

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
FEBRUARY 7, 2022
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 Kevin Schmidt (arrived 6:10 pm)

Councilmember Bobby Wagner

Councilmember Johnny King

Councilmember Dewey Destin

Councilmember Jim Bagby

Councilmember Rodney Braden

Councilmember Terésa Hebert

Destin City Staff

City Manager Lance Johnson

City Clerk Rey Bailey

Public Info Manager Catherine Card

Community Dev. Director Louis Zunguze

Parks & Recreation Director Lisa Firth (virtual)

Grants/Project Manager Jeffrey Cozadd

Public Works Director Michael Burgess

Land Use Attorney Kim Kopp

Deputy City Manager Webb Warren

Code Compliance Director Joey Forgione

Finance Director Krystal Strickland (virtual)

Senior Planner Daniel Butler

Engineering Assistant II Joe Bodi

Building Official Noelle Bell

Principal Planner Steve O'Connor

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 of Destin gave the invocation, followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

The mayor requests agenda item 6H(1) – *Aqua Alert*, be moved up to item #1 on the agenda.

Motion by Councilmember Destin, seconded by Councilmember Braden, to approve the agenda, as amended, passed 6-0 (Council members King, Hebert, Bagby, Destin, Wagner and Braden voted “yes”; Councilmember Schmidt was not present during the voting).

1. PROCLAMATIONS / RECOGNITIONS / SPECIAL / PUBLIC PRESENTATIONS / ANNOUNCEMENTS

A. Aqua Alert Program

Mayor Jarvis asked Ms. Judy Schink to come forward and share her experience and vision regarding the Aqua Alert Program.

Ms. Judy Schink, resident of Aurora, Minnesota, spoke of her husband, David Schink, who went missing in the Gulf of Mexico in February 2021. He was kayaking in waters near Norriego Point in Destin when he disappeared. After three days and more than 9,000 square nautical miles search by the US Coast Guard, Florida Fish and Wildlife Conservation Commission (FWCC), and the Sheriff's Department, Mr. Schink was never found. She stated that after grieving and mourning their loss, her family wanted to make sure it never happened to anyone else. They tried to figure ways to improve the situation and get more "eyes" on the water during this time of emergency. This was the first thought to develop the Aqua Alert Program. It is similar to Amber Alert except it would involve boaters volunteering to go out to the sites when the authorities deems that it is needed. This is an idea which has gain support from the U.S. Coast Guard, FWCC, the Sheriff's Department, and the Mayor of Destin. She stated they have been laying the groundwork to make it into a reality. To develop it here in Destin so that registered boat owners would be able to sign up through Everbridge Notification Company who would perform the installation and set up free of charge. She added that the program would be county-wide to start. Once a 911 call is deemed to be a search and rescue, law enforcement agencies would be able to issue an Aqua Alert to cell phones in the area telling boaters they need more eyes on the water.

Senior Chief Corey Palmer with the US Coast Guard Station in Destin and Captain Keith Clark of FWCC for Northwest Florida, shared their perceptions from their agencies and expressed their support of the City of Destin's Aqua Alert Program.

2. PUBLIC COMMENTS

Ms. Lisa Rockwell, a Destin resident, stated that she, along with many other citizens, are concerned about the residential development currently planned around the Destin Airport property. The Noise Exposure Map identifies several homes at the northeast corner of the airport that are located in the noise zones which have been recommended to be bought back by the local government. Noise zones C or B are considered incompatible for residential development even with the noise mitigation that must be installed.

At this time, the mayor announced there is a quasi-judicial hearing scheduled on this subject at the next council meeting on February 22, 2022, and that it may not be appropriate to have discussions on it now.

The Land Use Attorney advises that comments on this subject be reserved for the quasi-judicial proceeding on February 22nd council meeting when the applicant is present; adding that it is part of a due process for the applicant. The public can also submit anything they want in writing to the council.

The City Attorney added that the quasi-judicial hearing involves a particular piece of property. The public may make a generalized comment on the issue if they wish but not about the specific piece of property involved in the quasi-judicial hearing as there could be potential property rights issue depending on the nature of the comments.

Councilmember Bagby stated that the speaker should be able to address general airport encroachment, the noise zones in the airport, and what steps she feels this council ought to take to alleviate the noise issue.

Councilmember Destin stated he would prefer to err on the side of caution and asked if the speaker could come back at the next meeting and speak on the subject.

