

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
MAY 17, 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 Terésa Hebert
Councilmember Rodney Braden

Councilmember Johnny King
Councilmember Prebble Ramswell
Councilmember Dewey Destin

Destin City Staff

City Manager Lance Johnson
City Clerk Rey Bailey
Public Information Manager Catherine Card
Code Compliance Manager Joey Forgione
Grants/Project Manager Jeffrey Cozadd
Parks/Recreation Director Lisa Firth
Finance Director Krystal Strickland
City Land Use Attorney Kimberly Kopp

City Engineer Donald Smith
Deputy City Manager Webb Warren (Virtual)
Deputy Public Works Director John Hart
Public Services Director Michael Burgess
HR Manager Nichole DeVito
Building Official Noelle Bell
IT Specialist James Lauria
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 in Destin gave the invocation, which was then followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Motion by Councilmember Hebert, seconded by Councilmember King, to approve the agenda passed 5-0 (Council members King, Hebert, Destin, Ramswell, and Braden voted "yes"; Councilmember Schmidt was absent from the meeting).

1. APPROVAL OF MINUTES

A. Approval of minutes of April 5, 2021 Regular City Council Meeting

Councilmember Hebert moved to approve minutes of April 5, 2021 Regular City Council meeting; seconded by Councilmember Ramswell. Motion passed 5-0 (Council members King, Hebert, Destin, Ramswell, and Braden voted "yes"; Councilmember Schmidt was absent from the meeting)

2. PROCLAMATIONS / RECOGNITIONS / **SPECIAL PRESENTATIONS / ANNOUNCEMENTS

A. Proclamation - National Public Works Week

The mayor read the proclamation designating the week of May 16 – 22, 2021 as *National Public Works Week* in the City of Destin, and then presented it to the City's Public Works Director Michael Burgess.

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

Mr. Cyron Marler, a Destin resident and former council member, stated that he was very encouraged with what he heard at the recent city council workshop on the crosstown connector. He urged the council to do everything necessary to move forward with the project. He also noted that they have had several near accidents at the First and Fourth Street intersection. It is a dangerous intersection. It requires some realignment as there is a sight problem at that intersection which requires the city's attention.

Ms. Victoria McCraw, a Destin resident informed the Council that they purchased a home at 345 Gulf Shore Drive on Holiday Isle in 2008. She stated that the home next door at 355 Gulf Shore Drive was originally a 4-bedroom 4-bathroom, 4500 square foot home built in 2001 on less than 1/5 of an acre parcel. The City of Destin has approved its conversion to a 10-bedroom, 10-bathroom resort without changing the footprint. They believe the home has committed the following code violations:

- Over-occupancy. The home is currently advertising sleeping 42 people. It sleeps 24 people in the bunkroom alone. The maximum occupancy in Holiday Isle is 22 for the same number of bedrooms.
- Advertising on-line and securing booking while still under construction and without short term rental inspection and no certificate of occupancy.
- Violation of stormwater drainage requirements set by the city when no more than 60 percent of the lot is to be hardscaped. The new driveway exceeds that percentage, and it cannot support the 10 parking spots required by the city
- They have a new roof top deck on the 4th floor which exceeds maximum height allowance of the dwelling.

Ms. McCraw stated that this dwelling will have a devastating effect on the quality of life of their family and the surrounding homeowners in the area.

Councilmember Hebert asked how this dwelling could start advertising since it has not gotten approval from the city.

The City Land Use Attorney stated that assuming the 10 bedrooms were approved for this dwelling, they cannot have more than an occupancy of 24 people pursuant to the city code which allows 2 people per bedroom plus 4 more people. She also stated that with regards to illegal

advertising, when staff became aware of it, they required it to be removed. She reiterated that the dwelling cannot advertise for occupancy exceeding 24 people, and they cannot advertise until they are awarded the certificate of occupancy. She also noted that city staff regularly monitors the website to make sure there are no illegal advertisements for any short-term rentals in the city. With regards to the site plans issues, they will be thoroughly reviewed by staff, and they will not be allowed to violate any city codes.

