MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
JUNE 18, 2018
CITY HALL ANNEX COUNCIL CHAMBERS
6:00 PM

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

Destin City Council
Mayor Gary Jarvis
Councilmember Chatham Morgan
Councilmember Parker Destin
Councilmember Cyron Marler
Councilmember Tuffy Dixon
Councilmember Rodney Braden
Councilmember Prebble Ramswell
Councilmember Skip Overdier

Destin City Staff
City Manager Carisse LeJeune
Deputy City Manager Steve Schmidt
Parks & Recreation Director Lance Johnson
Land Use Attorney Kimberly Kopp
City Attorney Jeffrey Burns
City Clerk Rey Bailey
IT Manager Webb Warren
Finance Director Bragg Farmer
Public Information Manager Doug Rainer

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

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

AGENDA APPROVAL (*Matters not specifically listed on the agenda may be added and acted upon with a super-majority vote of the Council members present and eligible to vote on the matter*)

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

1. **APPROVAL OF MINUTES**
   A) Approval of minutes of May 17, 2018 city council workshop

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

2. **PROCLAMATIONS / RECOGNITIONS / **SPECIAL PRESENTATIONS / ANNOUNCEMENTS** (No public comments)
   A. Pointe Resort Marina – Net Positive Public Benefit – Mr. Matt Trammell, Taylor Engineering, Inc.

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

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

4. **CITY MANAGER REPORTS**

5. **PUBLIC HEARINGS**

A. First reading of Ordinance 18-06-LC, an ordinance of the City of Destin, relating to the establishment of the Technical Review Committee (TRC)

The City Attorney read proposed Ordinance 18-06-LC by title, and then presented it to the Council on first reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO ESTABLISHING THE TECHNICAL REVIEW COMMITTEE (TRC) TO STREAMLINE THE PROCESS OF DEVELOPMENT REVIEW; PROVIDING FOR AMENDMENT TO ARTICLE 2 – ADMINISTRATION REVISING THE DEVELOPMENT REVIEW PROCESS; PROVIDING FOR AMENDMENTS TO ARTICLE 3 – DEFINITIONS, YARD; PROVIDING FOR AMENDMENT TO ARTICLE 5 – GENERAL PROVISIONS; PROVIDING MODIFICATION TO ARTICLE 6 – CONCURRENCY MANAGEMENT SYSTEM; PROVIDING FOR AMENDMENT TO ARTICLE 20 – BUILDING REGULATIONS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor 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 discussion and consideration.

Councilmember Dixon moved to approve proposed Ordinance 18-06-LC on first reading and direct staff to schedule for second reading; seconded by Councilmember Ramswell.

Councilmember Destin expressed concern over the makeup of the language within the proposed amendment to the Land Development Code (LDC). He stated that having a Technical Review Committee is a good idea; however, he has some reservations with the current makeup of the committee. He wants to make sure it is a body that reflects the interest of the Council, and that the Council has the final approval with regards to membership. He also stated it may be a dereliction of duty to allow a private company like the Destin Water Users (DWU) to sit on this committee. There may be a conflict of interest as DWU would always vote for approval of development because they have to have more meters. He continued that the City's Land Use Attorney should sit on the committee. This committee would be making land use decisions for minor development and they should at least have the Land Use Attorney's presence to review and vote on the development.

Councilmember Dixon noted that DWU is the only water and sewer provider for the City. He does not believed they are there to decide what would be allowed to be built, but to determine such things as water pressure, hydrant system and lift station requirement or other water related matters. He also stated that the Technical Review Committee is in an advisory capacity.

Councilmember Destin maintains that DWU should be present to discuss and advise, but not to vote on the development. He continued that the Technical Review Committee makes the final decision on minor development, not the Council; adding that 25,000 square feet is the current threshold for minor development. He suggests they consider reducing the current threshold.

The City Manager explained that the outside agencies involved in the Technical Review Committee have no part in approving or disapproving the site plan. They review and comment on the plan on whether or not they agree with the capacity that is being included in the plan or if there is anything technical that needs to be added to the site plan based upon the product they deliver. She also stated she personally asks the City's Land Use Attorney to attend meetings where there are complex projects that deal with land use or zoning issues. She added she is not aware of any State municipality that has a Land Use Attorney on their Technical Review Committee.