According to Ms. Rockwell, she was already planning to talk specifically about the proposed development on February 22nd council meeting. Tonight, she only intends to provide generic information about airport encroachment to the council.

There was a general consensus of the council to allow the speaker to resume her comments as long as it does not pertain to the specific piece of property involved in the quasi-judicial hearing.

Ms. Rockwell continued there are several issues involved in this case. There are aviation easements allowed for development around airports. However, aviation easement only addresses physical issues such as building heights and antennas. Aviation easement does not address the noise issue whatsoever. The instrument that deals with airport noise is the airport disclosure statement, which warns potential homeowners of aircraft activity in the area and their proximity to an airport. The reality of airport disclosure statements can be summed up by the following statement from the senior executive at the aviation administration when he states that, *"I can testify that the best way to cripple an airport is to allow residential development to encroach. When that happens, noise disclosure documents are a flimsy attempt to rectify an obvious mistake and they fail the test of time. Sooner or later, the affected residents grow weary of the noise and pressure the airport to do something, and airport restriction are put into effect. This cycle has been proven time and time again for decades round our nation, specifically since it was addressed by our federal government in 1979. Yet, in Naples, Florida, currently residential development is as close as 1,000 feet to the active runway. Residents are dealing with immense noise issues and severely restricted operations. Torrence, California is as close as 700 feet and they are dealing with the same thing. The most egregious right now is Santa Monica, California which is 400 feet from the active runway for residential development. Due to decade of problems with noise, the airport is scheduled for official closure this decade. Even closer than the development at Santa Monica is the edge of the Destin Airport boundary which is 300 feet from the runway. There is currently planned residential development in that area. The Destin Airport brings in over \$144 million annually to the Destin economy. It is not a resource they would want to threaten or potentially lose."* She further stated that statistics show there were over 11,000 aircraft operations in July 2021 alone, which equates to 370 aircraft operations per day. Most of the homeowners who want to buy homes near the airport are not prepared to deal with what they are actually getting into no matter how much warning they are given. Federal, state, and county governments warn against it dramatically, but they cannot stop it since they do not own the land. This council is the only authority in this matter.

Councilmember Braden asked why someone other than a representative from the airport is addressing this issue with the council.

According to Ms. Rockwell, she has copies of emails from the airport director at the beginning stating that they strongly oppose the development; and then a few days later, there was

another email stating they fully support it. She is not sure of the reason for a change in sentiment toward this situation.

Ms. Maya Shulders, a Destin resident and livery operator, stated that she watched the video recording of the previous council meeting and that the tone at that meeting was not very positive with regards to the livery vessel industry. She stated that the council sets the livery vessel registration deadlines, and that livery operators are given until February 28th to register. However, the city started sending letters that contain a negative tone to their landlord on January 20th, several weeks prior to the deadline. She stated that the letter was unnecessary. The city had imposed a deadline for registration which is the date they are following. She added they want the city to treat them the way they treat the other businesses in the city.

According to Councilmember Braden, there are livery operators dealing with big issues such as parking, and they wait until the last minute to submit their applications. They know it is not going to be approved and yet they expect the city to work with them to remedy the situation.

Ms. Shulders reasoned that city staff has supposedly streamlined the application process and so it should be a lot simpler this time and the city already has most of the information in the system. If they were approved last year, they should be approved this year because of the Affidavit of No Change.

Mr. John Stephens, a Destin resident and business owner, addressed the proposed Aqua Alert Program. He recommends adding the option for business owners with vessels in the water to receive the warning during the COMPASS registration process; adding it would be a way to target more people.

Ms. Joy Sadler, a Destin resident, expressed her gratitude to the city for placing stop signs on Main and Kelly Streets, as well as on Sibert and Forrest Streets. They have helped a lot in slowing down traffic. She also recommends placing stop signs going both north and south on Calhoun Avenue at the corner of Kelly Street to make it easier for someone on Kelly Street to turn south on Calhoun Avenue.

3. CONSENT AGENDA

- A. Destin Fire District-Beach Safety Contract 2022
- B. Approval of minutes of January 18, 2022 Regular City Council Meeting
- C. Committee and Board meeting Draft Minutes

Councilmember Hebert moved for approval of Consent Agenda items 3A thru 3C, as printed above, seconded by Councilmember Braden. Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner and Braden voted "yes").