Mr. Shane Moody, President and CEO of the Destin Chamber of Commerce, urged the council to move forward with the crosstown connector. He stated that the Chambers and many other supporters of the crosstown connector are encouraged by the positive tone that came out of the workshop regarding this project.

4. CITY MANAGER REPORTS

A. Cross Town Connector ROW Scope and Fee Approval

The City Manager requests council's approval to resume the redesign process for the crosstown connector which was temporarily put on hold until after the recent workshop on the project. He also requests council's authorization to engage the property acquisition sub-contractor that assisted in acquiring several other properties for the city to ensure a smooth transition.

Councilmember Hebert moved for approval of proposed right-of-way scope and fee addendum from Atkins of North America, Inc. and authorize the continuation of the re-design incorporating the multimodal element discussed at the May 10, 2021 Council workshop session; seconded by Councilmember King.

Councilmember Destin noted that they discussed several design criteria in the crosstown connector workshop, one of which was creating a multi-modal pathway. He asked if a motion is required to incorporate that element into the design process since a formal motion could not be taken at a workshop session.

The City Manager noted that incorporating the multimodal element into the design process is already part of the current motion on the floor.

Councilmember Destin recommends an amendment to the motion to include direction to insert a multi-modal pathway into the right-of-way; as well as having the contractor look into the concept of trying to slow the speed down on Airport Road, which is an integral part of the crosstown connector, and other methods to slow the traffic down and make it more appropriate for the interior neighborhoods in Destin throughout the direction of the length of the crosstown connector.

Councilmember Hebert offered an amended motion to approve the proposed right-of-way scope and fee addendum from Atkins of North America, Inc. and authorize the continuation of the re-design incorporating the multi-modal element discussed at the May 10, 2021 Council workshop session; to include inserting a multi-modal pathway into the

right-of-way; and for Atkins to look into the concept of trying to slow the speed down on Airport Road as well as other methods of slowing the traffic down and making it more appropriate for the interior neighborhoods in Destin throughout the direction of the length of the crosstown connector. Councilmember King provided a second to the motion.

Councilmember Ramswell asked if they should address the linear park issue tonight to make sure it is being considered along with these plans. Whether the park will be a component of the connector itself or would it be more of a peripheral piece.

The City Engineer Donald Smith explained they will return with the 60 percent design. They could then make adjustments at that time if the components are not as directed by council. He added it would just be a budgetary question. How much they include would be determined by the available budget for the total project.

Councilmember Ramswell stated that the park is a key component of what the council wanted, and she would not want the plans to go to 60 percent and then learn there was not enough money to incorporate the park into the plans.

Councilmember Destin recommends making a separate motion to include park related issues.

The mayor called for a vote on the current motion on the floor, which passes 5-0 (Council members King, Hebert, Destin, Ramswell, and Braden voted “yes”; Councilmember Schmidt was absent from the meeting).

Councilmember Destin moved to designate the portion of the Old Destin Campground property that is not part of the right-of-way for the crosstown connector as the green belt/park and that council will provide the details as money becomes available. Councilmember Ramswell provided a second to the motion.

The City Manager noted this matter will come back before the council several times; adding if they were able to accomplish this portion with the available funds, they would need to change that area to recreational use.

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

B. Capital Project Status

Item presented for council information only. It contained a summary of the current capital improvement projects, showing status and year-to-date expenditures and encumbrances.

C. Operations Financial Report

Item presented for council information only. It contained year-to-date budget versus actuals for the General Fund and the two CRAs.

D. Approval of Resolution 21-05 setting the date and the qualification period for the City of Destin Special Election

The City Manager noted that proposed Resolution 21-05 sets the City Council special election to fill the vacancy created by the resignation of Councilmember Skip Overdier for July 20, 2021. It also sets the qualification period of May 24, 2021 through May 26, 2021.

