Councilmember Destin asked whether they would be able to incorporate the desired features to the design of the project, such as the multi-modal pathway, if successfully voted upon by the Council. Ms. Golema replied affirmatively stating that they have the necessary rights-of-way to do so.

The mayor asked what this Council could do to make sure property acquisition is done in a timely manner; adding that they received correspondence last year from willing sellers who were unsure where they stood since it was unclear to them as to what the city plans to do with the project.

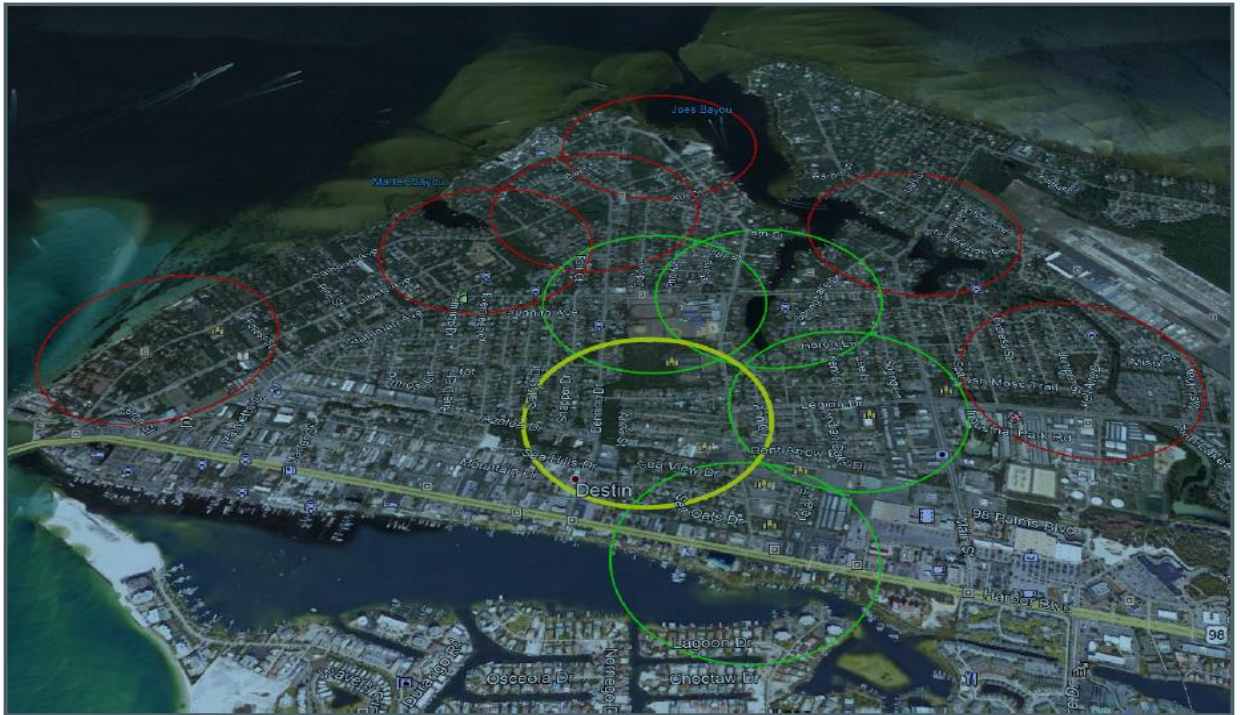
According to Ms. Golema, property acquisition should restart as soon as possible; adding that they are at a point in the design that she would be able to provide Ms. Hayes a list of properties to pursue.

Councilmember Destin pointed out that the Beach Drive intersection is currently an all-way stop, and that the recommendation is to put a roundabout there because the configuration may improve or facilitate the flow of traffic. He stated they may need to reassess this portion of the design because too many roundabouts and too much facilitation of traffic may result in turning the road into a raceway which he alluded to earlier. He added that leaving it as an all-way stop would be a natural speed break and slow down the flow of traffic at this intersection.

At this time, Ms. Golema proceeded with the rest of her presentation.

Multimodal Features

- Multimodal Goals
 - ❖ Provide a recreational amenity
 - ❖ Beautify the area
 - ❖ Provide a safer space for bicyclists and pedestrians
 - ❖ Provide a more efficient transit route (in coordination with Okaloosa County Transit)
- Bridge the Gap
 - ❖ Circles designate ¼ radius around a park
 - Yellow Circles – Project location ¼ mile radius
 - Green Circles – Parks within ½ mile
 - Red Circle – Parks greater than ½ mile away



- Fitness Loop/Area
 - ❖ Loop around long pond approximately 1/3 mile
 - ❖ Equipment can be handicap accessible
- Art Walk
 - ❖ Display large-scale artwork
 - ❖ Rotating exhibits
 - ❖ Visiting artist program
 - ❖ Cooperation with Mattie Kelly Art Foundation
 - ❖
- Gathering Space
 - ❖ Picnic tables, benches

- Ensley Park (Escambia County – in the design phase) – Similar Sized Space (3.5 acres)



Councilmember Ramswell asked what type of buffering or fencing they are considering in order to separate the connector from residential areas since the entire connector at some point is very close to residences, and whether it is something that has been discussed with those particular residences.

Ms. Golema does not believe it has been discussed with residences. She stated that most backyard already have fences; however, they are planning on vegetative buffering in these areas.

PUBLIC COMMENTS:

Mr. Jim Wood, a Destin resident, stated that he is a big supporter of the crosstown connector and that he likes the new plan. He is disappointed that it could take 25 years to build a road that is only a quarter of a mile long. He expressed concern that if they wait any longer, they could lose the money that was allocated for this project. He urged the Council to move forward with the project sooner rather than later.

Mr. John King, Sr., from Santa Rosa Beach, noted that he read a report several years ago that says 51 percent of the traffic on US Hwy 98 was thru traffic. He continued that the 4-laning of Hwy 331, resurfacing of Hwy 20 and 6-laning of US Hwy 98 make it easier and convenient for motorists to go thru Destin. The crosstown connector would make it easier for Destin residents to move around town.

Mr. Shane Moody, President and CEO of the Destin Chamber of Commerce, expressed that the Chambers has been supportive of the crosstown connector project for several years, and that he is glad to hear the positivity of tonight's comments from the Council members about this project.

He continued that he likes the park ideas. He did not see parking areas for the park, and so it is a pedestrian park, which does not add more cars to the road. He also stated that the Destin High School will be on the same connector road. There will be about 300 children going to school, and at least 200 more cars on that road. They need to be able to get them through this road easily. He urged the Council to move forward with this project sooner rather than later.

Mr. Cyron Marler, Destin resident and former Council member, stated that this project has been under discussion since he was first elected to Council in 2000, and that they need to move forward with it now. Technically, they already have a crosstown connector, and some considers it an “alternate US Hwy 98.” With regards to the 4-laning of this road, his experience dictates that anything the present Council does now can be reversed by future Council. He urged the Council to move forward with this project now.

Councilmember Ramswell noted that a Stahlman Avenue Intersection Work Session presentation was included in the report. She asked if they should address that issue tonight.

Councilmember Destin stated they have discussed this issue in great detail during the past meeting. They really do not have solutions yet, and that they probably would not come up with a solution until the study is completed to determine how much money they have to spend.

Community Development Director Louis Zunguze explained they provided the information just to summarize all the studies that have taken place so far, and to get Council’s thoughts on whether additional studies are necessary or if they just want staff to come up with suggested solutions.

According to the City Manager, staff would be bringing back this item at the next Council meeting to add acquisitions back on to this contract. Also, the City Engineer will be making a presentation to the Transportation Planning Organization to find out if there is future funding available for the Stahlman/US Hwy 98 intersection.

Mr. Moody noted that Okaloosa County previously went to the Chambers asking them to support the Half-Cent Sales Tax for infrastructure improvements and brought the Chambers a list of projects to be funded by it. The list showed that money from the Half-Cent Sales Tax from the County level was going to be used to pay for the Stahlman/US Hwy 98 intersection improvements. He continued that this item as well as improvements to Commons Drive are the things that drove the Chambers to provide their support for the Half-Cent Sales Tax.

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 6:35 PM.

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk



City of Destin

Proclamation

Parks and Recreation Month

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including the City of Destin; and

WHEREAS, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July 2021 as ***Parks and Recreation Month***; and

WHEREAS, the City of Destin recognizes the benefits derived from parks and recreation resources;

NOW, THEREFORE, BE IT PROCLAIMED THAT I, Mayor Gary Jarvis, on behalf of the Destin City Council, do hereby designate the month of July 2021 as ***Parks and Recreation Month*** in the City of Destin. We call upon park and recreation supporters to join us in recognizing the importance of our nation's parks and recreation.

SO DONE THIS 21ST DAY OF JUNE 2021

By:

Gary Jarvis, Mayor

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 21, 2021

TYPE OF AGENDA ITEM: City Manager Report

AGENDA OUTLINE NUMBER: 4.A.

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: June 14, 2021

SUBJECT: Capital Project Status

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. May 2021 Capital Projects

CITY OF DESTIN CAPITAL IMPROVEMENT PLAN - Monthly Status Report

Council Objective #		October 1, 2020 - May 31, 2021		FY2021 Budget*	YTD Actuals	YTD Encumbrances	FY2021 Available Budget	Status	Notes
		Renewal & Replacement - Facilities							
1		RR051	General Government	\$ 67,838	\$ 37,715	\$ -	\$ 30,123	50% Complete	
2		RR052	Public Safety	392,500	128,549	2,473	261,478	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	82,800	269,938	651,062	7% Complete	Multiple under \$15k renewal/replacements started
5		RRVEH	Vehicles	272,500	30,718	233,064	8,718	88% Complete	8 vehicles have been approved by Council. POs have been forwarded to the vendor.
		Renewal & Replacement - Infrastructure		-	-	-	-		
6	15,17,19	RR054	Roads, Sidewalks, Street Lighting (Mostly Gas Tax #1)	587,513	108,648	464,276	14,589	Complete	
7		PW612	FY2020 Road Milling & Striping Program	258,138	258,226	-	(88)	Complete	
		Growth Necessitated & Comp Plan		-	-	-	-		
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	213,780	424,897	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		TRSAF	Zerbe/Calhoun Safety	2,500	-	-	2,500		Speed bump to be installed mid-May
17		TRSAF	Sibert/Forrest safety	2,826	5,326	-	(2,500)		Initial discussion at March 2021 council meeting. LED stop signs installed.
18		TRSAF	Pine Street Safety	-	-	-	-		Brought discussion and initial recommendations to Council in April 2021.
19			Vintage Sidewalk	-	-	-	-		\$290k restricted
		Citizen/Council Directed Projects		-	-	-	-		
20	1	CM001	Beach Acquisition	10,477,508	6,826,007	39,701	3,611,800	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	4,175,000	146,827	583,386	3,444,787	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

Council Objective #			October 1, 2020 - May 31, 2021	FY2021 Budget*	YTD Actuals	YTD Encumbrances	FY2021 Available Budget	Status	Notes
22	2	UNDER	Undergrounding	250,000	2,199	210,425	37,376	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>
			Other Capital Projects	-	-	-	-		
24		CRH63	Captain Royal Melvin Hertiage Park and Plaza (RESTORE)	1,337,198	214,990	1,122,208	0	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 Council Mtg 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 Council Mtg TOP PRIORITY</i>	<i>EN626</i>	<i>Main St/Kelly St Crosswalk Safety</i>	<i>20,271</i>	20,271	-	-	<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	77,731	2,490	31,657	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	58,819	56,975	2,589	(745)	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>	<i>119,760</i>	53,407	66,803	<i>(449)</i>	<i>In Progress</i>	<i>Continuing to meet with FEMA twice/month to complete grant award paperwork. Cat A Debris Removal and Cat B Emergency & Protective awards nearly complete. Cat G Parks in process.</i>
41		SW51L	NFWF Stormwater Projects	372,785	374,025	-	(1,240)	60% Complete	Construction of projects started in Dec. Cross St project is complete. Calhoun Ave project underway.

CITY OF DESTIN CAPITAL IMPROVEMENT PLAN - Monthly Status Report

Council Objective #	October 1, 2020 - May 31, 2021	FY2021 Budget*	YTD Actuals	YTD Encumbrances	FY2021 Available Budget	Status	Notes
	Total Funded Projects	\$ 22,417,065	\$ 8,694,714	\$ 3,472,205	\$ 10,250,147		

*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	\$ 10,477,508	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 multi-use convention/sports/community center	-	-	In progress
7	Complete two-lane Crosstown Connector	1,475,000	4,175,000	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	845,651	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>\$ 16,356,580</u>	
TOTAL CAPITAL BUDGET		\$ 36,690,143	\$ 22,417,065	
% FOR COUNCIL OBJECTIVES		78%	73%	

CITY OF DESTIN ADOPTED 5-YEAR CAPITAL IMPROVEMENT PLAN

COUNCIL OBJECTIVE			FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	Total
PRIORITY	Renewal & Replacement - Facilities							
	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
	Renewal & Replacement - Infrastructure							
15, 17, 19	RR054	Roads, Sidewalks, Street Lighting (Gas Tax #1)	468,000	318,000	462,000	801,901	801,901	2,851,802
	Growth Necessitated & Comp Plan							
	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
	Citizen/Council Directed Projects							
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
	Other Capital Projects							
	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)	-	-	-	-	-	-
Total Funded Projects			\$ 18,564,808	\$ 12,843,567	\$ 1,792,822	\$ 1,438,723	\$ 2,050,223	\$ 36,690,143

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 21, 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: June 14, 2021

SUBJECT: Operations Financial Report

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 0430 YTD Budget Vs Actuals

CITY OF DESTIN - MONTHLY FINANCIAL REPORT

Actuals 10/01/2020 - 04/30/2021

	FY2020	FY2021	FY2021	FY2021
01 GENERAL FUND	ACTUALS	BUDGET*	YTD ACTUAL	PROJECTION
01-31 Ad Valorem Taxes	7,883,186	8,104,316	8,119,687	8,119,687
01-31 Sales and Use Taxes	2,894,648	2,761,031	2,101,835	3,015,771
01-32 Licenses and Permits	3,342,590	3,148,624	2,095,834	2,713,034
01-33 Intergovernmental	3,752,560	13,886,708	6,241,302	8,493,353
01-34 Charges for Services	513,087	499,843	395,118	613,518
01-35 Fines and Forfeitures	106,750	27,520	44,303	44,303
01-36 Miscellaneous Revenue*	535,374	22,001	69,856	70,957
01-32 Impact Fees	456,051	44,000	-	-
TOTAL REVENUES	19,484,245	28,494,043	19,067,935	23,070,623
01-51 General Government	3,886,209	4,723,623	2,466,013	4,351,103
01-52 Public Safety	3,287,143	3,584,206	1,867,919	2,938,660
01-53 Physical Environment	27,374	115,369	30,526	93,062
01-54 Transportation	1,780,759	2,088,291	985,938	1,526,811
01-55 Economic Environment	51,209	15,000	9,906	13,208
01-56 Human Services	63,494	100,000	42,621	78,862
01-57 Culture and Recreation	2,450,426	3,269,645	1,674,879	2,819,202
01-59 Debt Service	509,643	545,598	4,213,756	4,228,274
TOTAL EXPENDITURES	12,056,258	14,441,733	11,291,557	16,049,182
Excess (deficiency) of revenues over expenditures	7,427,987	14,052,310	7,776,378	7,021,442
01-38 Transfers In	-	-	3,682,536	3,682,536
01-58 Transfers Out	(3,363,829)	(18,958,166)	(8,624,615)	(12,732,070)
Total other financing sources (uses)	(3,363,829)	(18,958,166)	(4,942,079)	(9,049,534)
Net change in fund balances	4,064,158	(4,905,856)	2,834,299	(2,028,092)
Fund Balance (deficit), Beginning	21,442,003	25,506,161	25,506,161	25,506,161
Fund Balance (deficit), Ending	25,506,161	20,600,305	28,340,460	23,478,069

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

CITY OF DESTIN - MONTHLY FINANCIAL REPORT

Actuals 10/01/2020 - 04/30/2021

	FY2020 ACTUALS	FY2021 BUDGET*	FY2021 YTD ACTUAL	FY2021 PROJECTION
102 TOWN CENTER CRA (RESTRICTED)				
102-31 County TIF	600,079	688,589	681,523	681,523
102-31 City TIF	257,304	290,297	290,297	290,297
102-36 Miscellaneous Revenue	1,360	-	864	1,264
TOTAL REVENUES	858,743	978,886	972,683	973,083
102-55 Economic Environment	45,108	134,425	45,676	76,572
102-59 Capital Outlay	-	10,000	-	-
TOTAL EXPENDITURES	45,108	144,425	45,676	76,572
Excess (deficiency) of revenues over expenditures	813,635	834,461	927,008	896,511
102-38 Transfers In	-	-	-	-
102-58 Transfers Out	(973,001)	(731,281)	(487,474)	(731,212)
Total other financing sources (uses)	(973,001)	(731,281)	(487,474)	(731,212)
Net change in fund balances	(159,366)	103,180	439,533	165,300
Fund Balance (deficit), Beginning	(2,231,154)	(2,390,520)	(2,390,520)	(2,390,520)
Fund Balance (deficit), Ending	(2,390,520)	(2,287,340)	(1,950,987)	(2,225,220)

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

	FY2020 ACTUALS	FY2021 BUDGET*	FY2021 YTD ACTUAL	FY2021 PROJECTION
110 HARBOR CRA (RESTRICTED)				
110-31 County TIF	314,648	331,449	328,932	328,932
110-31 City TIF	319,174	331,449	331,449	331,449
110-36 Miscellaneous Revenue	1,467	-	549	789
TOTAL REVENUES	635,288	662,898	660,930	661,170
110-55 Economic Environment	33,856	71,675	17,054	26,822
110-59 Capital Outlay	-	30,000	-	-
TOTAL EXPENDITURES	33,856	101,675	17,054	26,822
Excess (deficiency) of revenues over expenditures	601,432	561,223	643,876	634,348
110-38 Transfers In	-	-	-	-
110-58 Transfers Out	(707,736)	(524,717)	(371,931)	(524,717)
Total other financing sources (uses)	(707,736)	(524,717)	(371,931)	(524,717)
Net change in fund balances	(106,304)	36,506	271,945	109,631
Fund Balance (deficit), Beginning	273,428	167,124	167,124	167,124
Fund Balance (deficit), Ending	167,124	203,630	439,069	276,755

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

CITY OF DESTIN - MONTHLY FINANCIAL REPORT

Actuals 10/01/2020 - 04/30/2021

	FY2020	FY2021	FY2021	FY2021
FUND BALANCE - ALL FUNDS	ACTUALS	BUDGET*	YTD ACTUAL	PROJECTION
Beginning Fund Balance	24,384,428	27,727,696	27,579,624	27,579,624
Nonspendable	2,390,520	2,287,340	1,950,987	2,225,220
Restricted	4,060,068	1,384,345	3,900,870	4,661,959
Committed	8,034,851	11,223,952	14,119,718	15,104,974
Assigned	1,016,824	1,016,824	4,411,751	1,000,000
<i>Unassigned</i>	<i>12,213,872</i>	<i>3,943,903</i>	<i>9,188,440</i>	<i>5,424,337</i>
Ending Fund Balance	27,716,135	19,856,364	33,571,767	28,416,491
	<i>27,716,135</i>	<i>19,856,364</i>	<i>33,571,767</i>	<i>28,416,491</i>
	-	-	-	-

Nonspendable = Long-term advance to TownCenter CRA

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

Committed = Council resolutions, motions, includes fund balance resolution for 1 yr debt (\$1.8m) + 3 mos emergency opsx2, CD Tech Fund, Oka Half Penny

Assigned = Contracts, purchase orders

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 21, 2021

TYPE OF AGENDA ITEM: City Manager Report

AGENDA OUTLINE NUMBER: 4.C.

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Joey Forgione, Code Compliance Manager

DATE: June 21, 2021

SUBJECT: Historical Information on Harbor Master and Harbor Compliance Officer

I. BACKGROUND: On June 7th Council directed Staff information on the increase of livery fees for hiring a Harbormaster or Harbor Ranger.

II. DISCUSSION: On June 7th, 2021 request for Staff to provide information on the increase of livery fees for hiring a Harbormaster or Harbor Ranger. This information is as follows:

April 24, 2013, The Code Manager Bazylak wrote a staff report to Council with Harbor Master information stating without Mooring Field Harbor Master has no authority in the Harbor Waters, and at that time recommended the City to not hire a Harbormaster due to no City Marina and/or Mooring Field.

July 25, 2016, Harbor CRA Recommended Livery Fees to Hire more Code Officers for enforcement on the Harbor.

August 1, 2016, Council recommended and Approved Harbor CRA Recommendation for Livery Fees to Hire more Code Officers for enforcement on the Harbor.

September 8, 2016, FWC stated without Mooring Field Harbor Master or Code Officer has no authority in the Harbor Waters, stating it would have to be a Sworn Law Enforcement Officer. It was suggested by Councilmen Destin to Hire a Code Enforcement Officer.

February 21, 2017, Staff Recommend a first-year registration fee of \$75.00 per vessel at the time of Ordinance Adoption.

June 18, 2018, Councilmen asked what happened to personnel they were supposed to get

last year from Livery vessel money. CM stated they have a Code Enforcement Officer assigned to the Harbor.

August 18, 2018, During Budget Workshop, it was discussed hiring more Code officers to handle the number of Calls.

October 1, 2018, it was discussed about the Hiring of Harbor Master by Councilwomen Ramswell and Councilmen Destin mentioned they decided to fund for another Vessel and Deputy to Patrol the Harbor.

February 19, 2019, It was recommended to Council the hiring of a Harbor Waterways Compliance and Officers Council voted and passed for the hiring of a Harbor Compliance Officer.

August 19, 2019, was recommended and passed to raise the Livery Vessel Fees from \$75.00 to \$100.00

The increase from \$75.00 to \$100.00 is to assist in the following:

- Cost of reviewal as multiple Departments are involved.

1. Code Compliance Department
 - Review
 - Inspection
 - Stickers
2. Community Development Department
 - Planning
 - Review
 - Engineering
 - Review
 - Building
 - Review

A. Link to Strategic Goals / Objectives: Livery Regulations

B. Effect on Budget (EOB): At this time no effect of budget

C. Level of Service (LOS): Code Compliance is in the process of hiring a Deputy Director and conducting reorganization for shift rotation and duty assignments. This reorganization and shift rotation will increase the level of service for our citizens and visitors.

III. CONCLUSION: The Code Compliance Department has an active Harbor Waterways Compliance Officer. Code Compliance does have authority to enforce multiple codes in or waterways within the City's judication boundaries.
Code Compliance is in the process of reorganization for shift rotation and duty assignments.

IV. RECOMMENDED MOTION: At this time no Recommendation

Attachments:

1. Agenda Report - April 24, 2013
2. Agenda Report - CRA Board Meeting
- July 25, 2016
3. Excerpts - CRA Board Meeting - July
25, 2016
4. Agenda Report - City Council Meeting
- February 21, 2017
5. Excerpts - City Council Meeting -
February 21, 2017
6. Agenda Report - City Council Meeting
- August 1, 2016
7. Excerpts - City Council Meeting -
August 1, 2016
8. Excerpts - City Council Meeting -
September 8, 2016
9. Excerpts - Budget Workshop - August
14, 2017
10. Excerpts - City Council Meeting -
June 18, 2018
11. Excerpts - Budget Workshop - August
13, 2018
12. Excerpts - City Council Meeting -
October 1, 2018
13. Excerpts from February 19, 2019 City
Council Meeting Minutes
14. Excerpts from August 19, 2019 City
Council Meeting Minutes



CITY OF DESTIN

AGENDA ITEM

TYPE OF AGENDA ITEM: Staff Report and Recommendation

TO: Mayor and City Council
THRU: City Manager/Maryann Ustick *mu*
THRU: Community Development Director/Ken Gallander *KG*
FROM: Environmental/Code Enforcement Manager/David Bazylak *DB*
DATE: April 24, 2013
SUBJECT: Need for Full-Time Harbor Master/ Harbor Issue Analysis

- I. **BACKGROUND:** At the City Council Visioning Session on June 16, 2012, City Council directed staff to prepare a comprehensive report that would help Council determine the need for the creation of a full-time Harbor Master Position for the City of Destin. This item has been identified by Council as a "high priority" in the 2012-2013, Policy Agenda for the City of Destin Strategic Plan. The report also includes a problem/issue analysis for Destin Harbor along with specifically identifying regulatory responsibilities for all involved enforcement agencies to assist the City Council with establishing further strategic policy directives.
- II. **DISCUSSION:** To further evaluate the need for a "Harbor Master", staff has researched the key issues that affect the citizens' and visitors' quality of life and also influence the ability of the City to maintain a sustainable working harbor. These key issues include mooring/rental control, access to pumpouts, water quality, regulatory responsibilities, waterway capacity, and finally identifying the specific responsibilities that may be designated to the position of Harbor Master if Council determines a need for the position. The following is an itemized discussion of the above referenced key issues:

Mooring/Rental Control

The issue of mooring control has been one of the more complex issues in Destin Harbor for many years. The ability or inability of the City to regulate mooring activity is dictated through Florida Statute. Although municipalities do have the authority to regulate live-aboard vessels, they are prevented from passing regulations that pertain to non-live-aboard vessels under FS 327.60 (2) local regulations; limitations-

"Nothing contained in the provisions of this section shall be construed to prohibit local governmental authorities from the enactment or enforcement of regulations which prohibit or restrict the mooring or anchoring of floating structures or live-aboard vessels within their jurisdictions or of any vessels within the marked boundaries of mooring fields permitted as provided in s. 327.40. However, local government authorities are prohibited from regulating the anchoring outside of such mooring fields of non-live-aboard vessels in navigation".

What this basically means is that under state law, boaters who use their boats for navigation (even if only occasionally) will not have their anchoring restricted by local city or county outside of permitted mooring fields. However, there is currently a pilot program that is being conducted through the Florida Fish and Wildlife Conservation Commission (FWC) and the State Legislature in 5 locations in the State of Florida to allow local governments the authority to regulate non-live-aboard vessels outside of managed mooring areas through 2014 and then the program will be reevaluated.

Should the City wish to establish a managed mooring field to better regulate live-aboard vessels, there are certain permitting requirements. The creation of a managed mooring area on sovereign lands requires permitting through the Department of Environmental Protection (DEP) through two phases. These are the regulatory and proprietary phases.

The regulatory phase consists of a review of environmental factors such as location of grass beds, oyster beds, and impacts to water quality. The DEP will probably require bathymetric (depth) and benthic (organism) surveys when considering an application. The DEP may also require extensive water quality testing and monitoring. The DEP will also determine if there is adequate depth to accommodate vessels in a proposed mooring area. The DEP will solicit input from the Army Corps of Engineers (COE), FWC, and the U.S Coast Guard in deciding whether there any issues pertaining to navigation such as required setbacks from the navigational channel. The DEP will ask applicants to indicate the length of time vessels may be anchored in the area and will require some type of pumpout facility if vessels are moored for any extended length of time. The DEP will also consider whether or not the applicant can provide upland support facilities for the mooring field such as bathrooms, showers, parking, and dinghy docks. The DEP may recommend the formation of a Technical Advisory Team to address issues associated with the permitting process. These teams usually are comprised of stakeholders that will look at the environmental impacts as well as operational and functional aspects of the proposed mooring field to include a management plan for the area.

The proprietary permitting phase is concerned with obtaining a permit to conduct this activity on sovereign lands by obtaining a submerged land lease. A lessee may operate a mooring area for profit. The general practice is to have a lessee pay a fee to the state based on per square feet annually. The price is based on the consumer price index and it is recalculated annually. Currently it is approximately 16.5 cents per square foot. Fees that are established by the lessee to use the area are usually dictated by the amount of amenities that are provided (sewage pumpout, upland showers, parking, etc.). However, it is not recommended that the fee be much more than necessary to operate the mooring field. According to the DEP, a lessee may also be responsible for environmental incidents that may occur in the mooring field. Additional permits from the Corps of Engineers and the DEP Office of Waterway Management for uniform waterway markers will also be required should DEP approve the mooring field.

Staff has contacted several other locations in Florida that have managed mooring fields. These cities include St. Petersburg, Stuart, St. Augustine, Sarasota, and Marathon. Each of these cities have city-owned water frontage or marinas with upland support facilities for their managed mooring areas. There is usually a Harbor Master, Port Director, or Dock Master along with other staff members depending on the size of the marina and mooring field. The Harbor Masters and Dock Masters that were contacted work mostly in a management or administrative capacity for the mooring fields/marinas and do not have law enforcement or citation authority. Law enforcement is usually provided through the local police departments, sheriff, and the FWC. It is worth noting that the City of Sarasota does not operate their marina/mooring field, but contracts the operation out to a private company.

There are many costs that should be considered should the city wish to establish a managed mooring field such as:

- Design and Permitting- Professional engineering services along with bathymetric surveys, benthic tests, and extensive preliminary water quality testing.
- Construction/equipment costs
- City pumpout station or vessel
- Mooring field management personnel
- Upland support facilities
- Liability and environmental insurance
- Maintenance costs
- Water quality monitoring
- Spill containment equipment

Should Council decide to pursue a managed mooring area, the DEP has suggested having preliminary meetings with agency representatives to discuss the feasibility of the project. Staff has not completed a full risk-reward analysis. However, Council may want to consider the following issues when deciding whether or not to pursue a managed mooring field:

- Extensive start-up costs (including permitting, engineering services, water testing, equipment, insurance and staff)
- Lack of city owned support facilities (restrooms, dinghy docks, showers and pumpout facility or vessel)
- Live-aboard vessels may be regulated and monitored for pump-out activity. However, non-live-aboard vessels cannot be regulated by the local municipality and also cannot be compelled to use the managed mooring field. Any **permanent** mooring placed outside a mooring area by a private citizen would have to be regulated and enforced through the state agency (DEP Submerged Lands).
- The creation of a mooring field sometimes has an adverse impact of attracting more live-aboard vessels and may increase the chances of an environmental incident. Additionally, city controlled moorings may cause a decrease in revenue to private marinas.
- The geographic size of the Destin Harbor (approx. 210 acres) will limit the location and size of the area that could accommodate a mooring field. Additionally, the mooring field would have to meet required setbacks from the navigational channel without unreasonably interfering with upland property owners' riparian rights and not be aesthetically detrimental to upland properties.
- Providing adequate law enforcement support for potential issues.
- Managed mooring fields are not usually found to be a substantial revenue source because regulatory agencies recommend that the fees assessed are usually not much more than necessary for the field's operating budget.

Access to Pumpouts

Access to pumpout facilities is an issue of concern to boaters, visitors and residents along the Destin Harbor. The ability for boaters to be able to access pumpout services in the harbor is an important aspect in the harbor for maintaining Class III water standards set by the DEP which are the standards necessary for recreation and fishing. It is also important to note that the Destin Harbor is one of the three federally designated "No Discharge Zones" in the State of Florida. The designation was established for Destin Harbor in 1988.

Vessels 26 ft and longer with cabins and on-board toilets should also have a Coast Guard approved Marine Sanitation Device (MSD) which is designed to receive, retain, treat or discharge sewage. There are three types of MSD's.

- MSD Type I: Flow-through device that treats sewage by chemical or thermal means.
- MSD Type II: Device that treats the sewage by biological means and uses bacteria.
- MSD Type III: Holds the sewage. Prevents direct overboard discharge or sewage.

Under federal law, if a boat has a Y valve allowing direct overboard discharge of treated or untreated sewage, it must remain closed in a "No Discharge Zone." Vessels are allowed to legally discharge nine miles off shore in the Gulf of Mexico, but no vessels are permitted to discharge (treated or untreated) sewage in a "No Discharge Zone." The enforcement of the pumpout laws falls primarily on the U.S Coast Guard because of the federal designation of the "No Discharge Zone" and the FWCC through the Florida Administrative Code (F.A.C) and Florida Statutes.

According to the latest inspection report from the DEP of pumpout services for existing submerged land leases in the harbor, there are currently five locations providing pumpout facilities. These are located at Harborwalk Marina, Waterview Towers Yacht Club, East Pass Towers Marina, Marbella Yacht Club, and Harbor Landing. The only one of these locations that currently is accessible to the public at large is Harborwalk Marina. The other four locations service the vessels at their particular marina. There are currently no pumpout vessels servicing the Destin Harbor area with the closest one located at Brooks Bridge Marina.

The DEP may require marina facilities to provide pumpout services as a condition for issuance of a submerged land lease for properties allowing live-aboard vessels. The City of Destin's Land Development Code, Section 11.05.01 (I) also requires new marina developments that allow the commercial docking of vessels with on-board toilets to provide sewage pumpout facilities. The City also encourages establishing pumpout stations at marinas by providing a Net Positive Environmental Benefit (NPEB) credit for new marinas providing this service. The DEP encourages marina facilities to apply for grants under the Clean Vessel Act (CVA) which will provide funding for construction of pumpout and dump station facilities that will help ensure proper disposal of human sewage from recreational boats. The DEP has awarded more than \$7 million in funds and has seen an increase from 135 pumpout stations to nearly 400 stations throughout the state. Pumpout facilities paid for through state funds may only charge \$5 dollars for this service.

Water Quality

Water quality in the Destin Harbor is an important aspect for maintaining the previously mentioned Class III water standards that the state deems desirable for recreation and fishing. The City is continuously working to maintain or improve water quality through the operation of the Old Pass Lagoon Pump Station. The pump station is scheduled to operate 7 days a week from spring thru fall. This is the time of year when the salinity levels and dissolved oxygen levels in the harbor tend to lower, which necessitates the need for more flushing in the harbor. The pumping schedule is set for approximately 11:00PM till 5:00AM to take advantage of non-peak time electricity rates through Gulf Power. The pumping capacity is estimated at about 50,000 gallons per minute or 3 million gallons per hour. Over the last two, years we have had to reduce the pump running time from twelve to six hours per night due to budgetary constraints on electricity costs. In FY 2012, the utilities budget for pumping station was \$11,500. However, with monthly costs averaging from \$2000-2600 per month, we went over budget by approximately \$2600.