4. CITY MANAGER REPORTS

- A. Quarterly Investment Report

Mr. Brian Haugen and Mr. Steve Cann of Raymond James approached the podium and informed the council they are ready to respond to questions regarding the Quarterly Investment Report provided to the council.

Councilmember Wagner inquired as to the ultimate goal for this investment or how the money will be spent.

Mr. Haugen stated that the money is earmarked for different things; but a large portion of it is for emergency reserves. There is money earmarked for the different projects in the city's strategic plan for the next several years, and that they are making sure funds are available.

Finance Director Krystal Strickland noted that the overall goal of the city's investment policy is to ensure the cash they have on hand keeps up with inflation.

B. Median Maintenance Contract, contract renewal, seeking Council direction

The City Manager noted that during the Fiscal Year 2022 continuing services contract renewal period, Council approved a motion that the median maintenance contract with ZIIC be extended for six months. That six-month period will expire at the end of March 2022. He requests authorization to execute a contract extension with ZIIC from April 1, 2022 to September 30, 2022.

Councilmember Bagby moved to authorize the City Manager to execute a contract extension with ZIIC from April 1, 2022, to September 30, 2022; seconded by Councilmember Hebert.

Councilmember Bagby noted there was an alternate motion to advertise a Request for Proposals for Median Maintenance and bring back a recommendation to council. He asked why they could not do both at this time, and whether it is staff's intention to request for another extension after September 30, 2022.

Public Works Director Michael Burgess explained that the initial 6-month extension provided to the vendor was the first of four possible extensions. If the staff and council are pleased with the level of service that they are receiving from ZIIC, the council will have the option to continue to use their services. He also stated they are in constant communications with ZIIC and are pleased with the level of service they receive as noted in the staff report and are recommending a 6-month extension at this time.

Councilmember Wagner asked whether FDOT is changing the median landscaping.

According to Mr. Burgess, FDOT's median beautification project is scheduled to begin next week. The contractor Executive Landscaping will control the median in the project area from the Marler Bridge to Airport Road, and so ZIIC will not be performing that service in that area while the project is underway.

Councilmember Schmidt asked whether the city will be charged during the period ZIIC is not performing the services.

Mr. Burgess stated that the city will not be charged for any service they did not receive.

Councilmember Schmidt stated he always had problems with landscaping companies in general. A lot of times the level of service they provide starts out great and then it goes down after a short period of time. For instance, if they drive down Main Street, the first thing they will notice is the median that looks very unattractive even though the contractor is out there every single week. He recommends having a proactive approach with their median maintenance services and not allow the level of service to fall by the wayside.

Mr. Burgess noted that the contractor performs general landscaping services – i.e., mowing, edging, weed control, tree trimming, etc. Under the new contract they will also provide irrigation inspection on a monthly basis. They are in constant contact with staff concerning any kind of deficiencies they find out in the field.

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

C. Livery Vessel Update

Code Compliance Director Joey Forgione provided the following update on livery vessel registration status:

19 livery companies

- 6 livery companies approved
- 4 livery companies uploaded documents and are in review
- 7 livery companies have not uploaded all of the required documentation
- 1 livery company cannot operate until completion of development order and is approved
- Approximate number of vessels – 480
 - 297 vessels have been registered

Councilmember Hebert commented that sending notification letters to landlords before the due date for the application are prompting property owners to think they have derelict tenants.

Mr. Forgione explained that by Florida Statutes, property owners are served with any notice of violations, which is why notification letters are being sent to property owners.

The Land Use Attorney clarified that Code Compliance staff is not sending out notices of violation at this time. They are merely sending out courtesy reminder letters to the livery vessel community that the registration deadline is approaching. The letters are intended to be helpful. The reason for the notification letter is that if they do get to the stage of the violation when somebody is not in compliance after the deadline date, the property owners are the ones that will be served with the notice of violation.

The mayor stated that these notices are just general reminders that the deadline is approaching, and that the letter contains the word “please” several times. City staff is just trying to be nice and informative.

Councilmember Bagby suggests the subject line, or the body of the letter clearly indicates it is a courtesy letter.

Councilmember Schmidt stated there is nothing wrong with city staff sending the letters out. Renewal reminders are merely common courtesies across a lot of businesses and industries. City staff is taking a proactive approach by explaining what is going to happen if a business fails to comply by the established deadline to avoid any confusion. Businesses have every right to wait until the very last day to register.

Councilmember Schmidt moved to direct the City Manager to direct staff to follow the Code Compliance 2022 Livery Vessel Registration Enforcement Plan as written, seconded by Councilmember Hebert. Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner and Braden voted “yes”).

D. Cross Town Connector 60% Plan Update

The City’s Engineering Assistant II Joe Bodi provided the following historical timeline and milestones on the Destin Cross Town Connector project:

- October 2014: Signed original contract with Atkins
- August 2015: 30% set of plans – several workshops on alternate Intersection designs
- March 2016: 60% set of plans – starting land acquisition process
- May 2017: 90% set of plans – working on TRIP grant and land acquisition
- July 2019: PD&E ready for city signature, original contract with Atkins stopped. City Council voted to redesign two-lane Roadway and revised PD&E Study
- May 2020: Re-engage Atkins for quote to redesign two-lane roadway and revised PD&E Study
- August 2020: Current contract with Atkins
- November 2020: 30% of plans
- January 2021: 60% set of plans city council directed redesign to reduce Right-of-way by removing bike lanes and add multi-use trails outside of roadway right-of-way

- January 2022: 60% set of plans redesigned to meet city council directive

Next, Mr. James Park of Atkins Engineering gave the following presentation:

Current Project Status:

- 60% plans submitted on December 2022
 - ❖ Plans currently under city review
- NFWFMD permit application ongoing
- At the June 7th and July 19th meeting, council directed the City Manager to utilize the following design elements to modify the typical section:
 - ❖ 12' median
 - ❖ 40' right-of-way
 - ❖ Relocating the 5' bike lanes
 - ❖ Center median may only have small trees or shrubs similar in nature to Crape Myrtles
 - ❖ The multi-use path and bike lanes will not be part of the street right-of-way but will meander through the park

Design Progression and Notable Changes:

- Removed bike lanes from the Destin Cross Town Connector roadway
 - ❖ Typical section updates
 - ❖ Roadway geometry updates
- Meandering shared use path added along DCTC and pond 2
 - ❖ Drainage and landscaping updates
- Landscaping within median and throughout corridor
 - ❖ Small shrubs/trees within median area
 - ❖ Screening trees and canopy trees along shared use path and around pond
- 3D model and proposed cross sections developed
- Grading plan updated to accommodate shared use path along pond 2
- Maintenance of traffic plans developed
- Turnaround added at the end of Sandalwood Drive

Upcoming Tasks and Milestones:

- Progress to 90% design documents
 - ❖ Update plans based on city comments
 - ❖ Finalize design elements from 60% plans
 - ❖ Develop quantities and construction cost estimate
 - ❖ Upcoming Project Milestones
 - Public Hearing February 2022
 - Reevaluation submittal April 1, 2022
 - 90% Plans Submittal April 12, 2022
 - Permit to NFWFMD June 10, 2022
 - 100% Plans Submittal July 22, 2022

Councilmember Destin inquired as to the size of the pond at the Old Campground parcel, which has been designated to be a public park area, and whether the pond is suitable as a fishing pond.

Mr. Park stated that he does not know the exact size of the pond, but the ponds are designed as dry retention ponds based on ground and roadway elevation; adding that the water table is significantly low. To have any water features or fishing ponds, the logistics to dig deep enough to get standing water is not feasible.

Councilmember Destin stated this is one feature he may not be able to support as it looks like it is taking up a large portion of the property; adding there should be other ways to store the stormwater runoff.

Councilmember Destin also noted there have been several discussions about the round-about on Beach and Legion Drives and how it would affect traffic flow. Absence of some solid ways they could calm and slow down traffic, he would not be in support of a round-a-bout at that location. He would like to see some other recommendations for traffic calming measures at that location and throughout the entire corridor to avoid creating a raceway through town.

Councilmember Schmidt asked how the milestone timeline with Atkins correlate with the funding for property acquisitions.

According to Grants/Project Manager Jeff Cozadd, they currently have funding set aside this state fiscal year for property acquisition, but because of the way property values are increasing, they may need next state fiscal year's funding as well to be able to acquire all the properties.

Councilmember Wagner commented that digging deeper and reducing the left side of pond 2 could allow them to get more volume and more green space on that side.

Councilmember Bagby noted that the plan did not show the far western end of the pond. He does not believe they own the townhomes on Anna Street, and if that is the case, then the big open space on the north side is not nearly as big as they expect.

Councilmember Schmidt moved to direct the City Manager to continue the design of the Destin Cross Town Connector as presented, and to proceed with property acquisitions as much as possible. Councilmember Hebert provided a second to the motion.

The City Manager stated that a lot of recreation areas serve a dual purpose; adding that having a recreation area that doubles as retention areas when high water comes is not that unusual in parks.

Councilmember Destin requests the project engineer brings back a more detailed architectural rendering that gives a 3-dimensional vision of the Old Campground parcel so the council can evaluate the retention pond issue and its effect on the property and determine how to facilitate the recreational use of that property; and to bring back some recommendations for traffic calming features for the entire corridor. He added he would either offer a substitute motion, or he would support the motion on the floor if the motion maker would add this portion.

Councilmember Schmidt offered an amended motion to direct the City Manager to continue the design of the Destin Cross Town Connector as presented; to proceed with property acquisitions as much as possible; for the project engineer to bring back a more detailed architectural rendering that gives a 3 dimensional vision of the Old Campground parcel so the council can evaluate the retention pond issue and its effect on the property, and determine how to facilitate the recreational use of that property; and to bring back some recommendations for traffic calming features for the entire corridor. Councilmember Hebert provided a second to the amended motion. Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner and Braden voted "yes").

E. Resolution for State Oversight of Condo Maintenance

The City Manager noted that the council previously directed staff to bring back a resolution addressed to the State Legislature requesting they strengthen the state's oversight of condominium maintenance by raising the threshold for owners to waive raising the necessary money to protect their investment.

Councilmember Bagby moved to approve Resolution 22-03 and direct the City Clerk to forward copies of the resolution to Governor DeSantis, the State Legislature including Representative Maney and Senator Gainer, and Casey Cook at the Florida League of Cities. Councilmember Braden provided a second to the motion, which passes 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner and Braden voted "yes").

F. Announcements:

- City of Destin Craft Show to be held on Friday, February 11th, and Saturday, February 12th, from 9:00 AM to 3:00 PM, at the Destin Community Center
- City facilities will be closed on Monday, February 21st for the President's Day Holiday. The next City Council meeting and the Mayor's State of the City will be held on Tuesday, February 22nd.
- The PD&E for US Hwy 98, between Airport Road and Calhoun Avenue is underway. The city has posted a flyer provided by FDOT on the website. The flyer gives the timeline and mission objectives of the project. The FDOT will be asking the city for ideas on how to improve the intersections, especially the Stahlman Avenue/US Hwy 98 intersection.

5. PUBLIC HEARINGS

A. First reading of Ordinance 22-01-CN - Temporary Moratorium on Construction of Docking Facilities

The City Attorney read Ordinance 22-01-CN by title, and then presented it to the council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO CONSTRUCTION OF DOCKING FACILITIES; ESTABLISHING A TEMPORARY MORATORIUM ON

CONSTRUCTION OF NEW DOCKING FACILITIES THAT WERE NOT APPROVED AS OF THE TIME OF ENACTMENT OF SUCH TEMPORARY MORATORIUM; EXEMPTING EXISTING AND PREVIOUSLY APPROVED DOCKING FACILITIES; PROVIDING FOR FINDINGS OF FACT; DIRECTING STAFF TO DEVELOP RECOMMENDATIONS FOR REGULATION OF NEW DOCKING FACILITIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXPIRATION OF MORATORIUM; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

Councilmember Schmidt moved for approval of proposed Ordinance 22-01-CN on first reading, seconded by Councilmember King.

Councilmember Hebert asked why this temporary moratorium on construction of docking facilities is necessary.

Councilmember Schmidt noted he made the motion to direct staff to prepare this ordinance during the meeting when they were discussing the marina development. He felt no one should be constructing any new docking facilities until after completion of the Harbor Capacity Study.

Motion failed 3-4 (Council members Schmidt, King and Braden voted “yes”; Council members Hebert, Bagby, Destin, and Wagner voted “no”).

B. First reading of Ordinance 22-04-CN - Reduction of Speed Limit on Airport Road, 98 Palms Blvd, and Azalea Drive

The City Attorney read Ordinance 22-04-CN by title, and then presented it to the council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA; PROVIDING FOR THE REDUCTION OF THE SPEED LIMIT ON THE ENTIRETY OF AIRPORT ROAD FROM ITS INTERSECTION WITH US HIGHWAY 98 TO ITS INTERSECTION WITH MAIN STREET, A DISTANCE OF 8500+/- FEET; PROVIDING FOR THE REDUCTION OF THE SPEED LIMIT ON THE ENTIRETY OF 98 PALMS BOULEVARD FROM ITS INTERSECTION WITH MAIN STREET TO ITS TERMINATION AT A PRIVATE ROAD SERVICING A SHOPPING COMPLEX, A DISTANCE OF 1200+/- FEET; PROVIDING FOR THE REDUCTION OF THE SPEED LIMIT ON THE ENTIRETY OF AZALEA DRIVE FROM ITS INTERSECTION WITH STAHLMAN AVENUE TO ITS INTERSECTION WITH BENNING DRIVE, A DISTANCE OF 3700+/- FEET; PROVIDING FOR AUTHORITY; PROVIDING FOR PENALTIES; 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.

Councilmember Braden stated that he does not see the logic behind reducing the speed on Airport Road to 30 mph.

The mayor stated that the rationale behind it was safety. Most drivers usually go 10 miles above the speed limit thinking they will not receive a citation for doing so. They have approved low speed vehicles, that could only go about 27 mph, to be driven on Airport Road.

Councilmember Hebert moved for approval of proposed Ordinance 22-04-CN on first reading; seconded by Councilmember Bagby. Motion passed 5-2 (Council members Schmidt, King, Hebert, Bagby, and Destin voted “yes”; Council members Wagner and Braden voted “no”).

- C. Proposed Conditional Use 21-33-CU – Legacy Townhomes at 98 Palms. The Applicant is requesting consideration of Conditional Use 21-33-CU, for a Major Development Order and a Major Subdivision (City of Destin project number 21-25-SP and 21-26-MS). This project includes the subdivision and the construction of a ±66-unit Town-home complex, along with the required site infrastructure to be located at Parcel ID(s) 00-2S-22-0098-0000-001A, 00-2S-22-6401-0000-0040, and 00-2S-22-0000-0013-0000.

The City Attorney sworn in the following individual for testimony:

- Louis Zunguze – Community Development Director
- Joe Bodi – Engineering Assistant II
- Steve O’Connor – Principal Planner
- Daniel Butler – Senior Planner

The City Attorney asked whether the mayor and any members of the council have had any ex-parte communications on this matter.

- Mayor Jarvis – none
- Councilmember Schmidt – none
- Councilmember King – none
- Councilmember Hebert – none
- Councilmember Bagby – none
- Councilmember Wagner – none
- Councilmember Braden – none
- Councilmember Destin – Has had a conversation with a citizen complaining about having too many townhomes in the City of Destin. He stated this will not affect his ability to look at this issue in a fair manner.

The Land Use Attorney requested that the entire staff report as well as all the exhibits for this item be admitted into the record as the City’s Composite Exhibit A.

The City Attorney asked the attorney representing the applicant if he has any objections to the entire staff report and all the exhibits being admitted into the record. No objections.

Senior Planner Daniel Butler presented the item. He stated that the applicant is requesting a Conditional Use approval for a 66-unit townhome complex to be located along Palm Street and 98 Palms Boulevard. The existing site is 5.59 acres. The proposed site is in the Town Center Mixed Use (TCMU) Zoning District. The proposed use of multi-family is in line with the intent

of the TCMU zoning district. The proposed use has been reviewed and analyzed based on the Future Land Use Element of the Comprehensive Plan and criteria for conditional uses outlined in the Land Development Code. As proposed, the project meets the land development standards and regulations outlined in the Land Development Code and the policies and objectives of the Comprehensive Plan.

Councilmember Hebert asked whether there will be a traffic study to be conducted to determine how this 66-unit townhomes will impact the already congested roads.

The Land Use Attorney clarified this is only for Conditional Use approval. Assuming the council approves the Conditional Use tonight, there will be a Major Development Order which would include much more detailed information about the proposed project that will come back before the council for approval. She also stated the applicant will be required to do a traffic study.

Mr. Butler stated that there is a city ordinance that requires a traffic study be conducted, and that they are analyzed based on peak hour trips.

Councilmember Schmidt indicates that section 1 of the staff report states, "there are no anticipated off-site impacts." He asked for clarifications regarding that statement.

Mr. Butler explained that "off-site impacts" relate to such things as noise, lighting, and pollution. For instance, a car repair shop may give up noise and pollution from exhaust fumes.

Councilmember Braden noted that FDOT has given US Hwy 98 an "F" rating, and that if they 4-lane Airport Road, Legion Drive and Azalea Drive, they would also receive an "F" rating. He stated they need to start worrying about traffic and road infrastructure and start limiting new developments.

Mr. Zunguze explained that from the overall development standpoint, they have certain areas in the city designated for certain development intensities. This area being in the Town Center requires a certain level of density. If they look through the policies in the Comprehensive Plan, this is the area with the highest densities in the city. There is a requirement among these policies to provide as much support and services to that area to minimize the amount of trouble people have to go through to do such things as grocery shopping and the like. The city is only 7 square miles long, and they must try to manage the density and development that they have the best they can. Part of what they will be discussing will be the new code and the planning areas. They will try to have a robust discussion as to which direction they are headed and re-calibrate their land use regulation accordingly.

Councilmember Destin asked for the exact definition of mixed-use.

Mr. Butler explained that in land use and transit planning generally refer to different compatible land uses located within a single structure or in proximity to each other.

Councilmember Destin stated that since this is a conditional use, the condition should be for the applicant to be able to address how this project would impact traffic and the infrastructure needs in the city.

Councilmember Bagby would like staff to conduct a thorough review of the landscaping and drainage plans before this project comes back as a development order. He stated that when they put the Live Oaks and Pine Trees on the two drainage retention ponds, it would only take two seasons for them to fill up and stop serving as retention ponds. He added there ought to be some agreement they would maintain those at the depth constructed and approved in the plan.

The Land Use Attorney announced that prior to tonight's meeting, she met with the applicant's attorney, Stephen Tatum, from Matthews & Jones, about traffic concern, and that he had agreed to put in a condition on the conditional use that traffic concerns will be addressed in the development order application when it goes before this council. She then asked whether Mr. Tatum would agree to Councilmember Bagby's request regarding the stormwater drainage issue.

Mr. Tatum stated they have no problem with Councilmember Bagby's request with regards to the retention ponds. They would welcome any kind of conditions that states they must abide by the city's stormwater standards. There should be conditions in the Covenants, Conditions and Restrictions (CC&R) that maintenance of the pond will be the responsibility of the homeowner's association; adding that this issue should be addressed by the time they come back to the council with the development order.

Mr. Tatum also pointed out that the proposed site plan for the 66 town home units is 12 dwelling units per acre, and the allowed density at TCMU is 24, and so they are a lot less than the maximum allowable density. He continued that a traffic study has already been performed and submitted. The PM peak hour time frame shows there will be 41 trips. The traffic engineer who performed the study believes most people would travel through the shopping center by the MacDonald Restaurant instead of the intersection. The trip generation showed 7 trips east bound from the Marler Bridge that would turn left onto Palm Drive, and 3 trips that would be trying to turn left out of Palm Drive, heading back east of US Hwy 98 during the PM peak hours.

Mr. Tatum also explained the thought process behind the changes that happened several years ago making apartments conditional uses. He stated that apartments become a conditional use so they could try to regulate and control them. The mixed-use townhome development provides the ability for individual home ownership. Individual townhome lot would be plotted, sold, and owned fee simple by individuals. The price would be lower than an average single-family home on a quarter acre of land in the city because the cost for construction would be lower.

The mayor opened a public hearing to receive comments for or against the proposed development.

Ms. Jeannie Hopkins, a Destin resident, asked whether the town homes will be permanent residence only or if they will be allowed to be used as short-term rental properties.

According to the Land Use Attorney, that option is currently not being pursued and so short-term rental is not allowed at this time. If something changes before the development order is written, the development order that will be presented to council for approval will address whether short-term rental will be allowed.

Mr. Todd Buhr, a Destin resident, noted that short-term rental is a conditional use in the TCMU zoning area, and that the applicant would have to apply for another conditional use. He urged the council to state it clearly as a condition for development approval that these town homes are strictly for single-family residential use and will not be used as short-term rental properties; and that it be memorialized in the ordinance to make it harder to change. This will also be in line with the city's prioritized customer groups of year-round residents as number one, Destin-based businesses as number two, and visitors as number three.

Having no further comments from the public, the mayor closed the public hearing portion of the proceeding and turned the matter over to the city council for their discussion and consideration.

Councilmember Bagby moved for approval of proposed Conditional Use 21-33-CU, which approval will be subject to additional applications for a Major Development Order, Major Subdivision, and all applicable city and state permits. Development Order conditions will include no short-term rentals will be allowed on the property, and that traffic issues will be addressed. Councilmember King provided a second to the motion. Motion passed 6-1 (Council members Schmidt, King, Hebert, Bagby, Destin, and Wagner voted "yes"; Councilmember Braden voted "no").

- D. First reading of Ordinance 22-02-PC - Amending Comprehensive Plan: 2020; Amending Chapter 1 - Future Land Use Element; establishing the following Planning Areas within the City of Destin: Airport, Crystal Beach, Gulf Resort, Harbor, Henderson Beach, Holiday Isle, Town Center Commons, and Objectives relating to such Planning Areas.

The city attorney read Ordinance 22-02-PC by title, and then presented it to the city council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING ITS COMPREHENSIVE PLAN: 2020; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR TITLE; PROVIDING FOR JURISDICTION; PROVIDING FOR INTENT; AMENDING CHAPTER 1 - FUTURE LAND USE ELEMENT; ESTABLISHING THE FOLLOWING PLANNING AREAS WITHIN THE CITY OF DESTIN: AIRPORT, CRYSTAL BEACH, GULF RESORT, HARBOR, HENDERSON BEACH, HOLIDAY ISLE, TOWN CENTER COMMONS, AND VILLAGE PLANNING AREAS, AS GENERALLY DEPICTED ON THE MAP ATTACHED HERETO AS EXHIBIT A; PROVIDING FOR GOALS, POLICIES AND OBJECTIVES RELATING TO SUCH PLANNING AREAS; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the mayor closed the public hearing portion of the proceeding and turned the matter over to the city council for their discussion and consideration.

Councilmember Hebert moved to approve, with modifications, the proposed Planning Areas for incorporation into the Comprehensive Plan and Future Land Use Map; seconded by Councilmember Destin.

Modifications to Ordinance 22-02-PC:

Page 4: The Crystal Beach Planning Area: Change the first sentence to read, "*The Crystal Beach Planning Area, as the Eastern gateway to the city, is intended to highlight all that Destin has to offer, from the quality commercial corridor along Hwy 98, through the family-friendly vacation destination and single-family neighborhoods, to the White Sand Beaches of Crystal Beach.*"

Page 4: The Crystal Beach Planning Area: Change second sentence to read, "*In recent years, the increase in investor-owned short-term rentals within Crystal Beach has presented new challenges for the City of Destin to manage.*"

Page 4: The Harbor Planning Area: Remove the term "festive" from this planning area as recommended by both Local Planning Agency and Parks and Recreation Committee.

Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted "yes").

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

A. Councilmember Braden

B. Councilmember Wagner

1. Environmental Committee

Councilmember Wagner moved for the council to authorize him to schedule a workshop with staff and other pertinent entities to discuss the revitalization of the Environmental Committee to include changing its name and its mission/charter into something along the line of future proofing their ecosystem, and to include the possibility of incorporating this committee with an existing committee, and then bringing back a recommendation to council passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voting "yes").

C. Councilmember Destin

Motion by Councilmember Destin, seconded by Councilmember Bagby, to direct the mayor to work with city staff in moving forward with the Aqua Alert program and bringing it into fruition passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voting "yes").

D. Councilmember Bagby

E. Councilmember Hebert

F. Councilmember King

G. Councilmember Schmidt

1. Livery Vessel Application Process

Item discussed earlier in the meeting.

2. Eastbound Legion/Main Intersection

Councilmember Schmidt requests city staff reevaluates the turning movements from east bound travel lanes on Legion Drive to Main Street and Airport Road and present some options for improving that intersection to council in preparation for the Destin crosstown connector project.

H. Mayor Jarvis

1. Aqua Alert Program

Item discussed earlier in the meeting.

I. Land Use Attorney

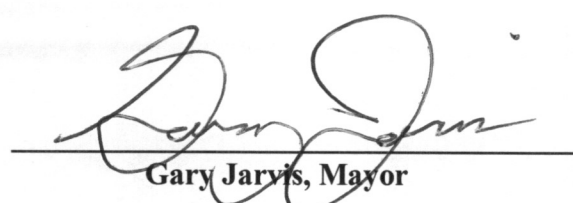
J. City Attorney

7. PUBLIC COMMENTS

Having no further business at this time, the meeting was adjourned at 10:00 PM.

ATTEST:


Rey Bailey, City Clerk


Gary Jarvis, Mayor