Motion by Councilmember Destin, seconded by Councilmember Hebert, to approve Resolution 21-05 passed 5-0 (Council members King, Hebert, Destin, Ramswell, and Braden voted “yes”; Councilmember Schmidt was absent from the meeting)

E. Approval of contract with Okaloosa County Supervisor of Elections to conduct Special Election for the City of Destin

The City Attorney explained that the agreement breaks the services the Supervisor of Elections will provide to the City of Destin into two parts: Base Services and Optional Services. Base Services are the bare minimum services the Supervisor must perform in order to conduct the special election. The Optional Services include the following 3 options:

1. The Supervisor providing all legal advertisements required under the law for the Special Elections with the City paying actual costs for such advertising.
2. The Supervisor handling all candidate qualification filings and managing all the campaign finance filings for the Special Election with the City paying \$100 for each qualified candidate or \$500, whichever is greater.
3. The Supervisor providing off-site early voting, which the Supervisor estimates to cost between \$4500 and \$5000.

After a brief discussion, Councilmember Hebert moved to authorize and direct the mayor to execute the Election Services Agreement by and between the City and Supervisor of Elections and elect the following Optional Services:

- 1. The Supervisor providing all legal advertisements required under the law for the Special Elections with the City paying actual costs for such advertising; and**
- 2. The Supervisor handling all candidate qualification filings and managing all the campaign finance filings for the Special Election with the City paying \$100 for each qualified candidate or \$500, whichever is greater.**

Councilmember King provided a second to the motion.

Motion passed 5-0. (Council members King, Hebert, Destin, Ramswell, and Braden voted “yes”; Councilmember Schmidt was absent from the meeting)

F. Appointment of Interim City Council Member

Councilmember Hebert moved to appoint Chatham Morgan as Interim City Council Member to serve until a new councilmember is duly elected and sworn in, seconded by Councilmember Destin.

Councilmember Hebert explained that as a prior member of Council, Mr. Morgan has the knowledge of current issues involving the city, and that Mr. Morgan does not intend to run for office in the upcoming special election.

Councilmember Braden noted that since Mr. Morgan does not plan to run for the seat in the upcoming special election if appointed in an interim capacity, he will not have an unfair advantage over those who plan to run for office.

A question was asked whether they should allow the other applicants to speak even though there is already a motion on the floor to appoint Mr. Morgan.

The mayor explained that since not all the applicants are present here tonight, allowing others to speak will not be fair to all who plan to run for the permanent seat in the July election.

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

G. Appointment of Council representative to local and regional committees

The City Manager noted that Councilmember Overdier was appointed as primary council representative to several local and regional committees. In light of his resignation from the council, the present council will need to appoint a replacement.

Councilmember Destin moved to appoint the following officials as Council representatives to the Economic Development Council (EDC) Policy Board:

Primary: Councilmember Ramswell

Alternate: Councilmember Hebert

Councilmember Hebert provided a second to the motion, which passes 5-0 (Council members King, Hebert, Destin, Ramswell, and Braden voted “yes”; Councilmember Schmidt was absent from the meeting)

Councilmember Ramswell moved to appoint the following officials as Council representatives to the Okaloosa-Walton TPO:

Primary: Councilmember Hebert / Councilmember Braden
Alternate: Councilmember King.

Councilmember Destin provided a second to the motion, which passes 4-0 (Council members King, Hebert, Destin, and Ramswell voted “yes”; Councilmember Braden was not present during the voting; Councilmember Schmidt was absent from the meeting)

Councilmember King moved to appoint the following officials as Council representatives to the Tourist Development Council (TDC):

Primary: Councilmember Hebert
Alternate: Councilmember Destin

Councilmember Hebert provided a second to the motion, which passes 4-0 (Council members King, Hebert, Destin, and Ramswell voted “yes”; Councilmember Braden was absent during the voting; Councilmember Schmidt was absent from the meeting)

Councilmember Destin moved to appoint the following officials as Council representatives to the Emerald Coast Regional Council (ECRC):

Primary: Councilmember Ramswell
Alternate: Councilmember Hebert

Councilmember Ramswell provided a second to the motion, which passes 4-0 (Council members King, Hebert, Destin, and Ramswell voted “yes”; Councilmember Braden was absent during the voting; Councilmember Schmidt was absent from the meeting)

H. Wayfinding for Harbor District Parking Lots

Public Services Director Michael Burgess reported that they have installed approximately a dozen wayfinding signs for the city’s pay-to-park program on city rights-of-way. Staff has also applied to FDOT for several other locations in the state’s right-of-way, and that the permit is awaiting final approval by FDOT staff. He also stated they have pre-emptively ordered the signage required for the locations identified in the permit application.

Councilmember Destin recommends placing a temporary sign that is visible to the public at the Marler Street Parking Lot for Memorial Day.

Councilmember Ramswell noted they have previously discussed wayfinding signs in terms of landmark and sites, such as Mattie Kelly, and things of that nature. She asked if there had been some progress in that regard.

According to the City Manager, he and the Community Development Director have had some discussions about this issue, and it is moving forward. The program would also involve the numbering of streets or some sort of signage on all the stop lights.

I. Announcements:

The City Manager made the following announcements:

- Okaloosa County League of Cities Dinner on Thursday, May 20th
- May 31st - Annual Memorial Day service will be held in conjunction with the American Legion, at the old cemetery in Destin beginning at 11:00 am
- The city is facing some challenges at the Capt. Royal Melvin Heritage Park, and staff is trying to work through them the best they can.

5. PUBLIC HEARINGS

- A. Second reading of Ordinance 21-11-CN - Authorizing the issuance of the City of Destin non-ad valorem refunding revenue note, Series 2021 in the principal amount of not to exceed \$10,600,000 for the purpose of financing the acquisition of certain real property within the City to be used to expand public beach access, refunding on a current basis the City's outstanding non-ad valorem refunding revenue note, Series 2015A and refunding on a current basis the outstanding Harbor Community Redevelopment Area Phase 1 revenue note, Series 2009, issued by the Community Redevelopment Agency of the City of Destin

The City Attorney read proposed Ordinance 21-11-CN by title, and then presented it to the Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AUTHORIZING THE ISSUANCE OF THE CITY'S NON-AD VALOREM REFUNDING REVENUE NOTE, SERIES 2021 IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$10,600,000 FOR THE PURPOSE OF FINANCING THE ACQUISITION OF CERTAIN REAL PROPERTY WITHIN THE CITY TO BE USED TO EXPAND PUBLIC BEACH ACCESS, REFUNDING ON A CURRENT BASIS THE CITY'S OUTSTANDING NON-AD VALOREM REFUNDING REVENUE NOTE, SERIES 2015A, AND REFUNDING ON A CURRENT BASIS THE OUTSTANDING HARBOR COMMUNITY REDEVELOPMENT AREA PHASE I REVENUE NOTE, SERIES 2009, ISSUED BY THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF DESTIN, FLORIDA; PROVIDING THAT THE NOTE SHALL BE A LIMITED OBLIGATION OF THE CITY PAYABLE FROM NON-AD VALOREM REVENUES BUDGETED, APPROPRIATED AND DEPOSITED AS PROVIDED HEREIN; PROVIDING FOR THE RIGHTS, SECURITIES AND REMEDIES FOR THE OWNER OF THE NOTE; AUTHORIZING CERTAIN OFFICIALS AND EMPLOYEES OF THE CITY TO TAKE ALL ACTIONS REQUIRED IN CONNECTION WITH THE SALE, ISSUANCE AND DELIVERY OF SUCH NOTE; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

Councilmember Hebert moved to approve Ordinance 21-11-CN; seconded by Councilmember King. Motion passed 5-0 (Council members King, Hebert, Destin, Ramswell, and Braden voted “yes”; Councilmember Schmidt was absent from the meeting)

- B. Approval of Resolution 21-04 - Supplementing Ordinance 21-11-CN, which authorizes issuance of the City of Destin Non-Ad Valorem Refunding Revenue Note, Series 2021

The City Attorney read proposed Resolution 21-04 by title.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA SUPPLEMENTING ORDINANCE NO. 21-11-CN ENACTED ON THE DATE HEREOF, WHICH AUTHORIZED ISSUANCE OF THE CITY'S NON-AD VALOREM REFUNDING REVENUE NOTE, SERIES 2021 IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$10,600,000 FOR THE PURPOSE OF FINANCING THE ACQUISITION OF CERTAIN REAL PROPERTY WITHIN THE CITY TO BE USED TO EXPAND PUBLIC BEACH ACCESS, REFUNDING ON A CURRENT BASIS THE CITY'S OUTSTANDING NON-AD VALOREM REFUNDING REVENUE NOTE, SERIES 2015A, AND REFUNDING ON A CURRENT BASIS THE OUTSTANDING HARBOR COMMUNITY REDEVELOPMENT AREA PHASE I REVENUE NOTE, SERIES 2009 ISSUED BY THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF DESTIN, FLORIDA; PROVIDING FOR CERTAIN DETAILS OF SUCH NOTE; APPROVING THE FORM AND AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE DESTIN COMMUNITY REDEVELOPMENT AGENCY; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

The mayor opened a public hearing to receive comments for or against the proposed resolution. Having none the mayor closed the public hearing and turned the matter over to the City Council for their discussion and consideration.

Motion by Councilmember Hebert, seconded by Councilmember Destin, to adopt Resolution 21-04 and the Interlocal Agreement attached to Resolution 21-04 passed 5-0 (Council members King, Hebert, Destin, Ramswell, and Braden voted “yes”; Councilmember Schmidt was absent from the meeting).

- C. Second reading of Ordinance 21-12-CN - Amending the FY2021 Budget to accommodate issuance of the Non-Ad Valorem Revenue Refunding Note, Series 2021, providing for authority, providing for findings of fact, providing for amendment to the 2021 Budget, providing for severability, and providing for an effective date.

The City Attorney read proposed Ordinance 21-12-CN by title, and then presented it to the Council on second reading.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AMENDING THE FISCAL YEAR 2021 BUDGET AS DESIGNATED IN THE ATTACHED EXHIBIT “A,” DESCRIBING AMENDMENTS NECESSARY TO ACCOMMODATE ISSUANCE OF THE NON-AD VALOREM REVENUE NOTE, SERIES 2021; PROVIDING

FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE 2021 BUDGET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none the mayor closed the public hearing and turned the matter over to the City Council for their discussion and consideration.

Motion by Councilmember King, seconded by Councilmember Hebert, to approve Ordinance 21-12-CN on second reading passed 5-0 (Council members King, Hebert, Destin, Ramswell, and Braden voted “yes”; Councilmember Schmidt was absent from the meeting).

- D. Second reading of Ordinance 21-03-LC - Providing for amendments to Article 7, Section 7.12.08, "Dimensional Requirements"; amending Table 7-3, "Schedule of Dimensional Requirements in Zoning districts;" providing for consistency with the City's Comprehensive Plan.

The City Attorney read proposed Ordinance 21-03-LC by title, and then presented it to the Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO ARTICLE 7, SECTION 7.12.08 “DIMENSIONAL REQUIREMENTS”; AMENDING TABLE 7-3 “SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS”; PROVIDING FOR CONSISTENCY WITH THE CITY’S COMPREHENSIVE PLAN; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE, CONFLICTING PROVISIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

The mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none the mayor closed the public hearing and turned the matter over to the City Council for their discussion and consideration.

Councilmember Destin moved for approval of Ordinance 21-03-LC on second reading, seconded by Councilmember Ramswell. Motion passed 5-0 (Council members King, Hebert, Destin, Ramswell, and Braden voted “yes”; Councilmember Schmidt was absent from the meeting).

- E. Second reading of Ordinance 21-08-LC - Providing for amendments to Article 7 of the Land Development Code, "Land Use, Type, density, Intensity, zoning and Regulatory Controls" to require multi-family long-term uses to include commercial components in the commercial General (CG) zoning district.

The City Attorney read proposed Ordinance 21-08-LC by title, and then presented it to the Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO ARTICLE 7 OF THE LAND DEVELOPMENT CODE “LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS” TO REQUIRE MULTI-FAMILY LONG-TERM USES TO INCLUDE COMMERCIAL COMPONENTS IN THE COMMERCIAL

GENERAL (C-G) ZONING DISTRICT; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE, CONFLICTING PROVISIONS; SEVERABILITY, AND AN EFFECTIVE DATE.

The mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none the mayor closed the public hearing and turned the matter over to the City Council for their discussion and consideration.

Councilmember Hebert moved for approval of Ordinance 21-08-LC on second reading, seconded by Councilmember King. Motion passed 5-0 (Council members King, Hebert, Destin, Ramswell, and Braden voted “yes”; Councilmember Schmidt was absent from the meeting).

- F. First reading of Ordinance 21-09-LC - Providing for amendments to Article 7 of the Land Development Code "Land Use, Type, Density, Intensity, Zoning and Regulatory Controls"; amending Table 7-2 "Table of Allowable Uses" relating to breweries, micro-breweries, brewpubs, distilleries, craft distilleries, and restaurants

The City Attorney read proposed Ordinance 21-09-LC by title, and then presented it to the Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO ARTICLE 7 OF THE LAND DEVELOPMENT CODE “LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS”; AMENDING TABLE 7-2 “TABLE OF ALLOWABLE USES” RELATING TO BREWERIES, MICROBREWRIES, BREWPUBS, DISTILLERIES, CRAFT DISTILLERIES, AND RESTAURANTS; PROVIDING FOR CONSISTENCY WITH THE CITY’S COMPREHENSIVE PLAN; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE, CONFLICTING PROVISIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

The mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none the mayor closed the public hearing and turned the matter over to the City Council for their discussion and consideration.

Councilmember Hebert moved for approval of Ordinance 21-09-LC on first reading, seconded by Councilmember King. Motion passed 5-0 (Council members King, Hebert, Destin, Ramswell, and Braden voted “yes”; Councilmember Schmidt was absent from the meeting).

6. CONSENT AGENDA

- A. Main Street Re-Striping, authorization for City Manager to execute a Task Order
- B. Removal and Replacement of Boardwalks at Captain Royal Melvin, Destin Fishing Fleet, and Luther's
- C. Cemetery Fence Replacement Minutes from Board and Committees
- D. Animal Control Services - 2nd Quarter Information

Councilmember Hebert moved for approval of Consent Agenda items 6A thru 6D; seconded by Councilmember King. Motion passed 5-0 (Council members King, Hebert, Destin, Ramswell, and Braden voted “yes”; Councilmember Schmidt was absent from the meeting).

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

A. Councilmember Braden

Councilmember Braden asked why they are skipping Tailfins Restaurant for removal and replacement of boardwalk and moving ahead to AJ's Restaurant and to Capt. Royal Melvin Heritage Park.

Parks and Recreation Director Lisa Firth explained that Councilmember Hebert has requested the postponement, and staff honored that request and moved ahead.

Councilmember Braden noted that request was disapproved when it went before the council. He asked when they plan to do the repair work at Tailfins.

Ms. Firth stated they would need to determine if funds are available, and if not, they may need to wait until the next budget cycle.

The City Manager noted there are two parallel programs going on simultaneously. They are replacing the decking boards and the Code Compliance Division is reviewing all the sites for potential code violations and addressing those with the property owners. They have replaced the bad planks and fixed some of the soft spots on the Tailfins property, which were major safety concerns. When staff replaced the planks, they were able to look at the substructure underneath and determined nothing else other than the surface planks appeared to be causing a danger to the public. Staff's goal was to keep the project moving, and so they have decided to move forward as there are areas to the east of that location that require immediate attention.

According to Councilmember Ramswell, there have been some report of some structures placed on the property without proper authorization. She asked staff to address this issue.

Code Compliance Manager Joey Forgione noted that Tailfins has applied for a permit for the large trailer.

The Building Official Noelle Bell explained that the large trailer was approved and permitted by the original development order. She stated that they applied for another permit retroactively because they put an additional small kiosk to be used for selling t-shirts. A permit application was also retroactively submitted for the stage trailer where the performer stands.

According to Councilmember Hebert, she has learned the last two structures were verbally approved by previous city staff members.

Ms. Bell clarified that the stage trailer supposedly received verbal approval from previous city staff. The small kiosk had just been placed there recently.

Councilmember Destin asked whether the other boardwalk property owners were given the opportunity to delay construction till the end of the season so it would not interfere with their business.

According to staff, no one else has made a request to delay construction.