To ensure that the pump station is being effective, the city conducts water testing through an accredited laboratory (Analytical Services) at eight different locations in the harbor (Exhibit A). Water testing is conducted twice a year at a cost of \$1,910.00 per test (reduced from 4 times per year due to budget cuts). The water testing parameters consist of tests for dissolved oxygen content, salinity, water clarity, fecal and total coliform (bacteria) and various nutrients. The test results over the years have been consistently within acceptable parameters, except for the occasional isolated spike in the Sandpiper Cove canal area, which we believe may be due to a large waterfowl population and the large storm water outfall in the area. These water tests results usually take several weeks to analyze and are used to monitor long-term trends of water quality in the harbor.

It is also worth noting that beginning in the year 2000, extensive upgrades have been made to the major storm water outfalls within the Destin Harbor through the Department of Transportation (D.O.T) and the city is currently involved in the upgrade of a major outfall located at the Fisherman's Wharf. These improvements are very important to the overall water quality in the harbor because of the cumulative negative impacts resulting from improperly managed storm water.

Regulatory Responsibilities in Destin Harbor

The City of Destin has the ability through the City's Land Development Code, Article 11 Section 11.05.00 (Marina Siting) to review, regulate and enforce provisions in this code related to marine development associated with upland properties. Enforcement of provisions of this article are processed through the City's Code Enforcement Division and if necessary, the Code Enforcement Board. This is effective because there is an upland property owner as the responsible party. Enforcement of activity other than development (mooring, no-wake violations, illegal dumping, etc.) is more problematic because the Code Enforcement Staff has no type of law enforcement or citation authority for these types of violations. Because of this, the City is dependent on outside enforcement agencies to assist in the enforcement of non-property related issues in the harbor. The following is a list of the other regulatory authorities along with their areas of authority within Destin Harbor:

- **Okaloosa County Sheriff's Department (OCSO)** - Destin Harbor is actually regulated as a "boating restricted" area under County Ordinance 96-11 which establishes "Idle Speed/No Wake" and "Slow speed/Minimum Wake for areas in Destin Harbor, East Pass, and Crab Island (Exhibit B). Therefore, it is primarily the County's responsibility for enforcement for provisions of this ordinance. The Sheriff's Department is also able to enforce all vessel violations identified in Florida Statutes.
- **Fish and Wildlife Commission (FWC)** - The FWC is also able to enforce conditions established under County Ordinance 96-11. However, they would have to enforce the provisions using Florida State Statutes as violations in a state permitted "boating restricted" area. Additionally, the FWC is able to enforce illegal dumping violations, vessel registration laws, derelict vessels, illegal fish catches, improper lighting, reckless operation and violations of the Florida Administrative Code (FAC). The FWC is a division of the DEP.
- **United States Coast Guard (USCG)** - The Coast Guard's primary job is life safety, search and rescue. The Coast Guard is also responsible for navigational issues pertaining primarily to the Federal Navigational Channel and any vessel violations pertaining to the Code of Federal Regulations (CFR). This would also include any violations to vessel equipment requirements and violations of the federally designated "No Discharge Zone" in Destin Harbor.

- **Department of Environmental Protection (DEP)** - The DEP has regulatory authority dictated by Florida Statutes for all the state waters and bottom lands. The DEP is the primary permitting agency for all marine construction, permanent moorings, dredging and establishing "boating restricted" areas. The DEP is enforcement agency for violations of riparian rights, submerged land leases, unpermitted moorings and other violations of Florida Statutes.
- **United States Army Corps of Engineers (COE)** - The COE primary responsibility is to oversee navigational issues, particularly in approximation to federal navigational channels, but also to consider potential navigational issues relating to other permits that may be issued from state agencies. The COE works in coordination with the DEP through a state and federal "joint application" to review all projects on the "navigable waterway" of the state.

Waterway Capacity

Waterway capacity is another area of concern in the Destin Harbor, particularly at the mouth of the harbor where we have a bottleneck caused from a shifting land mass at Norriego Point. There are many factors that contribute to the congestion at the mouth of the harbor such as shoaling, wave runner rentals, pontoon boat rentals, parasail vessels, large sight-seeing boats, and vessel parking along Norriego Point. It is also common for many of the charter boats to enter and exit the harbor at the same times during the day when harbor traffic is peaking.

Many of the vessels that travel through the Destin Harbor do not originate from the harbor. In fact, there are 125,971 registered vessels in Okaloosa County and only 19,880 are registered in Destin. Many vessels are transient vessels that are coming into the harbor to visit a restaurant, park at Norriego Point or purchase fuel and supplies. The ingress/egress of the harbor becomes more problematic because of unclear markings delineating the navigation channel, inadequate regulatory signage indicating the "No Wake" zone designation, frequent shoaling and lack of law enforcement personnel to respond to vessels in violation of boating laws.

Because the majority of waterfront property within the harbor is already developed, any future new marine development affecting boating capacity should be minimal. However, there are certain steps that may help alleviate some of the problems currently being encountered in the harbor such as better signage, increased law enforcement, and more coordination with rental vendors and dock masters.

City Staff has already contacted Okaloosa County regarding the harbor signage issue. In fact, Okaloosa County is currently in the bidding process for the replacement of missing signage in the Destin Harbor, East Pass, and the Crab Island area. Okaloosa County is the responsible agency for this replacement because these areas are all under the regulation of County Ordinance 96-11. The total cost of this job is approximately \$35,000, according to Okaloosa County. The placement of the signage is coordinated through the DEP Office of Waterway Management (Exhibit C). This project should be completed as soon as a contractor is awarded the job.

An increased law enforcement presence in specific problem locations would be the strongest deterrent to boating violations. Most of the issues can only be addressed through enforcement of Florida Statutes or County Ordinance. City Staff has contacted the appropriate agencies requesting a greater law enforcement presence, but these agencies are also working with limited resources. This may be an issue for further discussion during the FY 14 budget process.

City Staff will continue to coordinate and work with leisure rental vendors, FWC, OCSO, USCG and other appropriate agencies to try to improve public safety and awareness along the waterways in the harbor. Last year, a meeting was held with vendors, dock masters, and all involved regulatory stakeholders at Harborwalk Marina where many of the safety issues were discussed. Moreover, there is an annual meeting coordinated through the FAA and held in Destin to address safety issues relating to parasail operations. This year's meeting was held April 17th at the Destin Community Center.

Full-Time Harbor Master Position

There has been discussion as to whether the city needs to create the position of Harbor Master for the City of Destin in a full-time capacity. It is worth noting that the City of Destin did have the position of Harbor Master until 1993. It was then determined the Harbor Master position did not have any real regulatory/enforcement authority over vessel activity in the harbor and the position was changed to City Environmental Officer. This change increased the number of code enforcement personnel and allowed for enforcement of codes through the upland properties. The change also allowed for the Environmental Officer to continue the tasks associated with the prior Harbor Master position that did not require law enforcement capabilities such as marine construction review, pump station operation, water quality testing, and beach vendor related issues. Despite having no real authority over vessel activity, the City's Environmental Officer did patrol the harbor and waterways on weekends during the summer in past years. This was basically for the purpose of maintaining a city presence as a deterrent to unwanted activity. However, it was determined that this personnel scheduling created a void in code enforcement resources during the week and that the Environmental Officer working during the week was a better and more effective allocation of limited city resources.

To further determine the need for Destin to have a full-time Harbor Master, City Staff has contacted several cities that have the Harbor Master Position to analyze the specific job descriptions or duties that may be associated with the position. Cities contacted include St. Augustine, St. Petersburg, Stuart, Marathon, Gulfport (FL & MS), and Sarasota. All of these locations have a significant amount of city-owned water frontage, marinas, or permitted mooring areas. Three of these locations had a job description for Harbor Master (Exhibits D, E, F) while the other cities had positions such as Ports Director or Marina Manager. In all of the cities contacted, the Harbor Master or similar position primarily functioned in an administrative or management capacity for a city owned and operated marina or managed mooring facility. None of the Harbor Masters contacted has law enforcement authority and all were dependent upon city or county law enforcement to support their operations.

Based on conversations with other cities that currently have the position of "Harbor Master", it is staff's opinion that the need for a full-time Harbor Master in the City of Destin is not warranted at this time. Staff believes that the problem issues occurring in the harbor cannot be addressed through the creation of a position with very limited authority and enforcement capability. The general areas of concern appear to fall under the category of law enforcement through county, state, and federal levels. Moreover, the City of Destin does not own a large amount of water frontage, operate a managed mooring field, or have a city marina to manage as is the case with the other cities contacted. While it is staff's opinion that the creation of a Harbor Master position is not warranted at this time, Council could reevaluate the need for the position in the future if they decide to pursue a managed mooring field. Council should consider waiting until after 2014 to decide on the creation of this position, as this will allow time to see if the Florida Legislature expands local government regulatory authority over non-live-aboard vessels as is being analyzed through the five pilot programs mentioned earlier.

Should Council choose to consider enhancing law enforcement in the harbor, staff has contacted the Okaloosa County Sheriff's Department to obtain a **preliminary** quote on the reestablishment of a Marine Unit for the Destin Harbor area. Projections were approximately \$104,000 for a Marine Deputy which includes \$20,000 in workman's comp insurance (significantly higher than a regular deputy) and apportioned capital replacement for vehicle and boat. The Marine Deputy would be solely dedicated to patrol the Destin Harbor and along with the adjacent bayous within the city as needed. They deputy would also respond to emergency calls along Destin beaches such as a potential drowning and lost children. This preliminary quote is for informational purposes should Council wish to discuss the issue during the budget process or Visioning Session.

- III. **CONCLUSION:** The Destin Harbor is an extremely important asset to the City of Destin. Maintaining good water quality and having the ability to control vessel activity detrimental to residents, visitors, and businesses is a major concern. However, enforcement of laws regulating boating activity is problematic for local municipalities due to restrictions imposed under Florida Statutes. Therefore, the city must rely upon partnerships from county, state, and federal enforcement agencies for support in enforcement efforts. It is staffs opinion that there is not a need for the creation of a full-time Harbor Master position at this time due to limited enforcement capability and jurisdictional restrictions. However, the need may be justified in the future should the City decide to pursue the creation of a city managed mooring field, thus requiring a more consistent presence in a management capacity.

- IV. **REPORT FINDINGS:** The following report findings are provided to assist with establishing further strategic policy direction by the City Council related to management and quality of the Destin Harbor:

- 1) Due to the fact that most of the mooring issues in Destin Harbor stem from non-live-aboard vessels and the city's restricted ability to regulate these types of vessels as dictated through Florida Statutes, staff finds that the city should delay pursuing a managed mooring field. A managed mooring field would only allow the city to address live-aboard vessels, which there are currently only a few in the harbor. It would also require extensive start up and permitting costs. Lastly, municipalities may not compel non-live-aboard vessels to use a managed mooring field.

Staff further finds that it is in the city's best interest to wait until after the previously mentioned FWC pilot program for regulating non-live-aboard use (page 2 of 9) is completed to reevaluate the concept of establishing a managed mooring field. This will allow time to see if the State Legislature expands local governments' authority over non-live-aboard vessels and makes the establishment of a managed mooring field more feasible.

- 2) It is even more beneficial for the operation of the Harbor Flushing Station to operate on a longer daily and monthly running time to help ensure water quality within the Harbor is maintained or improved. Annual operating costs would increase by approximately \$11,500 to return to pre-2011 operation levels of 12 hours a day from March through October/November. Council may also consider an increase in the water quality monitoring budget line item to allow for quarterly testing (approximately \$4,000 increase).

- 3) Staff finds that it would be in the city's best interest to require future waterfront developments to provide public pumpouts and encourage developers to contact the Department of Environmental Protection for information on applying for grants for pumpouts through the Clean Vessel Act.
 - 4) Staff finds that due to the city staff not having any law enforcement capabilities of County Ordinances and Florida Statutes regarding water craft operations, re-establishing (full or part-time) the Okaloosa County Sheriff's Marine Unit within the Harbor would be beneficial. Council may consider further discussion and policy direction of this finding through the upcoming Visioning Session and FY-14 Budget Process.
 - 5) Request more targeted enforcement through the FWC regarding moored vessels in the harbor for violations such as improper lighting, invalid registration, and improperly secured marine sanitation devices, which will minimize the possibility of derelict vessels.
- V. **RECOMMENDATION(S):** The following recommendation specifically relates to the City Council "High Priority" policy directive of evaluating and funding a Harbor Master.

City Staff does not recommend the creation of a full-time Harbor Master position at this time because of the city's limited authority over non live-aboard vessels and also because the city does not have a city marina/mooring field to manage. However, staff does believe that the need for the Harbor Master position may be justified should City Council decide to move forward on establishing a city marina/managed mooring field to ensure better monitoring of live-aboard vessels.

ATTACHMENTS:

- A. Water Testing Locations-Map
- B. Boating Restricted Zone Map-County Ordinance 96-11
- C. County Signage Replacement Map
- D. City of Gulfport Mississippi- Harbor Master Job Description
- E. City of Gulfport Florida-Harbor Master Job Description
- F. City of St. Augustine-Harbor Master Job Description

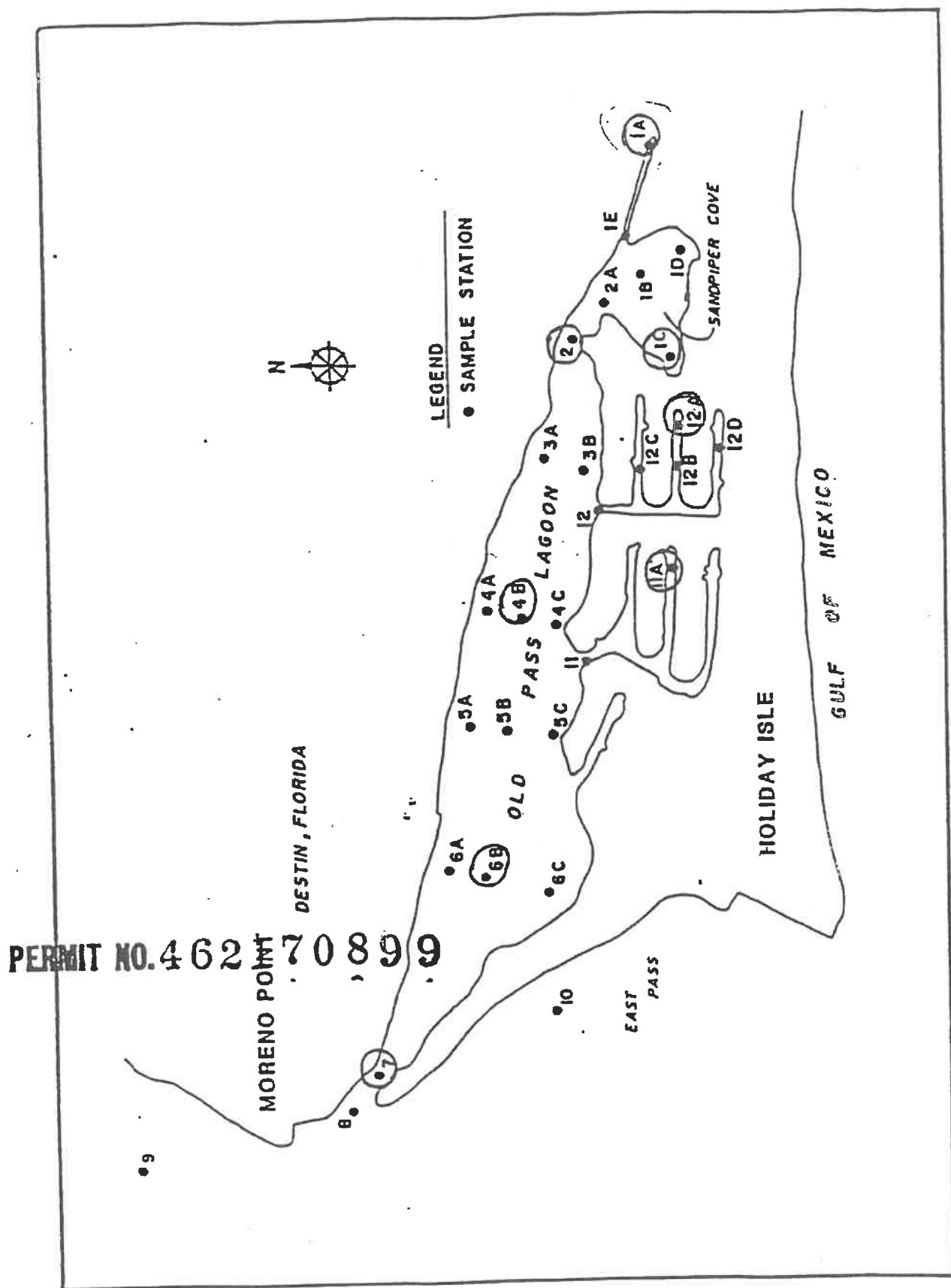


Figure 1: Location of Monitoring Stations.

OKALOOSA County Ordinance 96-11

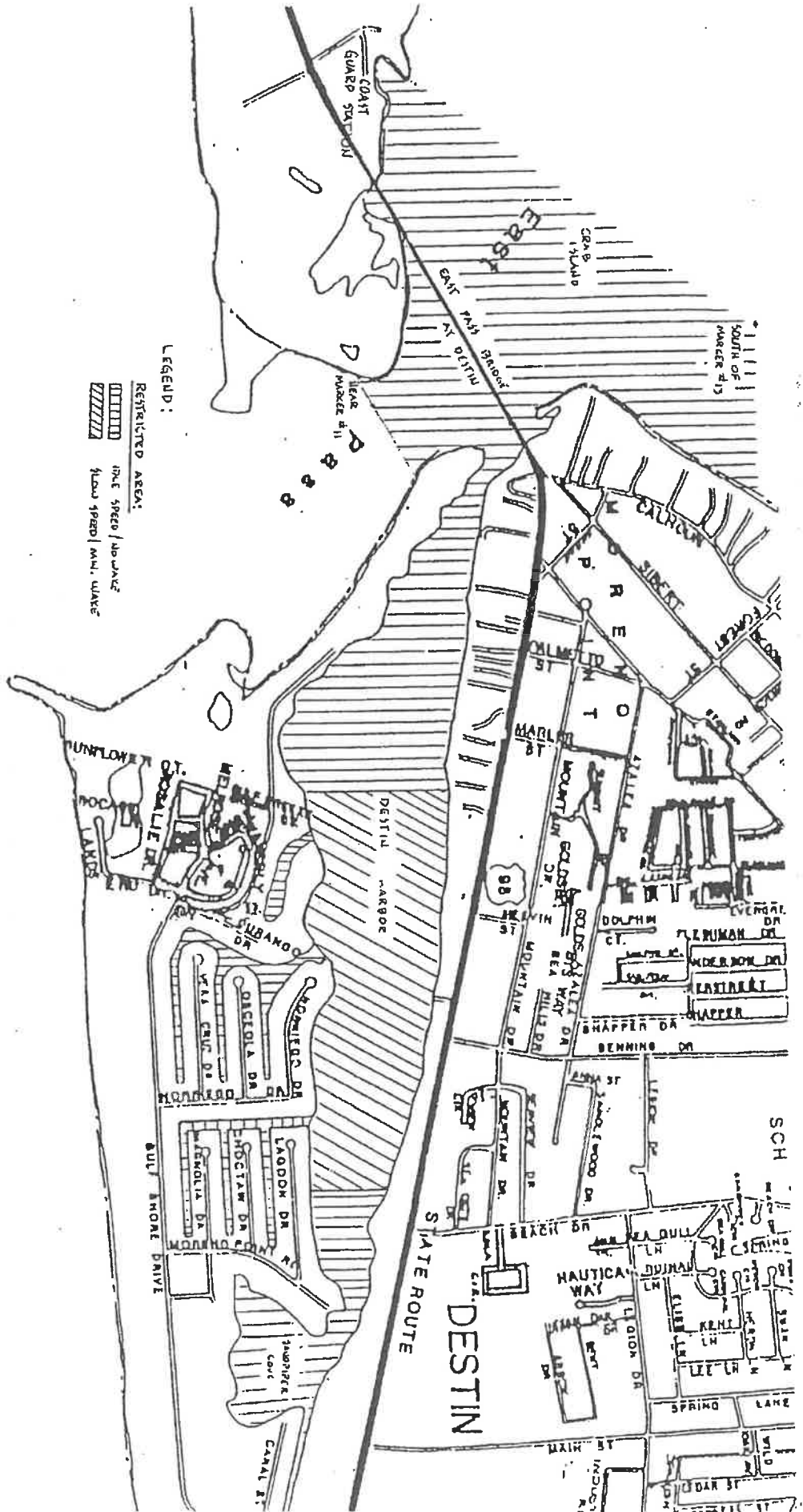
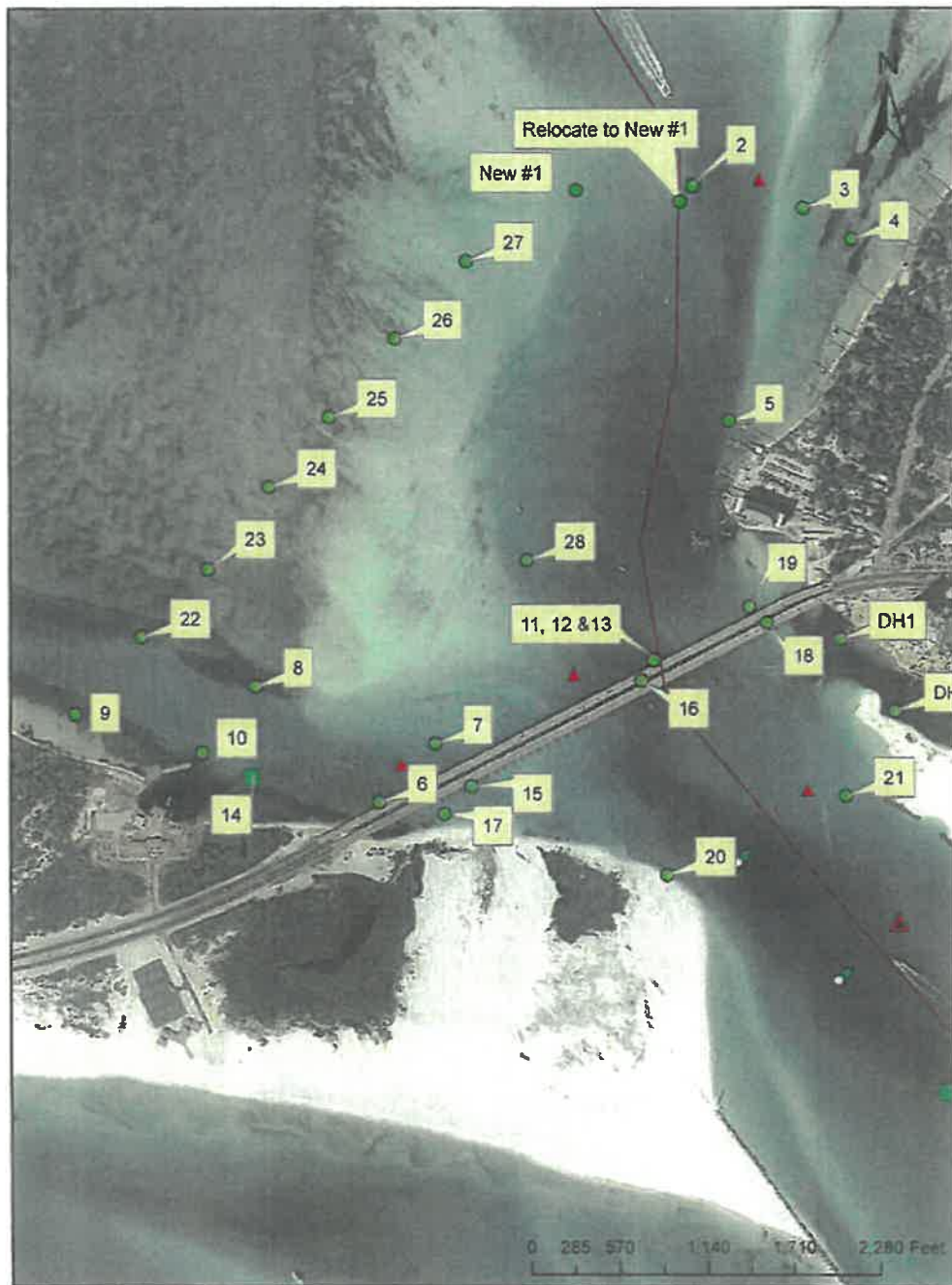


EXHIBIT "C"

Destin Harbor Marker Inspection (Oct 2012) - Permit 94-181 (Okaloosa County Ord #96-11)

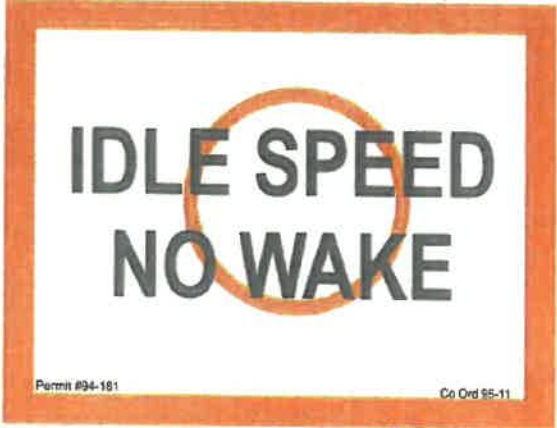


Marker Ref #	Sign	Latitude	Longitude	Pile	Sign Panel Facing	Symbol	Sign Panel Wording	C comments	Signs Needed	Piles Needed
DH1	A	30 23.672	86 30.818	SP	NE	C	ISNW	No action needed. Installation and signs are in good condition.	0	0
DH1	B	30 23.672	86 30.818	SP	SW	C	ISNW			
DH2	A	30 23.605	86 30.760	SP	E	C	ISNW	Install new single pile installation and 2-3'x4' signs off point at entrance to Destin Harbor.		
DH2	B	30 23.605	86 30.760	SP	W	C	ISNW		2-3'x4'	1
DH3	A	30 23.547	86 30.596	O	E	C	ISNW	Replace 3'x4' signs on Green Daybeacon 3 with new signs and replace crossmembers.		
DH3	B	30 23.547	86 30.596	O	E	C	ISNW		2-3'x4'	0
DH4		30 23.523	86 30.491					Remove 2 signs on Red Daybeacon 6 - ISNW and Unpermitted information		
DH5	A	30 23.476	86 30.435	SP	N	C	ISNW	Triple pile installation with 3-4'x6' sign panels.		
DH5	B	30 23.476	86 30.435	DP	SW	C	ISNW		3-4'x6'	3
DH5	C	30 23.476	86 30.435	DP	SE	C	ISNW			
DH6	A	30 23.365	83 30.206	DP	E	C	ISNW	Install new double pile and 2-4'x6' sign panels.		
DH6	B	30 23.365	83 30.206	DP	W	C	SSMW		2-4'x6'	2
DH7	A	30 23.449	86 30.202W	DP	E	C	ISNW	Replace single pile with double pile, remove existing 2-3'x4' signs and install 2-4'x6' signs ISNW (facing East / SSMW (facing west)	2-4'x6'	2
DH7	B	30 23.449N	86 30.202W	DP	W	C	SSMW	Replace existing 3'x4' sign with new sign panel. No sign needed on backside of single pile installation.	1-3'x4'	0
DH8	A	30 23.322N	86 30.165W	SP	NW	C	ISNW			
DH9	A	30 23.320	86 30.142	DP	NW	C	ISNW	Remove existing ISNW signs and install new SSMW signs on double pile. Needs crossmembers.	2-4'x6'	0
DH9	B	30 23.320	86 30.142	DP	SE	C	SSMW			
DH10	A	30 23.329	86 29.937	SP	SE	C	SSMW	Existing single pile needs to replace 2-3'x4' signs.	2-3'x4'	0
DH10	B	30 23.329	86 29.937	SP	NW	C	ISNW			
DH11	A	30 23.329	86 29.916	SP	SE	C	SSMW	Existing single pile needs to replace 2-3'x4' signs.	2-3'x4'	0
DH11	B	30 23.329	86 29.916	SP	NW	C	ISNW			
DH12	A	30 23.244	86 29.884					Remove single pile installation.		
DH13	A	30 23.302	86 29.627					Single pile in good condition. Need to add 1-3' x 4' SSMW sign panel to backside of installation facing South.	1-3'x4'	0
DH13	B	30 23.302	86 29.627	SP	S	C	SSMW			
DH14	A	30 23.22958	86 29.612297					Remove single pile installation.		
DH15	A	30 23.161609	86 29.609565					Remove single pile installation.		
DH16	A	30 23.370N	86 29.442W					Remove sign pile, ISNW sign and unpermitted "no discharge" sign.		
DH17	A	30 23.344N	86 29.449W	DP	E	C	SSMW	Install double pile and 2-4' x 6' sign panels.	2-4'x6'	2
DH17	A	30 23.344N	86 29.449W	DP	W	C	ISNW			
DH18	A	30 23.360N	86 29.313W					Remove single pile installation and 2 signs.		



East Pass Marker Inspection (Oct 2012) - Permit 94-181 (Okaloosa County Ord #96-11)

marker	Sign	Latitude	Longitude	Pile	Sign	Symbol	Sign Panel	Comments	Signs Needed	Piles Needed
1	A	30 24.089	86 31.101	DP	N	C	ISNW	Move existing double pile installation (located at 30 24.078 / -86 30.991 and identified on map as #1 Relocate) to new location west of Green CM 13 (30 24.089 / -86 31.010 and identified on Map as New #1) and install new 2-4'x6' sign panels facing North and South. Install 2-3'x4' new ISNW and RNSO sign panels on Green Day Beacon 13.	2-4'x6'	0
1	B	30 24.089	86 31.101	DP	S	C	RNSO			
2	A	30 24.093733	86 30.976733	O	N	C	ISNW		2-3'x4'	0
2	B	30 24.093733	86 30.976733	O	S	C	RNSO			
3	A	30 24.0721	86 30.858	DP	S	C	RNSO	Install new double pile installation with 4'x6' sign panels.		
3	B	30 24.0721	86 30.858	DP	N	C	ISNW		2-4'x6'	2
4	A	30 24.0431	86 30.805	SP	S	C	RNSO	Install new single pile installation with 2-3' x 4' sign panels.	2-3'x4'	1
4	B	30 24.0721	86 30.858	SP	N	C	ISNW			
5	A	30 23.8731	86 30.941	SP	S	C	ISNW	Remove leaning pile and faded signs. Install new pile and 2-3'x4' signs ISNW/ISNW	2-3'x4'	1
5	A	30 23.8731	86 30.941	SP	N	C	ISNW			
6	A	30 23.520	86 31.314	BR	N	C	ISNW	Replace 1-3'x4' sign panel on bridge pile	1-3'x4'	0
7	A	30 23.575	86 31.254	DP	E	C	ISNW	Existing double pile installation in good condition only need to replace 2-4'x6' signs.	2-4'x6'	0
7	B	30 23.575	86 31.254	DP	W	C	ISNW			
8	A	30 23.628	86 31.447	DP	E	C	ISNW	County needs to consider removing this marker installation given the proposed installation of #9 and #22. Existing double pile installation in good condition only need to replace 2-4'x6' signs.	2-4'x6'	0
8	B	30 23.628	86 31.447	DP	W	C	ISNW			
9	A	30 23.602	83 31.640	DP	NW	C	ISNW	See Note on #8 and #10. Install double pile and 2-4'x6' sign panels.	2-4'x6'	2
9	B	30 23.602	83 31.640	O	SE	C	RNSO			
10	A	30 23.566	83 31.504	SP	NW	C	ISNW	County needs to consider removing this marker installation given the proposed installation of #9 and #22. Replace 2-3'x4' signs on existing pile located off USCG property.	2-3'x4'	0
10	B	30 23.566	83 31.504	SP	SE	C	ISNW			
11	A	30 23.665	86 31.026	BR	NW	C	ISNW	3'x4' sign on bridge fender system in good condition.	0	0
12	A	30 23.665	86 31.026	BR	NW	C	ISNW	3'x4' sign on bridge fender system in good condition.	0	0
13	A	30 23.665	86 31.026	BR	NW	C	ISNW	3'x4' sign on bridge fender system in good condition.	0	0
14	A	30 23.5427	86 31.449773	O	SE	C	ISNW	Add 2-3'x4' signs to Green CM 4 located off USCG station.	2-3'x4'	0
14	B	30 23.5427	86 31.449773	O	NW	C	ISNW			
15	A	30 23.535N	86 31.215W	O	SE	C	ISNW	Replace 3'x4' sign on bridge pile	1-3'x4'	0
16	A	30 23.633897	86 31.030079W	BR	NW	C	ISNW	Replace 3'x4' sign on bridge pile	1-3'x4'	0
17	A	30 23.509	86 31.244	SP	NW	C	ISNW	Install single pile with 2-3'x4' sign panels.	2-3'x4'	1
17	B	30 23.509	86 31.244	SP	SE	C	ISNW			
18	A	30 23.687	86 30.899	O	S	C	ISNW	Replace ISNW sign on bridge pile	1-3'x4'	0
19	A	30 23.702	86 30.918	O	N	C	ISNW	Replace ISNW sign on bridge pile	1-3'x4'	0
20	A	30 23.452N	86 31.007W	DP	SE	C	ISNW	Install double pile and 2-4'x6' sign panels. Need to use three piles and create a 45 degree wedge	2-4'x6'	3



**IDLE SPEED
NO WAKE**

Permit #94-181

Co Ord 95-11



**SLOW SPEED
MINIMUM WAKE**

Permit #94-181

Co Ord 96-11

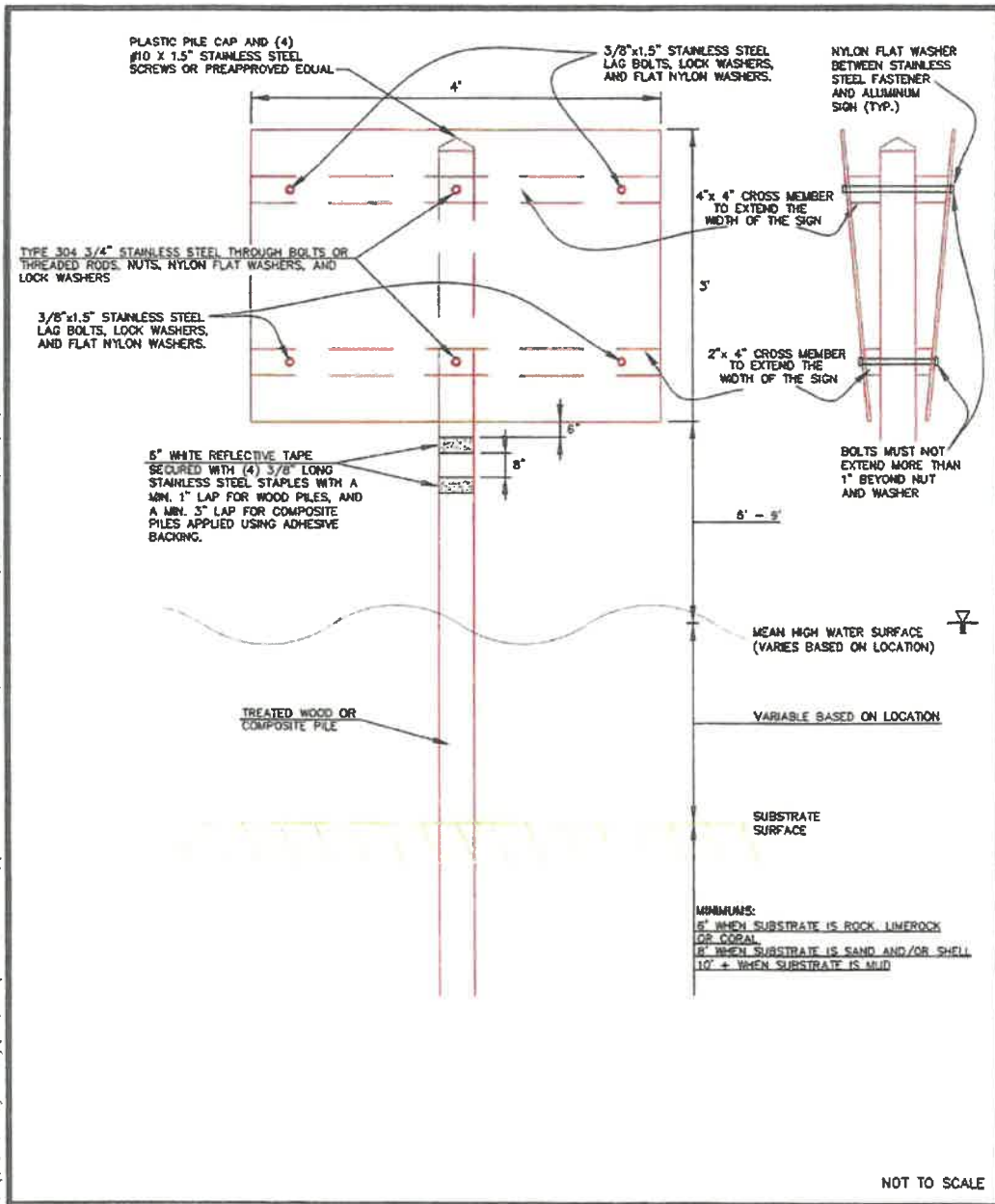


**RESUME NORMAL
SAFE OPERATION**

Permit #94-181

Co Ord 96-11

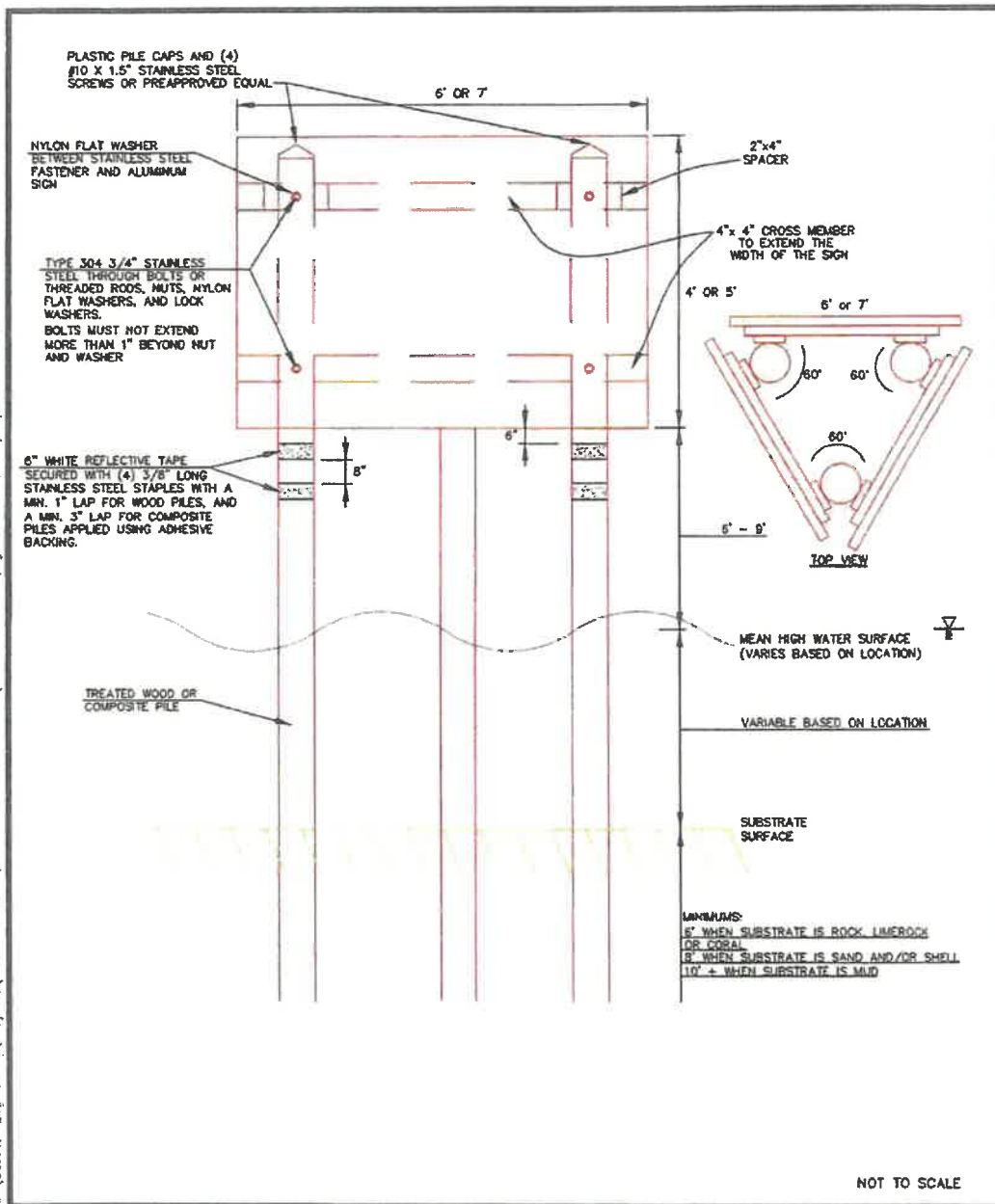
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Waterway Marker
 Construction Services
 Uniform Waterway Marker Detail

3'x4'
 Single Pile

USER: 1153
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Waterway Marker Construction Services

Uniform Waterway Marker Detail

4'x6' or 5'x7'
Triple Pile



City of Gulfport, Mississippi
Job Description

Harbor Master

(Harbor)

Department: 445-Harbor

EEO Class: Technical

Date written: 5/6/11

FLSA Status: Exempt

Date Approved:

Position Overview

Responsible for the administration, management, operations, maintenance, usage and repairs in the Jones Park/Harbor Facilities. Represents division on operations matters with official and professional associations, manages staff, policies, budget and programs; and performs related duties as assigned. This position coordinates with other City Departments in the implementation of Special Events and activities for the Jones Park/Harbor area. This position reports to Leisure Services.

Essential Job Functions

Essential duties and functions, pursuant to the Americans with Disabilities Act, May include the following as well as their related duties that may be assigned.

- Responsible for ensuring effective operations and the highest and best use of city owned or operated equipment, facilities and land, maximizing cost-effectiveness and productivity within budgetary constraints.
- Develops Jones Park/Harbor budget and capital plan and monitors expenditures. Develops and recommends capital improvements.
- Represents Division at City Council and other meetings and maintains liaisons with the Coast Guard, and other local, state and Federal agencies responsible for the safety of coastal and harbor waters.
- Develops and oversees policies and procedures, rate plans, regulations, operations manuals and procedures, safety plans, hazardous materials plans and training plans.
- Manages lease files, inquiries and proposals; prepares drafts of leases and recommends terms that ensure the protection of the City of Gulfport and harbor enterprise.
- Provide exemplary customer service to all individuals by demonstrating a willingness to be attentive, understanding, and responsive, fair, courteous and respectful, and to actively

- participate in maintaining a positive customer service environment.
- Oversees the selection, supervision, training and evaluation of Jones Park/Harbor staff members.
- Oversees harbor patrol operations to ensure effective emergency response, harbor security, and community relations; represents the department at the City's emergency operations center during local or regional disasters.
- Plans and coordinates special events and establishes event committees; works with volunteers to ensure effective delivery of program services.
- Explain harbor policies to tenants, boat owners, and concerned members of the general public.
- Develops policy implementation and enforcement procedures; administers and regulates Jones Park/Harbor area, reviews special cases involving potential violations and complaints, and resolves problems.
- Develops recommendations regarding proposed development and proper utilization of harbor water areas.
- Manages assignment and transfer of berths in the harbor.
- Supervisory principles and performance evaluation practices.
- Budgeting practices; contract administration procedures.

Knowledge, Skills and Abilities

Must possess required knowledge, skills, abilities and experience and be able to explain and demonstrate, with or without reasonable accommodations, that the essential functions of the job can be performed.

- Harbor regulations and municipal codes related to patrol operations, maintenance and public safety.
- Harbor patrol practices, security requirements, emergency preparedness practices, and proper facility use.
- Marine construction tools, materials and maintenance methods.
- Public outreach and community education programs related to harbor operations, customer service principles.
- Computer knowledge in all Microsoft applications.

Education and Experience

Bachelor's degree in business administration, marine science or planning, or similar field related to port and harbor operations. Four (4) to six (6) years of related experience, with two (2) years of experience in management, budgeting and fiscal control, preferably in public service;

or equivalent combination of education and related experience.

Required Licenses or Certificates

Must possess valid State of Mississippi driver's license.

Physical Demands and Working Conditions

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Physical requirements include the occasional lifting/carrying of 25 + pounds; visual acuity, speech and hearing; hand and eye coordination and manual dexterity necessary to operate field tools, computers and basic office equipment. Subject to sitting, standing, reaching, walking, twisting and kneeling to perform the essential functions. Working conditions are both indoors and outdoors, in rain and the heat of summer.

MAJOR FUNCTION:

Responsible for the administration, management, operations, maintenance and repair, use and marketing of all city harbor and port facilities and lands, recommending and coordinating public policy relating to marine facilities and issues. Responsible for developing and implementing cost recovery rate plans and maintaining accurate accounting systems for these rate plans.

ESSENTIAL DUTIES AND RESPONSIBILITIES:

Responsible for ensuring effective operations and the highest and best use of city-owned or operated equipment, facilities and land, maximizing cost-effectiveness and productivity within budgetary constraints and limitations. Develops harbor budget and capital plan and monitors expenditures to ensure responsible management of public funds; develops and recommends capital plan and port expansion plans.

Monitors use of and protects all facilities from damage; issues drafts proposals of short and long range maintenance, repair, replacement and improvement and /or expansion programs to meet present and future port/harbor needs and oversees scheduling of equipment and facilities; coordinates with other municipal departments on work or service requirements. Develops and oversees policies and procedures, rate plans, regulations, operations manuals and procedures, safety plans, hazardous materials plans and training plans to implement decisions of the City Council and Administration and to meet or exceed local, state and federal requirements; develops and recommends to the City Manager new policies and procedures as needed to ensure safe operation of the port, adequate staffing levels and provision of services within authorized expenditure levels; has responsibility for performance of, and authority to perform, all planning for the port and harbor including development and evaluation of alternative practices or approaches to existing programs or procedures; evaluates the organizational structure for the port/harbor enterprise and makes revisions as required. Major reorganization is subject to approval of the City Manager.

Reports directly to the City Manager, interfaces on a regular basis with all city departments and department heads, state and federal agencies, port users, uplands users and members of the public; reports to the City Manager regularly on port programs, operations and status; makes reports and recommendations to the City Manager on lease files, inquiries and proposals; prepares drafts of leases and recommends terms that ensure the protection of the City of Gulfport and port/harbor enterprise. Drafts, issues and maintains licenses for use of harbor and port facilities. Participates in Emergency Preparedness planning and organization, including assuming assistance roles and directing department resources in rendering services during emergencies.

SUPERVISORY RESPONSIBILITIES:

Directly supervises all employees in the harbor department; carries out supervisory responsibilities in accordance with the city's policies and applicable laws; supervises and instructs personnel in daily harbor operations; responsible for planning and reviewing plans of subordinate staff to ensure efficient staffing coverage to meet requirements in all areas of the port operations; communicates work assignments to subordinates; delegates tasks and responsibilities as required; controls the timeliness and quality of work performance through monitoring and evaluation; establishes time frames for work completion; controls productivity to ensure optimal utilization of resources; interviews, recommends for appointment, trains, evaluates, rewards, promotes and disciplines harbor staff; addresses complaints and resolves problems; oversees and ensures supervisors and employees receive adequate training in technical and safety-related job needs.

KNOWLEDGE, ABILITIES AND SKILLS:

LANGUAGE SKILLS: Ability to communicate orally and in writing with the public, all levels of city administration and other, state and federal regulatory agencies regarding port/harbor issues, effectively responding to questions; receive, research and respond to public inquiries, complaints and proposals concerning port operations and upland properties; actively promote the port and marine uplands to agencies and representatives of government, industry and commerce, storage and uplands development of marine-related commerce, tourism and maritime interest; meet with representatives of commerce to discuss and research lease proposals; represent the city at meetings, conferences, trade shows and expositions; read, analyze, and interpret common technical journals and procedures, financial reports, legal documents, general business periodicals, professional journals, or governmental regulations; write reports, business correspondence, and procedure manuals.

MATHEMATICAL SKILLS:

Ability to work with mathematical concepts, apply concepts such as fractions, percentages, ratios and proportions to practical situations. Ability to define problems collect data, establish facts, and draw valid conclusions.

PUBLIC RELATIONS:

Public relations shall be an integral part of the Harbormasters job. Harbormaster shall be courteous, helpful and conduct him/her selves in a professional manner which is appropriate for an employee in public service.

OTHER SKILLS AND ABILITIES:

Comprehensive knowledge of information relative to navigation in U .S. coastal waters, including laws and regulations of the various agencies governing marine navigation. Knowledge of federal, state and local laws and regulations regarding the operation, mooring and docking of boats; working knowledge of standard maintenance practices for wooden and concrete structures, electrical systems, water distribution systems, marine sewage systems, water safety and rescue methods; accounting, budget development and implementation. Ability to read charts, maps, weather recording devices and to interpret weather information as it relates to marine navigation; gather information and act decisively in the event of a distress call, environmental or weather emergency, or other crisis involving the operations of the port/harbor; operate, maintain and repair marine-related equipment according to known safe operating procedures and capacities of equipment, cost analyses and seasonal equipment needs; inspect equipment and evaluate condition, determine servicing needs and feasibility of repair; recommend replacement of old or unserviceable equipment; establish and maintain working relationships with those supervised; develop a budget for complex programs; monitor and manage projects of varying size and complexity

MINIMUM QUALIFICATIONS:

EDUCATION AND/OR EXPERIENCE: Certification as a Certified Marina Manager (CMM) and Bachelors' degree in business administration. Experience in accounting, engineering, planning or similar field related to port and harbor operations. Seven years of related experience with five years of experience in management, supervisory, budgeting and fiscal control, preferably in public service; or equivalent combination of education and related experience.

Graduation from an accredited high school or possession of an acceptable equivalency diploma.

EXHIBIT "F"**CITY OF
ST. AUGUSTINE****PERSONNEL
MANUAL**

3.	Job Description
3.2	General Employee
3.2.209	Harbormaster

Job Position Harbormaster
Department General Services
Division Municipal Marina

Job Description

Administrative and managerial position responsible for the effective and efficient operation of the City of St. Augustine Municipal Harbor/Marina and for the overall safety of staff and guests. Supervises harbor/marina staff, assigns dock spaces and moorings to yachts and small craft, and manages the care and maintenance of Marina grounds, buildings, vessels, facilities, moorings, and equipment. Serves as the City's liaison to the Fish and Wild Life Commission, the US Coast Guard, vendors, customers and the public. The work is performed under the general supervision of the Director of General Services.

Job Responsibilities

Supervises division staff. Prepares staff schedules and oversees payroll records. Conducts performance evaluations for all employees in the Division in accordance with prescribed City evaluation forms, procedures and time schedules to objectively measure the performance of employees in accordance with the applicable job description. Takes corrective action when necessary. Oversees the reserving of space for boating clubs, long term vessels, special craft reservations, fishing tournaments and boat shows utilizing the City Marina and it's facilities. Interviews candidates and makes recommendations for hire.

Exercises expertise in customer and public relations. Maintains an excellent attitude toward customers, guests, employees, and management. Reviews customer surveys on a regular basis to identify areas needing improvement. Updates customer survey form as necessary.

ISSUE DATE 11/29/2007 REVISION DATE 11/29/2007	APPROVED BY Wm. B. Harriss, City Manager	PAGE 1	PAGES 2
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Job Responsibilities (con't.)

Maintains and oversees the maintenance and continuous clean-up of the marina, mooring fields, moorings, court yard, grounds, buildings, city owned vessels, public and guest restrooms. Ensures an adequate inventory of supplies including custodial, office, ice, gas, diesel and other merchandise as required. Coordinates with roving custodians to have supplies delivered as needed.

Oversees and maintains accurate registration records/information of all arrivals and departures of vessels at the marina and mooring fields. Ensures that boats registering to the moorings meet appropriate safety, coast guard, state, and city requirements as outlined in the Harbor Management Plan. Maintains a thorough knowledge of the marina's software and MUNIS (the City's software). Coordinates with IT on all computer and software issues as needed.

Creates an annual budget for the division and submits it to the Director of General Services for approval. Follows all budgetary guidelines of the approved budget. Reviews balancing of all deposits, paperwork, inventory listings, fuel console, reconciliation listings, monies, credit cards and deliver same to financial services. Balances return deposits with reconciliation listings. Reviews monthly expenditures and revenues statements of for accuracy and adjust/corrects as necessary. Annually reviews all dockage and mooring rates. Advises the Director of General Services of any recommended rate adjustments for the city commission to approve.

Requests all fuel and merchandise discounts through management. Participates in weekly general services staff meetings and periodic URS Bridge of Lions meetings. Supports and executes all established Marina, Harbor and City Policies, directives and procedures. Receives and answers Marina correspondence as required. Prepares daily state mandated fuel reports for state audits and maintains and initiates files for all commercial customers and clients. Monitors, prepares for and passes annual DEP inspections of the marina fuel tank system and spill procedure. Coordinates all commercial contracts with the Director of General Services.

Oversees the daily operation of the Marina's water taxi and pump-out services. Monitors the licensing requirements for these services and ensures the City has qualified/trained employees to provide these services in accordance with City, State, Federal and Coast Guard regulations.

Maintains and updates the marina procedures manual as required. Maintains and updates the marina spill procedures manual as required. Ensure all employees are trained and familiar with all procedures on an annual basis.

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Job Responsibilities (con't.)

Ensures that a marina employee attend City safety meetings. Ensures all employees are trained and operate marina vessels and equipment in a safe manner.

Oversees the preparation of the marina vessels during hazardous weather conditions and notifies all owners of weather conditions. Advises the Director of General Services, marina personnel, police, and fire department when applicable. Ensures the Marina's emergency action plan is current.

Performs other related duties as assigned.

Education, Training and Experience

Four year degree, preferably in business related field, or an equivalent combination of education and related work experience required . Considerable experience in Harbor, mooring fields, Marina operations, facilities maintenance, software, slip/mooring rental, nautical terms and marine customs. Must maintain a valid Coast Guard Captains license. A minimum of 5 years of supervisory experience involving the management of business operations.

Driver's License Requirement: Valid Florida Driver's License Classification E.

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CITY OF DESTIN



AGENDA ITEM

CRA MEETING DATE: July 25, 2016
 TYPE OF AGENDA ITEM: Staff Report and Recommendations

TO: Community Redevelopment Agency Board of Directors
 THRU: CRA Executive Director/Carisse LeJeune *CLJ*
 Acting Community Development Director/R. Ashley Grana *AG*
 FROM: Interim Community Development Director/Steven R. Schmidt *SR*
 Planner/Hank Woollard, AICP *HW*
 DATE: July 20, 2016
 SUBJECT: Harbor CRA Advisory Committee recommendations from May 11, 2016, and July 13, 2016.

I. BACKGROUND:

At its regular May 11, 2016 meeting, the Harbor CRA Advisory Committee (H-CRAAC) made several recommendations for consideration by the City Council/CRA Board. Those recommendations summarized below, were reviewed by the CRA Board on June 20, 2016. The CRA Board determined that it did not have time on June 20 to adequately consider the recommendations and scheduled a special meeting for July 25, 2016.

The H-CRAAC met again on Wednesday, July 13, 2016 and further refined its recommendations to the CRA Board. The recommendations are fully detailed in the minutes of the July 13 meeting and are also summarized below.

II. DISCUSSION:H-CRAAC recommendations from May 11, 2016:

1. H-CRAAC voted unanimously to recommend to the CRA Board that a 6-month moratorium be placed on food truck and trailer vendor permits to allow the Harbor CRA-AC time to modify the criteria for permits, while still allowing processing of special event requests.

Staff analysis/comments: Please refer to the H-CRAAC Agenda Item attached as Exhibit "A," and the minutes of the meeting attached as Exhibit "B." The Committee wished to consider the item further before making a recommendation, and wishes to suspend issuance of permits to allow time to potentially modify the criteria for permitted vendors. Please refer the minutes of the July 13, 2016 H-CRAAC for the final recommendations.

2. The H-CRAAC voted unanimously to recommend the CRA Board approve the adoption of Ordinance 16-12-LC, the redefinition/clarification of the description of the boundary of the South Harbor Festive Marketplace.

Staff analysis/comments: Please refer to the H-CRAAC minutes of May 11 (refer to Exhibit "B"), and the H-CRAAC Agenda Item attached as Exhibit "C." The H-CRAAC adopted the recommendations for the Festive Marketplace boundary as proposed by staff with input from the City's Land Use Attorney and from the Sheriff's Office.

3. The H-CRAAC voted unanimously to recommend the CRA Board petition FDOT to reduce the speed limit in the Harbor District to 25 mph.

Staff analysis/comments:

This desire to lower the speed limit along Harbor Blvd, which is within the Harbor CRA, was researched by FDOT at the request of City Council in 2014. The specific study looked at US 98 from the Marler Bridge (East Pass Bridge) to Beach Drive. The resulting recommendation by FDOT's consultant was to retain the posted speed limit of 35 mph, but to work to implement the extensive recommendations as outlined in the finalized Safety Assessment Report of December, 2013. Three Mid-block, pedestrian activated signalized crosswalks were recently installed on Harbor Boulevard.

4. The H-CRAAC voted 4-0, with one abstention, to recommend the CRA Board support, or take steps to secure Captain Royal Melvin Park and Plaza for pedestrian traffic only (not for parking); and to beautify the park property, while allowing the existing blacktop driveway to be used until the park project breaks ground.

Staff analysis/comments: This matter was addressed by the City Council on July 18, 2016.

- A. **Link to Strategic Goals /Objectives:** IC. Analyze, measure, and improve key processes to enhance service excellence.
- B. **Effect on Budget (EOB):** The Committee recommendations have no direct effect on the budget.
- C. **Level of Service (LOS):** None anticipated.

H-CRAAC recommendations to the CRA Board from July 13, 2016 (refer to Exhibit "D" minutes for discussion on specific items)

Committee member Best made the motion for the Chairman to attend the CRA Board on July 25th and present the following concerns and recommendations regarding Pontoon and Jet Ski businesses:

- The enforcement of the current parking requirements
- Take under advisement the medallion plan for every livery vessel with a business tax receipt and the medallions to be able to be removable in order to transfer to another vessel when replacement is necessary. The motion passes 6-0 with Committee member Raim providing the second.

Committee member Best moved to simply require the current parking requirements in the Code be enforced. Committee member Raim provided the second to the (amended) motion and the motion passed with a 6-0 vote.

Committee member Best made the motion to recommend to the CRA Board to adopt a \$5.00 a day surcharge per boat/Jet Ski to be assessed so that the City can hire Code Enforcement to enforce the Codes. Committee member Raim provided the second for sake of discussion. In discussion, the members decided that the motion should be amended to \$500.00 per year vessel for each medallion per year to fund Code Enforcement for the Harbor District. The motion passes with a 6-0 vote with Committee member Best agreeing to the amendment and Committee member Raim providing the second to the amendment.

Committee member Green made the motion to recommend the CRA Board to adopt new ordinances that have shorter timeline for correction of violations and stiffer penalties for habitual offences in reference to all businesses in the Harbor District. Committee member Best provided the second. The motion passes 6-0.

Motion by Committee Green, seconded by Committee member Jones; the members voted 6-0 to recommend that the CRA Board expedite the lowering of the speed limit to 25 mph on Highway 98 in the Harbor District.

- III. RECOMMENDATION:** Forward the Harbor CRA Advisory Committee recommendations from May 11 and July 13, 2016 to the City Council. Direct staff to review recommendations from the July 13, 2016 H-CRAAC meeting regarding boat rentals, small vendors, and parking; and provide to the City Council an analysis of the administrative feasibility and legality of the proposed actions.

- IV. RECOMMENDED MOTION:** "I move, the CRA Board accept the recommendations of the Harbor CRA Advisory Committee and forward the following recommendations to the City Council:

1. Adopt a 6 month moratorium on new permits for food trucks and trailers and direct staff to research and develop appropriate regulatory standards for these uses to be incorporated into the Land Development Code. The moratorium shall not apply to those covered under a general special event permit such as the Seafood Festival or the Arts Festival.
2. Direct staff to proceed with the adoption process for Ordinance 16-12-LC.
3. Authorize the Chair to write a letter to FDOT seeking the Harbor District speed limit reduction to 25 mph."
4. Direct staff to erect fencing or take steps to secure Captain Royal Melvin Park and Plaza for pedestrian traffic only (not for parking); and to beautify the park property, while allowing the existing blacktop driveway to be used until the park project breaks ground."
5. Direct staff to evaluate the administrative feasibility and legality of proposed actions regarding the additional regulation of rental vessels, enforcement of business tax receipts, and parking regulations and report back to the City Council.

Exhibits:

- A. H CRAAC Agenda Item pertaining to Kiosks, Portable Buildings, and Food Trucks/Trailers
- B. H CRAAC Minutes of May 11, 2016
- C. H CRAAC Agenda Item pertaining to the boundaries of the "Harbor Festive Market Place"
- D. H CRAAC Minutes of July 13, 2016

EXCERPTS

**MINUTES
COMMUNITY REDEVELOPMENT AGENCY
BOARD OF DIRECTORS MEETING
JULY 25, 2016
ANNEX COUNCIL CHAMBERS
5:30 PM**

The Community Redevelopment Agency met in a special session with the following members and staff present:

Destin Community Redevelopment Agency

Board Chairman Parker Destin
Boardmember Cyron Marler
Boardmember Tuffy Dixon

Boardmember Rodney Braden
Boardmember Jim Foreman
Boardmember Chatham Morgan

City of Destin Staff

CRA Executive Director Carisse LeJeune
CRA/Development Manager Steven Schmidt
Public Information Manager Doug Rainer
Land Use Attorney Scott Shirley

City Clerk Rey Bailey
IT Manager Webb Warren
City Planner Hank Woollard
City Attorney Jerry Miller

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

CRA Board Chairman Parker Destin called the meeting to order at 5:30 p.m. on July 25, 2016, in the City Hall Annex Council Chambers.

APPROVAL OF MINUTES

1. Request approval of minutes of June 20, 2016 CRA Board meeting

Motion by Boardmember Morgan, seconded by Boardmember Marler, to approve minutes of June 20, 2016 CRA Board meeting passed 6-0 (Board members Morgan, Destin, Marler, Foreman, Dixon and Braden voted "yes"; Boardmember Ramswell was absent from the meeting)

PUBLIC OPPORTUNITY TO SPEAK ON CRA BOARD PROPOSITIONS

NEW BUSINESS

2. Harbor Community Redevelopment Agency (CRA) Advisory Committee Recommendations

The CRA Development Manager Steve Schmidt presented the following recommendations from the Harbor CRA Advisory Committee:

Having no further comments from the public, the Chairman turned the matter over to the CRA Board members for discussion.

Boardmember Dixon stated since Fort Walton Beach was able to get this done; there is no reason why Destin is not able to do the same thing. He believes that with the construction of the new signalized crosswalks, lowering the speed limit to 25 mph in the Harbor District is a must.

Boardmember Dixon moved to recommend to the City Council to authorize the Mayor to send a letter to FDOT seeking the Harbor District speed limit reduction to 25 mph; seconded by Boardmember Marler.

Boardmember Marler commented that nobody actually follows the speed limit; and that most drivers would normally exceed the limit by 10 to 15 miles per hour; adding that lowering the speed limit to 25 mph in the Harbor District will complement the newly installed signalized crosswalks.

The Chairman called for a vote on the motion, which passes 6-0 (Board members Morgan, Destin, Marler, Foreman, Dixon and Braden voted “yes”; Boardmember Ramswell was absent from the meeting).

D. Recommendation to create a medallion or decal method of identifying approved personal watercraft and pontoon boats on the harbor.

The Chairman opened the floor for public comments.

Mr. Ed Rogers, a Destin resident and owner of a pontoon rental business in Destin, approached the podium to comment on the issue. He stated there is a high demand for jet skis and pontoon boats on the harbor. They produce a lot of different jobs for the City of Destin, and that a lot of people profit from this industry. He further stated there were 9 or 10 legitimate operators when he bought his business in 2009. This year the numbers of operators have doubled and some do not have a business location. Some operate in the parking lot of various restaurants without the knowledge of the business owners. Some do not carry insurance and do not pay their employees properly. Others do not have a business license. He stated that this will continue to happen until the City enforces the existing regulations on the books; and that they need to enforce the code fairly on everybody or things will get even worse.

Capt. Green stated that a medallion or decal method will solve many of the problems Mr. Rogers had identified; adding the City can require a business to have a medallion before they can operate. The key is proper enforcement of the code. If a business does not meet the parking requirements and does not have a medallion, then they should not be allowed to operate. He added that the committee recommends charging \$500 per medallion; but, it would be up to the Council to make that decision. **The City can use the additional revenue to hire another code enforcement officer.**

Mr. Rogers stated he supports the idea of having the business owners pay for the medallion. However, if the City plans to charge a lot of money for the medallion, they should consider giving the business owners a year to plan for it since the season is now ending.

Mr. Daryl Shelton, a Destin resident, informed the Board that the problem with the pontoon boats has permeated to the south side of the harbor; and that parking is a big problem. He stated there is a rental property next to his home; and that a lot of people are occupying the property for a week. They tied up a pontoon boat on his dock; and later on about 22 people came out of the house and board the pontoon boat and spent a day on the water. When they came back they again tied the pontoon boat on his dock. But, before he could confront the next door neighbors, the rental company picked up the pontoon boat. He found out later they did not have parking on the north side of the harbor and so they deliver the boats to the south side of the harbor. They also did not have parking at the rental house and so they tied up the boat on his dock. He stated that he told the occupants of the property they will be reported to the Sheriff's Office if they tie up a pontoon boat on his dock again.

Mr. John Pipes, a Destin resident, spoke next. He stated they live near the end of the canals on Holiday Isle where the pontoon boats come down and make a big mess. One of them ran into and damaged the side of his boat. He confronted the operators of the pontoon boat but they denied the incident. He called the Florida Fish and Wildlife Commission (FWC); but, when they finally arrived at the scene FWC did not do anything but hand them a piece of paper to fill out and report the incident. When he called the company that owns the pontoon boat, he was told they did not have any liability insurance; and that they are not responsible for any damages created by the pontoon boat operators. He stated he was so frustrated about the whole incident that he decided not to pursue it any further. He also stated that pontoon boat operators do not obey the no wake zone they have in the canals; and that he would like to see a provision in the code prohibiting pontoon boats from going to the canals.

Mr. Buckingham stated this item has been one of the advisory committee's biggest concerns for quite a while now. They believe it is a great idea and it will make it fair to those businesses that follow the rules.

Mr. Schuessler informed the Board the individual that runs the Jetpack device listed 100 Gulf Shore Drive as his business address on his website. This building is located at the end of North Shore Drive and where Norriego Point starts. He reported this to the City's Code Enforcement Department and the Code Enforcement staff tried very hard to catch the individual in the act but to no avail as he does not operate during regular hours. He also stated the medallion system is a great idea; and that it will result in approximately \$700,000 a year in additional revenue for the City of Destin.

Having no further comments from the public, the Chairman turned the matter over to the CRA Board members for discussion.

Boardmember Dixon moved to direct staff to come up with a medallion system for all the rental vessels in the Destin Harbor; seconded by Boardmember Braden.

Boardmember Dixon stated that in addition to coming up with a system to determine which rental vessels are allowed to operate on the harbor, they also need to make sure the owners of these rental vessels provide the proper facility such as restrooms, as well as ample parking for their employees and customers. He continued that many charter boat captains had already said a severe accident is inevitable because many of the people who rent these pontoon boats, wave runners and jet skis do not know how to properly operate them. He also stated \$500.00 per medallion per vessel may be a little too much, but it is something they can discuss and adjust. He added that with regards to the pontoon boat operators that go in to the canals on Holiday Isle and do not follow the rules, they would probably need to have someone there 24 hours a day to catch them.

Boardmember Marler suggests they come up with a system to keep track of the number of pontoon boats/wave runners that are permitted to operate on any piece of property they are renting. They may also want to consider coming up with a different business tax receipt applications for rental vessels on the harbor requiring the owner to provide the maximum number of vessels they will operate so that they know how many medallions will be required. In addition, if a medallion is transferred from one vessel to another there should be some kind of record on file that documents the transfer. He also stated he has personally witnessed many near collision on the harbor. Most owners of rental vessels do not follow the rules and do not provide ample training for their customers before renting the vessels. He added that hiring a Harbor Master who can enforce the rules on the harbor should solve a lot of these problems.

Boardmember Morgan stated that he supports the medallion system as an extra revenue source for the City which can be used to hire an additional code enforcement officer for the harbor. He would also like to include a provision that if a business operates without a business tax receipt and if an owner of rental vessels operates more vessels than allowed, a \$500.00 fine per day will be imposed.

Boardmember Braden agreed with Boardmember Morgan; adding they should give the property owners who violates the code 30 days to comply and then bring them before the Special Magistrate.

Boardmember Morgan asked if a Harbor Master can immediately impose a fine if necessary rather than having to bring a code violator before the Special Magistrate.

The Land Use Attorney explained there are several different mechanisms for imposing fines. The City can only impose such fines as are authorized by general law (State Constitution). The fines established are: under Chapter 162, Part 1 which is the regular code enforcement process that deals with the Special Magistrate where the liability attaches to the property owner. There are also separate mechanisms under Chapter 162, Part 2. One is a civil citation program (i.e., parking ticket) that can either be paid within a certain amount of time that is provided for by a county court. The other mechanism deals with a second degree misdemeanor; which is a fine of up to \$500.00 a day or 60 days in jail. He added that the civil citation can be issued to the person leasing the vessel or the property owner; however, it has quite a constraint and graduated fine structure.

Boardmember Foreman asked if the City can designate the type of business that can operate at various locations within the City limits.

The Land Use Attorney replied affirmatively; adding that boat rentals is a type of business that can either be allowed or disallowed as part of the zoning regulatory scheme. He also stated that an individual will not be able to operate a pontoon rental business from a residentially designated area. It would have to be a commercial area.

Boardmember Foreman asked if they have this rule and restriction on the books.

Land Use Attorney replied to some degree “yes”, but with a lot of specificity the answer is “no.” He stated that as part of the definition of commercial activity, pontoon boat rental will be considered a commercial activity and would not be allowed in the residential area.

Boardmember Dixon asked if there is a way to expedite bringing the code violators before the Special Magistrate instead of waiting 30 days after the issuance of a Notice of Code Violation.

According to the Land Use Attorney, if it is a civil citation, the fine is imposed as of the day the citation is issued; unless they go to a county court and proved that the day the citation was issued they were not in violation. Also, under the regular code enforcement statute, they have to allow time for compliance for first violation before they bring it before the Special Magistrate. However, they do not have to allow time for compliance for a repeat violation. They could send that case before the Special Magistrate right away.

Boardmember Dixon asked if they could possibly arrange the normal work hours for a code enforcement officer so they could conduct an audit of the number of vessels on the harbor on a given weekend to make sure no one is exceeding the number of vessels they are permitted to operate.

According to the CRA Executive Director, they have code enforcement officers that vary their shifts so they could come in at various times of the week. For instance, they have code enforcement officers that check for parking violations at 6:00 AM and again at 6:00 PM daily. She continued that the recent Weekly Report showed that the Code Enforcement Department had logged in 180 different types of violations and citations. She also stated that they could take a code enforcement officer out of their normal areas and place them at the harbor during certain periods; however, there are other violations that are not going to be dealt with during these time periods such as parking, garbage and complaints.

Boardmember Braden asked for the breakdown of the 180 citations that were issued.

The CRA Executive Director provided the following breakdowns: 85 citations for cases under investigation; 74 notices of Violation for Mandatory Garbage Process cases under investigation; 4 Notices of Violations Issued; 14 for number of complaints/enforcement inquiries received via phone call or City Help Desk; and 11 warnings for parking violations.

Boardmember Braden stated there is something wrong with the timeline in getting some action taken against a code violator. For instance, with regards to the “porta potty” issue on Holiday Isle, they initially gave the respondent 15 days to go before the Special Magistrate. The respondent

requested and received a 30 day extension; and legally, they could probably ask for another extension after 30 days.

Boardmember Morgan asked what kind of charges they could impose against rental owners operating more vessels for which they were permitted.

The Land Use Attorney replied it is a violation of the development order resulting in a code enforcement proceeding. A Notice of Violation would be issued to the owner.

Boardmember Morgan asked how Council could increase the amount of fines they could impose.

The Land Use Attorney suggests allowing staff to research this issue and bring back a recommendation to the CRA Board and City Council; adding that the fines are set both in the City's ordinances and State statutes.

Chairman Destin called for a vote on the motion, which passes 6-0 (Board members Morgan, Destin, Marler, Foreman, Dixon and Braden voted "yes"; Boardmember Ramswell was absent from the meeting).

The CRA Executive Director asked for the CRA Boards approval to schedule a CRA Board meeting at 5:30 p.m. prior to the regular City Council meeting on August 15th. The purpose of the meeting is for staff to provide a brief overview on the history of the Town Center CRA and some of the prevailing future ideas that were in the CRA.

Motion by Boardmember Braden, seconded by Boardmember Marler, to schedule a CRA Board meeting on August 15, 2016 at 5:30 PM passed 6-0 (Board members Morgan, Destin, Marler, Foreman, Dixon and Braden voted "yes"; Boardmember Ramswell was absent from the meeting).

OTHER BUSINESS

ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 8:00 PM.

ADOPTED THIS 15TH DAY OF AUGUST 2016
By:

Parker Destin, Chairman

ATTEST:

Rey Bailey, City Clerk

CITY OF DESTIN



AGENDA ITEM

CITY COUNCIL DATE: February 21, 2017

TYPE OF AGENDA ITEM: Public Hearing

TO: Mayor and City Council

THROUGH: City Manager, Carisse LeJeune *CML*
City Attorney, Jeff Burns
Community Development Director, Karen Haynes *KHaynes*

FROM: Development Manager, Steven R. Schmidt *SRS*

DATE: February 9, 2017

SUBJECT: Ordinance 17-02-CC – 2nd Reading: Livery Vessel Regulation

- I. **BACKGROUND:** During the July 25, 2016 CRA Board meeting, the Board considered a recommendation from the Harbor CRA Advisory Committee to regulate livery vessel rentals in an effort to control and improve enforcement of the growing number of personal watercraft and pontoon boats proliferating the harbor and other waters around the City. The Board voted to present, along with other recommendations of the advisory committee, the item to City Council. At its regular August 1, 2016 meeting, City Council voted unanimously to direct staff to evaluate the administrative feasibility and legality of proposed actions regarding the additional regulation of rental vessels.

Staff conducted discussions and workshop sessions with livery vessel businesses at Harbor CRA Advisory Committee meetings on August 10, 2016, September 14, 2016 and October 26, 2016, crafting a proposed outline for revision to Chapter 13 of the Code of Ordinances, which would set permit requirements for livery vessel rental companies. The proposed permit process also verifies compliance with statutory and administrative rules pertaining to instruction, boater safety, insurance and other items related to rental of vessels.

- II. **DISCUSSION:** Attached (Exhibit "A") is proposed Ordinance No. 17-02-CC amending Chapter 13, creating Article VIII, of the Code of Ordinances. At its regular meeting February 6th, 2017, City Council voted to delete paragraph 4 of Section 13-153, Enforcement, to allow the ordinance to move forward, and also voted to revise the outside timeframe for permitting the first year from March 15th to June 15th. Paragraph 4 of section 13-153 has been deleted on the attached Exhibit "A," the revised outside date for permitting has been included in the recommended motion, below, and will be handled administratively.

- A. **Link to Strategic Goals / Objectives:** 2A: Improve public use of beach, waterways and harbor.
- B. **Effect on Budget (EOB):** Permit fees will contribute to cost of additional Code Enforcement help.
- C. **Level of Service (LOS):** The proposed regulations will enhance enforcement/compliance level of service and improve safety in the harbor and surrounding waters.

III. **CONCLUSION:** Concerns about the proliferation of personal watercraft and pontoon boats (livery vessels) and the concomitant issues with public safety and parking have been expressed by boat captains, advisory committee members and the public. The proposed ordinance (Exhibit A) is designed to ensure appropriate and safe and operation from the livery vessel companies, compliant with all requirements of state laws and rules, to assist city code enforcement officers with the tools to help improve compliance and to maintain the quality of life for all residents and visitors to the harbor and surrounding waters.

As directed by Council, paragraph 4 of Section 13-153, Enforcement, has been deleted and will be replaced with a revision to be introduced for First Reading at the regular City Council meeting March 6th. Also at the direction of Council, the due date for registrations the first year will be extended to June 15th. Staff has recommended a first year fee of seventy-five dollars (\$75) per vessel, to be codified in a fee schedule resolution at the February 21st Council meeting, which should coincide with the final adoption of this ordinance.

IV. **RECOMMENDED MOTION:** "I move that the City Council approve proposed Ordinance 17-02-CC for final adoption, extend the outside timeframe for permitting this first year to June 15th, and set the permit amount at seventy-five dollars per vessel."

Exhibit:

A. Proposed Ordinance No. 17-02-CC

ORDINANCE NO. 17-02-CC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO THE PERMITTING OF LIVERY VESSELS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE CREATION OF ARTICLE VIII PERMITTING OF LIVERY VESSELS; PROVIDING FOR CREATION OF SECTION 13-140 PURPOSE; PROVIDING FOR CREATION OF SECTION 13-141 DEFINITIONS; PROVIDING FOR THE CREATION OF SECTION 13-142 PERMIT REQUIRED; PROVIDING FOR THE CREATION OF SECTION 13-143 FORMAL APPLICATION REQUIRED; PROVIDING FOR THE CREATION OF SECTION 13-144 APPLICATION FOR PERMIT; PROVIDING FOR THE CREATION OF SECTION 13-145 GENERAL REGULATIONS/STANDARDS; PROVIDING FOR THE CREATION OF SECTION 13-146 PERMIT FEES; PROVIDING FOR THE CREATION OF SECTION 13-147 ISSUANCE OR REFUSAL OF PERMIT; PROVIDING FOR THE CREATION OF SECTION 13-148 PERMIT NOT TRANSFERABLE; PROVIDING FOR THE CREATION OF SECTION 13-149 EXPIRATION OF PERMIT; PROVIDING FOR THE CREATION OF SECTION 13-150 PERMIT DECAL REQUIREMENT; PROVIDING FOR THE CREATION OF SECTION 13-151 TERRITORY EMBRACED; PROVIDING FOR THE CREATION OF SECTION 13-152 POSTING OF INFORMATION; PROVIDING FOR THE CREATION OF SECTION 13-153 ENFORCEMENT; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. The authority for enactment of this Ordinance is Article 1, Section 1.01(b) of the City Charter and section 166.021, *Florida Statutes* (2016).

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City Council of the City of Destin recognizes the need to ensure proper licensing, payment of sales and business taxes, maintenance of insurance and to promote safety in the harbor and surrounding waters of the City; and

WHEREAS, the City Council of the City of Destin has determined that it is necessary to provide additional standards pertaining to livery vessel rentals in order to help mitigate problems associated with such rentals; and

WHEREAS, the City Council of the City of Destin has determined that it is necessary to provide for additional enforcement tools associated with the regulation of livery vessel rentals; and

WHEREAS, the City Council of the City of Destin has determined that such measures are necessary to promote the health, safety and welfare of the City of Destin; and

WHEREAS, the City Council of the City of Destin has determined that this Ordinance is consistent with the Comprehensive Plan and promotes and protects the health, safety and welfare of the City of Destin.

WHEREAS, a public hearing has been conducted by the City Council after due public notice;

NOTE: *Language in Sections 3 through 16 of this ordinance that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language that is not ~~struck through~~ or underlined is not to be changed, and * * * represents sections of the Code of Ordinances that have been skipped and remain unchanged.*

SECTION 3. CREATION OF CODE OF ORDINANCES ARTICLE VIII. PERMITTING OF LIVERY VESSEL RENTALS. Code of Ordinances Article VIII. *Permitting of livery vessel rentals*, is created as follows:

ARTICLE VIII. – PERMITTING OF LIVERY VESSEL RENTALS

SECTION 4. CREATION OF CODE OF ORDINANCES SECTION 13-140. PURPOSE. Code of Ordinances Section 13-140. *Purpose*, is created as follows:

Sec. 13-140. Purpose.

The City Council of the City of Destin recognizes that the unregulated rental of livery vessels by seasonal residents impacts the welfare of the historic working waterfront, and jeopardizes the health, safety and welfare of the visiting public. Therefore, it is necessary and in the interest of the public health, safety and welfare to monitor and provide reasonable means to insure adherence to state laws and insure safe and responsible operation of such livery vessels.

SECTION 5. CREATION OF CODE OF ORDINANCES SECTION 13-141. DEFINITIONS. Code of Ordinances Section 13-141. *Definitions*, is created as follows:

Sec. 13-141. Definitions.

For the purpose of this article, the following terms, phrases, words, abbreviations and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words not defined shall be given their meaning as provided in section 1-2, Definitions and rules of construction, of the City of Destin Code of Ordinances.

Beach means the sandy soil upland of the water line.

Business tax receipt means the city business tax receipt.

Dealer is as defined in F.S. § 327.02.

Livery Vessel is as defined in F.S. § 327.02.

Owner is as defined in F.S. § 327.02.

Person is as defined in F.S. § 327.02.

Vendor means any Person or Dealer, as those terms are defined in F.S. § 327.02 who rents or leases for hire any Livery Vessel.

Vessel is as defined in F.S. § 327.02.

SECTION 6. CREATION OF CODE OF ORDINANCES SECTION 13-142. PERMIT REQUIRED. Code of Ordinances Section 13-142. *Permit required*, is created as follows:

Sec. 13-142. Permit Required.

It shall be unlawful for any vendor to offer or base livery vessel rental services within the City of Destin, unless the person has been permitted with the City of Destin in accordance with the provisions of this article.

SECTION 7. CREATION OF CODE OF ORDINANCES SECTION 13-143. FORMAL APPLICATION REQUIRED. Code of Ordinances Section 13-143. *Formal application required*, is created as follows:

Sec. 13-143. Formal Application Required.

Every vendor required to procure a permit under the provisions of this article shall submit a formal new application for such permit each year to the city manager, or his/her designee. Submission of an incomplete permit application form shall result in rejection of the application.

SECTION 8. CREATION OF CODE OF ORDINANCES SECTION 13-144. APPLICATION FOR PERMIT. Code of Ordinances Section 13-144. *Application for permit* is created as follows:

Sec. 13-144. Application for permit.

Applications for permits shall set forth and/or include at a minimum:

- (1) Name, physical address and contact information for livery vessel rental location.
- (2) Name, address, and phone number of owner of said livery vessel business.
- (3) Acknowledgement signed by the owner of understanding and agreeing to the initial and on-going compliance with the City of Destin's livery vessel regulations and standards contained herein and of adherence to all applicable regulations attributed to livery vessel rentals under F.S. § 327, Rules, Chapter 68D-36.107, Florida Administrative Code, and any applicable rules of the Florida Fish and Wildlife Conservation Commission (FWC).
- (4) Proof of vendor's right to conduct business at the livery vessel rental location.
- (5) Copy, or other evidence of State of Florida submerged land lease, with a drawing, to scale, showing that mooring of livery vessels will be contained within its boundaries.
- (6) Copy of FWC Vessel Livery Operator's Certificate of Completion for owner and any management providing pre-ride/pre-rental instruction.
- (7) Copy of FWC Boating Safety Education ID Card for owner and any management of the livery vessel rental business.

- (8) Vendor's proof of insurance pursuant to F.S. § 327.54 (5).
- (9) Parking plan, drawn to scale, that demonstrates compliance with the Land Development Code with regard to number of livery vessels identified on the Business Tax Receipt.
- (10) Location of permanent restroom facilities and garbage cans.
- (11) Valid and current Florida Department of Revenue annual resale certificate under F.S. § 212.
- (12) Prior to operation, a vendor shall file with the city a refueling plan approved by the Destin Fire Control District. In addition to any Destin Fire Control District requirements, the plan shall provide sufficient details and specifications to assure appropriate on-site maintenance and inspection, spill prevention and response training, a spill response plan to mitigate and report any impacts to the beach or the waters of the City of Destin, the Gulf of Mexico or East Pass; to provide proper safety precautions regarding the storage of fuels; and provide fire safety equipment. The vendor shall in all operations comply with all provisions of the refueling plan.
- (13) In order to transport personal watercraft over any beach, a beach access permit must be obtained from the city in accordance with the city's regulations and guidelines.
- (14) Valid and current City of Destin Business Tax Receipt.
- (15) A copy of the document livery vessel owner intends to have renters sign attesting to receiving instruction pursuant to F.S. § 327.54.
- (16) Permit fee paid to the City of Destin.

SECTION 9. CREATION OF CODE OF ORDINANCES SECTION 13-145. GENERAL REGULATIONS/STANDARDS. Code of Ordinances Section 13-145. *General regulations/standards* is created as follows:

Sec. 13-145. General regulations/standards.

- (1) Livery vessel vendor shall ensure compliance with boater safety identification pursuant to F.S. § 327.395, and with livery safety regulations pursuant to F.S. § 327.54.
- (2) Boater safety information shall be located in a place visible to the renting public.
- (3) Livery vessel vendor shall provide local safety and regulatory instruction, such as no-wake zones, Crab Island safety corridor, etc. (may be combined with requirements of F.S. § 327.54).
- (4) Permanent restrooms and business-owned trash and recycling receptacles must be provided within two hundred (200) feet of the livery vessel docking location.
- (5) Each livery vessel for rental shall have legible information identifying the rental company name, telephone number and vessel name or number.

SECTION 10. CREATION OF CODE OF ORDINANCES SECTION 13-146. PERMIT FEES. Code of Ordinances Section 13-146. *Permit fees* is created as follows:

Sec. 13-146. Permit fees.

The City of Destin is authorized and shall charge reasonable fees for permitting to compensate for administrative expenses. The permit fees shall be provided for, from time to time, by resolution adopted by the city council of the City of Destin.

SECTION 11. CREATION OF CODE OF ORDINANCES SECTION 13-147. ISSUANCE OR REFUSAL OF permit. Code of Ordinances Section 13-147. *Issuance or refusal of permit* is created as follows:

Sec. 13-147. Issuance or refusal of permit.

The city manager or his designee shall issue a certificate of compliance to the applicant upon completion and approval of the City of Destin permit application form, including all required documentation pursuant to Sec. 13-144. An incomplete permit application, including failure to provide all the required documentation will result in voiding of the permit fee and refusal of permit.

SECTION 12. CREATION OF CODE OF ORDINANCES SECTION 13-148. PERMIT NOT TRANSFERABLE. Code of Ordinances Section 13-148. *Permit not transferable* is created as follows:

Sec. 13-148. Permit not transferable.

No permit issued under this article creates any vested right. No permit shall be transferable or assignable. No permit shall be used by any Vendor other than the one to whom it is issued. If a Vendor is an entity, of any kind, and the ownership of the entity is sold, transferred, or assigned, then the entity shall notify the City within ten (10) days of change in ownership, or any permit shall be deemed automatically revoked. No permit shall be used at any location other than the one for which it is issued.

SECTION 13. CREATION OF CODE OF ORDINANCES SECTION 13-149. EXPIRATION OF PERMIT. Code of Ordinances Section 13-149. *Renewals and expiration of permit* is created as follows:

Sec. 13-149. Renewals and expiration of permit.

All permits issued under the provisions of this article shall be valid for a period no longer than twelve (12) months, and shall expire on the last day of February of each calendar year. Permits may be renewed between January 1 and March 1 of each year. Livery vessel permits are due March 1 of each year; owners who do not renew their valid permits before March 1 of each year shall pay the appropriate late renewal fee as established, from time to time, by the city council of the City of Destin.

SECTION 14. CREATION OF CODE OF ORDINANCES SECTION 13-150. PERMIT DECAL REQUIREMENT. Code of Ordinances Section 13-150. *Permit Decal Requirement* is created as follows:

Sec. 13-150. Permit decal requirement.

At the City's discretion, beginning March 1st of any calendar year, the City may issue Permit Decals to Vendors. Vendors would receive one Permit Decal for each Permit for which the Vendor is approved regarding the current calendar year. The Permit Decal shall be affixed to the starboard (right) side of the Livery Vessel's bow. If the Livery Vessel's state registration number is listed on the starboard bow, then the Permit Decal may precede or follow the number and shall be affixed within 12 inches of the registration number, otherwise the Permit Decal shall be affixed within 36 inches from the stern (front) of the bow.

SECTION 15. CREATION OF CODE OF ORDINANCES SECTION 13-151. TERRITORY EMBRACED. Code of Ordinances Section 13-151. *Territory embraced* is created as follows:

Sec. 13-151. Territory embraced.

The provisions of this article shall apply within the City of Destin.

SECTION 16. CREATION OF CODE OF ORDINANCES SECTION 13-152. POSTING OF INFORMATION. Code of Ordinances Section 13-152. *Posting of information* is created as follows:

Sec. 13-152. Posting of information.

Prior to the owner of the livery vessel business commencing any rental activities, the owner shall post appropriate boating safety information pursuant to F.S. § 327.54(1)(f), with content and size as provided in F.S. § 120.

SECTION 17. CREATION OF CODE OF ORDINANCES SECTION 13-153. ENFORCEMENT. Code of Ordinances Section 13-153. *Enforcement* is created as follows:

Sec. 13-153. Enforcement.

The provisions of this Article shall be enforced as provided in Chapter 14, Offenses and Miscellaneous Provisions, of the Code of Ordinances of the City of Destin, and by such other means as are specified herein below:

- (1) Code Enforcement: The Code Enforcement Division may enforce the terms of this article by bringing a case to the Code Enforcement 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.
- (2) Civil Citation: The Code Enforcement Division, or other duly authorized officer or authority, may enforce the terms of this article 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.
- (3) Denial/Suspension/Revocation: Any permit issued pursuant to this article may be administratively denied, revoked, or suspended by the city for failure to satisfy the requirements for permitting or for violation by

the owner of this article, any City of Destin Ordinance, or state law. Such denial, revocation or suspension is in addition to any penalty provided herein. Any appeal of administrative action taken pursuant to this subsection shall be as provided in City of Destin Land Development Code Section 2.22.00. Appeals.

It is the legislative intent of the City Council in enacting this article to provide an additional or supplemental means of obtaining compliance with the requirements stated herein. Nothing contained in this article shall be deemed to prohibit the City of Destin from seeking enforcement by any other means provided by law, including, but not limited to, filing an action for declaratory and injunctive relief in a court of competent jurisdiction.

SECTION 18. INCORPORATION INTO CODE OF ORDINANCES. This ordinance shall be incorporated into the City of Destin's Code of Ordinances and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 19. 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 20. 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 21. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS ____ DAY OF _____ 2017.

By: _____
Scott Fisher, 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

By: Jeff Burns, City Attorney

First Reading: _____
Second Reading: _____

EXCERPTS
**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
FEBRUARY 21, 2017
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 Scott Fischer

Councilmember Chatham Morgan

Councilmember Parker Destin

Councilmember Cyron Marler

Councilmember Tuffy Dixon

Councilmember Prebble Ramswell

Councilmember Jim Foreman

Destin City Staff

City Manager Carisse Lejeune

Community Development Director Karen Haynes

Development Manager Steve Schmidt

City Planner Hank Woollard

Public Information Manager Doug Rainer

Interim Land Use Attorney Matt Burns

City Clerk Rey Bailey

City Engineer David Campbell

HR Manager Karen Jankowski

IT Manager Webb Warren

Finance Director Bragg Farmer

City Attorney Jeffrey Burns

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Scott Fischer called the meeting to order at 6:00 PM. Reverend James Calderazzo of Safe Harbor Presbyterian Church gave the invocation; which was followed by the Pledge of Allegiance.

SPECIAL PRESENTATIONS

1. Proposals for Civil Engineering Design Services for the City of Destin Zerbe Street/Calhoun Avenue Pedestrian Improvements Proposal

According to the City Engineer David Campbell, the City received an FDOT Local Agency Program (LAP) reimbursable grant for pedestrian improvements to Zerbe Street/Calhoun Avenue roadway to support the City's multimodal transportation efforts. This project is an FDOT off system partial reimbursement grant and will require design documentation by the consultant and FDOT to insure compliance with the LAP requirements. The request for proposal was advertised and four proposals were received by the City. The City's Bid Committee voted unanimously that all four firms present their qualifications to the City Council. After their presentation, Council will be asked to select the top firm using the Council rating form provided. He introduced the four firms, which then provided their presentation.

A. Genesis Group

Mr. Nicholas Grosso, Project Manager, gave the following presentation:

- Experienced and Availability
 - ❖ Genesis has planned and designed many miles of exceptional sidewalk and trails across Florida
 - ❖ Genesis is ready and eager to begin and meet the schedule
- Understanding and Approach

PUBLIC HEARINGS

4. Second reading of Ordinance 16-29-LC, which amends the official zoning map in Land Development Code to include a change in the zoning designation of 719 Forest Street, Destin, Florida from Medium Density Residential – Village (MDR-V) to Institutional (INST)

The City Attorney read proposed Ordinance 16-29-LC by title, and then presented it to the Council on second reading.

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 DESIGNATION OF 719 FOREST STREET, DESTIN, FLORIDA FROM MEDIUM DENSITY RESIDENTIAL – VILLAGE (MDR-V) TO INSTITUTIONAL (INST); 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.

City Planner Hank Woollard noted that the City must amend the official zoning map to properly reflect a zoning category consistent with the Future Land Use Map (FLUM) designation for the subject property given its intended use; and that the adoption of this ordinance provides the foundation to ensure consistently with the adopted comprehensive plan.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance. Hearing none, the Mayor closed the public hearing and turned the matter to the Council for their discussion and consideration.

Motion by Councilmember Dixon, seconded by Councilmember Ramswell, to adopt proposed Ordinance 16-29-LC on second reading passed 6-0 (Council members Morgan, Destin, Marler, Foreman, Dixon and Ramswell voted “yes”; Councilmember Braden was absent from the meeting).

5. Second reading of Ordinance 17-02-CC, which establishes Livery Vessel permitting

The City Attorney read proposed Ordinance 17-02-CC by title, and then presented it to the Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO THE PERMITTING OF LIVERY VESSELS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE CREATION OF ARTICLE VIII PERMITTING OF LIVERY VESSELS; PROVIDING FOR CREATION OF SECTION 13-140 PURPOSE; PROVIDING FOR CREATION OF SECTION 13-141 DEFINITIONS; PROVIDING FOR THE CREATION OF SECTION 13-142 PERMIT REQUIRED; PROVIDING FOR THE CREATION OF SECTION 13-143 FORMAL APPLICATION REQUIRED; PROVIDING FOR THE CREATION OF SECTION 13-144 APPLICATION FOR PERMIT; PROVIDING FOR THE CREATION OF SECTION 13-145 GENERAL REGULATIONS/STANDARDS; PROVIDING FOR THE CREATION OF SECTION 13-146 PERMIT FEES; PROVIDING FOR THE CREATION OF SECTION 13-147 ISSUANCE OR REFUSAL OF PERMIT; PROVIDING FOR THE CREATION OF SECTION 13-148 PERMIT NOT TRANSFERABLE; PROVIDING FOR THE CREATION OF SECTION 13-149 EXPIRATION OF PERMIT; PROVIDING FOR THE CREATION OF SECTION 13-150 PERMIT DECAL REQUIREMENT; PROVIDING FOR THE CREATION OF SECTION 13-151 TERRITORY EMBRACED; PROVIDING FOR THE CREATION OF SECTION 13-152 POSTING OF INFORMATION; PROVIDING FOR THE CREATION OF SECTION 13-153 ENFORCEMENT; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mr. David Powell, a Destin resident and businessman, came forward to speak on the issue. He noted that according to the proposed ordinance, *"vendor will receive one permit decal for each permit for which the vendor is approved."* He continued under the terms of this ordinance each operator only gets one sticker no matter how many boats they have; adding there is an internal inconsistency within the ordinance that has to be resolved.

Mr. Powell also read the language in Section 13-146 of the proposed ordinance which states, *"The City of Destin is authorized and shall charge reasonable fees for permitting to compensate for administrative expenses. The permit fees shall be provided for, from time to time, by resolution adopted by the city council of the City of Destin."* He argued that this is a graduated fee based upon the number of vessels the vendor is renting and not a fee related to administrative expenses for processing the application. He asked that fee proposals be reconsidered.

According to the City Manager, the intent is to have the name and registration number on each vessel. However, if after the first year they deem the process is not working as planned, by code the City has the discretion of issuing a permanent decal.

Mr. Mike Abadie, a Destin resident and businessman, stated he has all the required paperwork for the City, County, State, the U.S. Coast Guard and the federal government to stay in business. He continued they are governed on the water by the Sheriff's Department, the U.S. Coast Guard and Florida Wildlife and Fisheries; and that they have strict guidelines from their insurance companies that they have to follow. He expressed reservations not every vessel and not every boat slip in the harbor are being taxed when the proposed ordinance is supposedly designed to protect the safety of the entire harbor.

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

Councilmember Ramswell asked staff to address the questions posed by Mr. Abadie.

The City Manager explained the City does not own the boat slips in the harbor; most of which belong to the Destin Fishing Fleet. She also stated that commercial boats in Destin are required to apply and pay for a business tax receipt.

Councilmember Dixon stated the fees would enable the City to hire someone to help prevent or control people that are doing business illegally in the harbor.

Councilmember Marler expressed his opposition to the proposed ordinance. He felt pontoon boats and wave runners are being singled out, and that it is unfair to require them to pay \$75 per vessel.

Councilmember Morgan asked for the City Attorney's opinion on whether or not the fee proposal would hold up in court; to which the City Attorney replied affirmatively.

Councilmember Morgan moved to approve proposed Ordinance 17-02-CC for final adoption, extend the outside timeframe for permitting this first year to June 15th, and set the permit amount at \$75.00 per vessel; seconded by Councilmember Dixon.

Councilmember Ramswell inquired as to the amount of fee charter boats are required to pay.

CRA/Development Manager Steve Schmidt noted the charter boats have a different scale based on the number of passengers; but, he does not have this information at this time.

The City Manager believes it is \$50 per boat plus an additional dollar per passenger based on maximum capacity.

Councilmember Ramswell wants to know why they are proposing a higher fee for pontoon boats and jet skis than charter boats that carry a lot more passengers.

Councilmember Morgan noted that charter boats are driven by professional captains.

The City Manager noted the fee amount was as a result of the workshop with the Harbor CRA Advisory Committee; adding the fee was originally at \$300 per vessel and was subsequently reduced to \$75 by Council. She continued that staff would abide by the Council's direction; adding they are trying to make a cost recovery for the amount it would take for staff to permit and adequately enforce this program.

Councilmember Foreman noted that charter boats are operated by professional and certified captains; whereas, pontoon boats are driven by people that rent them and may not have the same level of qualification and responsibility as the boat captains.

Motion by Councilmember Destin, seconded by Councilmember Marler, to reopen public hearing and allow other members of the public to speak passed 6-0 (Council members Morgan, Destin, Marler, Foreman, Dixon and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

Mr. Powell came back up to the podium. The Harbor CRA Advisory Committee discussed raising money to hire and pay a new harbor master or a new code enforcement officer; and that the pontoon boats and Jet Ski operators feel they are being unfairly burden by this additional enforcement.

The City Manager clarified the cost recovery was for an administrative person not a harbor master or a code enforcement officer.

Mr. Abadie commented that as a pontoon boat operator he also pays a business tax receipt as do the charter boat captains; and that he should also be exempt from paying the additional fees.

Mr. Tim Krieg, a Destin resident and businessman, stated he does not understand the reason for the dislike for the pontoon boats.

Councilmember Morgan stated when he is out on the water, he is never concern about charter boat captains but he is always concern about pontoon boats and Jet Ski operators.

Mr. Krieg stated that he personally tutors people for about 20 minutes before he allows them to rent his boats.

Councilmember Dixon stated he has no problem with the pontoon boats and Jet Skis rental business; but, he has a problem when the owners exceed the number of boats for which they were permitted. He feels the proposed ordinance will be able to control that problem as well as making sure other operators are conducting their business legally.

Mr. Charles Duplantis, a Destin resident and businessman, noted there is a new law that before they rent a pontoon boat to someone born after 1987, they have to be given a test approved by the State and the U.S. Coast Guard and pass it. He stated that with the proposed fee it would cost him \$14,000 to open up a business in the City of Destin; this after paying the City \$10,000 to construct his boat slips. He stated it is totally unfair for the City to single out pontoon boats and Jet Skis. It is similar to asking restaurant owners to pay an extra \$25 for every chair in their restaurant.

Mr. John Stevens, a Destin resident and businessman, noted that for safety reason they require a customer to sign a contract agreeing not to take the boat to the Gulf of Mexico. He also stated his boats have a GPS system, and that he gets an alarm, text and e-mail whenever one of his vessels goes out to the Gulf of Mexico. He continued that if the proposed ordinance is all about safety, a mandatory U.S. Coast Guard inspection should be included.

Ms. Erin Peterson, who owns a business in the harbor, stated this ordinance will not stop someone operating their business out of their backyard or picking people up and dropping them off at a different boat slip. Instead, the operators that are doing the right thing and registering their vessels are getting penalized.

Mr. Scott Cunningham, a business owner, asked how the City propose to regulate rental boat operators from Fort Walton Beach, Shalimar or the other side of the bay that come to the harbor to conduct business. He continued that with regards to the safety issue, most boat owners are insured, registered in the State and abide by the U.S. Coast Guard regulation. He added that enforcement of the proposed regulation would be problematic.

Councilmember Marler noted they have other congestions on the harbor – paddle boards, kayaks and canoes; adding that people who rent these items should be taxed also and not just owners of pontoon boats and Jet Skis.

Having no further comments from the Council members, the Mayor called for a vote on the motion, which passes 4-2 (Council members Morgan, Foreman, Dixon, and Ramswell voted “yes”; Council members Destin and Marler voted “no”; Councilmember Braden was absent from the meeting)

6. Second reading of Ordinance 17-03-CC, which amends the Code of Ordinance, Article 4 – Registration of Short-Term Rentals

The City Attorney read proposed Ordinance 17-03-CC by title, and then presented it to the Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO SHORT-TERM RENTAL REGISTRATIONS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT OF CODE OF ORDINANCES ARTICLE VI – REGISTRATION OF SHORT-TERM RENTALS; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

CITY OF DESTIN



AGENDA ITEM

CITY COUNCIL MEETING DATE: August 1, 2016

TYPE OF AGENDA ITEM: Report and Recommendation

TO: City Council Members

THROUGH: City Manager, Carisse LeJeune *CLJ*
City Land Use Attorney, Scott Shirley

FROM: Interim Community Development Director, Steven Schmidt *SS*

DATE: July 26, 2016

SUBJECT: Harbor CRA Advisory Committee and CRA Board recommendations from July 25, 2016

I. BACKGROUND:

At its regular May 11, 2016 and July 13, 2016 meetings, the Harbor CRA Advisory Committee (H-CRAAC) made several recommendations for consideration by the City Council/CRA Board. Those recommendations were reviewed by the CRA Board at its meeting on July 25, 2016. The CRA Board findings and recommendations are summarized below.

II. DISCUSSION:

1. H-CRAAC voted unanimously to recommend to the CRA Board that a 6-month moratorium be placed on food truck and trailer vendor permits to allow the Harbor CRA-AC time to modify the criteria for permits, while still allowing processing of special event requests. The CRA Board voted unanimously to expand the moratorium to also include portable buildings, retail kiosks, mobile vehicles and tables set up with items for sale, and recommended that City Council direct staff to research and develop appropriate regulatory standards for incorporation in the Land Development Code. The moratorium shall not apply to those tables, mobile vehicles, food trucks and trailers covered under a special event permit, such as the Seafood Festival or the Arts Festival.

Staff analysis/comments: The City Land Use Attorney has crafted, and City staff has reviewed, the proposed Ordinance 16-19-LC (Attachment "A") which is provided for discussion.

2. The H-CRAAC voted unanimously to recommend the CRA Board approve the adoption of Ordinance 16-12-LC, the redefinition/clarification of the description of the boundary of the South Harbor Festive Marketplace. The CRA Board proposed a revision to the boundary, "to develop a line based upon a certain distance from the southern edge of the roadway that would exclude the sidewalk regions from the Festive Marketplace," by a vote of 5-1.

Staff analysis/comments: Because the input from the Sheriff's Office has always expressed the intent to define a line that is unambiguous, and the intent of the CRA Board is clearly to eliminate the sidewalk from the Festive Marketplace in order to dissuade open containers on the Harbor Boulevard sidewalk in or adjacent to the U.S. Highway 98 right-of-way, it is the opinion of staff that the simplest way to define the northerly line of the South Harbor Festive Marketplace is to make it "the southerly edge of any sidewalk lying within and/or contiguous to the southerly right-of-way line of Harbor Boulevard (U.S Highway 98)," or words to that effect. This would also preclude any need to revise the description in the event the Harbor Blvd. traffic lanes are subsequently narrowed or moved to accommodate a streetscaping project to widen the sidewalks, which is a clear intent of the Harbor CRA plan.

3. The H-CRAAC voted unanimously to recommend the CRA Board petition FDOT to reduce the speed limit in the Harbor District to 25 mph. Upon consideration, the CRA Board unanimously approved a motion to recommend to City Council that a letter be sent to FDOT seeking to reduce the speed limit on Harbor Blvd. (U.S. Highway 98) within the Harbor district to 25 mph.

Staff analysis/comments:

The desire to lower the speed limit along Harbor Blvd, which is within the Harbor CRA, was last researched by FDOT at the request of City Council in 2014. The specific study looked at U.S. Highway 98 from the Marler Bridge (East Pass Bridge) to Beach Drive. The resulting recommendation by FDOT's consultant was to retain the posted speed limit of 35 mph, but to work to implement the extensive recommendations as outlined in the finalized Safety Assessment Report of December, 2013. Three Mid-block, pedestrian activated signalized crosswalks were recently installed on Harbor Boulevard. There was some public comment suggesting that FDOT was willing to reconsider the request; however, in staff's opinion it is also quite possible that FDOT will wish to fully evaluate the impact of the additional signalization prior to rendering a decision on speed limit reduction.

4. The H-CRAAC voted unanimously to recommend the CRA Board support a medallion plan for livery vessel rentals within the harbor, providing Code Enforcement with an additional tool to control the proliferation of pontoon boat and personal watercraft rentals and help maintain parking regulations within the harbor district. There was also some discussion of charging a fee for the medallions in order to help defray the expense of another code enforcement officer for medallion and other harbor enforcement issues. The CRA Board voted unanimously to recommend Council direct staff to craft a system for medallion registration of all permitted rental watercraft in the Destin harbor.

Staff analysis/comments:

Based on the City's effort to institute a sticker program for personal watercraft many years ago, creation and administration of a sticker or medallion system has proven to be quite cumbersome. It would be especially difficult for code enforcement staff today, given the additional proliferation of personal watercraft, many of which cycle in and out of service frequently. Based on existing staffing levels, it would be extremely difficult for code enforcement to adequately balance the need for the type of close supervision necessary to insure the medallion system is effective with existing workload demands.

- A. **Link to Strategic Goals /Objectives:** IC. Analyze, measure, and improve key processes to enhance service excellence.
- B. **Effect on Budget (EOB):** There could be some impact on the budget, depending on the cost of a medallion plan, the potential for additional code enforcement assistance, and the potential levy of fees for medallions (see Discussion item 4). Absent formal direction by Council, staff is unable to calculate the fiscal impact of those various decisions.
- C. **Level of Service (LOS):** Levels of service on U.S. Highway 98, either within or outside the harbor district, might experience some deleterious impacts in the event of a 29% decrease in the speed limit within the district (see Discussion item 3). Levels of service for boat traffic within the harbor might be improved with more aggressive limitations and/or enforcement of livery vessel rentals (see Discussion item 4). Impacts of other items contained in this staff report are anticipated to be negligible.

III. **RECOMMENDATION:** Staff recommendations are substantially expressed in the itemized analysis/comments section of the Discussion section above.

IV. **RECOMMENDED MOTIONS:** "I move, after considering the recommendations of the CRA Board that Council...

1. Direct staff to advertise appropriately and bring the attached Ordinance 16-19-LC back to Council for First Reading on August 15th."
2. Direct staff to revise the language regarding the southerly line of the description of the South Harbor Festive Marketplace [in accordance with the Council-approved revised language] and bring Ordinance 16-12-LC back for First Reading on August 15th."
3. Authorize the Mayor to write a letter to FDOT seeking reduction of the Harbor District speed limit to 25 mph."
4. Direct staff to evaluate the administrative feasibility and legality of proposed actions regarding the additional regulation of rental vessels, to evaluate ways to improve enforcement of business tax receipts and parking regulations and report back to the City Council."

Exhibits:

- A. Ordinance 16-19-LC
- B. H CRAAC Agenda Item pertaining to Kiosks, Portable Buildings, and Food Trucks/Trailers
- C. H CRAAC Minutes of May 11, 2016
- D. H CRAAC Agenda Item pertaining to the boundaries of the "Harbor Festive Market Place"
- E. H CRAAC Minutes of July 13, 2016

EXCERPTS
**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
AUGUST 1, 2016
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 Scott Fischer
Councilmember Chatham Morgan
Councilmember Parker Destin
Councilmember Cyron Marler

Councilmember Jim Foreman
Councilmember Tuffy Dixon
Councilmember Prebble Ramswell
Councilmember Rodney Braden

Destin City Staff

City Manager Carisse Lejeune
Parks/Recreation Director Lance Johnson
City Engineer David Campbell
Interim Comm. Dev. Director Steve Schmidt

City Clerk Rey Bailey
IT Manager Webb Warren
Finance Director Bragg Farmer
City Attorney Jerry Miller

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Scott Fischer called the meeting to order at 6:00 PM. Reverend Caleb Miller of Immanuel Anglican Church gave the invocation; which was followed by the Pledge of Allegiance.

SPECIAL PRESENTATIONS

1. Proclamation of support for the Okaloosa County Sheriff's Office

The Mayor read the Proclamation honoring the Okaloosa County Sheriff's Office, and then presented it to Sheriff Larry Ashley.

2. Presentation by Sarah Yelverton, Executive Director for the Homelessness and Housing Alliance and Ted Corcoran, Executive Director of Fort Walton Beach Chamber of Commerce

Ms. Sarah Yelverton, Executive Director for the Homelessness and Housing Alliance (HHA), addressed the mission of Okaloosa Walton Homeless Continuum of Care/Opportunity Inc. She stated this organization consisting of business and civic leaders, community advocates, non-profit, hospital and schools is dedicated to creating an opportunity to eliminate homelessness through self-sufficiency; and that HHA is the lead agency for this group. She then outlined the duties and responsibilities of the HHA. She pointed out there are approximately 629 homeless people in Okaloosa and Walton counties this year. She stated they align all their efforts to try to eliminate veteran homelessness. They had 117 homeless veterans in January 2015; but, decreased that number to 34 by January 2016. Currently, all homeless veterans that are willing to participate in the program and are eligible for housing have been placed into housing. She continued that 236 of the people they surveyed this year meet the definition of chronic homelessness. They have been homeless for quite a while. Trying to provide some assistance to them is quite challenging. They cost the community the most money because they have high service needs.

Councilmember Ramswell noted that the County may be a good resource for this project as they have gone through the process of finding floating buoys that would work for the safety corridor in East Pass.

Councilmember Dixon suggests they examine boat traffic during some of the busiest times of the year and possibly use that data to create a boating-restricted zone throughout the whole bayou later on.

Having no further comments from the Council members, the Mayor called for a vote on the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

Staff will specify signage/marker to be mounted on a floating buoy rather than on piling or other structure.

18. Harbor CRA Advisory Committee and CRA Board recommendations from July 25, 2016 CRA Board meeting

The City Manager noted that at its regular meetings, the Harbor CRA Advisory Committee made several recommendations for consideration by the City Council and CRA Board of Directors; and that the CRA Board findings and recommendations are detailed in the staff report.

- A. Six-month moratorium be placed on food truck and trailer vendor permits to allow the Harbor CRA Advisory Committee time to modify the criteria for permits, while still allowing processing of special event requests. The CRA Board voted unanimously to expand the moratorium to also include portable buildings, retail kiosks, mobile vehicles and table set up with items for sale, and recommended that City Council direct staff to research and develop appropriate regulatory standards for incorporation in the Land Development Code. The moratorium shall not apply to those tables, mobile vehicles, food trucks and trailers covered under a special event permit, such as the Seafood Festival or the Arts Festival. Proposed Ordinance 16-19-CC

The City Manager asked if a moratorium ordinance needs to be noticed before it is presented to the City Council.

The City Attorney replied affirmatively; adding it also has to go before the Local Planning Agency prior to being presented to the Council on first reading.

The City Manager stated that the current issue only involves food trucks in the Harbor CRA district; but, staff is concern food trucks may also become an issue in other parts of the City infringing upon other businesses or creating traffic. She asked if the Council would like to consider doing a moratorium and a future ordinance for these types of vending units in other parts of the City.

Councilmember Ramswell stated that she was under the impression the original intention was for the ordinance to apply to all trailers, kiosks and mobile vendors rather than just food vendors.

Capt. Green of the Harbor CRA Advisory Committee stated the original intention was for the ordinance to apply to food trucks only because they already have a very streamlined definition

of a kiosk or portable building. He also stated when this item was brought before the CRA Board, there was some discussion involving all the entities on the harbor district.

Mr. Schmidt noted the proposed ordinance is all encompassing and basically addresses mobile vendors; describing them as not just food trucks but also trailers, retail mobile vendors or other outdoor vendors.

The City Manager added that the CRA Board voted unanimously to expand the moratorium to include portable buildings, retail kiosks, mobile vehicles and tables set up with items for sale; and for these to come forward as recommendations to the City Council.

Mr. Schmidt pointed out they have specific rules for portable buildings that are in the harbor district basically for FEMA requirements; and that the reason they are portable is so they could easily be moved out in the event of a hurricane. He also stated they have not really had any proliferation of portable buildings or kiosks throughout the rest of the City. The harbor district seems to be the locale that attracts most of these type vendors. He added that the CRA Board also recommends taking a look at the proliferation of some of the other portable buildings and kiosks and determine whether or not they want to set some limitations in the harbor district.

Councilmember Morgan stated it may not make much of a difference until they improve enforcement of Business Tax Receipts (BTR); adding there is currently nothing that is stopping unlicensed vendors from operating in the harbor. He also added there are vendors currently operating in the harbor who are not aware they are required to have a BTR in order to operate.

Councilmember Dixon suggests they concentrate on the Harbor CRA at this time.

Councilmember Dixon moved to direct staff to advertise appropriately and bring proposed Ordinance 16-19-LC back for first reading on August 15, 2016; seconded by Councilmember Ramswell.

Ms. Schmidt noted that the next Local Planning Agency meeting is scheduled for August 18th, and so if the City Attorney's determination is to send this item to the Agency, then they would have to schedule first reading of the ordinance in September 2016.

Councilmember Destin announced he would need to abstain from voting as he owns a food truck in the north harbor CRA.

Motion passed 6-0 (Council members Morgan, Marler, Foreman, Dixon, Ramswell and Braden voted "yes"; Councilmember Destin abstained from voting).

- B. Approve the adoption of proposed Ordinance 16-12-LC, the redefinition/clarification of the description of the boundary of the South Harbor Festive Marketplace. The CRA Board proposed a revision to the boundary "to develop a line based upon a certain distance from the southern edge of the roadway that would exclude the sidewalk regions from the Festive Marketplace.

According to the City Manager, a clear distinction of the boundary will assist the Sheriff's deputies in enforcing the code as they will be able to easily identify the restrictive line.

Councilmember Ramswell moved to direct staff to revise the language regarding the southern edge of the sidewalk for the description of the south Harbor Festive Marketplace and brings proposed Ordinance 16-12-LC back for first reading on September 8, 2016; seconded by Councilmember Dixon.

Councilmember Morgan stated he does not believe people would actually follow this ordinance nor does he believe having open container on the sidewalk poses a safety hazard; adding if people are to get hit by a vehicle, it is because they are already drunk.

According to Councilmember Dixon, they would still need to define the boundary to make it easier for the Sheriff's deputies to enforce the law.

Councilmember Ramswell noted that when this item was first discussed about two years ago, one of the concerns was the appearance of people walking up and down US Hwy 98 with open containers of alcohol in their hands and dragging coolers. She continued this is aesthetic as well as a safety suggestion.

The City Manager pointed out since the front door of some of the businesses along US Hwy 98 actually abuts right up to the sidewalk, it would prohibit their patrons from walking out the front door with an open container of alcohol. She continued staff would work with these business owners and help them understand they need to restrict their patrons from going out the front door of their establishment.

The Mayor called for a vote on the motion, which passes 6-1 (Council members Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes"; Councilmember Morgan voted "no").

- C. Petition FDOT to reduce the speed limit in the Harbor District to 25 mph. The CRA Board voted unanimously to recommend to the City Council that a letter be sent to FDOT seeking to reduce the speed limit on Harbor Blvd. (U.S. Hwy 98) within the Harbor District to 25 mph.

The Mayor noted there are citizens that want to know why they are recommending reducing the speed limit to 25 mph on the main highway while they have residential roads with 35 mph speed limit.

Councilmember Foreman moved to continue this item for a period of 90 days in order to do due diligence to find out whether or not the pedestrian crosswalk signals are operating properly and determine at that point if Council still wants to move forward with the petition; seconded by Councilmember Braden.

Councilmember Dixon stated there are so many traffic lights on US Hwy 98 now that people really have to drive slower and pay more attention; adding some residential roads have a 35 mph speed limit because they do not have pedestrian traffic as they do on US Hwy 98/Harbor Blvd.

Councilmember Marler stated that he would support continuing this item for 30 days but not 90 days; adding they will have the Destin Seafood Festival in October and it will be a very taxing day for at least two to three of the pedestrian traffic lights.

Councilmember Morgan expressed his support for the reduction of speed limit to 25 mph on Harbor Blvd. He asked what kind of response they received from FDOT when they proposed the lowering of the speed limit about two years ago.

Mr. Schmidt noted that FDOT's recommendation was to retain the posted speed limit of 35 mph but work to implement the extensive recommendations outlined in the final safety assessment report that was completed in 2013. Some of these safety recommendations included the pedestrian activated signals; three of which have been recently constructed in the harbor district. He added it is quite likely FDOT would want to assess the impact of the signals before making any decisions on speed limit reduction in the harbor district.

Councilmember Ramswell suggests going ahead and writing the letter to FDOT to begin the process regardless whether or not they decide to move forward with speed reduction. She asked what they hope to accomplish by waiting for 90 days before they write the letter.

Councilmember Foreman noted they have been turned down once and so they need support for any more letters they send to FDOT; adding they need to have specific justifications for reducing the speed limit.

Motion failed 3-4: (Council members Foreman, Destin and Braden voted "yes"; Council members Morgan, Marler, Dixon and Ramswell voted "no").

Motion by Councilmember Dixon, seconded by Councilmember Ramswell, to authorize the Mayor to write a letter to FDOT seeking reduction of the Harbor District speed limit to 25 mph passed 6-1 (Council members Morgan, Marler, Foreman, Dixon, Ramswell and Braden voted "yes"; Councilmember Destin voted "no").

D. Support a medallion plan for livery vessel rentals within the harbor, providing code enforcement with an additional tool to control the proliferation of pontoon boats and personal watercraft rentals and help maintain parking regulations within the harbor district. The CRA Board voted unanimously to recommend that Council directs staff to craft a system for medallion registration of all permitted rental watercraft in the Destin Harbor.

Mr. Schmidt explained the additional regulation of rental vessels was basically intended to be a medallion system where they could identify specific rentals. They would need some time to evaluate the perspective fees and determine the possible income from the fees. It would be very difficult for their current code enforcement level to be able to add this level of control. They would need to have somebody down on the harbor full time because many of the personal watercrafts get taken in and out of service and maintaining a medallion system would be quite time-consuming. They could craft a schedule that would allow the City to hire another code enforcement person to assist; which could be discussed at the next budget meeting.

According to the City Manager, they would need to fund an additional code enforcement officer for the harbor from the general fund for the first year as any fee system they establish would not immediately generate enough funds to fund that position. Some of the responsible business owners had asked that any regulations be put in place for the next season because it would be cost prohibitive for them to try to enter into this type of regulatory fees at the end of this season. She added that staff would craft and bring something back for Council's consideration in November 2016 at the latest.

Councilmember Braden if they would be able to implement this by January 1, 2017.

Mr. Schmidt stated if they bring this item back by the November 2016 meeting and receives a definitive direction and approval of the fee structure at that point, it would just be a matter of getting the medallions created and setting up a system.

At this time Councilmember Marler moved to set aside the order of the day to allow a speaker to speak on the subject; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

Mr. Charles Duplantis, a Destin resident and businessman, spoke on the subject. He stated he has been in business in Destin for 25 years and obtain and paid for all required license to be able to operate; and they also pay their taxes and all their employees. He stated it would be totally unfair to place a fee on just the pontoon boats or Jet Skis. They may have 50-60 Jet Skis just to keep 20 of them running on a daily basis due to the amount of damage that can occur; and they could have Jet Skis that are out of service for weeks. They close 6 months out of a year while still paying property taxes. The City is making it harder and harder for them to operate. He suggests the City forms a committee of people that is actually involved in the business to put out ideas instead of arbitrarily passing laws to regulate the business. He also noted there are people running their business on Holiday Isle that will not get in trouble even if they do not get a medallion. The City will pick on a handful of businesses that are operating legally and expect them to abide by the law while allowing others to circumvent it. He urged Council to think real hard before they decide to pass this regulation.

Councilmember Ramswell asked if Mr. Duplantis would change his opinion if they were able to issue medallions that had a registration number that was non transferrable and would prevent people from selling them in order to make money.

Mr. Duplantis stated that he built and operated his business for over 25 years. He should not be prohibited from selling his business, making some money and retiring.

Mr. Mike Abadie, a Destin resident and businessman, spoke next. He stated he has been in business for 26 years. He is already being regulated by the City by telling him how many boats he is allowed to operate and the amount of insurance he has to carry. He had to meet a lot of rules and regulations. They have to have certain amount of parking spaces and boat slips. There are new businesses coming into Destin without parking spaces and boat slips and they do not have to follow these same rules and regulations because the City wants to implement new laws and charge more fees. He could agree with paying for stickers to place on his boats, but medallions are too expensive and it could get stolen. If he has 40 boats and he has to pay \$500 per medallion; he would have an undue burden of having to pay \$20,000 a year just to stay in business. He stated that the City would be able to eliminate whatever problem they are having if they make every business on the harbor follow the same rules and regulations he had been following for 26 years. He added that rules are already on the books, and the City just need to enforce these rules.

Councilmember Morgan stated that his biggest concern was lack of enforcement. Water sports companies have more boats than they are allowed to operate and the City has very little recourse. He stated he wants to make sure they have the ability to effectively enforce existing rules.

Councilmember Morgan moved to direct staff to evaluate the administrative feasibility and legality of proposed actions regarding the additional regulation of rental vessels, to evaluate ways to improve enforcement of business tax receipts and parking regulations and report back to the City Council. Councilmember Dixon provided a second to the motion.

Councilmember Marler suggests having the last two speakers contact City staff and discuss this issue with them.

The Mayor called for a vote on the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

19. Environmental, Parks & Recreation Committee/Tree Board recommendation

The Environmental, Parks & Recreation Committee/Tree Board Chair Teresa Hebert recommended that the City Council set an immediate moratorium to prevent any more trees from being cut down for at least the next 90 days and until an ordinance is adopted.

Councilmember Ramswell moved to direct the City Manager to take the actions required to bring back an ordinance that imposes a temporary moratorium on the removal and pruning of protected trees within the Destin City limits; seconded by Councilmember Dixon.

The City Manager noted they may need some sort of exception language in the ordinance so that they do not prohibit someone from doing some sort of pruning to prepare their property for strong wind events during this hurricane season.

Councilmember Ramswell asked if Council would be able to convene an emergency meeting and approve a motion to release the moratorium if they find themselves in an emergency situation during the next 90 days.

According to the City Attorney, the removal of a moratorium must also be done in the form of an ordinance, which would require two readings.

Councilmember Marler suggests they consider this on a case by case basis. He stated that from time to time, the owner may be required to remove a tree to be able to renew a homeowner's insurance. There is also a situation when a tree is too close to a house and start compromising the foundation of the house. He also stated it would be hard to enforce this code because they cannot go into people's backyard without viable reasons.

The City's Park and Recreation Director Lance Johnson noted that the key words are "protected trees"; and that staff would like to include the definition of "protected trees" in the ordinance and bring it back for Council's approval.

Councilmember Foreman stated if they put a moratorium in place, they need to be able to inform local landscaping companies what they can and cannot do.

Councilmember Morgan noted this is similar to a moratorium on food trucks. A lot of the tree cutting that is happening in Destin is unpermitted; which is one of the reasons they are revising the tree ordinance to put in steeper penalties for illegally cutting down trees.

EXCERPTS

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
SEPTEMBER 8, 2016
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 Scott Fischer

Councilmember Chatham Morgan

Councilmember Parker Destin

Councilmember Cyron Marler

Councilmember Tuffy Dixon

Councilmember Prebble Ramswell

Councilmember Rodney Braden

Destin City Staff

City Manager Carisse Lejeune

Public Information Manager Doug Rainer

Comm. Dev. Interim Director Steven Schmidt

Parks/Recreation Director Lance Johnson

Deputy Parks/Recreation Director Lisa Firth

Finance Director Bragg Farmer

Land Use Attorney Scott Shirley

City Clerk Rey Bailey

City Planner Hank Woollard

City Engineer David Campbell

IT Manager Webb Warren

HR Manager Karen Jankowski

Library Director Jurate Burns

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Scott Fischer called the meeting to order at 6:00 PM. The Mayor allowed for a moment of silence; which was followed by the Pledge of Allegiance.

SPECIAL PRESENTATIONS

1. City Attorney Legal Services for the City of Destin
 - a. Anchors-Smith-Grimsley, PL
 - b. Conerly, Bowman & Dykes, LLP
 - c. Powell Injury Law, P.A.

The Human Relations Manager Karen Jankowski noted that the request for proposal announcement for city attorney legal services was posted on July 16, 2016 with the bid opening taking place on August 18, 2016. The proposal was advertised in the Northwest Florida Daily News, Pensacola News Journal, Florida League of Cities, Florida City and County Management Association and the City of Destin website. She stated that 8 firms requested the bid package information and 3 firms responded to the bid with detailed proposals. The 3 firms are present here tonight to provide a brief presentation to Council.

➤ Anchors-Smith-Grimsley, PL

Making the presentation for Anchors-Smith-Grimsley, PL was Attorney Jeffrey Burns. Mr. Burns informed the Council his law firm has 53 years of municipal experience. It is the longest practicing law firm in Okaloosa County. Some of the clients they represent are the Okaloosa County School District, Town of Cinco Bayou, several fire control districts, including the Ocean City-Wright, Okaloosa Island, Florosa and Holley-Navarre fire control districts. They also

According to the City Attorney, the City's limitations on its jurisdiction only come in to play where vessels are concerned within the definition of Florida Statutes; and that seaplanes are not considered vessels under that definition. The seaplane landing pad was not a vessel within the meaning of that jurisdiction and was a none-water dependent use under the City's comprehensive plan and therefore was not allowed in any of the water areas in the City. There was a case law allowing the City to adopt an ordinance involving the seaplanes.

Lieutenant Clark stated they are very much aware of the issue involving the Timberlake Helicopter Service and the barge they used as landing pad located near the Marler Bridge. He stated the FDOT has to permit what they consider a helicopter landing facility, and that they would not permit the barge for that purpose.

Councilmember Marler asked if the City has jurisdiction over the removal of derelict vessels from the waterways.

Officer Gerald Moulner of FWC stated that an ugly boat is not necessarily a derelict boat; and that the State of Florida has jurisdictions over derelict vessels. A vessel has to meet the State definition of derelict before it can be considered a derelict vessel; and that it is up to the investigating officer to make that determination. It also has to be in public waters; and that the Destin Harbor would be considered public waters. Once a vessel is determined to be derelict, there would be an intensive effort to contact the owner. Then they have to give a certain number of days for the boat to be removed. The entire process could last 3 months to years depending on the status of the boat.

Lieutenant Clark stated if the City decides to hire the Sheriff's Office to patrol the harbor, they are also empowered to investigate derelict vessels.

The City Manager asked if a Harbor Master or a Harbor Code Enforcement Officer for the City would have enforcement authority over boats that are moored in the waterway without having a mooring field.

Lieutenant Clark replied the City would not have that authority without a mooring field.

The City Manager asked if they would have enforcement authority over people speeding through no wake zones.

Lieutenant Clark stated only sworn law enforcement officers could address violations of the idle speed zones in the harbor.

The City Manager asked the same question with regards to someone driving a boat while under the influence of alcohol.

Lieutenant Clark replied only a sworn law enforcement officer is empowered to take action regarding this type of violation.

Councilmember Morgan stated that being steward of public safety they need to be proactive and include the marine patrol unit in the budget.

Councilmember Morgan also stated their recreation sports complexes are one of the great successes they have in Destin; and that the list of unfunded projects they were provided are worthy of funding and would like to see those included in the budget.

Councilmember Dixon spoke of some barges that get moved from Crab Island over to the harbor, which add to the congestion problem in the harbor. He continued these barges have no motor and no lights at night. He asked if they could regulate the anchoring of these vessels if they establish a mooring field; to which Lieutenant Clark replied affirmatively.

Councilmember Ramswell asked for one of the FWC officers to explain the following language in Section 327.60 of Florida Statutes: *"Local governmental authorities are prohibited from regulating the anchorage of non-livaboard vessels engaged in exercise of rights of navigation."*

According to Lieutenant Clark, they can establish a mooring field through this mechanism which would control the number of days a boat can moor up. But, the first thing they need to get is a submerged land lease from the State Department of Environmental Protection (DEP).

Following a short break, the Mayor announced he had asked the Finance Director to list the items City staff considers most important and then include the items Council had discussed at their visioning session and tally them up. He then asked the Finance Director to read these items.

The Finance Director read the following line items:

- Harbor Code Enforcement Manager - \$90,000 (includes benefits and health insurance)
- Sheriff's Services (spring break) - \$42,500
- Storm water improvements priorities - \$410,000
 - Engineering analysis for flooding problem on 2nd Street - \$35,000
 - Replace corrugated metal pipe on Chickasaw Way (Indian Bayou) - \$75,000
 - Line the hydrodynamic separator on Gulf Shore Drive/Repair Gulf Shore Drive - \$125,000
 - Replace drainage system at the tunnel on Scenic Hwy 98 - \$25,000
 - Upgrade storm system at Main Street and Indian Trail to include addressing the chronic standing water on Mars Street - \$150,000
- Sidewalk repair/replacement at multiple locations throughout the City - \$105,000
- Marine Patrol Unit - \$75,000
- Marine Patrol boat - \$50,000
- Marine Patrol boat operation expenses for 1 year - \$20,000

He stated it would require Council to adopt a millage rate of 1.7mills to include all the above items into the current budget.

Councilmember Marler suggests they eliminate the Harbor Code Enforcement Officer at this time due to the City's lack of jurisdiction on the harbor waterways.

Councilmember Destin stated that if they drop the Harbor Code Enforcement Officer position and the marine patrol unit, they should be able to fund all the infrastructure improvement repair costs.

Councilmember Morgan stated he would like for them to consider funding the projects for recreation sports complexes if there is enough money available once they eliminate some of the items listed above; adding they have been very successful and they have to make sure they stay successful.

The Finance Director noted if they eliminate the Harbor Code Enforcement Officer and marine patrol unit, Council would need to adopt a millage rate of 1.65 mills to cover the rest.

The Mayor asked the City Manager if she feels they would be able to properly enforce the code on dry land around the harbor and Joe's Bayou without the Harbor Code Enforcement Officer position.

The City Manager stated that based on her previous conversation with the Code Enforcement Supervisor, the greatest frustration was not having a strong enough regulation; and that he felt confident that if they have codes that actually have punitive actions attached to them, code enforcement could adequately take care of some of the issues that have been plaguing the City.

Councilmember Braden stated he would prefer removing the \$105,000 for sidewalk repair and applying the money towards hiring a Harbor Code Enforcement Manager.

Councilmember Marler agreed they could eliminate the sidewalk repair cost of \$105,000 since they have a 5-year sidewalk plan and should be able to fix some if not all the sidewalks; however, he would like the marine patrol unit to remain on the list. He continued they could probably work with some of the local marine salesmen who have a vested interest on the harbor and get a better price on a boat; or they may even consider donating one to the City as a goodwill gesture. He added he would prefer they reduce the millage rate to 1.65 mills.

Councilmember Destin asked the City Engineer if they could possibly eliminate any of the 5 items listed under the storm water improvement priorities and reconsider them on the next budget cycle.

The City Engineer stated they could possibly eliminate item #5 (upgrade storm system at Main Street and Indian Trail to include addressing the chronic standing water on Mars Street) at this time since they have money in the current budget for an engineer to design the improvements for this area. He added he would have a much better number once the engineering analysis is completed.

Councilmember Destin proposed dropping item #5 from the list.

Councilmember Ramswell noted she recently received an email from an individual with a picture of his home on Main Street that is flooded, and that there is a dire need to address that problem.

The City Engineer noted they have in the current budget the money for the engineering design for that area; but not for the repair.

Councilmember Ramswell asked if the City have some measure in place to assist the homeowner in that area such as sending City staff out there with the pumps.

According to the City Engineer, they actually sent the pumps out in that area about 3 years ago; adding they can offer some assistance if necessary if they happen to have another rain event.

Councilmember Dixon stated that he believes there were problems identified on the Airport property which affected this particular piece of property on Main Street; and that the County took some steps two years ago to help alleviate some of the problems in that area. He asked the City Engineer to look into it.

Councilmember Dixon noted he was the one who pushed hard for the Harbor Master; however, in light of the fact they do not have the jurisdictional authority over the harbor waterways, he is willing to concede they do not need one at this time. But, he still believes they need another Code Enforcement Officer who can concentrate their time and effort on the harbor and boardwalk.

The Mayor asked the Finance Director to update the list and provide the millage rate considering all the comments from the Council members.

The Finance Director provided the following line items:

- Sheriff's Services (Spring Break) - \$42,500
- Storm water maintenance / repairs - \$260,000
- Sidewalk repairs - \$105,000
- Marine Patrol Unit (using the smaller jet-ski) - \$75,000

He stated the current list brings the millage rate to 1.63 mills.

Councilmember Destin suggests dropping the sidewalk repair for \$105,000 and substitutes the hiring of a code enforcement officer.

Councilmember Morgan disagrees, stating the sidewalks are in dire need of repair and that it would only cost each taxpayer about 20 cents a month to fix the sidewalks.

The City Engineer noted that based on the analysis by the Deputy Public Services Director, each one of the areas identified has a raised sidewalk of more than half an inch, which is a tripping hazard.

Councilmember Ramswell asked the Finance Director to calculate the required millage rate if they were to add the \$150,000 to upgrade the storm system at Main Street, Indian Trail and Mars Street.

The Finance Director stated it would be at 1.667 mills.

Councilmember Destin prefers leaving it off the list since they would not be able to provide immediate relief to the homeowners since they are only in the process of designing the improvements in these areas. He added they would know more about the exact amount of money they would need once the design phase is completed.

Councilmember Marler stated they need to investigate if the flooding on Main Street is caused by the airport; and if so, they need to start a dialogue with the County.

Councilmember Destin moved to adopt Ordinance 16-23-CN on first reading to provide for a balanced budget for FY 2017 and schedule the second reading on September 20, 2016; and to incorporate the following changes as identified by Council and as read into the record by the City's Finance Director:

- Sheriff's Services (Spring Break) - \$42,500
- Storm water maintenance / repairs - \$260,000
- Sidewalk repairs - \$105,000
- Marine Patrol Unit (using the smaller jet-ski) - \$75,000

Councilmember Ramswell provided a second to the motion which passes 5-1 (Council members Morgan, Destin, Marler, Ramswell and Braden voted "yes"; Councilmember Dixon voted "no"; Councilmember Foreman was absent from the meeting).

SYNOPSIS

MINUTES BUDGET WORKSHOP DESTIN CITY COUNCIL AUGUST 14, 2017 CITY HALL ANNEX COUNCIL CHAMBERS 5:30 PM

The Council for the City of Destin met in special workshop session with the following members present:

Destin City Council

Mayor Scott Fischer

Councilmember Parker Destin

Councilmember Cyron Marler

Councilmember Tuffy Dixon

Councilmember Rodney Braden

Councilmember Jim Foreman

Councilmember Prebble Ramswell

Destin City Staff

City Manager Carisse LeJeune

Public Information Manager Doug Rainer

Parks & Rec Director Lance Johnson

Interim Comm. Dev. Director Steve Schmidt

Library Director Jurate Burns

City Attorney Jeff Burns

City Clerk Rey Bailey

City Engineer David Campbell

IT Manager Webb Warren

HR Manager Karen Jankowski

Finance Director Bragg Farmer

CALL TO ORDER

Mayor Scott Fischer called the meeting to order at 5:30 PM.

WORKSHOP

1. City of Destin 2018 Budget

Finance Director Bragg Farmer provided an overview of the proposed 2018 Budget:

Budget Highlights

- General Fund Revenue has increased .05% -- \$ 85,847
 - ❖ Grant revenue decreased by \$1.4 million
- Property Values increased by 4.84% from \$4,508,216,971 to \$4,726,313,076
- Grant Revenue decreased -- \$1,401,402
- TDD Operating Funding -- \$ 436,770

Revenue Highlights

- Property Tax Value Revenue Increase -- \$ 319,193
- No Millage Increase

➤ Wayfinding Plan	--	\$ 5,000
➤ ROW Access – Beach to Benning	--	\$375,000
➤ Gulf Environmental Storm Water Project	--	\$310,000
➤ Clement Taylor Park Restoration	--	\$ 729,918
➤ Capt. Royal Melvin Park	--	\$1,216,530
➤ Airport Road Landscaping Design	--	\$ 6,250
➤ Playground Renovations	--	\$100,000
➤ Storm Water Master Plan	--	\$ 64,000

Personnel: 77 Full Time & 16 Part-Time Positions

➤ 2% COLA	--	\$ 74,000
➤ 2% Merit	--	\$ 50,000
➤ Health insurance increase 22.4%		
➤ New positions changes:		
❖ Parks Maintenance Technician	--	\$ 52,242
❖ Beach/Harbor Parks Enforcement Off.	--	\$64,743
❖ Code Enforcement Clerk	--	\$48,956
❖ 4 part-time to full time positions	--	\$88,697
(PS Maint. Tech., Custodian, 2 Parks Maint.)		

DISCUSSION:

Councilmember Destin inquired as to the status of the funding for lifeguard.

The City Manager replied it is in the City Council Contingency Fund line item. The contingency fund is now \$90,000 which was taken out of property acquisition for the cross-town connector. The Council can designate this money to any program they wish to fund.

Councilmember Destin stated they could allocate some of this money for the lifeguards if they are not funded by the TDD.

The City Manager also explained they have recently lost a Code Enforcement Officer that was designated to doing the computer registration work for vacation rentals. In order to have as many Code Enforcement Officers out on the field, they are converting the Code Enforcement Clerk part-time position into full-time. This person will be responsible for all computer registration work. She continued that the new Code Enforcement Manager is now on board, and that they just made offers to additional Code Enforcement Officers, making it a total of 4 Code Enforcement Officers that will be out on the field. They will be using TDC funding to convert a Parks Maintenance position to a Park Ranger position that will be trained to a level one certification and assigned strictly to beach and harbor enforcement.

Councilmember Dixon stated he would not want to deplete the Council Contingency Fund. He continued that the lifeguard program is a very important program and that he recommends doing whatever is necessary to come up with the funding for this program. He also stated they should share some of the responsibilities for at least providing lifeguards to the City's public beach accesses.

EXCELS

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
JUNE 18, 2018
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 Chatham Morgan
Councilmember Parker Destin
Councilmember Cyron Marler

Councilmember Tuffy Dixon
Councilmember Rodney Braden
Councilmember Prebble Ramswell
Councilmember Skip Overdier

Destin City Staff

City Manager Carisse LeJeune
Deputy City Manager Steve Schmidt
Parks & Recreation Director Lance Johnson
Land Use Attorney Kimberly Kopp
City Attorney Jeffrey Burns

City Clerk Rey Bailey
IT Manager Webb Warren
Finance Director Bragg Farmer
Public Information Manager Doug Rainer

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM. Pastor Eric Partin of Shoreline Church gave the invocation; which was then followed by the 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)*

Motion by Councilmember Destin, seconded by Councilmember Marler, to approve the June 18, 2018 Council meeting agenda passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

1. APPROVAL OF MINUTES

A) Approval of minutes of May 17, 2018 city council workshop

Motion by Councilmember Braden, seconded by Councilmember Marler, to approve the minutes of May 17, 2018 city council workshop passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

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

A. Pointe Resort Marina – Net Positive Public Benefit – Mr. Matt Trammell, Taylor Engineering, Inc.

Mr. Joseph Winkeler, Point Resort, LLC, requested that this presentation be tabled to the July 2, 2018 City Council meeting.

The City Attorney stated that East Pass is considered part of the beach; adding there is a spoils easement out there and they could put some language in there to protect the spoils easement.

Councilmember Dixon asked the City Attorney to look into the legal description and definition to make sure.

Councilmember Ramswell pointed out that the LDC section under beach management states that, *"The purpose of this section is to promote the health, safety and welfare of the public at large including residents and visitors."* She continued underneath that section is a whole section on wheeled vehicles which states, *"The use of wheeled vehicles other than emergency and public safety vehicles, turtle nesting, and baby strollers is prohibited except by special permit."* She added she could see how this could be slightly misconstrued.

The Mayor stated the confusion is that they are addressing the public beaches specifically; and that it refers to residents rather than property owners.

Councilmember Ramswell stated she would take it to mean all beaches; but she could see from the legal standpoint the need to spell it out.

Councilmember Dixon wants to make sure they do not eliminate emergency vehicles.

The Mayor asked if any member of the public wishes to comment on this subject.

Mr. David Schuessler, a Destin resident, noted that the City currently charges a fee of \$200 for short term rental registration, and the City currently has over 700 registered short term rentals. Key West charges \$500 for their annual permit. If Destin were to charge \$400 annually for the registration and earmark the additional money for nothing but code enforcement, it should be more than enough to solve all their code enforcement issues.

Ms. Char Rohrer, a Destin resident, noted there is an Airbnb in their neighborhood that has not registered with the City no matter how many notices they have already received. They are now supposed to go before the Special Magistrate. They rented the property out and the guests occupy the neighborhood pool and park boats where they are not supposed to, and it is up to the people living in that neighborhood to try to do something about it. There is also another Airbnb that just opened. It is a small house with no garage located two blocks from the beach in Sovereign Isle. The owner charges \$319 a night and it is occupied constantly. The people that are managing the property are long term renters that are also paying the owners. They have a long term renter and short term renter, with the idea that the long term renter vacates the house every time a short term renter comes. She wants to know the legality of this kind of arrangement.

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

Councilmember Braden asked what happened to the harbor personnel they were supposed to get last year from the livery vessel money.

The City Manager stated they have a code enforcement officer assigned to the harbor.

EXCERPTS

**MINUTES
BUDGET WORKSHOP
DESTIN CITY COUNCIL
AUGUST 13, 2018
CITY HALL ANNEX
COUNCIL CHAMBERS
5:00 PM**

The Council for the City of Destin met in special workshop session with the following members present:

Destin City Council

Mayor Gary Jarvis
Councilmember Parker Destin
Councilmember Cyron Marler
Councilmember Tuffy Dixon

Councilmember Chatham Morgan
Councilmember Rodney Braden
Councilmember Jim Foreman
Councilmember Prebble Ramswell

Destin City Staff

Interim City Manager Lance Johnson
Public Information Manager Doug Rainer
Deputy City Manager Steve Schmidt
Acting Parks & Recreation Director Lisa Firth
City Attorney Jeff Burns

City Clerk Rey Bailey
Finance Director Bragg Farmer
IT Manager Webb Warren
HR Manager Karen Jankowski

CALL TO ORDER

Mayor Gary Jarvis called the meeting to order at 5:00 PM.

WORKSHOP

1. City of Destin 2019 Budget

Finance Director Bragg Farmer provided an overview of the proposed 2019 Budget:

Budget Highlights

➤ General Fund Revenue has increased 5.3%	--	\$ 682,019
➤ Property Values Increased by 6.42% from \$4,731,978,391 to \$5,035,622,039		
➤ Grant Revenue Increased	--	\$3,172,949
➤ TDD Operating Funding	--	\$ 454,526
➤ Town Center CRA increased	--	\$ 86,661
➤ Harbor CRA increased	--	\$ 54,436

Revenue Highlights

➤ Property Tax Value Revenue Increase	--	\$ 421,610
➤ No Millage Increase		
➤ State Revenue Sharing up	--	\$ 33,000
❖ Communications Service Tax – down \$31,000		

The City Attorney noted that according to Mr. Eddy, the Council can choose to perform both processes simultaneously.

The Mayor suggests they discuss this issue at their next meeting so that the Council could give direction to put out an RFP for a recruiting firm if they do not get a considerable number of responders by that time.

Councilmember Ramswell noted that the City paid \$124,000 in salaries for the Code Enforcement Division in 2017. She asked how many people were covered by that amount.

Mr. Farmer noted there were 4 people in the division at that time.

Councilmember Ramswell pointed out there is an additional salary of \$109,000 under Beach Operation in the budget. She asked what that salary entails.

Mr. Johnson stated it includes 3 full-time positions. He explained that all these positions were park maintenance positions until June 2018 when one member received a level I certification for parking enforcement which gave that individual the credential as a park ranger eligible to issue citations.

Councilmember Ramswell asked if the park ranger position is included in code enforcement.

Mr. Johnson stated these positions are not included in code enforcement. They are a part of a new pilot program; the concept being they have great rules on the books for their parks, but they never had the ability to truly enforce them. The park ranger can now issue citation in City parks.

Councilmember Ramswell asked if the people filling these positions could actually perform extra work on the beach.

Mr. Johnson stated there are combined positions designed mainly for the parks and recreation field; adding that staffers still have maintenance responsibilities, but they will also help educate the public and enforce the rules they have on the books.

Councilmember Ramswell noted that last year's code enforcement budget was \$124,000, \$223,000 for Fiscal Year 2018; and then \$215,000 for Fiscal Year 2019. She asked how many code enforcement officers would the salary of \$215,000 covers.

Mr. Farmer replied that the \$215,000 would cover 4 code enforcement officers and an administrative assistant for code enforcement.

Councilmember Ramswell stated that they are still having significant issues with code enforcement. She asked if they need more code enforcement officers or they have adequate numbers but they are not being efficiently utilized. She pointed out that one officer is supposedly dealing only with short term rentals and one is a manager; leaving two roving code enforcement officers which do not seem adequate to handle all the other problems they have in the City.

Councilmember Morgan noted that most of the complaints they are getting are about inadequate code enforcers. He suggests they wait and see if they are able to hire a very competent

City Manager who may be able to handle this situation before adding more code enforcement officers.

Councilmember Ramswell asked if the Interim City Manager has had the chance to evaluate the Code Enforcement Division.

According to Mr. Johnson, his initial evaluation of the staffing level for this division is that it is probably too low. Some of the current staff has been pulled to handle the priority items for this Council such as short term rentals, and that the parking enforcement has taken up a great deal of their time. He added that the Council may want to consider increasing the number of code enforcement officers in the future.

Councilmember Ramswell asked if the short term rental registration income included in the proposed budget to pay the particular code enforcement officer in charge.

Mr. Farmer replied affirmatively.

According to the Mayor, one of the most important things the new City Manager has to do is to really evaluate this situation.

Mr. Farmer stated that once the full-time City Manager has had a chance to evaluate the Code Enforcement Division and determines an additional person is needed, they could do a budget amendment to add that position to the current budget cycle.

Councilmember Ramswell contends that a budget amendment would still require the City to find the money elsewhere; adding it would make more sense to set aside the money now.

According to Mr. Farmer, they currently have a balanced budget and they would have to pull the money from somewhere anyway if they decide to set aside funds now for an additional code enforcement officer. He added that the advantage of doing a budget amendment later on in the year is that they may only have to pull partial rather than the full salary and benefits for the position.

Capt. Charlie Nix from the Sheriff's Office was asked if it was possible for the Sheriff's Office to assign a deputy whose main role is assisting code enforcement with their duties, and if they have provided this service in the past through their contracts with other municipalities.

According to Capt. Nix, he has never seen it in any of the contracts they sign with the cities; however, it is a possibility as long as the Sheriff agrees to it.

The Mayor stated that if they consider this option and the Sheriff agrees to it, they could set some parameters of when they would utilize the deputy to assist their code enforcement officers.

Capt. Nix stated they are already assisting the City's code enforcement in handling such things as parking. If code enforcement is fully staffed, they could go out and aggressively seek these parking issues in Crystal Beach and other locations in the City; otherwise, the Sheriff's deputies try to address those issues when code enforcement is not available and they get a call from a member of the Council.

Councilmember Dixon reopened the issue relating to the City Manager's salary. He stated that the Destin City Manager does not have to deal with such things as water, sewer, police, and fire

as do other cities. He suggests they select cities of similar size and population as with Destin if they want to do any kind of analysis involving other cities.

Getting back on the issue relating to code enforcement, Councilmember Destin stated they need to make some radical changes because things do not seem to be working, and this would require additional manpower. He stated he would support setting aside additional funds for additional code enforcement officer or cross-deputizing a code enforcement officer or having a dedicated Sheriff's deputy who can provide some assistance in code enforcement.

Councilmember Braden stated that he had witnessed code enforcement officers sitting inside their truck on the side of the road on Sibert Avenue watching the parking lot waiting to write a ticket for parking violators. He continued that the apps system does not work for the current lot and that using a kiosk for payment collection would probably work better. He also stated he would bring this issue up at the next meeting and suggest they give staff direction to ease up on the parking issue and try to enforce the other elements of the code. He added that their biggest problem is with enforcing the rules they already have on the books. They have cases that had gone to the Special Magistrate and the Special Magistrate ruled against the respondents to no avail as they are still operating and violating the code.

The Mayor suggests the Council considers putting stronger penalties in the code for code violators such as imposing thousands of dollars in fine and/or putting a lien on people's property.

Referring to the Sheriff's contract increase, Councilmember Ramswell noted there is a cost of \$106,840 for additional inspector. She asked if this amount is for salary only or if it includes other expenses; and whether the person filling that position is going to be dedicated to handling Destin cases only.

Capt. Nix stated that \$106,840 is not completely for salary. The Sheriff is asking for an additional investigator because the current Destin investigator has taken in 192 cases in 2017. The investigator that was working in the unincorporated area of Destin has taken in about 87 cases. The base salary for the investigator is about \$52,000. There would be two investigators that would handle Destin cases.

Capt. Nix also stated that the idea of cross-deputizing code enforcement officers is not going to work. If it is a full-time position for a law enforcement officer to work with code enforcement officers, they would be looking at a total of 22 full-time positions if the Council authorizes the additional investigator position.

Councilmember Dixon stated that when they have major issues in Destin, extra law enforcement officers come in and provide some assistance; and so he can support paying for an extra investigator. With regards to having law enforcement officers doing some of the code enforcement officer duties, he asked if they could possibly hire some of the off-duty deputies to do some of the work; adding they would not have to pay for benefits such as retirement if they hire part-time people.

Capt. Nix stated that he will address this issue with the Sheriff.

Councilmember Morgan opined that the biggest need for the presence of a police officer would be on issues related to the beaches and short term rentals. However, these are seasonal matters and it would be tough to justify a year round salary for a police officer.

EXCERPTS

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
OCTOBER 1, 2018
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 Chatham Morgan
Councilmember Parker Destin
Councilmember Cyron Marler

Councilmember Tuffy Dixon
Councilmember Rodney Braden
Councilmember Prebble Ramswell
Councilmember Skip Overdier

Destin City Staff

Interim City Manager Lance Johnson
Acting Parks & Recreation Director Lisa Firth
Acting Community Dev Director Steve Schmidt
City Engineer David Campbell
Public Information Manager Doug Rainer
City Land Use Attorney Kimberly Kopp

City Clerk Rey Bailey
HR Manager Karen Jankowski
Finance Director Bragg Farmer
IT Manager Webb Warren
City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM. Pastor Steve Farris of First Baptist Church gave the invocation; which was then followed by the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Braden moved that agenda item #2A be pulled; seconded by Councilmember Ramswell.

Councilmember Braden noted that background materials for this agenda item were provided to the Council just before the Mayor convened this meeting and the Council did not have time to review the materials.

The Land Use Attorney explained that the backup materials the applicant's consultant submitted contained some errors, and that the City just received the corrected version today. However, the applicant is prepared to provide some explanations regarding this matter if the Council allows it to be heard tonight.

Motion failed 3-4 (Council members Morgan, Ramswell and Braden voted "yes"; Council members Destin, Marler, Overdier, and Dixon voted "no").

Council meeting several months ago relative to the harbor pump and provide an update at the next meeting.

Councilmember Marler asked the Harbor and Waterways Board to provide some ideas on the Joe's Bayou expansion; how to make it look more presentable to the public and how to make it more useful besides utilizing it for parking.

The Mayor noted they previously had a presentation for PumpOut USA with regards to the sewage issue. He suggests contacting the previous Destin Mayor Craig Barker and requesting a scaled down version of that presentation, and then bring it back to Council. He also stated that further enforcement with regards to oil spill, pollution and sewage falls under the jurisdiction of the United States Coast Guard and Florida Fish and Wildlife Commission (FFWC). They just need to educate the general public where to report their findings.

Councilmember Ramswell stated she supports the idea of contacting FFWC and seeing about getting an extra officer; adding it could be something that is easily accomplished.

Mr. Trammell stated that they previously looked into this matter and made the recommendation to the City. He continued that for approximately \$50,000, they could have a dedicated FFWC officer patrolling a designed area during the hundred days of summer.

Councilmember Ramswell noted that during a budget meeting back in August 2016, this Council discussed the possibility of hiring a Harbor Master. She asked for an update on this issue.

Councilmember Dixon stated that they made the qualification for a Harbor Master so restrictive that no one has qualified for the position; adding they would need to come up with a better job description for a Harbor Master.

Councilmember Destin noted that the Council discussed four different options during that period, to include hiring a Harbor Master. They decided to fund an extra boat and an extra deputy to patrol the harbor.

Mr. Trammell mentioned that Ms. Dawn McDonald, a City planner, made an excellent suggestion to the Board about bringing in an intern for the summer to help collect water quality data. This intern could be either a high school or college student.

Councilmember Ramswell stated it is a great idea since they are pursuing a Destin High School and focusing on several fields of study including Marine Biology or Marine Science.

Councilmember Ramswell stated that with regards to developing a master plan to beautify the harbor district, back in December 2006, Tetra Tech made a formal announcement they are being hired by the City to do a complete conceptual planning and design for the entire harbor district. It included waterfront boardwalk improvements, parking improvements, pedestrian and water access improvements, roadway and streetscape improvements and storm water improvements. She continued she would like to see any of these plans that may have been developed.

Excerpts From 2/19/2019 City Council Meeting Minutes

Mr. Joey Forgione, Code Compliance Manager, stated that the City's newly-formed Code Compliance Division is transitioning from a reactive compliance approach to a proactive approach; with the following goals mind:

- Maximize current officer capacity given the City's challenges and add personnel as needed
- Obtain and maintain compliance of all city ordinances
- Educate the public about all city laws

Mr. Forgione proceeded to discuss the following topics:

- Code Compliance Officer Appearance
- Code Compliance Officer Professionalism
- Code of Ethics for Code Compliance Officers
- Standard Operating Procedures for Code Compliance Officer
- Code Compliance Officer Safety
- 2018 Code Compliance Calls for Service

Also, according to Mr. Forgione, in order to successfully complete this transition, additional manpower will be required in key areas such as the harbor and waterways and beaches; to include night-time coverage. The addition of this manpower will enhance the delivery of effective, confident and professional code compliance serve and strengthen local, state and federal agency cooperation. He recommends the hiring of a full-time Harbor Compliance Officer and a part-time Beach Compliance Officer for the upcoming season.

The Harbor Compliance Officer will:

- Ensure compliance along the harbor and waterways
- Manage the Livery Vessel Program
- Assist the Harbor Board
- Work closely with Okaloosa Sheriff's Office Harbor Unit

The Beach Compliance Officer will:

- Ensure beach vendor compliance
- Ensure compliance of beach management codes
- Work closely with Okaloosa Sheriff's Office

Councilmember Ramswell moved to make the appropriate budget amendments to hire a full-time Harbor Compliance Officer, and a part-time/seasonal Beach Compliance Officer; seconded by Councilmember Morgan. Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

Next, the Mayor pointed out that the Council delayed its action with regards to agenda item 2C, livery vessel moratorium, until after this item is completed.

EXCERPTS FROM 8/19/2019 CITY COUNCIL MEETING MINUTES.

According to Mr. Seekamp, he cannot speak for everyone in the neighborhoods except for the 153 people who signed the petition that they did not support the proposed Commercial General rezoning of Area 15.

The Land Use Attorney noted they have met with Mr. Seekamp and a few of the other residents and they are working on a draft ordinance that makes some changes to the Commercial General zoning addressing some of the concerns of the residents; and that the majority of these residents seemed to be pleased with the direction the City is currently undertaking. This ordinance would be brought to the LPA for recommendations and then to the City Council for approval next month.

D. Report from Code Compliance and Community Development Departments on Livery Vessels and Short-Term Rentals

Code Compliance Manager Joey Forgione provided the following data on livery vessels and short-term rentals:

Livery Vessel Registration

- 17 companies
 - ❖ Registration fee increased from \$75 to \$100
 - ❖ Total: \$41,800 (increased of \$9,150 from the previous year)

Short-Term Rental (STR)

- Phone calls related to STR – approximately 300 per week
- Parking citations issued from October 1, 2018 to date - 1,160
- Trash can warnings and citations – 121
- Noise complaints – 7
- Sign violations – 50
- Miscellaneous investigations (beach complaints/commercial events) – 120
- Rental inspections (Parking/Advertising/Misc. Violations) – 646
- Total # of registered short-term rental properties
 - ❖ 2018 – 876
 - ❖ 2019 – approved to date – 591
 - ❖ 2019 in process – 256
- 108 Notices of Violation issued for non-registered properties
 - ❖ 84 have not registered for 2019
 - ❖ 13 registered in 2017, but not in 2018 and 2019
 - ❖ 11 have never registered
- A second round of 100 Notices of Violation going out to non-registered properties
- Total number of cases from October 1, 2018 to September 30, 2019 – 4,243
- Total number of calls for service from October 1, 2018 to August 9, 2019 – approximately 5,502 (approximately 3,300 were short-term rental related)

Community Development Director Louis Zunguze noted that short-term rental owners are not happy with the fee increases; however, short-term rental is one of the most high intensity

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 21, 2021**TYPE OF AGENDA ITEM:** Action Item**AGENDA OUTLINE NUMBER:** 4.D.**TO:** City Council**THRU:** Lance Johnson, City Manager**FROM:** Kyle Bauman, City Attorney
Kimberly Kopp, Land Use Attorney**DATE:** June 16, 2021**SUBJECT:** Potential implementation of a countywide Tourism Development Taxing District

I. BACKGROUND: At the June 15, 2021, Okaloosa County Board of County Commissioners' (the "BOCC") meeting, the BOCC adopted a Resolution directing the Supervisor of Elections to hold a mail-in ballot only special referendum election on October 5, 2021, for the public to consider implementing the Tourism Development Taxing District on a countywide basis.

II. DISCUSSION: *General Description of the TDT:* The Tourism Development Tax (the "TDT") is an optional local tax imposed by counties at the discretion of their county commissioners through ordinance and then through its citizens by referendum. If a county elects to impose the TDT, then "every person who rents, leases, or lets for consideration any living quarters in any hotel motel, resort motel...for six months or less within the established taxing district must pay a tax not to exceed 6% on every dollar charged." Section 125.0104(3)(a)1., Fla. Stat. The TDT can only be spent on certain functions, generally relating to the promotion of tourism and infrastructure improvements within the taxing district. Section 125.0104(5), Fla. Stat. The Tourism Development Council (the "TDC") acts as the TDT's guardian and makes recommendations to the BOC relating to how the TDT should be spent. Generally, revenue generated by the TDT can only be spent in the taxing district where the tax is imposed. Therefore, if the TDT is imposed on less than the entire County, as is the case in Okaloosa County, TDT revenue and reserves can only be spent on projects and promoting tourism in that smaller subcounty special taxing district.

Pursuant to section 288.1226(13)(c)(2), Florida Statutes, the County must produce a summary of its financial data for each fiscal period. Although the County only imposes a 5% tax on every dollar charged instead of the maximum 6% allowed, in the fiscal year October 1, 2019, through September 30, 2020 (part of which was during the height of the COVID-19 pandemic), the TDT alone generated \$18,696,605.14 in revenue for the County.

An additional \$1,680,992.34 was generated from private sources such as interest earnings and service charges and \$484,879.78 was awarded in the form of grants. By the end of the fiscal year 2019, the County held \$44,386,587.00 in reserves.

Procedure for Levying the TDT: To levy the TDT, a county must follow the procedures outlined in section 125.0104(4), Florida Statutes. In essence, a county must first adopt an ordinance containing a "tourist development plan" described in section 125.0104(4)(c). The ordinance is effective only if "the electors of the county or the electors in the subcounty special taxing district in which the tax is to be levied approve the ordinance authorizing the levy and imposition of the tax" The referendum procedure is further described in subsection (6). It states that the ordinance cannot take effect until "approved in a referendum election by a majority of the electors voting in such election in the county or by a majority of the electors voting in the subcounty special tax district affected by the tax."

In Okaloosa County, Ordinance 89-23 first imposed the TDT. This ordinance was recently amended by Ordinance 18-18, which is codified in Chapter 20, Article II of the Okaloosa County Code of Ordinances. When first imposed, the County elected to tax only areas of high impact tourism. This generally includes the municipal limits of Destin, Fort Walton Beach, Mary Esther, Cinco Bayou, and unincorporated Okaloosa Island. This taxed area is referred to as the "subcounty special taxing district." Imposing the tax on an area greater than the current subcounty special taxing district requires strict compliance with the procedures described above.

TDC Composition: The TDC's composition is described in section 125.0104(4)(e), Florida Statutes. The TDC be composed of nine members. Six members must be persons "involved in the tourist industry and who have demonstrated an interest in tourist development" Two members must be "elected municipal officials, at least one of whom shall be from the most populous municipality in the county or subcounty special taxing district in which the tax is levied." The remaining seat is filled by a County Commissioner.

Currently, the municipal seats in the subcounty special taxing district are occupied by Fort Walton Beach and Destin. Since Fort Walton Beach is the "most populous" municipality in the subcounty special taxing district, one of its elected officials must serve. If the taxing district is expanded to include the whole County, then one of the two municipal seats must be occupied by an elected official from the County's most populous City: Crestview.

Timeline: The County's passage of the June 15th Resolution began a clock on the potential implementation of a countywide TDT. Pursuant to the statute, the County may consider an ordinance levying the tax and implementing the countywide TDT at least 60 days after passage of the Resolution. The TDC must prepare a plan for tourist development (the "Plan") and submit the Plan to the BOC for approval. The Plan must "list, in order of priority...the proposed uses of the tax revenue by specific project or special use" The BOC is required to adopt the Plan as part of the ordinance levying the tax and implementing the countywide TDT. Even if adopted by the BOC, the ordinance is not effective unless it is approved by the electorate at the October 5th mail-in only special referendum election.

Regarding the vote, the County's current interpretation of the statute is that no citizen residing in the currently existing special taxing subdistrict may vote in the October 5th referendum election.

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

III. CONCLUSION:

IV. RECOMMENDED MOTION: Council's discretion.

Attachments:

None

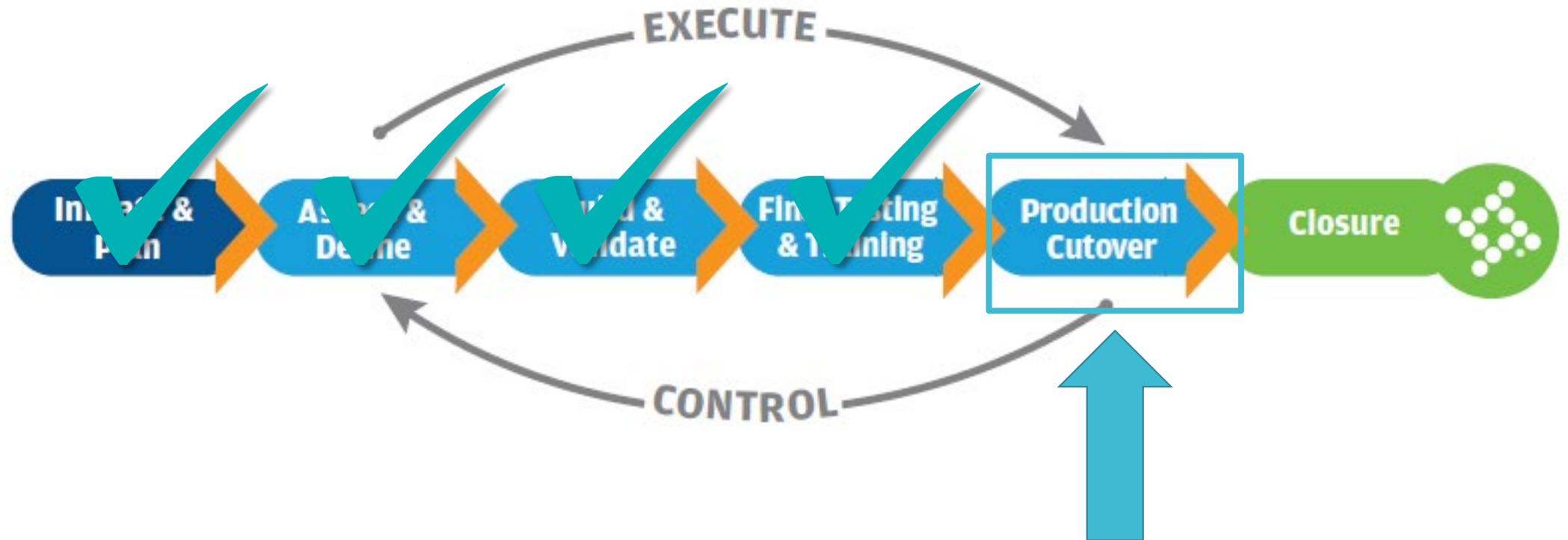


Implementation Update

Status Update and System Information



Our Progress

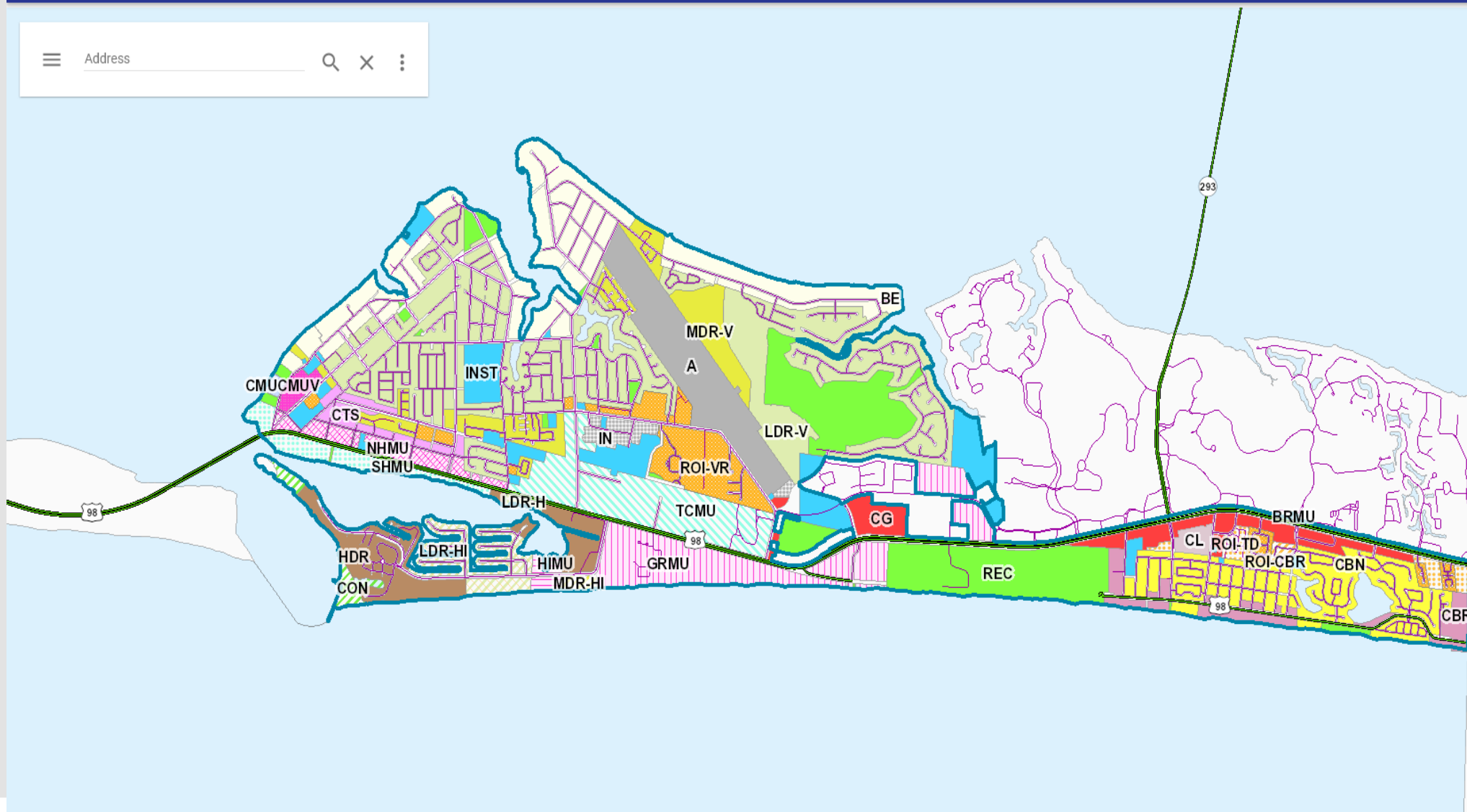




GIS/MAPPING

GIS Implementation Progress

☰ Address 🔍 ✕ ⋮





Address



4200 Indian Bayou Tr



SEARCH RESULTS (1)

4200 INDIAN BAYOU TRL DESTIN FL 32541



Create...



Business License



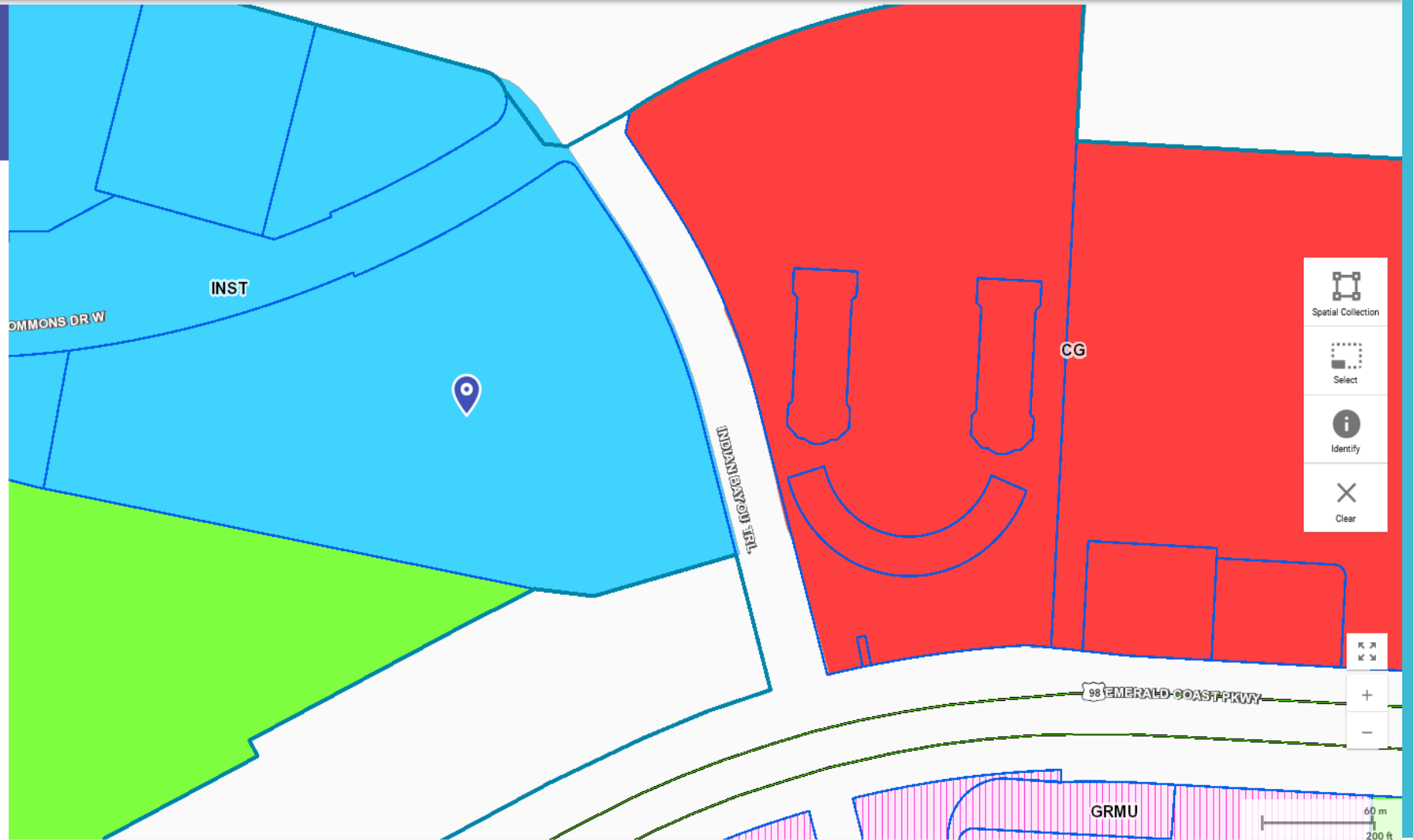
Code Case



Permit



Plan



Spatial Collection



Select



Identify



Clear





GeoRules Configured

Allows Staff to setup automatic parcel information when a new permit, plan, or code case is created.



Online Maps Configured

For use by the Public and Staff to enter parcel and property information.

GIS Features



Customer Self Service

Online Customer Portal



[Home](#)

[Apply](#) ▾

[Map](#)

[Report](#)

[Fee Estimator](#)

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[Search](#) 🔍

[Calendar](#) 0

Welcome to Destin's Self Service Portal



Request Inspection

Click here to request an inspection on an existing record.



Search Public Records

This tool can be used to search for existing permits, plans, inspections, code cases, requests and licenses.



Apply

This tool can be used to apply for a permit, plan or license.



Login or Register

Login to an existing or create a new account. You can also find help if you forgot your login information.



Pay Invoice

Use this tool to pay for individual invoices.



Map

Explore the map to see the activity occurring in your neighborhood.



Application Assistant

Search for application names and keywords



All

Trending

LICENSES

PERMITS

PLANS

▸ [Show Categories](#)

Commercial Building - General Permit

[Apply](#)

Category Name:
Commercial Building

Description:
Miscellaneous, non-specified building activity (overall site permit)

Building Code Compliance Review

[Apply](#)

Category Name:
Non-specific

Description:
Permit to perform inspection of structure in order to verify Building Code Compliance

Commercial Building - New Commercial Structure

[Apply](#)

Category Name:
Commercial Building

Description:
Any new non-residential structure

Commercial Building - Renovation

[Apply](#)



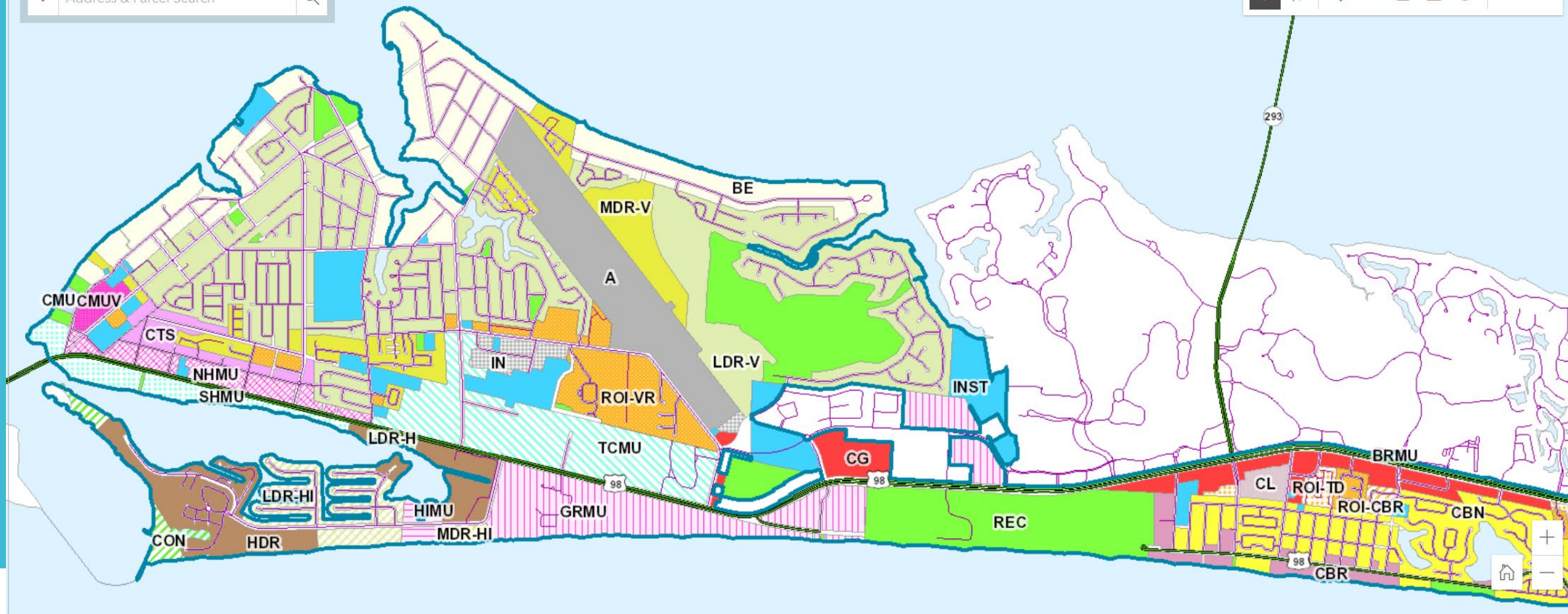
COMPASS

An EnerGov System

Good Morning, [Guest](#)

[Home](#) [Apply](#) [Map](#) [Report](#) [Fee Estimator](#) [Pay Invoices](#) [Search](#) [Calendar](#)

Address & Parcel Search





[◀ Back](#)

Invoice Number: INV-00000005



Invoice Total: \$270.00

Status: Due

Invoice Date: 11/24/2020

Due Date: 11/23/2020

Description: NONE

Primary Fees

Misc Fees

Payments

Attachments

Contacts

Primary Fees

Sort Fee Name ▾

Fee Name	Fee Total	Amount Due	Case Number	Case Type	Notes
Engineering - Floodplain Inspection	\$25.00	\$25.00	BLDC-000009-2020	Permit	
Engineering - Floodplain Review	\$25.00	\$25.00	BLDC-000009-2020	Permit	
Engineering - Inspection	\$50.00	\$50.00	BLDC-000009-2020	Permit	
Engineering - Review	\$50.00	\$50.00	BLDC-000009-2020	Permit	
Planning - Permit Commercial (Not New Commercial)	\$120.00	\$120.00	BLDC-000009-2020	Permit	

Results per page 10 ▾ 1 - 5 of 5 << < 1 > >>

Pay Now

THIS SITE IS CURRENTLY IN DEMO MODE.

Destin, FL

Order Number: 26

Monday, November 23, 2020

Invoice #	Item Description	Quantity	Unit Price	Total Price
INV-00000005	NONE	1	\$270.00	\$270.00
			Item Total:	\$270.00
			Order Total:	\$270.00

Payment Details

*all fields are required

Cardholder Name

Billing Street

Billing Zip Code

Card Type

Select one... ▾

Card Number

Expiration Date

Month... ▾

Year... ▾

CVV Code

Email Address

Pay Now - \$270.00



Next Steps

Going Live



Internal Processes

As COMPASS is in live production, staff will continue to monitor applications, processes, and data.



External Use

Citizens will have access to online applications and data. Com Dev and Code staff are ready to assist customers with support.

GO LIVE!



Customer Portal URL Goes Live on June 23, 2021

www.cityofdestin.com/compass



Thank you

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 21, 2021
TYPE OF AGENDA ITEM: City Manager Report
AGENDA OUTLINE NUMBER: 4.F.

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Lisa Firth, Parks & Rec Director

DATE: May 19, 2021

SUBJECT: ANNOUNCEMENTS

- 1) Independence Day Fireworks: July 4th, 9:00pm, East Pass.
 - 2) City facilities will be closed in observance of Independence Day on Monday July 5th, 2021.
 - 3) The next City Council meeting will be held on Tuesday July 6th, 2021 at 6:00pm, City Hall Annex.
 - 4) FY22 Capital Projects budget workshop will be held on Monday July 12th, 2021.
-

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

EXCERPTS FROM MAY 3, 2021 REGULAR CITY COUNCIL MEETING MINUTES

- E. First reading of Ordinance 20-24-LC - 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.

The City Attorney read Ordinance 20-24-LC by title and then presented it to the City Council on first reading.

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.

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

Mr. Claude Perry, a Destin resident and business owner, expressed concern that allowing golf carts to operate on City streets will slow down traffic and prohibits the city from having the ability to have trolleys and other types of transportation that would enable them to move people around town.

The Land Use Attorney explained this item is exclusive to low-speed vehicles as defined by statute, and that it would not affect trolleys. She continued that under State laws, low speed vehicles are not allowed on US Hwy 98. The proposed ordinance, if it passes, will prohibit low speed vehicles from operating on certain city streets.

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

Councilmember Schmidt moved to disregard the current map showing where the low-speed vehicles can operate in the city and enforce the laws of the State of Florida with regards to low-speed vehicles; seconded by Councilmember Hebert.

According to the Land Use Attorney, if they simply do not adopt the proposed ordinance, then they would simply fall under State law with regards to low speed vehicles.

Councilmember Ramswell inquired as to why they went through the process of creating an ordinance regulating low speed vehicles if it would make more sense to just follow the State law.

Community Development Director Louis Zunguze explained that the previous Council decided to exclude certain City streets on which to allow low speed vehicles.

According to the City Manager, State statutes declares the roads with speed limit of 35 mph or less that are not state or federal highways can be used by low-speed vehicles.

Capt. Howell of the Sheriff's Office stated that the Sheriff's Office's biggest concern is Airport Road. In their opinion, no low-speed vehicles should be allowed to operate on Airport Road for safety reasons. By State Statute, low speed vehicles are allowed on Airport Road absence of a city ordinance.

The Mayor Pro Tem stated that the main problem that presently exists on Airport Road is their inability to control speed. He continued that the city was one of the first cities to adopt the multi-modal concept; and to ban low speed vehicles on certain streets is contrary to their goals under multi-modal.

Councilmember Ramswell noted that the City is not supposed to adopt a policy that conflicts with State law. She asked if it is acceptable to adopt a stricter policy rather than a more lenient policy.

The Land Use Attorney stated that Council can pass an ordinance that is stricter than State statutes.

Councilmember Destin moved to table this item indefinitely; seconded by Councilmember Braden. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Ramswell, and Braden voted "yes").

6. CONSENT AGENDA

- A. Minutes from Boards and Committees
- B. Letter of Support/E. Byrne Memorial Justice Assistance Program

Motion by Councilmember Schmidt, seconded by Councilmember Hebert, to approve Consent Agenda items 6A and 6B passed 6-0 (Council members Schmidt, King, Hebert, 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 landscape improvements project on the medians on US Hwy 98.

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 21, 2021

TYPE OF AGENDA ITEM: Council Discussion Item

AGENDA OUTLINE NUMBER: 7.A.

TO: City Council

THRU:

FROM:

DATE:

SUBJECT: B) Livery Vessel Fees

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: June 21, 2021
TYPE OF AGENDA ITEM: Council Discussion Item
AGENDA OUTLINE NUMBER: 7.B.

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Kyle Bauman, City Attorney

DATE: June 16, 2021

SUBJECT: A) Submerged Land Lease follow-up direction

I. BACKGROUND: On June 16th, the City Attorney, City Manager, Deputy City Manager, Parks and Recreation Director, and Councilmember Ramswell attended a pre-application meeting with FDEP for the potential submerged land lease application related to submerged lands adjacent to Norriego Point. Below is a brief synopsis of the meeting and potential paths forward. Councilmember Ramswell will present additional information.

II. DISCUSSION: Several issues arose at the pre-application meeting. First, FDEP expressed some concern over the lack of concrete plans for the submerged lands. Typically, FDEP will only lease land to entities if the that entity has a specific purpose in mind. Consequently, the application would have a much higher likelihood of success if the Council were to elect to include specific projects (e.g., swim ropes, swim platforms, buoys, etc.). Second, FDEP informed the City that the existing embayments should be removed from the proposed lease location. FDEP's position is that the previous compromise reached between the City and FDEP relating to the four embayments will likely constitute the necessary authorized use for certain specific activities in the three embayments designated for swimming purposes. This could potentially anything that will further the intent of the previous compromise such as swim ropes, buoys, signage, and swim platforms. However, prior to receiving final authorization, FDEP advised that the City consult with FDEP's general counsel.

Third, the current Management Plan in effect between FDEP and the City may have some overlap in authorization. As a result, the Management Plan may need to be amended to accommodate certain requests. Regardless of whether this is necessary, it may be advisable to direct City staff, the City Attorney, and Land Use Attorney, to review the Management Plan and potentially seek amendment to it given the vastly changed conditions since it was first entered into.

Finally, with the removal of the embayments from the application, the remaining area is almost entirely the harbor side of Norriego Point. If the Council desires, City staff can submit an application for certain specific projects in this area (swim ropes, buoys, signage, swim platforms, etc.). However, there are certain restrictive covenants in the Management Plan, funding agreements, and deed relating to ensuring this area remains open to boaters. These restrictive covenants would have to be reviewed to ensure the proposed projects comply with the restrictions contained therein.

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

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

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

III. CONCLUSION: The City Council may desire to direct the City staff and attorneys to take any combination of the below three actions:

- 1) seek placement of certain physical structures in the embayments;
- 2) direct review and potential amendment to the Management Plan; and
- 3) direct the City staff move forward with an application for specific projects on the harbor side of Norriego Point.

IV. RECOMMENDED MOTION: Council's discretion.

Attachments:

1. 2012 Norriego Pt. Rec Area Management Plan
2. Memorandum of Understanding with FDEP

Norriego Point Recreation Area Management Plan



City of Destin
December 2012

Norriego Point Recreation Area

Executive Summary

Norriego Point in the City of Destin, Okaloosa County, is a 0.8 mile segment of inlet shoreline of East Pass (the westernmost entrance to Choctawhatchee Bay from the Gulf of Mexico). This natural sand feature is a regional landmark and a traditional favorite destination for recreational boaters.

Okaloosa County received the quit claim deed for Norriego Point of all right, title, and interest of the State of Florida from the Trustees of the Internal Improvement Fund of the State of Florida in the 1960's. In return, as part of the same transaction, Okaloosa County granted a perpetual dedication for recreation use to the State of Florida. In 2010 Okaloosa County conveyed title to the City of Destin. The conveyance was made and accepted with the covenant and understanding that the use of the property is "solely and exclusively for Public Park and recreational purposes." (See Exhibit F.)

Norriego Point also serves as the barrier that protects Destin Harbor from strong tidal currents and surge during storm events. Since Hurricane Opal in 1995, the City of Destin has invested much time and resources into maintaining the integrity of Norriego Point. The City is currently in the permitting process with FDEP to permanently stabilize the Point and restore it to its pre-Opal profile. The proposed armoring of the majority of the wave-exposed shoreline will restore over eight (8) acres of recreational beach. Once stabilized, the City intends to build the Norriego Point Recreation Area, a low-impact park with amenities to serve the thousands of sunbathers and boaters who beach at the Point each year.

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V	Cost Estimates and Funding Sources	12
VI	Priority Schedule	13

EXHIBITS

A	Location Map
B	Public Lands Map
C	Natural Communities
D	Greenway Map
E	Master Site Plan
F	Deed

I. PROJECT DESCRIPTION AND MANAGEMENT OBJECTIVES

Project Description

The Norriego Point Recreation Area is located on Norriego Point within the city limits of Destin, Florida, Okaloosa County (Exhibits A and B). Norriego Point is a natural sand feature, approximately 0.8 miles of shoreline in the inlet of Destin East Pass, which links the Choctawhatchee Bay to the Gulf of Mexico. The Point is a regional landmark and has served historically as a favorite boaters' beach. The purpose of establishing a city park/recreational area at Norriego Point is to comply with the land's dedication to the State of Florida and the City of Destin to be used in perpetuity "solely and exclusively for public park and recreational purposes."

Additional covenants running with the land include:

- the prohibition of selling or leasing any interest in the property to a non-governmental person or organization
- the prohibition of the operation of any concession on the property by a non-governmental person or organization
- the prohibition of any sales contract or option to buy or sell things attached to the property to be severed from the property with a non-governmental person or organization
- the prohibition of any use of the property by a non-governmental person other than in such person's capacity as a member of the general public
- the prohibition of a management contract, except for contracts for maintenance of the property

The City of Destin obtained ownership of the Point from Okaloosa County in 2010 for the purpose of permanent restoration and expansion of recreational opportunities. In order to restore the beach acreage to its original pre-Opal size and configuration, the City has worked through a coastal engineering firm to design a project to permanently restore and stabilize the Point. At the same time, the City is submitting this Management Plan with the State of Florida to maximize Norriego Point's recreational use.

The restoration of the Point involves the repair and construction of several erosion control structures. The existing two T-groins will be repaired or reconstructed. In accordance with permit submittals, two additional T-groins and a terminal revetment are proposed along the seaward edge of the Point, north of the existing T-groins, protecting the fill placed to restore the land area lost. Two new embayments will provide additional swimming area and space for watercraft access. In addition, the dunes will be restored and revegetated with sea oats.

Once Norriego Point is restored and permanently stabilized, the City can then construct the permanent park amenities for the thousands of boater and beachgoers who recreate on the Point each year. The new park will serve as a rest area for kayakers, as the State of Florida's Greenway Paddling Trail, Segment 2, passes along Norriego Point. Facilities will include a picnic pavilion (with restrooms, showers, and drinking fountain), educational signage to encourage appreciation and protection of this natural environment, a trail system, bike racks, and vehicle parking (tripling the current capacity), and stormwater retention.

Upon completion, this park will permanently optimize the public recreational use of Norriego Point and provide a significant increased level of service to Destin's visitors.

Prioritized Management Objectives

The purpose of the project is to provide additional beach and boat access, open space, and recreational/educational opportunities along the Destin Harbor and Destin East Pass. The project site will be managed only for the conservation, protection and enhancement of natural resources, and for outdoor recreation that is compatible with the conservation, protection, and enhancement of the site.

Management objectives for the site include:

1. provide urban open space
2. provide public beach and recreational vessel access
3. provide environmental education and awareness
4. provide passive recreational opportunities
5. protect restored dune areas as wildlife habitat

Comprehensive Plan Consistency

Major comprehensive plan directives that will be furthered by managing the *Norriego Point Recreation Area* include:

1. Providing acreage and outdoor recreational facilities necessary to improve adopted levels of service standards established in the comprehensive plan for recreation
 - a. **Recreation and Open Space Policy 7-1.1.2** establishes an LOS for recreation, parks and open space of 2 acres per 1,000 population
 - b. **Recreation and Open Space Policy 7-1.2.3** establishes a commitment to acquire open space and natural areas to maintain and improve the recreational opportunities for all residents

The Norriego Point Recreation Area provides an additional 8+- acres of outdoor recreation and open space/sandy beach. It improves the level of service for public shoreline access and public park acreage in the Harbor area for public recreation.

2. Providing public acquisition of natural areas and open space for improved recreational opportunities
 - a. **Recreation and Open Space Policy 7-1.1.8: Improve Access** ensures that the City will continue to acquire (through lease, acquisition, or dedication) open space and natural areas so as to maintain and improve recreational opportunities for all residents; and the natural function of open space, wetlands, and other sensitive lands within the City.
3. Providing for enhanced recreational trail systems
 - a. **Recreation and Open Space Policy 7-1.3.8** directs the City to utilize the existing City of Destin Pathways Master Plan 2000 as a map or plan to acquire land to link, via existing or proposed greenways, recreational pathways (trail systems), bicycle lanes, and/or sidewalks, existing and proposed parks, beach/shoreline access points, and governmental buildings and properties.

The Norriego Point Recreation Area furthers the above directives by (1) enhancing public beach access through the addition of a trail system, and (2) linking the park with the Destin Harbor Boardwalk, a shoreline recreational walkway and kayak-lift location less than 1,000 feet from the project site, through Segment 2 of the Florida Circumnavigational Saltwater Paddling Trail.

4. Protecting restored dune areas as wildlife habitat
 - a. **Coastal Management Policy 6-1.4.2** ensures that any development along the Gulf of Mexico shoreline shall use site design that discourages pedestrian access across dune systems, and shall reduce pedestrian impacts to coastal vegetation.

The City of Destin restored the dune system on Norriego Point in early 2012 and installed sea oats, sand fencing, and signage. When the park improvements are constructed, the placement of facilities, as well as the design and type of accessways around the property shall employ best management practices promoted by the FDEP.

Future Land Use/Zoning Designation Procedure

The City of Destin amended the **FUTURE LAND USE** designation to *Conservation* through Ordinance No. 380 adopted by City Council on January 31, 2005. See Appendix 3.

The City of Destin amended the **ZONING** designation to *Conservation* through Ordinance No. 06-01-LC adopted by City Council on December 18, 2006. See Appendix 3.

II NATURAL AND CULTURAL RESOURCES

Natural Communities

Norriego Point is a barrier sand spit and part of the Western Barriers subregion. (See Exhibit C.) The City of Destin periodically plants sea oats on the dune of the Point to help anchor the sand. No invasive exotic plant species exist on Norriego Point. City recreation staff monitor the site daily during the summer season and information on any newly-identified listed species of plants or animals found on the project site will be forwarded to the Florida Natural Areas Inventory (FNAI) on the appropriate forms.

Although feral animals are not known to be a problem on Norriego Point, the City of Destin has had great success in controlling the proliferation of feral cats in our community through the efforts of *Feline Friends of Destin*, a local non-profit organization, that capture and neuter stray cats. With the exception of the Destin Dog Park, dogs are not permitted in city parks.

A City of Destin recreation maintenance technician assigned to the park's upkeep will monitor for feral animal activity on a continuing basis and will report to the Recreation Director immediately if any feral animals are found. The City will then contact either *Feline Friends of Destin* or the *Panhandle Animal Welfare Society (PAWS)* to assist in the removal.

Archeological, Cultural, and Historical Resource Protection

There are no known archaeological, cultural, or historic resources on Norriego Point.

III. SITE DEVELOPMENT AND IMPROVEMENT

Existing Physical Improvements

The only permanent improvements existing on Norriego Point at the present time are two T-head groins positioned at the southwestern base of the Point.

Proposed Physical Improvements

The Norriego Point Recreation Area is and will continue to be a low-impact park. The details, exact placements, and relative sizes of the components of the park are yet undetermined, and a very preliminary Master Site Plan is included at this time as Exhibit E. What is certain is that the following components will be incorporated into the final design:

Recreation Improvements:

- Picnic pavilion
- Non-paved interpretative trail and educational signage designed to promote protection of restored dune areas on the Point
- Two new embayments for additional water-related activities and boat/kayak parking

General:

- Access roadway, multi-use trail and parking for land-based visitors
- Bike racks near park entrance
- Safe road crossing facilities
- Undergrounding of utilities
- Trash cans at various locations throughout park (continued participation in the FWCC Monofilament Recycling Program)
- Drinking fountain and restrooms at pavilion facility

Landscaping

Per the City of Destin's Land Development Code (LDC), and in keeping with the ambience and purpose of the park, any landscaping installed upon construction of the improvements will be salt-resistant species native to the coastal area. Revegetation of the dune areas with sea oats has been and will continue to be maintained.

Parking

Currently no parking or roadway access exists at Norriego Point. Part of the park design is to construct a roadway and trail into *the Norriego Point Recreation Area* with a parking area adjacent to the pavilion. The size of the parking area and the number of spaces has yet to be designed or determined but will be in compliance with the City of Destin's Land Development Code.

Stormwater Facilities

The City is committed to best management practices for stormwater facilities and will design the structures and parking area to comply with the City's Stormwater Master Plan and to provide recreational open space. Installations of stormwater facilities are essential to ensure protection of surface water quality on and offsite. The stormwater treatment facility will improve surface water quality and reduce flooding problems, and ultimately help improve the quality of Destin Harbor. The design and location of the facility will be coordinated with the Northwest Florida Water Management District and the Department of Environmental Protection, and the design and location of the facility will be shown on the Master Site Plan. The City will design the stormwater facility with shallow slopes and no fences.

Hazard Mitigation

As with most coastal properties in the City of Destin, the site lies within the 100-year flood plain and the coastal high hazard area. The proposed improvements will be constructed in a manner similar to other public facilities along Destin's coastline that are designed to withstand coastal surges and windstorms. Per the City's Land Development Code, Chapter 11, *Coastal Management and Conservation*, Article 11.04.6 provides general standards for flood hazard reduction. New construction shall be anchored to prevent flotation, collapse, or lateral movement of the structure. New construction shall be constructed with materials and utility equipment resistant to flood damage and by methods and practices that minimize flood damage. Electrical, heating, ventilation, plumbing, air conditioning equipment, ductwork, and other service facilities shall be designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding. Water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters.

The site of the park is also in keeping with the City's hazard mitigation policy of providing open space within the high hazard area, thereby restricting the density/intensity of development.

Education Signs

The City is committed to providing interpretative signs to educate guests about the natural environment of our beautiful lands and waters. Special attention will be given to the protection and importance of the dune system and sea oats. A sign designating the Paddling Trail and a map of the entire trail will be displayed as well. In addition, caution signs will be posted to assure the safety of swimmers and boat traffic.

Permits

Because the construction of the pavilion and roadway will be within the Coastal High Hazard Area, the City of Destin will work closely with the FDEP and the Florida Fish and Wildlife Conservation Commission to ensure that all environmental issues are properly addressed. The City will also comply with all of its own permitting requirements. Upon approval of the final site plan by FDEP, the final engineering and design plans must also undergo the City of Destin's comprehensive Technical Review Team's process and fulfill all of its requirements prior to construction.

IV. MANAGEMENT NEEDS

Paddling Trail

The State's Office of Greenways and Trails has designated a Florida Circumnavigational Saltwater Paddling Trail), of which Segment 2 of the Trail (Santa Rosa Sound-Emerald Coast) includes the mouth of Destin Harbor and Norriego Point. (See Exhibit D.) The park will accommodate canoeists and kayakers and will include a sign with a map of the saltwater trail system as well as provide restrooms. Kayakers/canoers can easily navigate from the paddling trail at *the Norriego Point Recreation Area* into Destin Harbor, approximately 1,000 feet to the west, tie up at the City's Heritage Park along the harbor, and enjoy the Harbor Boardwalk and adjoining areas. A kayak lift will be situated at the western edge of the Heritage Park site.

Maintenance, Security, and Staffing

The City of Destin manages the Project Site under its Recreation Department operations and maintenance personnel and annual budget. Parks and Recreation personnel oversee and maintain all of the City's facilities and parks (buildings, grounds, restrooms, pavilions, parking areas, signage, trash removal, etc.). No additional staff will be necessary; contract services for facilities maintenance may be utilized during the tourist season April through October.

There are no additional proposed security measures for the park beyond those measures already in effect for all of the City's public facilities. All City facilities have security lighting and the Okaloosa County Sheriff's Office routinely patrols city parks.

V. COST ESTIMATES AND FUNDING SOURCES

The City of Destin estimates that the *Norriego Point Recreation Area* will be developed for a total cost of approximately \$690,000 (based on 2012 costs). *The cost breakdown is only an educated estimate at this time.* Sources of funding for the project at this time are dependent on grants from the Florida Recreational Development and Assistance Program, the Restore Act, and/or the Natural Resource Damage Assessment (NRDA) funds. These costs include:

• Picnic pavilion	\$ 350,000
• Roadway, multi-use trail, and parking lot	\$ 225,000
• Undergrounding of utilities	\$ 85,000
• Turtle-friendly lighting	\$ 12,000
• Trash cans, picnic tables, fountain, bike racks	\$ 8,000
• Signage/ park & educational	\$ 10,000

Engineering, architectural design, and project management will be accomplished through one of the City's consulting engineering firms. Annual maintenance and resource protection will be done in-house and through any necessary contract services. Funds for the park's upkeep will be included in the City of Destin's annual Operations and Maintenance budget for park maintenance.

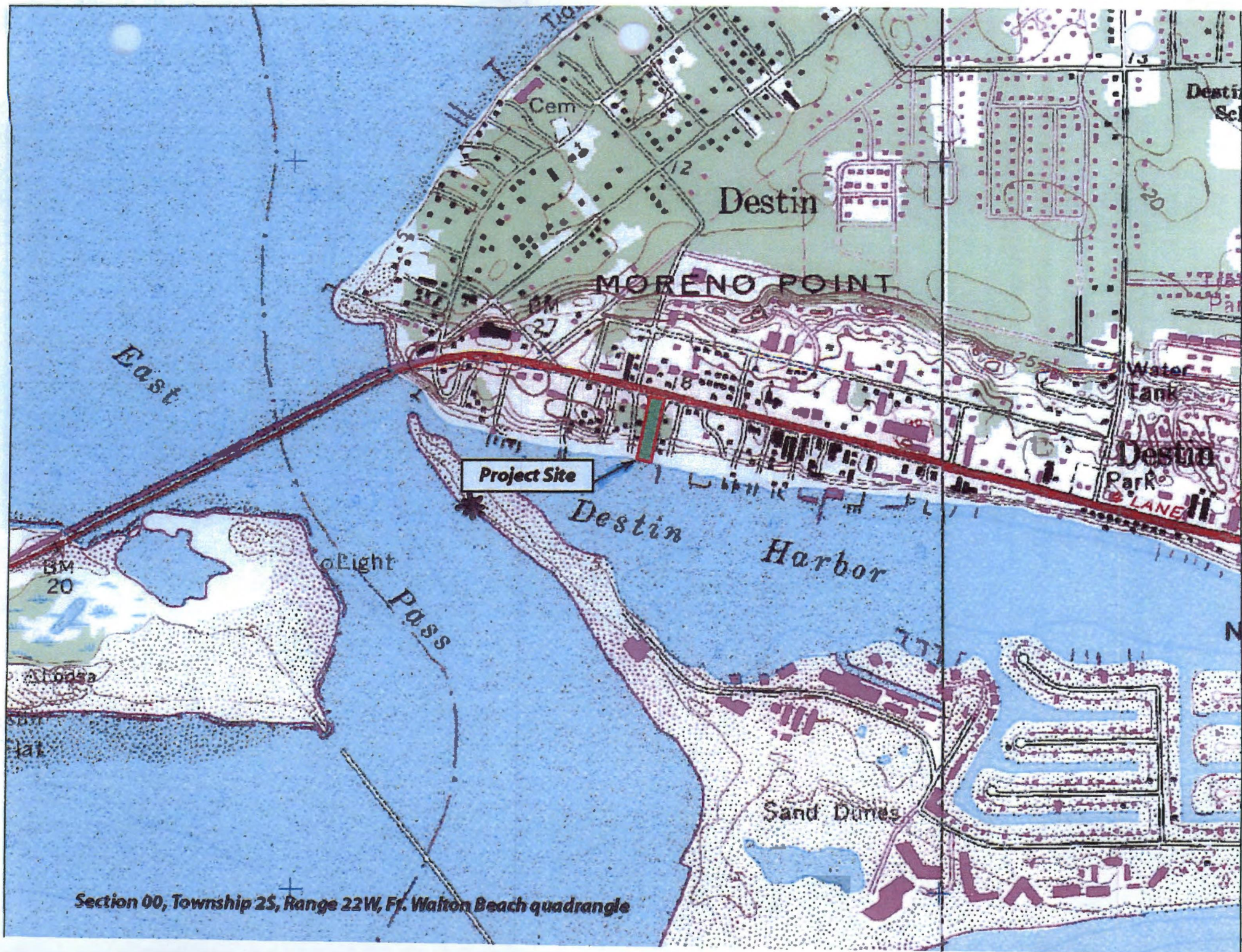
Please note that the construction of any park amenities is dependent on the permanent stabilization of Norriego Point. To date, there is no indication when the restoration of the Point will be funded and constructed. Therefore, no specific timeline occurs in the priority schedule below. However, key management activities at the park were initiated in 2012 and will be ongoing in compliance with the covenants of the deed.

VI. PRIORITY SCHEDULE

Norriego Point Recreation Area & Plaza						
City of Destin						
	Complete 2012	Year 1	Year 2			
Final Design /Engineering Complete		X				
FDEP Coordination/Approval of Final Design		X				
Permitting Complete		X				
Roadway, Trail, and Parking Complete			X			
Restrooms and Lighting Complete			X			
Monofilament Trash cans installed			X			
Bike racks installed			X			
Interpretive signs installed			X			
Stormwater facilities installed			X			
Resource-based facilities:						
Picnicking pavilion complete			X			
Key Management Activities:						
Dune reconstruction and sea oats planting	XX					
Dune protection and signage	XX					
Caution and safety signage for boaters	XX					
Trash cans installed	XX					
Maintenance and Monitoring	XX					

EXHIBIT A

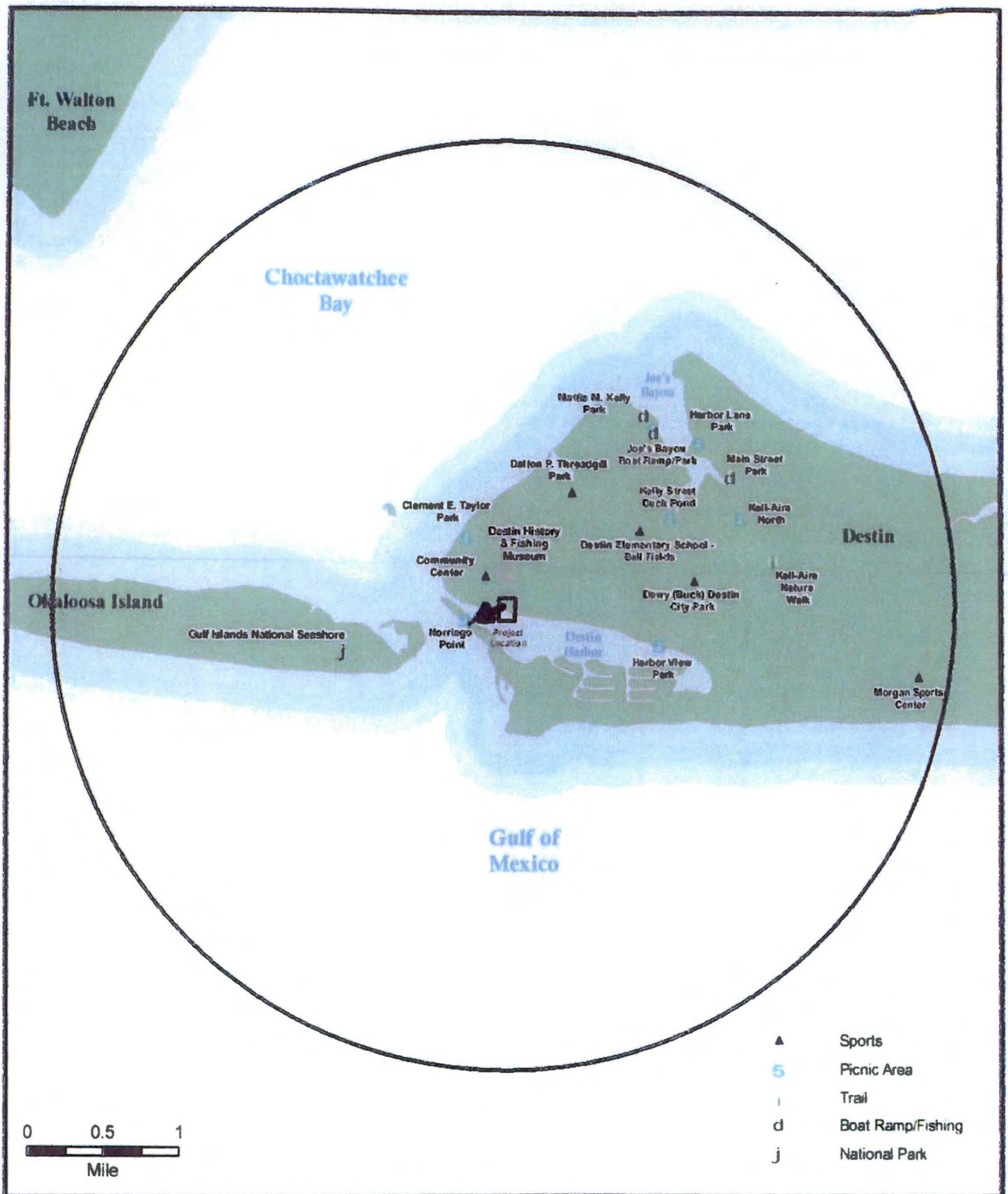
Location Map (USGS 7.5 Minute Quadrangle Map)



Section 00, Township 2S, Range 22W, Fr. Walton Beach quadrangle

EXHIBIT B

Public Lands Map



Property Site Natural Resource Lands: Three-Mile Radius



EXHIBIT C

Natural Communities Map

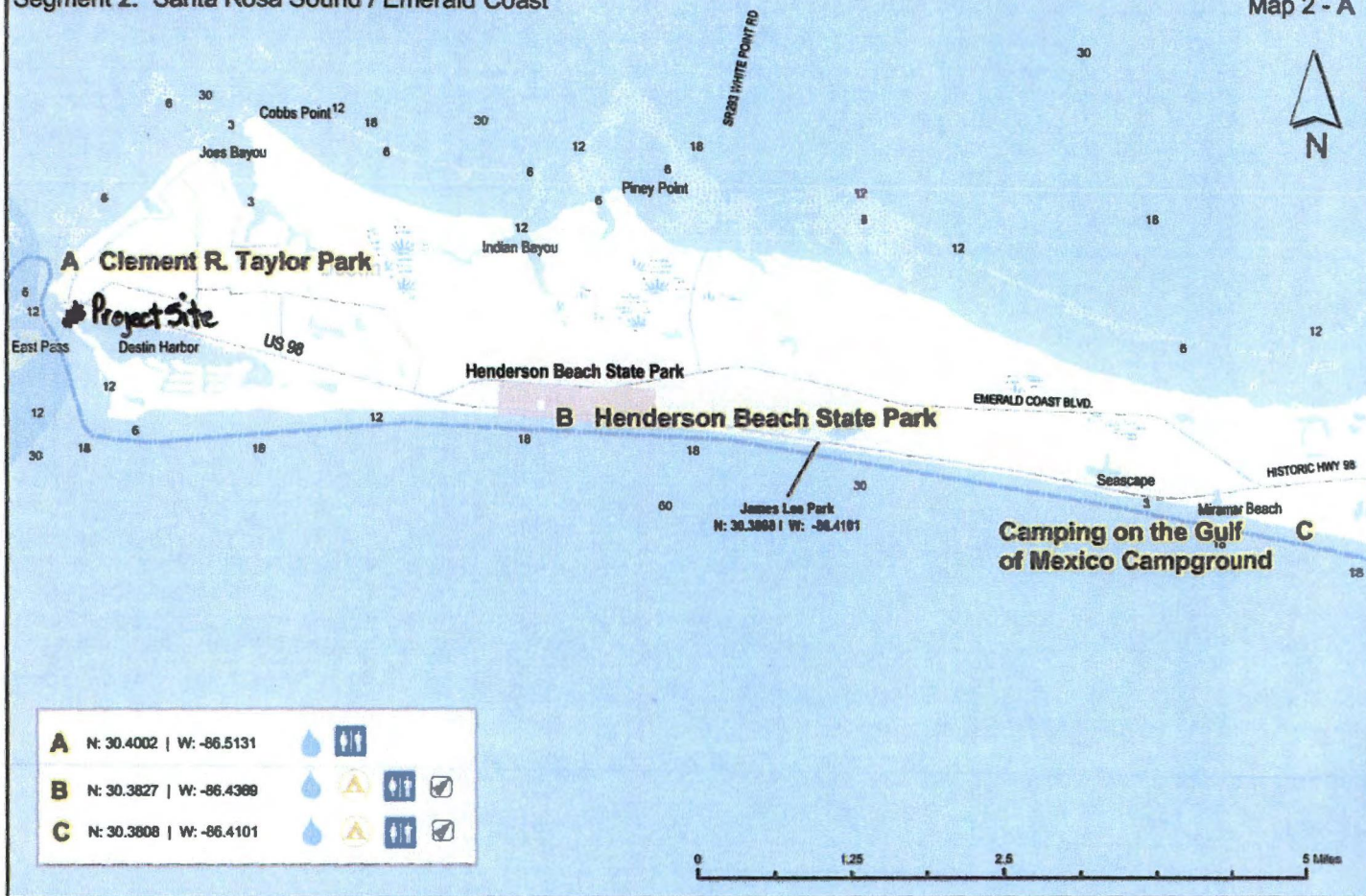


EXHIBIT D

Greenway Map

Segment 2: Santa Rosa Sound / Emerald Coast

Map 2 - A



Segment 2: Santa Rosa Sound / Emerald Coast

Map 2 - B

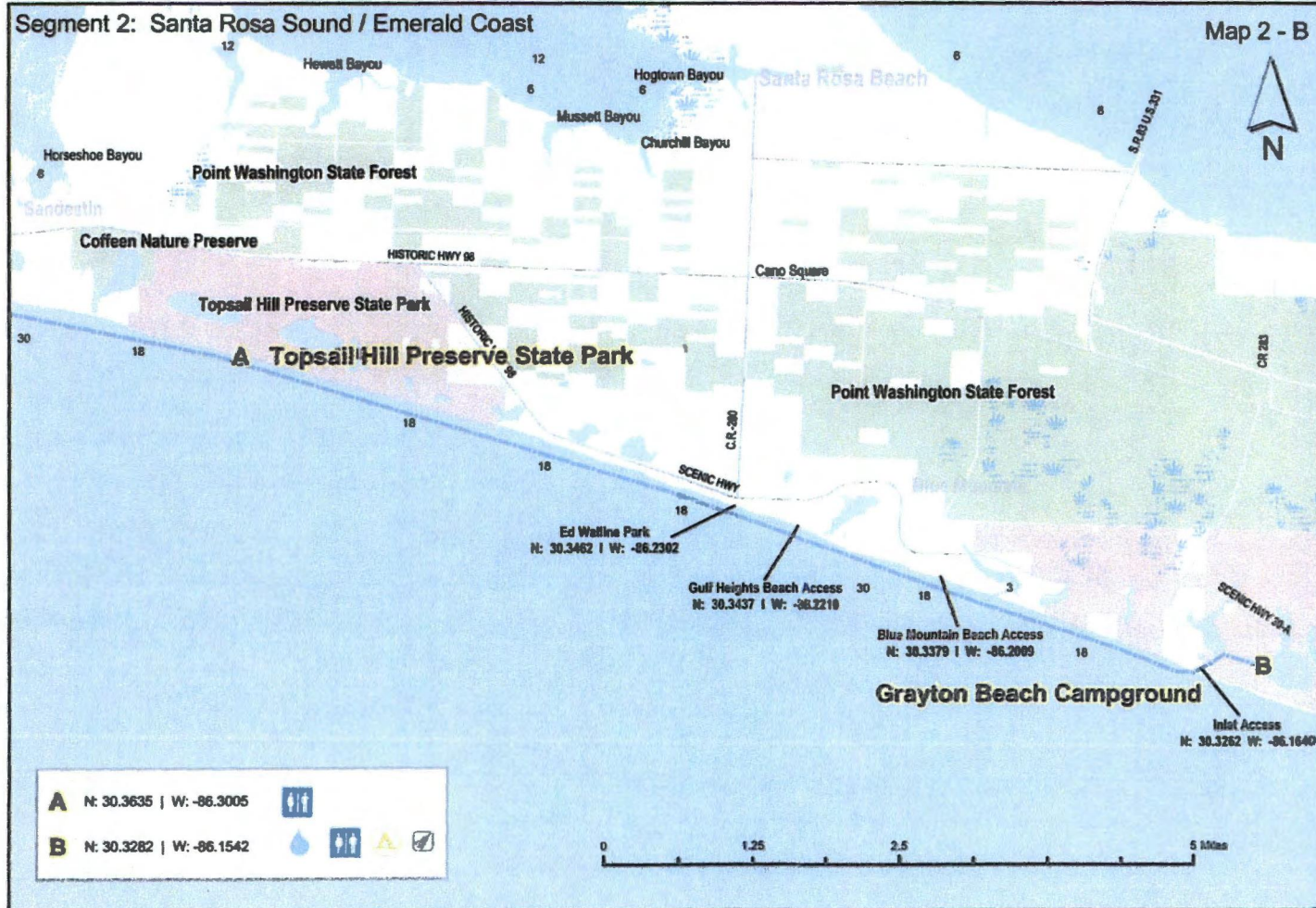


EXHIBIT E

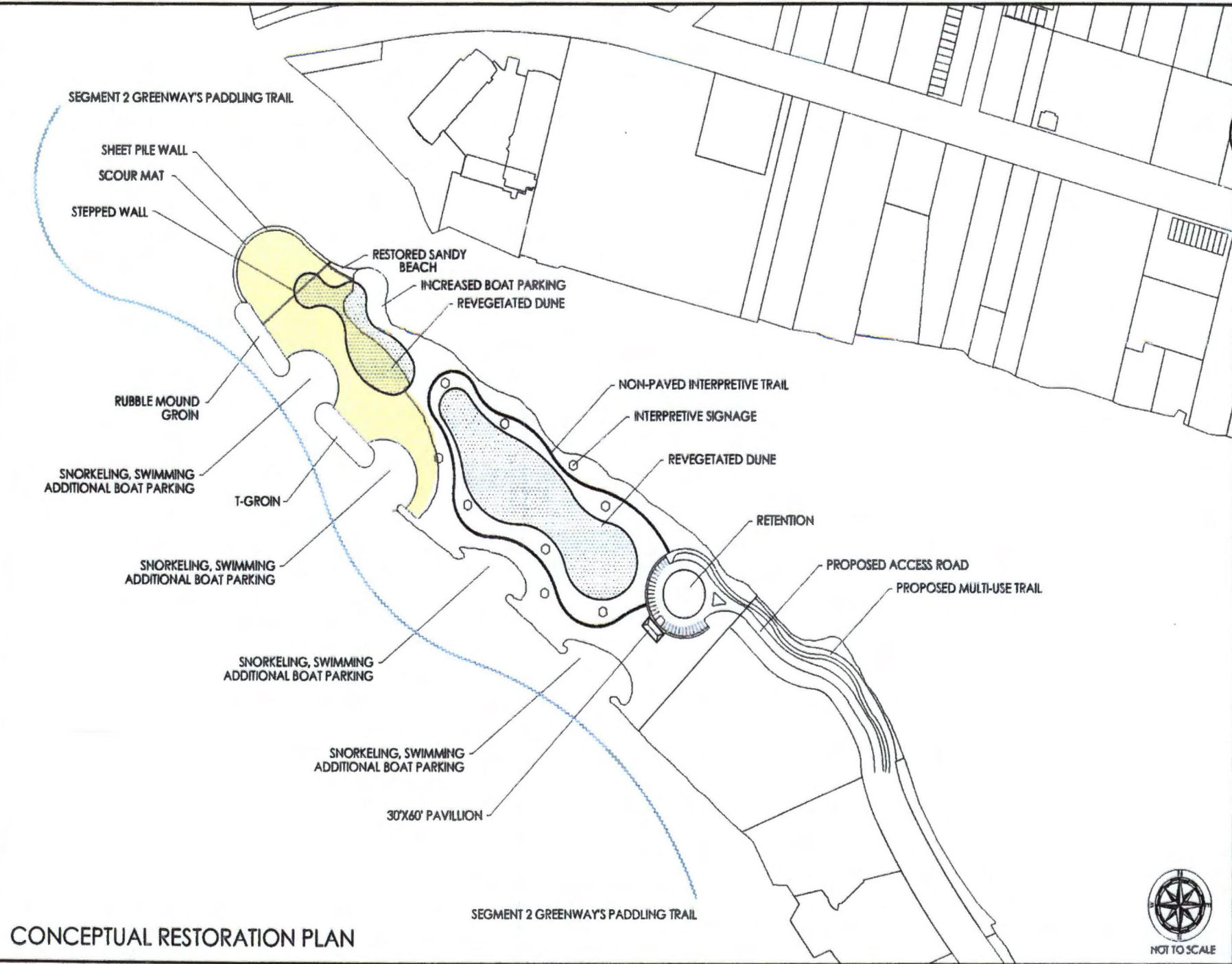
Master Site Plan

bradford
robert
davis

DATE: 10/1/2017

NORRIEGO PT RESTORATION & RECREATION PLAN
PREPARED FOR THE CITY OF DESTIN
DESTIN, FLORIDA

SHEET NUMBER
L-1 OF 1
PERMIT SET



CONCEPTUAL RESTORATION PLAN

EXHIBIT F

Recorded Deed

DEED DOCSTAMPS: \$0.70

DEED

DEPUTY CLERK K SCHOLCRAFT
DCN W HOWARD, CLERK OF COURTS OKALOOSA COUNTY

THIS DEED, made this 13th day of July, 2010, by Okaloosa County, Florida, party of the first part, and The City of Destin, a Florida Municipality, 4200 Indian Bayou Drive, Destin, Florida 32541, the party of the second part,

WITNESSETH that the said party of the first part, for an in consideration of the sum of \$100.00 and other valuable consideration, to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, has conditionally granted, bargained and sold to the party of the second part, its successors and assigns forever, the following described land lying and being in Okaloosa County, Florida, hereinafter "the property":

The Northwesterly 1600 feet of that portion of land which formerly comprised a part of Santa Rosa Island that lies east of the New East Pass Channel, more particularly described as: Being at a concrete monument on the South right-of-way line of Highway 98, on the East line of Calhoun's subdivision as per plat recorded in the Office of the Clerk of Circuit Court of Okaloosa County, Florida, thence run South 2147.80 feet to a concrete monument; thence run N 85° 08' W 1232.68 feet to a point; thence run N 78° 02' W 1437.22 feet to a point; thence run N 76° 56' W 1180.53 feet to a point; thence run N 56° 16' W 981.30 feet to a point; thence run N 45° 41' W 748.90 feet to a concrete monument for the point of beginning of the parcel to be described. Thence run S 44° 19' W to the shore of New East Pass; thence meander Northwesterly along the shore of New East Pass a Northwest distance of 1620 feet more or less; thence follow the meander around the point and meander Southeasterly to a point on the shore of Old East Pass bearing N 44° 19' E of the point of beginning, thence S 44° 19' W 175 feet, more or less to the point of beginning; subject to an easement in the Northwesterly 800 feet thereof in favor of the Corps of Engineers to dump dredge spoilage from operations in East Pass, in Okaloosa County, Florida.

This conveyance is subject to the terms and conditions set forth in the Dedication of this property as recorded in Book 194 at Page 573 of the official records of Okaloosa County, Florida.

This conveyance is made and accepted with the covenant and understanding that the use of the property is solely and exclusively for Public Park and recreational purposes.

This conveyance is made and accepted with the covenant and understanding that any sale or lease of any interest in the property to a non-governmental person or organization is prohibited.

This conveyance is made and accepted with the covenant and understanding that the operation of any concession on the property by a non-governmental person or organization is prohibited.

This conveyance is made and accepted with the covenant and understanding that any sales contract or option to buy or sell things attached to the property to be severed from the property with a non-governmental person or organization is prohibited.

This conveyance is made and accepted with the covenant and understanding that any use of the property by a non-governmental person other than in such person's capacity as a member of the general public is prohibited.

This conveyance is made and accepted with the covenant and understanding that a management contract, except contracts for maintenance of the property, is prohibited.

This conveyance is made and accepted with the covenant and understanding that the harbor side shoreline of this property shall remain accessible for the use and enjoyment of boaters unless the City's coastal engineers determine armoring is necessary to protect this side of the property.

The foregoing covenants and understandings are covenants running with the land.

In the event of violation of any of the foregoing covenants and understandings, Grantee, its successors and assigns, shall forfeit all right and title to the property, and all interests therein shall revert to Grantor.

IN WITNESS WHEREOF the said party of the first part has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair of said board, the day and year aforesaid.

(OFFICIAL SEAL)

By its Board of County Commissioners

Wayne Harris
CHAIRMAN
Board of County Commissioners
Okaloosa County Florida



ATTEST:

Dany J. Stafel
Clerk of Circuit Court



**MEMORANDUM OF UNDERSTANDING
BY AND BETWEEN
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDA
AND
CITY OF DESTIN, FLORIDA**

This Memorandum of Understanding ("MOU") is entered into this 5th day of DECEMBER, 2012, by and between the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA (the "Board of Trustees") and the CITY OF DESTIN, FLORIDA, a political subdivision of the State of Florida (the "City") establishes the responsibilities and relationship that exist between the Board of Trustees and the City with respect to the management of those lands hereinafter described for a public park and public recreational purposes.

WITNESSETH:

WHEREAS, on November 7, 1958, the Board of Trustees by Quitclaim Deed recorded (approximately 17 months following the date of execution of such instrument) in Official Records Book 194, Page 571, quitclaimed to Okaloosa County, Florida, all right, title and interest in certain dredge spoil areas deposited on sovereign lands of the State of Florida, which included the lands which are the subject of this MOU; and

WHEREAS, on April 24, 1961, Okaloosa County, Florida, by Dedication recorded immediately after the above referenced Quitclaim Deed in Official Records Book 194, Page 573, Public Records of Okaloosa County, Florida (the "Dedication"), dedicated to the Board of Trustees in perpetuity those lands more particularly described in the Dedication and Exhibit "A" attached hereto and made a part hereof to be used solely and exclusively for public park and public recreational purposes ("Dedicated Lands"); and

WHEREAS, on July 13, 2010, Okaloosa County, Florida, by Deed recorded in Official Records Book 2945, Page 2136, Public Records of Okaloosa County, Florida, conveyed the fee title to the Dedicated Lands to the City of Destin, subject to the Dedication; and

WHEREAS, the Board of Trustees does not currently manage the Dedicated Lands, and the City wishes to manage the Dedicated Lands for public park and public recreational purposes in accordance with the terms and conditions of the Dedication.

NOW THEREFORE, in consideration of the faithful and timely performance of and compliance with all the terms and conditions stated herein, the Board of Trustees and the City hereby agree as follows:

ARTICLE 1 – RESPONSIBILITIES OF THE CITY

- 1.1 The City shall manage the Dedicated Lands solely and exclusively for public park and public recreational purposes at its sole cost and expense.
- 1.2 The City shall be solely responsible for the maintenance of the Dedicated Lands and control of access to the Dedicated Lands by the public and third parties.
- 1.3 The City and its officers, employees and agents shall take all reasonable measures to provide security against damage, degradation and unauthorized uses of the Dedicated Lands. The City's intent is to manage the Dedicated Lands as a public park as part of the City park system, and the City shall take such measures to satisfy this requirement as the City takes regarding the other City parks. Such measures include, but are not limited to, regulation of City park access and use according to standards established in the City Code of Ordinances, as may be amended from time to time.
- 1.4 The City shall investigate any and all claims of injury or damage pertaining to the Dedicated Lands and shall notify the Board of Trustees regarding the legal action deemed appropriate to remedy such claims for injury or damage.
- 1.5 The City does not expect to generate revenues as part of implementing this MOU. At such time as the City decides to generate revenues, the City shall notify the Board of Trustees and implement the following procedure. Revenues generated on the Dedicated Lands shall be used for the benefit of the Dedicated Lands to implement management activities. The City shall maintain detailed records of all revenues and expenses associated with the Dedicated Lands and shall provide the Board of Trustees with an annual report of such revenues and expenses on each anniversary of the execution date of this MOU.

ARTICLE 2 – TERM

- 2.1 This MOU shall be effective upon execution by both parties and shall remain in full force and effect until terminated as provided herein.
- 2.2 Either party may terminate this MOU for cause or convenience by giving ninety (90) days notice in writing to the other party of its intent to do so.
- 2.3 In the event of termination, both parties shall be relieved of any and all future obligations hereunder.

ARTICLE 3 – RIGHTS IN AND USE OF DEDICATED LANDS

- 3.1 This MOU constitutes permissive use only. The City agrees that it does not and shall not claim at any time any additional interest or estate of any kind or extent whatsoever in the Dedicated Lands by virtue of this MOU or its occupancy or use hereunder.
- 3.2 This MOU and the rights and privileges contained herein are for the sole use of the City and shall not be assigned or transferred to another party.
- 3.3 The City shall manage the Dedicated Lands as part of the City park system pursuant to the public park access, use and conduct standards established in the City Code of Ordinances, as may be amended from time to time.
- 3.4 The City is authorized to take all lawful steps to achieve the permanent stabilization of the Dedicated Lands to protect same from the forces of erosion and may apply for such permits as are necessary to achieve same. It is recognized that improvements to that area necessary to achieve permanent stabilization of the Dedicated Lands are consistent with public park and public recreational purposes.
- 3.5 This MOU is non-exclusive. The Board of Trustees or its duly authorized employees and agents shall retain the right to enter the Dedicated Lands or to engage in management activities not inconsistent with the purpose for which the City is permitted to use them.

ARTICLE 4 – LAND USE PLAN

- 4.1 The City shall, within one hundred eighty (180) days of the execution date of this MOU, submit a land use plan for management of the Dedicated Lands as part of the City park system that satisfies such portions of the requirements of Section 253.034(5), Florida Statutes, and Chapter 18-2, Florida Administrative Code, as may apply to an area managed as a City park, for the Dedicated Lands to the State of Florida Department of Environmental Protection, Division of State Lands for approval. This land use plan shall include anticipated improvements and management activities over a 10-year planning period. The City shall review and update this land use plan every 10 years. The City shall manage the Dedicated Lands in a manner consistent with the approved land use plan.

ARTICLE 5 – RIGHT OF INSPECTION AND ENTRY

- 5.1 The Board of Trustees or its duly authorized employees and agents shall have the right to inspect the Dedicated Lands and the works and operations of the City in any manner pertaining to this MOU.

- 5.2 The Board of Trustees or its duly authorized employees and agents shall have the right to enter and occupy the Dedicated Lands for the purposes necessary to meet its responsibilities, including protection of the Dedicated Lands.

ARTICLE 6 – NOTICES

- 6.1 Any and all notices given or required under this MOU shall be in writing and shall be delivered in person or by United States postal mail, postage prepaid, first class and certified, return receipt requested, addressed as follows:

Board of Trustees

State of Florida
Department of Environmental Protection
Division of State Lands
Bureau of Public Land Administration
3800 Commonwealth Boulevard, MS130
Tallahassee, Florida 32399-3000

City of Destin

City Manager
2700 Indian Bayou Trail
Destin, Florida 32541

ARTICLE 7 – AMENDMENT OR MODIFICATION

- 7.1 No modification, amendment or alteration of the terms or conditions of this MOU shall be valid unless in writing and lawfully executed by both parties.

ARTICLE 8 – LIABILITY

- 8.1 The City shall be fully responsible and liable for all claims, liabilities, damages costs, actions, suits or proceedings at law or in equity which may occur as a result of the negligent acts or omissions of its officers, employees, representatives and agents. The City shall maintain a program of insurance covering its liabilities as prescribed by Section 768.28(16)(a), Florida Statutes (2011).
- 8.2 Each party hereto agrees that it shall be solely responsible for the negligent or wrongful acts of its employees and agents. However, nothing contained herein shall constitute a waiver by either party of its sovereign immunity or the provisions of Section 768.28, Florida Statutes, as amended from time to time, or any other law providing limitations on claims.
- 8.3 The Board of Trustees does not warrant or represent that the Dedicated Lands are safe or suitable for the purpose for which the City is permitted to use them.

ARTICLE 9 – IMPROVEMENTS

- 9.1 All improvements placed on the Dedicated Lands by the City must be for public park and public recreational purposes and shall be approved by the State of Florida Department of Environmental Protection, Division of State Lands, as staff to the Board of Trustees, for design, specifications and location prior to construction.

ARTICLE 10 – NON-DISCRIMINATION

- 10.1 No person, on the grounds of race, color, religion, sex, national origin, age, handicap, or marital status, shall be excluded from participation in, be denied the proceeds or benefits of, or be otherwise subjected to discrimination in performance of this MOU.

ARTICLE 11 – SEVERABILITY

- 11.1 This MOU has been delivered in the State of Florida and shall be construed in accordance with the laws of Florida. Wherever possible, each provision of this MOU shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this MOU shall be prohibited or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this MOU.

ARTICLE 12 – NO THIRD PARTY RIGHTS

- 12.1 The parties hereto do not intend nor shall this MOU be construed to grant any rights, privileges or interest to any third party.

ARTICLE 13 – STANDARDS OF COMPLIANCE

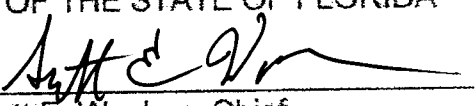
- 13.1 The City, its officers, employees and agents, shall comply with all applicable federal, state and local laws and regulations relating to the performance of this MOU. The Board of Trustees undertakes no duty to ensure the compliance of the City, its officers, employees and agents.

ARTICLE 14 – ENTIRE AGREEMENT

- 14.1 This MOU with all incorporated attachments and exhibits represents the entire agreement of the parties.

IN WITNESS WHEREOF, the parties have caused this MOU to be duly executed on the date first written above.

BOARD OF TRUSTEES OF THE
INTERNAL IMPROVEMENT TRUST
FUND OF THE STATE OF FLORIDA

By: 

Scott E. Woolam, Chief
Bureau of Public Land Administration,
Division of State Lands, State of
Florida Department of Environmental
Protection

CITY OF DESTIN, FLORIDA

By: 

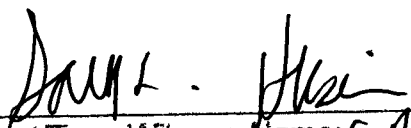
Sarah "Sam" Seevers, Mayor

(Official Seal)

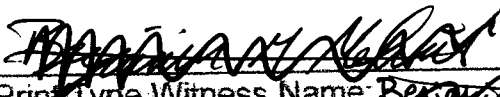
Attest:



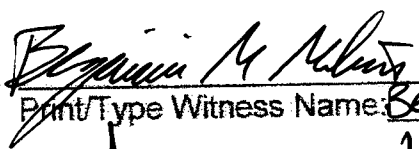
Rey Bailey, City Clerk



Print/Type Witness Name: GARRY L. HEUER



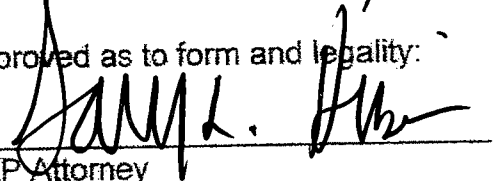
Print/Type Witness Name: BENJAMIN M. MELW



Print/Type Witness Name: BENJAMIN M. MELW

Print/Type Witness Name: _____

Approved as to form and legality:


DEP Attorney

Approved as to form and legality:

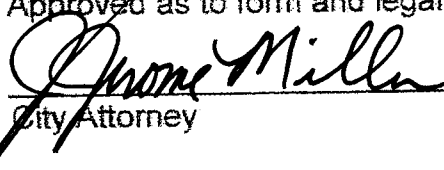

City Attorney

Exhibit "A"

The Northwesterly 1600 feet of that portion of land which formerly comprised a part of Santa Rosa Island that lies east of the New East Pass Channel, more particularly described as: Begin at a concrete monument on the South right-of-way line of Highway 98, on the East line of Calhoun's subdivision as per plat recorded in the Office of the Clerk of Circuit Court of Okaloosa County, Florida, thence run South 2147.80 feet to a concrete monument; thence run N 85° 08' W 1232.68 feet to a point; thence run N 78° 02' W 1437.22 feet to a point; thence run N 76° 56' W 1180.53 to a point; thence run N 56° 16' W 981.30 feet to a point; thence run N 45° 41' W 748.90 feet to a concrete monument for the point of beginning of the parcel to be described. Thence run S 44° 19' W to the shore of New East Pass; thence meander Northwesterly along the shore of New East Pass a Northwest distance of 1620 feet more or less; thence follow the meander around the point and meander Southeasterly to a point on the shore of Old East Pass bearing N 44° 19' E of the point of beginning, thence S 44° 19' W 175 feet, more or less to the point of beginning, subject to an easement in the Northwesterly 800 feet thereof in favor of the Corps of Engineers to dump dredge spoilage from operations in East Pass, in Okaloosa County, Florida.



100' Right of Way
from Existing Seawall



0 150 300 600 Feet

Base Aerial Photography: June 12, 2010

Ard, Shirley & Rudolph, P.A.

ATTORNEYS AT LAW

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Of Counsel
SCOTT A. STONE

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TALLAHASSEE, FLORIDA 32302-1874

December 7, 2012

Via Federal Express

Mr. Rey Bailey
City of Destin
4200 Indian Bayou Trail
Destin, FL 32541

**Re: Fully Executed Memorandum of Understanding
The Board of Trustees of the Internal Improvement Trust Fund and the City of Destin**

Dear Mr. Bailey:

Please find enclosed the original, fully executed Memorandum of Understanding which Mr. Shirley asked that I forward to you.

Sincerely,


Nancy Hough
Office Manager

:nh

Enclosure

Cc: Maryann Ustick, City Manager (w/enclosure)
Lindey Chabot, Grants & Project Manager (w/enclosure)
Jerome Miller, City Attorney (w/enclosure)

Destin/Itrs/Bailey-Rey-transmittal ltr.docx