

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
JULY 19, 2021
CITY HALL ANNEX COUNCIL CHAMBERS
6:00 PM**

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

Destin City Council

Mayor Gary Jarvis
Councilmember Dewey Destin
Councilmember Terésa Hebert
Councilmember Rodney Braden

Councilmember Schmidt
Councilmember Johnny King
Councilmember Prebble Ramswell
Councilmember Chatham Morgan

Destin City Staff

City Manager Lance Johnson
City Clerk Rey Bailey
Code Compliance Manager Joey Forgione
HR Manager Nichole De Vito
Comm. Dev. Director Louis Zunguze
Parks/Recreation Director Lisa Firth
Finance Director Krystal Strickland
Grants/Project Manager Jeffrey Cozadd
Land Use Attorney Kimberly Kopp (Virtual)

Deputy City Manager Webb Warren
Public Information Manager Catherine Card
Public Services Director Michael Burgess
Deputy Public Services Director John Hart
Principal Planner Steve O'Connor
Building Official Noelle Bell
City Engineer Donald Smith
City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

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

AGENDA APPROVAL

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

1. APPROVAL OF MINUTES

A. Approval of minutes of July 12, 2021 Budget Workshop

Councilmember Hebert moved for approval of minutes of July 12, 2021 Budget Workshop; seconded by Councilmember King. Motion passed 7-0 (Council members Schmidt, King, Hebert, Morgan, Destin, Ramswell, and Braden voted "yes").

B. Approval of minutes of June 21, 2021 Regular City Council Meeting

Councilmember Schmidt moved for approval of minutes of June 21, 2021 Regular City Council Meeting, seconded by Councilmember Hebert. Motion passed 7-0 (Council members Schmidt, King, Hebert, Morgan, Destin, Ramswell, and Braden voted "yes").

2. PROCLAMATIONS / RECOGNITIONS / SPECIAL PRESENTATIONS / ANNOUNCEMENTS

A. Introduction of Captain Matt Abbott - Replacement for Major Mike Howell as District 3 Commander and City of Destin Liaison - Major Mike Howell, Okaloosa County Sheriff's Office

Major Mike Howell introduced Capt. Matt Abbott, the new District 3 Commander and City of Destin Liaison.

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

Mr. Shane Moody, President and CEO of the Destin Chamber of Commerce, expressed the Chamber's position regarding the Tourist Development District (TDD) proposed expansion. He stated that the Chamber support the proposed expansion from the global perspective. They feel the concept of expanding the district is a good idea and understand the business and the opportunity behind the decision. They believe that conceptually, the county and TDC are headed in the right direction. They have also reviewed the proposed county ordinance and believe that that it contains much of what the Chamber wanted and what Destin wanted as a city. They also believe there are still questions that still need to be answered such as how to determine the 4 percent and 5 percent differences in the north and south county. He also pointed out that the ordinance contains a wrong description of Destin. It states that it is from Santa Rosa Bridge to Mid-Bay Bridge Road, leaving out Crystal Beach. They also understand the City's complaint about being excluded from the meeting when the county discussed the expansion with other municipalities. They believe the City of Destin should have been included in that discussion. He also stated that the TDC has taken good care of Destin over the years providing funding to many of its project and other needed services. He added that many people have worked very hard over the years to improve the relationship between the city and county, and that Destin is the brand they are pushing, and they do not want to lose it.

Mr. Jim Bagby, a Destin resident, stated that he is taking the opposite position with regards to the proposed TDD expansion. He has reviewed the revised county ordinance and does not believe it fully addresses the city's concerns. The fact that they do not even know the correct definition of Destin by leaving out Crystal Beach, where he lives, is a testament to that. He also noted that whatever the county puts in that ordinance, the county alone can amend that

ordinance at any time. He urged the council to follow staff's recommendation in items 4A and 4B of tonight's meeting agenda and move forward with the alternative dispute process in challenging the proposed expansion.

Mr. Bagby also expressed his appreciation to city staff's recommendation to implement an all-way stop sign at the intersection of Regatta Bay Road (Dolphin Street) and Woodwind/Windstar Drives. He stated that Dolphin Street is a raceway similar to several other streets throughout the city. The speed humps do not work. They need speed tables. They also need a 3-way stop sign at John Avenue in Crystal Beach. He urged the council to continue to improve the safety particularly in this area of town; adding that contrary to what a lot of people believe, Crystal Beach is not just a bunch of rental houses; there are also a lot of residential houses.

Okaloosa County Commissioner Mel Ponder noted that the revised county ordinance regarding the TDD expansion has been provided to the city. He urged the council to thoroughly review the document and decide what is best for the city and inform the county the direction with which they want to move forward. He also stated he is willing to work with the city the best way possible.

4. CITY MANAGER REPORTS

- A. Consideration of a Joint Resolution Between Okaloosa County Municipalities to Address the TDC Expansion Concerns.

Councilmember Hebert moved to adopt Joint Resolution 21-01, seconded by Councilmember Schmidt._____

The City Attorney explained that Fort Walton Beach's City Manager distributed the Joint Resolution to all city managers of municipalities located within Okaloosa County. This Joint Resolution requests the Board of County Commissioners to: (1) Implement the Local Collection Method so that it has the means to determine how much of this tax is being collected in various portions of the County; and (2) Postpone the mail-in only referendum election currently scheduled for October 5, 2021 for at least 60 days, allowing the county staff and attorneys to work with the municipalities' staffs and attorneys on this matter. The City Council is the first governing body to consider adoption of this Joint Resolution; however, it is anticipated that other municipalities in Okaloosa County will also consider its adoption at future regular or special meetings.

Motion passed 6-1 (Council members Schmidt, King, Hebert, Morgan, Destin, and Ramswell voted "yes." Councilmember Braden voted "no").

- B. Consideration of resolution for the option of commencement of local government alternative dispute process under Chapter 164, Florida Statutes

Councilmember Schmidt moved to adopt Resolution 21-08; seconded by Councilmember Hebert.

The City's special counsel Jeffrey Burns explained that Resolution 21-08 accomplishes the direction set forth by the Council. Specifically, per section 164.0152, Florida Statutes, the Resolution initiates conflict resolution procedures with Okaloosa County as provided by Chapter 164, Florida Statutes. The Resolution specifies that the City's conflict with the County is two-fold: (1) there is a conflict over whether the City's electorate has the legal ability to vote in the currently scheduled October 5, 2021, referendum election, which will ask the citizens located outside the Tourist Development Sub-taxing District whether it wishes to expand the taxing district countywide; and (2) it specifies that the City opposes the form, manner, and method by which Okaloosa County proposes to expand the taxing district because it puts the current taxing district at risk of being "reset" to a lower tax rate. If the Council elects to pass this Resolution, then a series of legally required steps will take place unless the Council elects to discontinue the process. He would also ask the council to appoint two designees as formal council representative for the first public meeting with the county, which has to occur within 30 days after the county is served with the resolution; however, all members of the council can attend that meeting.

Councilmember Destin stated there may be some issues associated with the mail-in only referendum election currently scheduled for October 5, 2021. According to the national news lately, the Republicans believe a mail-in only ballot is subject to a lot of problems. He believes fundamentally that it is strategically being done in an effort to make sure this initiative passes.

Councilmember Ramswell noted that upon learning about the County's June 28th meeting with other municipalities regarding the proposed TDD expansion from Attorney Burns' memo, she filed a public records request with the county for a copy of the meeting minutes, handwritten notes, audio, video, or anything that has to do with that meeting. So far, she has received a copy of the map and power point presentation that was shown at the BOCC meeting a week prior, and some accompanying information from the ordinance. There was nothing related to the meeting itself which was disconcerting to her. She hopes to find out soon the real reason the city was not invited to that meeting and what exactly was discussed at the meeting.

Councilmember Ramswell noted there are language throughout the ordinance that is quite unclear, specifically with the table; adding that there are multiple different interpretation of that table. She asked how they could obtain clarity.

Mr. Burns stated that he and the City Attorney will meet with the County Attorney and will do their best to obtain an answer to that question.

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

After a brief discussion, the council reached a consensus to designate Council members Ramswell and Schmidt as the formal council representatives for the first public meeting with Okaloosa Board of County Commissioners.

C. Adoption of 2021-2022 Strategic Plan

The City Manager stated that the draft of the strategic plan has been presented to the council during the last two budget workshop. Adoption of the final plan will provide direction for both long and short-term decision-making by the council and staff which will help fulfill their mission.

Motion by Councilmember Hebert, seconded by Councilmember Destin, to approve the Strategic Plan and Strategic Goal Poster as presented passed 7-0 (Council members Schmidt, King, Hebert, Morgan, Destin, Ramswell, and Braden voted "yes").

D. Establishing the FY2022 Tentative Millage Rate and Budget Public Hearing Dates

Finance Director Krystal Strickland explained that the purpose of this agenda item is to adopt the millage rate and to confirm the date for the first public hearing. Both of these items have to be presented and certified to the Okaloosa County Tax Collector before August 4, 2021, so they could get the date and the tentative millage rate on the TRIM notices they send to all residents. She also explained they are not increasing the millage rate, but it constitutes an increase in taxes. The roll back rate will be 1.5566 mills, and what they are proposing for ad valorem at 1.6150 mills is a 3.75 percent tax increase. The city is not increasing the millage rate. The increase in taxes is based on the property value increase. The result would be an additional \$608,788 the city will be able to adopt in its budget and spend accordingly during Fiscal Year 2022.

Councilmember Hebert moved to set the tentative millage rate for ad valorem taxes at 1.6150 mills which is more than the roll-back rate of 1.5566 mills and confirm the dates and times of the public hearings for the FY 2022 Budget on September 9, 2021 at 5:30 PM and September 20, 2021 at 6:00 PM. Councilmember King provided a second to the motion. Motion passed 7-0 (Council members Schmidt, King, Hebert, Morgan, Destin, Ramswell, and Braden voted "yes").

E. Capital Project Status

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

F. Operations Financial Report

The Finance Director presented the year-to-date budget versus actuals for the General Fund and the Harbor and Town Center CRAs.

G. Low Speed Vehicles

According to the City Manager, on May 3, 2021, City Council passed a motion to table the proposed ordinance on low-speed vehicles indefinitely. At the June 21, 2021, meeting, another motion was passed to bring this item back to council. Currently, both the city and county are abiding by the current state statutes which regulate low speed vehicles.

Councilmember Braden moved to advertise proposed ordinance on low-speed vehicles and bring it back to council for first reading; seconded by Councilmember Ramswell.

Councilmember Ramswell asked whether low speed vehicles are currently allowed on Airport Road.

The City Manager stated that low speed vehicles are currently allowed on Airport Road.

Councilmember Hebert noted that by State Statutes, low speed vehicles are not allowed on US Hwy 98.

Councilmember Schmidt stated that if the city adopts an ordinance making it more restrictive for low-speed vehicles, it will create jurisdictional issues and more confusion with the unincorporated Destin and other areas surrounding the city which follow State Statutes. He recommends they continue to follow the State Statutes.

Councilmember Braden noted that the Sheriff's Office has expressed concern over low-speed vehicles operating on Airport Road, which is a very dangerous road even for cars.

Councilmember Morgan stated that Airport Road is not safe for low-speed vehicles and a more restrictive policy towards low-speed vehicles would be the best course of action.

According to Councilmember Destin, a better solution is to lower the speed on Airport Road to 25 mph and place some raised pedestrian walkways or speed bumps on that road. He also stated that prohibiting low speed vehicles on streets in Destin may well violate the multi-modal element of their comprehensive plan because by definition, low speed vehicles are not automobiles.

Councilmember Schmidt asked if the motion passes and they bring back the proposed ordinance, whether it will be amended before it goes back to the Local Planning Agency.

The City Attorney noted that the Local Planning Agency has already reviewed and approved the proposed ordinance. The ordinance that was previously tabled would go back before the council.

Motion passed 5-2 (Council members King, Hebert, Morgan, Ramswell, and Braden voted "yes." Councilmember Schmidt and Destin voted "no").

H. Regulations relating to electric bicycles

The City Attorney noted that State Statutes Chapter 316 controls the regulation of electric bicycles, and electric bicycles are treated the same as traditional bicycles. However, a local government may exercise the discretion afforded to it by State Statutes to adopt an ordinance governing the operation of the electric bicycle on streets, highways, sidewalks, and sidewalk areas under the local government jurisdiction.

There were no further discussions related to this item.

I. Update on Proposed Building Integrity Reports Post Certificate of Occupancy

The city's building official Noell Bell explained that extensive research for potential processes for periodic follow-up inspections of properties after the Certificate of Occupancy has been issued is currently ongoing. Staff will compile all information and provide council a proposed ordinance recommendation at the August 2, 2021 City Council meeting.

J. Council Approval of All Way Stop Signs at Regatta Bay Road (Dolphin St) and Woodwind/Windstar Drive.

According to the City Engineer Donald Smith, the City has received concerns from local residents about the safety for vehicle, pedestrian and cyclist traffic at the intersection of Regatta Bay Road (Dolphin Street) and Woodwind/Windstar Drive. The intersection of Regatta Bay Road (Dolphin Street) and Woodwind/Windstar Drive is in the Crystal Beach Planning Area. The Crystal Beach Planning Area is primarily residential in this area and vehicle, pedestrian and cyclist traffic are present. Regatta Bay is identified as a minor collector street that connects neighborhoods to Scenic 98 and US Highway 98. The intersection is the only one of its kind in Destin. The roadway (surface) has a colored, textured surface that mimics a brick roadway. The character and design of the intersection encourages drivers to stop before proceeding through the intersection, even though it is not an all way stop as observed by staff on multiple occasions. Currently, only the side streets must stop. The unique character and design of the intersection creates confusion for drivers, pedestrians, and cyclist.

Councilmember Hebert moved to direct the City Manager to implement an all-way stop sign at the intersection of Regatta Bay Road (Dolphin Street) and Woodwind / Windstarr Drives; seconded by Councilmember Destin. Motion passed 7-0 (Council members Schmidt, King, Hebert, Morgan, Destin, Ramswell, and Braden voted "yes").

Councilmember Schmidt recommends they also consider implementing an all-way stop sign on other areas on Crystal Beach which Mr. Bagby spoke about earlier in the meeting.

K. Council approval of Cross-Town Connector Multimodal Options

Councilmember Destin moved to direct the City Manager to implement Option No. 1 and to bring forth a contract amendment to amend Atkins contract scope and fee not to exceed the option selected. Councilmember King provided a second to the motion.

Councilmember Ramswell stated she would prefer Option No. 2 but would listen to reasons why Option No. 1 is better.

Councilmember Destin noted that Option No. 1 would have a smaller footprint for the right-of-way.

Councilmember Hebert stated that the smaller trees and shrubs would be a lot easier to manage than the larger trees.

Councilmember Ramswell stated she was thinking more of having beautiful Oak Trees overhanging the road on either side.

Councilmember Schmidt stated that Option No. 1 seems to give more width on the planting strip to have a full canopy on the side and the middle.

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

L. Announcements:

1. Special Election for vacant Destin City Council seat will be held on Tuesday July 20th, 2021 from 7am to 7pm.
2. Budget workshop #3 tentatively scheduled on August 9th, 2021 at 5:30 pm in the Council Chambers.
3. COMPASS can be accessed from the City's website if you would like to research the current status of new items in the system.

The Deputy City Manager provided a brief demonstration on launching the COMPASS system and conducting a search on the city's website.

5. PUBLIC HEARINGS

6. CONSENT AGENDA

- A. Authorization to pay Jeff Burns, Burns Legal Solutions, PLLC
- B. Agreement with Destin High School granting permission for use of the City Hall Annex as their Emergency Shelter
- C. EPA Trash Free Waters Grant for Okaloosa County

Councilmember Ramswell requested that Consent Agenda 6B be pulled and voted upon separately.

Motion by Councilmember Hebert, seconded by Councilmember Destin, to approve Consent Agenda items 6A and 6C, as printed above, passed 7-0 (Council members Schmidt, King, Hebert, Morgan, Destin, Ramswell, and Braden voted “yes”).

Councilmember Hebert moved for approval of Consent Agenda item 6B, as printed above, seconded by Councilmember Morgan.

Councilmember Ramswell announced she will abstain from voting as she is the Chairman of the Board for the Destin High School.

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

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

A. Councilmember Braden

B. Councilmember Ramswell

- 1) Voting delegate at the Florida League of Cities Annual Conference

Councilmember Hebert moved to designate Councilmember Ramswell as the voting delegate to the Florida League of Cities Annual Conference in August 2021; seconded by Councilmember Morgan. Motion passed 7-0 (Council members Schmidt, King, Hebert, Morgan, Destin, Ramswell, and Braden voted "yes").

- 2) Destin High School path right-of-way

According to Mr. Zunguze, Councilmember Ramswell requested that they look at potential opportunities that students at the Destin High School that live in Indian Bayou Subdivision to walk to school. They have looked at various options which Councilmember Ramswell took to the school board. They chose one route, and they are currently researching how best to get that accomplished. There are some easements that would need to be acquired, and so it will be a combine effort between the city and county. Staff will come back to council with specific course of action.

- 3) Dress Up Destin community arts projects

Councilmember Ramswell noted that she and Mr. Zunguze have been working on this project. They have been receiving different ideas from different individuals. They have a commitment from Home Depot to provide supplies. They are also looking at ways to move this initiative forward and who will manage it.

Councilmember Schmidt stated that while he was out of town, passengers on his vehicle spotted a beautifully decorated utility box in a street corner. It was not painted. It was wrapped with some kind of material or sticker. It may be something worth considering once they are prepared to move forward with this initiative.

Councilmember King noted that a couple of individuals have expressed concern that if they give people free range to paint utility boxes, how they can make sure there will be no vulgarities or something that is in bad taste.

Councilmember Ramswell stated that one of the things they have been discussing are the parameters. They would probably have people submit the original design of what they intend to paint.

C. Councilmember Destin

Councilmember Destin moved to ask the City Manager to place a slightly raised, Crystal Beach-style pedestrian walkway, on the corner of Zerbe Street to Calhoun Avenue, and across toward the Capt. Leonard Destin Park; seconded by Councilmember Hebert. Motion passed 7-0 (Council members Schmidt, King, Hebert, Morgan, Destin, Ramswell, and Braden voted "yes").

D. Councilmember Morgan

Councilmember Morgan expressed his gratitude to the council for appointing him as interim member and allowing him to attend a few meetings and serve the community. He is proud of what this council has already accomplished and that he wish the winner of the special election good luck.

E. Councilmember Hebert

Councilmember Hebert noted that as the council representative to the TDC, she received an email from the Okaloosa County Inspector General that is currently conducting a routine audit of the Okaloosa County Tourist Development Department (TDD). They are reviewing the Tourist Development Council's role in relation to the TDD. They asked the following questions:

- *As member of the TDD, do you feel the council has the appropriate level of oversight over the TDD?*
- *Are you aware of any issues or do you have any concerns related to TDD's operations or use of financial resources?*

Councilmember Hebert stated that she wrote back and told the inspector general that she would like to discuss this matter with the other members of the city council and attorneys and get their thoughts on this matter before she replies to these questions.

The mayor opined that the questions are geared more towards the TDD and the TDC and not the county commissioners and city council. They want to hear their perspective on how they feel the TDC is handling its processes and expenditures of the funds.

According to the Land Use Attorney, she agreed with the mayor with respect to Councilmember Hebert's position with the committee; however, she could also ask the members of this council to offer their opinions.

Councilmember Destin stated he is disappointed in the manner the county operates. It is quite apparent in their reaction that the TDC was not in the loop in the proposed TDD expansion.

They seemed to be as surprise as the city when this initiative was presented to them, which tend to make everyone think they are not having too much of a supervisory role.

The mayor reiterated that Councilmember Hebert should feel free to share her experience and provide her personal opinion as the council representative to the TDC.

- F. Councilmember King
- G. Councilmember Schmidt

Councilmember Schmidt noted that a company that looks at budgets and expenses and provides cost saving options recently met with the City Manager and Finance Director. He asked the City Manager to share any information and advice they received from the company at the next council meeting.

The City Manager will provide a summary and seek further direction at that time.

Councilmember Schmidt asked staff to get an update on the contract negotiations between Timberview Helicopters and Okaloosa County and if and when a meeting has been held between the two parties.

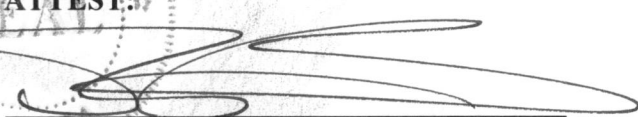
- H. Mayor Gary Jarvis
- I. Land Use Attorney
- J. City Attorney

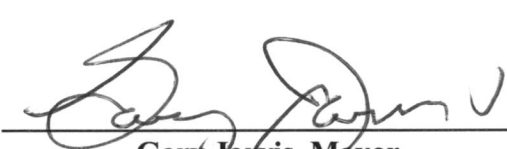
8. PUBLIC COMMENTS

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 8:04 PM.

ATTEST:


Rey Bailey, City Clerk


Gary Jarvis, Mayor