Councilmember Destin reiterated that Councilmember Hebert's motion to delay the boardwalk construction in front of Tailfins was voted down by council, and so staff has taken an action which is directly against a motion voted on by the council. Councilmember Destin also stated they are still looking for written verifications that the new structures were permitted by the city, and that those uses are lawful on the boardwalk.

According to the Land Use Attorney, they have not found any written approval for the structure that allegedly received verbal approval from city staff; adding that verbal approvals are not legally binding. Everyone is required to obtain a permit.

The City Attorney noted there was a second motion made during the previous meeting right before this matter was tabled by the council. Staff was supposed to gather additional information and then bring the item back before the council. He also stated that the council could direct the City Manager to resume replacement of boardwalk at Tailfins if they so choose.

Councilmember Hebert explained that this matter was tabled so that staff can determine whether they have enough funding for this fiscal year to be able to continue with the rest of the project. She also stated that she went down to the boardwalk with staff. After the damaged boards in front of Tailfins were repaired, staff felt they could move on because there are other sections of the boardwalk with worse damage. She further stated that this matter was placed under her name on the agenda for the subsequent meeting, but she decided to pull the item.

Councilmember Destin reiterated that the item should have been brought back to council since there was a motion to table it. He also stated that the other property owners were not given the same opportunity to request a delay on the repair in front of their property so that it does not disrupt their season.

Councilmember Ramswell asked why they are not asking the property owner to remove the unpermitted items on their property.

The Land Use Attorney explained that if a certain structure on the property requires a permit, they tell the property owner to either obtain the permit or remove the structure within a certain timeframe. If neither action is taken, then code enforcement proceeding can progress.

Next, Councilmember Braden addressed the harbor master position. He stated it was his understanding the main reason for increasing the livery fees from \$75 to \$100 is so they could use the extra revenue to hire a harbor master that would be dedicated to the harbor and that

would deal with all the issues on the harbor. He continued that those fees were increased over two years ago, and they still do not have a harbor master and that situations on the harbor have gotten worse.

Mr. Forgione noted that they have a harbor compliance officer who is issuing citations on the harbor, and monitoring livery vessels and processing all livery applications.

Councilmember Ramswell asked how many livery applications have been submitted so far and how many have been approved.

The Land Use Attorney reported that approximately 20 applications have been submitted and about 5 have received a formal approval. The others received temporary authorization to continue operating through the end of May because they have submitted everything staff requested but staff has not completed their review. The city's consultant is still reviewing the parking. She continued that the consultant is taking about two weeks per application, and then it comes back to staff to finalize their review. She also stated that management and staff will be meeting tomorrow to prioritize this issue because it does not seem the process is moving fast enough. They will discuss some ideas to have all the reviews completed by May 31st this year. She added that one of the things she would recommend at tomorrow's meeting is to assign a staff member to work full time with the consultant on this matter at least through the end of May.

Councilmember Ramswell stated that it is a council priority for the city to be as efficient as possible, and that taking so much time to process an application does not seem very efficient.

Councilmember Braden expressed that livery operators have almost 8 months to submit their applications, but most of them wait until the last day to submit their application, some of which were incomplete, and then expect staff to turn it around quickly. He added it is neither staff nor the council's responsibility to gather the necessary information, such as the parking data, to be included in the application.

According to the Land Use Attorney, they have discussed at prior meetings that the city would be very thorough this year. Not as much attention was paid to every detail as they needed to be in prior years, and that some things were not appropriately directed to the business owners. They have advised business owners early on that they want to get things right this year so that starting next year, the application process would be more efficient.

Mr. Forgione noted they have received 19 applications so far this year. Six applications have been approved and 7 others are going through a review process. He explained that the Code Compliance Division reviews the application upon receipt for completeness and then forward them to the other departments for review. The application then goes back to Code Compliance Division for the final approval process. He stated that the quality of submittal is the key, and that applications that do not have all the proper information are returned to the applicants.

The City Manager stated that he expects his directors and supervisors to keep him up to date with the information, as he depends on them to keep him inform so he could make the

appropriate decision. He stated they need to keep the EnerGov/COMPASS System up-to-date and ready with all the right information so that business owners do not have to go through a similar process starting next year. He also stated they plan to meet and have a thorough discussion of this matter tomorrow and come to a resolution.

Councilmember Destin moved for this council to make the livery vessel permitting process a priority, and to increase the City Manager's spending authority to \$30,000 to pay the consultant assisting in the process and have them moving forward; seconded by Councilmember Hebert. Motion passed 5-0 (Council members King, Hebert, Destin, Ramswell, and Braden voted "yes"; Councilmember Schmidt was absent from the meeting).

Councilmember Braden asked how they would handle those applicants who have submitted incomplete applications and are given an extension to resubmit their applications.

According to the Land Use Attorney, a complete application does not mean the information provided met the code. It simply means the applicant provided all the information requested by staff. She also stated that no one who submitted an incomplete application had been given an extension. There were a few that waited until the final week to submit their applications for various reasons and those applications are currently going through the approval process.

B. Councilmember Ramswell

Councilmember Ramswell requested an update on the new Crab Island licensing that will be required.

According to Deputy City Manager Webb Warren, he has learned that the county is staying the course for this year. He will try to obtain more information regarding the new licensing that will be required and report back to council.

Councilmember Ramswell requested an update on the 4 derelict vessels she previously reported to staff.

Mr. Forgione stated that they have been reported to the Florida Fish and Wildlife Commission (FWC) who has taken the lead on the issue. He will report back to council as soon as he receives an update from FWC.

Next, Councilmember Ramswell requests the topic related to maintenance of right-of-way along Commons Drive be placed on the next council meeting agenda and for staff to bring back a report from the county as well as some options for the city going forward.

Councilmember Ramswell asked the City Manager to elaborate further on issues related to Capt. Royal Melvin Heritage Park which he had alluded to earlier in the meeting.

The City Manager explained that he has not been very pleased with the phase this project is moving, and that they have been extremely patient with both the general contractor and the sub-contractor hired to complete most of the site work. He stated there are some key components that have to take place quickly or the project will be shut down until after Labor Day. The major component involved a 12" water main that feeds the western end of Holiday Isle. They need to be able to see some movement on that or he will be forced to make some hard decisions for the best interest of this project.

Councilmember Ramswell asked whether this issue was identified during the preliminary stages of planning.

The City Manager stated that it was identified, and that the minutes he received from staff clearly indicate that it was discussed early in the pre-construction stages of the project. It was also clearly stated that this part of the project has to be completed before they could move on to the other stages of the project.

The City Attorney noted that to protect the city's interest, there are particular procedures they would need to follow to ensure they maintain their federal funding for the project, which is approximately \$1.4 million. There are also ongoing issues that required the involvement of the city's attorneys to make sure they proceed through the proper channels just in case the contractor is unable to finish the work.

Next, Councilmember Ramswell announced that the Destin High School has been blessed during the Week of Blessings last week, and that the community Blessings of the Marketplace took place at the high school. She also announced that Destin High School was the beneficiary of all donations received last week. She thanked everyone for their involvement in the event.

Councilmember Ramswell requests that a follow up be conducted to her previous request. She pointed out that different elements (mineral, metals) that are currently being tested are not the same as those that have been tested in the past. Past findings were so concerning there was actually a moratorium on building slips and any sorts of development along the harbor. She asked staff to search for an answer to the following questions:

- A comparison between what elements were tested back in 1999, what elements were tested in 2009, and what elements are being tested today. What is actually included in the water quality study being conducted periodically?
- What is the difference in terms of the elements? Why those elements tested in the past are no longer being tested?

C. Councilmember Destin

Councilmember Destin announced that the speed bump staff has installed on Calhoun Avenue has been quite effective in slowing traffic at that location. He also stated they need to seriously consider placing a speed bump on either side of the park.

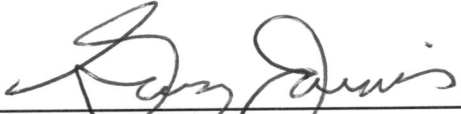
D. Councilmember Hebert

- E. Councilmember King
- F. Councilmember Schmidt
- G. Mayor Gary Jarvis
- H. Land Use Attorney
- I. City Attorney

8. PUBLIC COMMENTS


ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 8:30 PM.



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk

