



**MINUTES  
SPECIAL MEETING  
of THE MARY ESTHER CITY COUNCIL  
June 17, 2024 - 6:00 PM**

195 Christobal Road – North, Mary Esther, FL 32569

**CITY COUNCIL PRESENT**

Chris Stein, Mayor  
Bernie Oder, Councilmember  
Kenneth Woods, Councilmember

April Sutton, Mayor Pro Tem  
Larry Carter, Councilmember  
Richard Lawson, Councilmember

**CITY STAFF PRESENT**

Jared Cobb, City Manager  
Hayward Dykes, City Attorney  
Dillon Morris, City Clerk

Heather Day, Finance Director  
Shawn Lindsey, Public Works Director

**OTHERS PRESENT**

Randall Killian, Jacobs  
Scott Jernigan, Jacobs

Jeff Wagner, OCWFD Chief  
Josh Robinson, Jacobs  
Kevin Waddell, Jacobs

**1. INVOCATION**

Jeff Wagner, Fire Chief, Ocean City-Wright Fire Control District, gave the invocation.

**2. CALL TO ORDER**

The meeting was called to order by Mayor Stein at 6:00 PM.

**3. PLEDGE OF ALLEGIANCE**

Mayor Stein led the pledge of allegiance.

**4. ROLL CALL**

The City Clerk called the roll as reflected above.

**5. APPROVAL OF THE AGENDA**

Mayor Stein asked if the council wished to make any changes to the agenda. Mayor Pro Tem Sutton initiated the motion, seconded by Councilmember Carter. The motion passed 5-0.

<b>RESULT:</b>	<b>PASSED (5-0)</b>
<b>MOVER:</b>	Mayor Pro Tem April Sutton
<b>SECOND:</b>	Councilmember Larry Carter
<b>AYES:</b>	Larry Carter, Bernie Oder, April Sutton, Richard Lawson, K.C. Woods
<b>NAYS:</b>	None

**6. UNFINISHED BUSINESS**

**6.1. City Council Committee Appointments**

City Clerk Morris mentioned that at the previous meeting Mayor Stein was assigned as the alternative representative for the library co-op. He mentioned that it was brought to his attention only a councilmember with voting rights can be assigned as the alternative representative. Mayor Stein explained a little about the committee and Councilmember Lawson expressed an interest in being the alternative representative. Mayor Stein asked for a motion to appoint Councilmember Lawson as the alternative representative for the library co-op. Councilmember Oder initiated the motion, seconded by Councilmember Woods. The motion passed 5-0.

<b>RESULT:</b>	<b>PASSED (5-0)</b>
<b>MOVER:</b>	Councilmember Bernie Oder
<b>SECOND:</b>	Councilmember K.C. Woods
<b>AYES:</b>	Larry Carter, Bernie Oder, April Sutton, Richard Lawson, K.C. Woods
<b>NAYS:</b>	None

Councilmember Oder discussed the Northwest Florida League of Cities, how the board is chosen, and how voting rights are given, mentioning that Mary Esther assigning an alternative representative does not give that person voting rights in the organization.

**6.2. First Reading, Ordinance 2024-01, Vacation Rentals**

City Manager Cobb recapped the public workshop, the draft ordinance, and a second draft incorporating changes from the senate bill 280. Mayor Pro Tem Sutton discussed she has not seen a business impact estimate, wanting to forgo the ordinance and treat it on a complaint basis. City Attorney Dykes discussed that the business impact report is before a second reading. Mayor Pro Tem Sutton discussed the ordinance fees, and how they are not clear in the ordinance. City Attorney Dykes discussed the fees and fee schedule would have to be approved by council. Mayor Stein asked for a motion to do a first reading of the ordinance. Councilmember Oder initiated the motion, seconded by Councilmember Lawson. The motion passed 3-2.

<b>RESULT:</b>	<b>PASSED (3-2)</b>
<b>MOVER:</b>	Councilmember Bernie Oder
<b>SECOND:</b>	Councilmember Richard Lawson
<b>AYES:</b>	Larry Carter, Bernie Oder, Richard Lawson
<b>NAYS:</b>	April Sutton, K.C. Woods

City Clerk Morris read the title as follows: ORDINANCE 2024-01. AN ORDINANCE OF THE CITY OF MARY ESTHER, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MARY ESTHER TO ADD A NEW ARTICLE VII TO CHAPTER 13 ENTITLED "VACATION RENTALS"; MAKING LEGISLATIVE FINDINGS REGARDING THE NEED TO REGULATE VACATION RENTALS; PROVIDING FOR THE REGULATION OF VACATION RENTALS CONSISTENT WITH STATE LAW; REQUIRING REGISTRATION AND REQUIRING A CERTIFICATE OF REGISTRATION; PROVIDING REQUIREMENTS FOR REGISTRATION, INCLUDING THE DESIGNATION OF A RESPONSIBLE PARTY FOR EACH VACATION RENTAL AND MINIMUM POSTING REQUIREMENTS; PROVIDING FOR MAXIMUM OCCUPANCY LIMITS; ESTABLISHING PENALTIES FOR VIOLATIONS; PROVIDING FOR FEES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

After the reading, the public audience was allowed a public comment.

Bob Hudgens, 825 E Miracle Strip, asked how the city can move forward referencing senate bill 280 if it has not been signed into law yet.

Elaine Rogers, 351 Angela Lane, discussed she believed the maximum occupancy at any time needs to be changed, as Mary Esther is trying to limit the number of people in a house during day time. She discussed senate bill 280, agreeing that there needs to be a designated contact, but the city added 2 extra items, one is supplying a copy of the rental contract, and the one hour time frame is too short of time. She added designating a natural person will not allow people to use property management companies. She discussed the fees stating that she believes the city code

will lead to ongoing charges.

Alina Ryder, Cedars Condominium, questioned how the code will be enforced correctly and equitably, stating that it would lead to selective enforcement, stating it could be a violation of fair housing laws.

Mary Walton, Cedars Condominium, discussed that Mary Esther is receiving short term rental taxes, and if the city is making income from it to not make a burden on the citizens. She asked for the city to work with the air bnb owners, not against them.

Scott Campbell, Cedars Condominium, discussed that he bought a condo, not a hotel room. He remarked the Cedars Condominiums need to be managed different than the houses of Mary Esther. He asked the city to keep in mind that there are people living in the condominiums, not wanting it to be a hotel room

## 7. NEW BUSINESS

### 7.1. Consideration of Christobal Landing Waterfront Park Conceptual Plan

City Manager Cobb recapped the purchase of the property on S Christobal Rd, the county managing development of the project, and once completed the city will assume ownership. He discussed the public workshop that was held and the feedback that was gathered. City Manager Cobb stated there were a couple comments that were address, exampling the showers as one. Mayor Pro Tem Sutton asked where the showers would be placed. Craig Coffey, Okaloosa County discussed that it has not been settled on yet. Council discussed a little more about having the showers outdoors. Mayor Pro Tem Sutton asked about the landscaping of the park. Mr. Coffey said it would meet the code and would defer to the city. Mr. Coffey also thanked the council and city for working together on the project. Councilmember Oder mentioned liking cameras there, the doors locking, the gates, and making it safe and wanting to move forward. Mr. Coffey discussed many items that are timed to go off or close at a certain time and cameras around the parks. Mayor Pro Tem Sutton made a motion to approve the Christobal Landing Waterfront Park plan as presented, seconded by Councilmember Woods. The motion passed 5-0.

<b>RESULT:</b>	<b>PASSED (5-0)</b>
<b>MOVER:</b>	Mayor Pro Tem April Sutton
<b>SECOND:</b>	Councilmember K.C. Woods
<b>AYES:</b>	Larry Carter, Bernie Oder, April Sutton, Richard Lawson, K.C. Woods
<b>NAYS:</b>	None

### 7.2. Amendment to CDBG Agreement No. 22DB-OP-01-56-02-N24

Finance Director Day discussed the amendment would extend the project time to April 30th, 2025, to prevent potential delays. Mayor Stein asked if there was any discussion. Upon hearing none, Mayor Stein asked for a motion to approve modification number 1 to CDBG Agreement No. 22DB-OP-01-56-02-N24. Councilmember Oder initiated the motion, seconded by Councilmember Lawson. The motion passed 5-0.

<b>RESULT:</b>	<b>PASSED (5-0)</b>
<b>MOVER:</b>	Councilmember Bernie Oder
<b>SECOND:</b>	Councilmember Richard Lawson
<b>AYES:</b>	Larry Carter, Bernie Oder, April Sutton, Richard Lawson, K.C. Woods
<b>NAYS:</b>	None

**7.3. Consent Order In-Kind Project Amendment**

Public Works Director Lindsey discussed the city elected to do a project for the consent order, stating the generator estimate received months ago came in above estimate. He discussed that a consent order was submitted to order a bypass pump and a vacuum trailer/hydraulic excavator, commenting that it would be used for both Jacobs and public works. Councilmember Carter asked how the damages happened. Public Works Director Lindsey said the generator was in a shelter but a lightning strike might have hit it. Councilmember Carter asked if anything was being done to prevent future damages. Public Works Director Lindsey said that they have a storm enclosure around it but was not familiar with the storm damage as it was before he started working at Mary Esther. Mayor Stein asked for a motion to amend the consent order in-kind project and approve the purchase of a vacuum trailer/hydraulic excavator for an amount not to exceed \$95,000, and a 6-inch bypass pump and trailer for an amount not to exceed \$66,000 through cooperative purchasing programs. Mayor Pro Tem Sutton initiated the motion, seconded by Councilmember Woods. The motion passed 5-0.

<b>RESULT:</b>	<b>PASSED (5-0)</b>
<b>MOVER:</b>	Mayor Pro Tem April Sutton
<b>SECOND:</b>	Councilmember K.C. Woods
<b>AYES:</b>	Larry Carter, Bernie Oder, April Sutton, Richard Lawson, K.C. Woods
<b>NAYS:</b>	None

**7.4. Contract Change Order, Springdale Neighborhood Infrastructure Improvements**

Scott Jernigan, Jacobs, discussed the Springdale Park neighborhood contract, stating that Jacobs missed the count of the driveways, missing the quantity number. They are asking for an increase to the contract for updated quantities for installation and additional driveways, and areas where they were doing sidewalk work but not water main work. Councilmember Woods asked how many driveways they were off by. Mr. Jernigan stated it was about 75 to 100. Mayor Pro Tem Sutton stated that the oversight is extreme, and she wants to know how Jacobs is going to make it right, stating she does not have confidence in them taking on future projects.

Mr. Jernigan discussed that they have met with staff to discuss ideas and alternatives to bring the cost down. Mayor Pro Tem Sutton discussed wanting to see a 50% burden of the cost at best, stating that it is not fair to the citizens to hold up the project and not approve it. Mayor Stein asked how City Manager Cobb felt. City Manager Cobb stated that the staff feels it was something that was known about earlier on and that the timing of it left the city with no options.

Councilmember Oder discussed delaying it to July 8th for Jacobs to bring solutions to the council. Councilmember Carter asked for a confirmation of the number of sidewalks and dimensions. Mr. Jernigan said that it is roughly 100, varying in size from 10 feet to 12 to 15 feet. Councilmember Carter agreed with the council he would like to see what projects Jacobs can bring forward. Councilmember Woods asked what the timeline the information was discovered before it was divulged to staff. Kevin Waddell discussed the issue that was observed from September to October of last year. Mayor Pro Tem Sutton discussed that this is a grave error and that this is a huge number of driveways to not account for.

Mayor Stein asked City Attorney Dykes how he felt. City Attorney Dykes stated he does disagree with any comments from council from a legal perspective, stating the city would have grounds to move forward legally, but to discuss it before proceeding. Councilmember Oder asked if City Clerk Morris knew who the gentleman speaking was, as he did not identify himself. Mr. Waddell identified himself as Kevin Waddell with Jacobs.

Councilmember Lawson asked if they had brought it up earlier if funds were available. City Manager Cobb stated that if it was brought forward sooner there would be options, such as asking for an extension or opting to put sidewalks on one side of the street, it would have saved

some of the cost. He stated it would be difficult now as sidewalks have already started being placed on both sides. Mayor Pro Tem Sutton asked if Jacobs had introduced any new fail safes to prevent these situations from happening in the future. Mr. Jernigan stated there is a quality control plan in place that was missing. When it started, the original plan added water mains, and the city added sidewalk design to the project, stating sidewalks interfered with driveways, and adding a driveway replacement to the plan, the quantity of driveways was off. Mayor Pro Tem Sutton discussed many things that have been missed recently with Jacobs, and asked Jacobs not to drop the ball in the future.

City Manager Cobb stated that if the change order is not approved tonight, the contractor would most likely stop work, proposing additionally to take out a block from the project. Public Works Director Lindsey discussed the project, as the section would be rebid with Rays Pond. If completed, the roads and sidewalks would be torn up after being laid to just be laid again. After discussion, Mayor Stein asked for a motion to approve Change Order No. 1 with the Talcon Group LLC, contingent on a public hearing to modify the CDBG agreement and requesting approval from FloridaCommerce to reduce the project area and scope of work, with a change of date to November 10th, and Jacobs would come up with solutions in the July 8th meeting. Councilmember Oder initiated the motion, seconded by Mayor Pro Tem Sutton. The motion passed 5-0.

<b>RESULT:</b>	<b>PASSED (5-0)</b>
<b>MOVER:</b>	Councilmember Bernie Oder
<b>SECOND:</b>	Mayor Pro Tem April Sutton
<b>AYES:</b>	Larry Carter, Bernie Oder, April Sutton, Richard Lawson, K.C. Woods
<b>NAYS:</b>	None

**8. ADJOURN**

Mayor Pro Tem Sutton discussed her and Mayor Steins events with the local military bases.

Councilmember Woods had no additional comments.

Councilmember Lawson had no additional comments.

Mayor Stein had no additional comments.

Councilmember Carter had no additional comments.

Councilmember Oder had no additional comments.

City Clerk Morris had no additional comments.

City Manager Cobb had no additional comments.

The council meeting adjourned at 7:05 PM.

Minutes approved at 7/8/2024 meeting.



  
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 City Clerk, Dillon Morris