The City Manager showed some examples of what a 25,000 square foot structure looks like. She stated that currently anything below a 25,000 square foot structure does not require Council's approval. The Council could reduce the threshold to as much as 10,000 square feet (i.e., a McDonald or Wendy's restaurant); but, anything below 10,000 square feet the Council would be having to approve everything that was built in the City, which would bring the site plan review process to a screeching halt.

The City Attorney noted there is some language in the ordinance that is not quite clear and makes it seems the Technical Review Committee is approving the overall site plan. He suggests a more detailed specification of the role of the Technical Review Committee members. He also believes the Land Use Attorney should have some role with the committee such as advising the members of the committee.

Councilmember Overdier stated it was his understanding the purpose of the Technical Review Committee was to get everybody at the table at the same time to speed up the development process. He also agrees with reducing the 25,000 square foot threshold.

Councilmember Ramswell stated she is also in favor of reducing the 25,000 square foot threshold to at least 10,000 square feet.

The Mayor called for a vote on the current motion on the floor, which failed 2-5 (Council members Marler and Dixon voted "yes"; Council members Morgan, Destin, Overdier, Ramswell and Braden voted "no").

Councilmember Destin moved to continue this item to the July 16, 2018 city council meeting and instruct the Land Use Attorney and the City Attorney to work with the City Manager and staff to amend Ordinance 18-06-LC to reflect that the LUA will be a member of the TRC and to lower the threshold for proposed structure requiring City Council's review and approval to 10,000 square feet. Councilmember Ramswell provided a second to the motion.

Councilmember Marler asked if it was part of the Land Use Attorney's original contract to participate as member of the Technical Review Committee.

The Land Use Attorney noted she is not on a monthly retainer. She is paid hourly, and that she is paid for every hour that she works.

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

B. Second reading of Ordinance 18-10-CC, an ordinance of the City of Destin amending Article VI – Registration of Short-term Rentals

The City Attorney read proposed Ordinance 18-10-CC by title, and then presented it to the Council on second reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO SHORT-TERM RENTAL REGISTRATIONS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT OF CODE OF ORDINANCES ARTICLE VI - REGISTRATION OF SHORT- TERM RENTALS; AMENDING SECTIONS 13-105 – 13-110, PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDIN G FOR AN EFFECTIVE DATE.

The City Manager explained that the City Council reviewed the Task Force recommendation at a previous meeting, and that a motion was made to accept those recommendations that had unanimous support of all the Task Force members, and directed staff to incorporate these into an ordinance. The remaining items that did not have unanimous consensus would be further discussed at a workshop with the City Council.

Councilmember Braden moved to approve proposed Ordinance 18-10-CC on second reading; seconded by Councilmember Ramswell.

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 discussion and consideration.

Councilmember Morgan asked if the 30 mile or one-hour time requirement for a responsible party to respond in an emergency situation is common to other communities.

The City Manager replied she does not know if it is necessarily common to other communities, but the Task Force members felt it was prudent because if they are going to have a responsible party, and they have an emergency situation at a short-term rental, they want to make sure there is someone within the vicinity that can respond quickly; otherwise, the situation could easily get out of hand.

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

6. *CONSENT AGENDA

A. Reimbursement to Councilmember Skip Overdier for expenses incurred while traveling to Jupiter, Florida to attend the Institute for Elected Municipal Officials (IEMO) training from June 7-11, 2018
B. Contract extension with CrowderGulf
C. Sports Field Mower Lease Renewal – Resolution 18-20

Motion by Councilmember Braden, seconded by Councilmember Ramswell, to approve Consent Agenda items #6A to #6C, as printed above, taking into account the amended contract extension with CrowderGulf (item 6B) and amended Resolution 18-20 (item 6C), passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

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

      Discussion of ordinance regarding vehicles on the beach

Councilmember Braden stated there was a public outcry last week about having vehicles on the beach, and that he would like to know if the majority of the Council is agreeable to having the Land Use Attorney amend the language of the ordinance to add some clarity to it and bring it back for Council's review and approval.

The City Manager noted she has recommended that the Council discuss this issue. Staff would recommend extracting the current language from the code that relates to vehicles on the beach. The current ordinance talks about the public activity on the beach. Some people are interpreting it that it is public activity on all beaches. Others are interpreting it as public activity on a public beach. She also stated that tied in with the vehicle language is the dog and glass. They are concerned about the property rights issues of denying property owners the ability to allow their dog on their private beach or sitting on their private beach with a glass. She also stated there is justification for disallowing vehicles on the beach. There are environmental concerns such as coastal erosion and sea turtles and other habitat issues. She added she had discussed this issue with the Land Use Attorney and they could regulate it so that they could not have vehicles south of the toe on the dune whether public or private.

Councilmember Braden moved to direct the City Manager to bring back a proposed amendment to the ordinance extracting the language relating to allowing vehicles on the beach; seconded by Councilmember Ramswell.

Councilmember Morgan asked if they have discussed the appropriate language with the Sheriff's Office since they would be the one responsible for enforcement.

The City Manager replied affirmatively, stating that the City ordinance is vague and open to different interpretations; whereas, the County ordinance makes a very strict division between public and private property. If they have an ordinance that disallows vehicles on public and private property, the Sheriff's Office would be able to enforce it.

Councilmember Destin asked for the definition of the toe on the dune as opposed to the erosion control line.

According to the Land Use Attorney, it is not the same line. The erosion control line would be much closer to the water than the toe of the dune.

Councilmember Dixon asked if East Pass is considered part of the beach.

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

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

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

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

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

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

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

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

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

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

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

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

Next, Councilmember Braden moved to direct the City Manager to provide the City Attorney with the necessary documents he would need to send a letter to the State advising them of the Council's intent to make some minor changes to the heritage park plans.

The City Attorney asked if the direction was to notify the Restore Act representatives of the authority the Council voted last week to make some changes to the park; and that those changes are being made.

Councilmember Braden replied affirmatively.

The City Manager asked if they would be notifying the Florida Communities Trust (FCT) as well as Okaloosa County. She stated that the County is the actual recipient of the grant, and that the City is a sub-recipient to the County. She continued they were waiting until we bring forward the cost estimate from Tetra Tech. The Council made a recommendation and voted on making the recommendation; however, part of it was to get the cost estimate first. Once they bring the cost estimate to the Council, they will then have the ability to vote whether or not to direct the engineering firm to make those changes.

The Mayor commented that during last week's special meetings, the Harbor CRA Advisory Committee asked for copies of the plans so they could provide recommendations to the CRA Board. It received support from both the CRA Board and the City Council. He continued they would not be able to get a cost estimate until they receive the advisory committee's input.

The City Manager explained they were basing the cost estimate on the Council's recommendation which talked about the stairs and the switchbacks.

Councilmember Braden stated that it would be viable for the City Attorney to go ahead and send the letter conveying the Council's intention so that in the event the State tells them they could no longer make any changes to an approved plan, then the City would not have to waste money on the cost estimate from the engineering firm.

The City Manager offered to send the letter to the FCT and County, in lieu of the City Attorney, informing them of the Council's intention, and do it sooner rather than later.

The Mayor asked the City Manager to send a draft copy of the letter to Council for their review and approval.

The City Manager stated she would follow the same procedure when directed by the Council to send a letter to the Department of Business and Professional Regulation Division of Alcoholic Beverages and Tobacco.

Councilmember Braden stated he would prefer the City Attorney sends the letter.

The City Attorney suggests the City Manager drafts the letter and he reviews it; and after they send the letter, he would follow up with any questions that may arise.

Councilmember Braden agrees with the City Attorney's suggestion.

Councilmember Ramswell asked if this was a motion that they needed to vote on.

The City Attorney noted that Councilmember Braden had made a motion. He then clarified that it was not just a letter but to communicate with them in general.

Councilmember Braden replied that was the intent of his motion.

Councilmember Dixon provided a second to Councilmember Braden's motion. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

B. Councilmember Ramswell

Councilmember Ramswell noted that during last week's special meeting on heritage Park, there were some concerns about a private party benefitting from the park. She requested that either staff or the City Attorney look into the entire situation and render some opinion on whether or not some private party is benefitting from the City's plans for the heritage park.

According to the City Attorney, there is a provision in the State Constitution that a City government cannot use as credit to benefit a private party; which has been discussed in the past in some of the meeting minutes. He stated he could conduct some type of an audit to satisfy the Council's concerns regarding this issue.

Next, Councilmember Ramswell announced she received an email this week from someone concerned about the fact they have gone to Joe's Bayou and have paid to use the boat ramp. They drove around and found no place to park. Other people that were parking along the road and in the right-of-way were being ticketed. The citizen wanted to know why the City is accepting their money if there is no parking available. She asked the City Manager to investigate this matter.

The Mayor noted that he went on a bike ride in that area over the weekend and noticed some trucks parked in the grass area near a "no parking" sign. He also noticed there were plenty of parking available for trucks and trailers about a hundred yards pass the boat ramp and the new property the City bought recently.

Councilmember Ramswell stated they may need to look at adding parking on Joe's Bayou since they seemed to be nearing capacity.

The City Manager announced that the City has applied for a $5 million NRDA grant, and that part of that grant money would be used to expand Joe's Bayou and create additional parking.

Councilmember Dixon suggests they open up the concrete plant area for parking.

The Mayor noted that the concrete plant area has garbage, spoils and rocks and may not be feasible for parking.

Councilmember Braden remarked that the City spent about $50,000 to have the cement plant cleaned; but, there are still piles of rocks left on it.

Councilmember Dixon contends that the cement plant seemed clean looking at it from the roadway, and that it should be able to accommodate parking of at least 25 trucks and trailers.

The City Manager stated that staff would investigate the feasibility of using the cement plant for overflow parking on Joe's Bayou.

Councilmember Morgan argues that using the cement plant to create more parking spaces for the boat ramp is not the best use of that property because those spaces would most likely remain vacant 330 days out of year.

Next, Councilmember Ramswell expressed concern that getting the agenda items on a Thursday or Friday prior to a regular Council meeting does not give Council much time to study the materials, and conduct the necessary research. She asked staff to take the necessary steps to publish the agenda items sooner.

The City Manager stated that last week was an anomaly as there were 3 night meetings held including an all-day visioning session on Friday. However, by resolution, staff is supposed to provide the agenda items to the Council the afternoon of Thursday prior to a Monday Council meeting. She continued that Council can amend the resolution so that they can get the materials earlier. Staff can then back up the entire process and start preparing the materials well enough in advance to meet that deadline.

Councilmember Ramswell suggests amending the resolution so that Council can receive the materials no later than Wednesday prior to a regular council meeting day; adding it would also give the public more time to review the materials and ask questions.

Motion by Councilmember Ramswell, seconded by Councilmember Braden, to set aside the order of the day, allowing the Council to vote on this matter passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

Councilmember Ramswell moved to direct staff to draft an amendment to the City Council meeting resolution specifying that the Council is to receive their agenda packet no later than Wednesday prior to a regular council meeting day and then bring it back for Council's approval; seconded by Councilmember Dixon.

Councilmember Braden asked if the Council will receive all the materials by Wednesday.

The City Manager stated that they normally do their very best to send the full agenda to the Council in a timely manner; however, sometimes there are extenuating circumstances that prevent them from obtaining information right away but they try to get the materials to Council as soon as possible.

The Mayor noted that the City Clerk normally notifies the Council when the agenda that has been published is not complete, and that items missing will be provided to Council as soon as possible.

Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

C. Councilmember Dixon
D. Councilmember Overdier
E. Councilmember Marler

Nomination of Ms. Barbara Mizell for membership to the Harbor CRA Advisory Committee

Motion by Councilmember Marler, seconded by Councilmember Dixon, to appoint Ms. Barbara Mizell to the Harbor CRA Advisory Committee passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

Councilmember Marler requested that placement of boat parking signs on the harbor side of Norriego Point be added to the next agenda for discussion. He also asked staff to look into the installation of a four-way stop sign or traffic light at the Henderson Beach to Commons Drive intersection behind Wal-Mart.

F. Councilmember Destin
G. Councilmember Morgan
H. Mayor Jarvis
I. Land Use Attorney
J. City Attorney

Having no further business at this time, the meeting was adjourned at 7:15 PM.

ADOPTED THIS 16TH DAY OF JULY 2018
By:

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk