

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
APRIL 17, 2023
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 Bobby Wagner
Councilmember Torey Geile
Councilmember Terésa Hebert
Councilmember Kevin Schmidt

Councilmember Dewey Destin
Councilmember Johnny King
Councilmember Jim Bagby

Destin City Staff

City Manager Lance Johnson
City Clerk Rey Bailey
Finance Director Krystal Strickland
Community Development Director Louis Zunguze
Grants/Project Manager Jeffrey Cozadd
Code Compliance Director Troy Williams
Land Use Attorney Kimberly Kopp

Deputy City Manager Webb Warren
City Engineer Ryan Scott
Public Information Manager Tamara Young
Building Official Noell Bell
Public Works Director Michael Burgess
City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Bobby Wagner called the meeting to order at 6:00 PM. Pastor Steve Farris of First Baptist Church of Destin delivered the invocation, which was then followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Motion by Councilmember Hebert, seconded by Councilmember Schmidt, to approve the agenda passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted “yes”; Councilmember Sweetser was absent from the meeting).

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

2. PUBLIC COMMENTS

Mr. Ron Sandstead, a Destin resident and business owner, noted that Linear Park has always been intended to be a park; however, the current plan shows it basically being a roadway with medians and crosswalks. There will be no such amenities as bike or jogging trail, no available parking for park goers, picnic areas, arts, and the ability for people to relax and enjoy nature. He further stated that the roadway is connected to US Hwy 98 in two places which would guarantee a lot of traffic for what is supposed to be a park. He urged the council to stop wasting money designing the roadway and give the residents a real linear park.

Ms. Carol McIvor, a Destin resident, noted that she has gone before the Public Works/Safety Committee concerning the problem they have in Destiny East and Destiny West about Four Prong Lake and their flooding problem. She stated this is not just a neighborhood problem. It is a problem that concerns the whole city, and which has been forced upon their neighborhoods. They are forced to take on an exorbitant amount of stormwater runoff into that lake. She continued that they presented a plan to the Public Works/Safety Committee to install an underground pipe which would allow a temporary fix that would prohibit flooding in their neighborhood and alleviate the problem temporarily. That recommendation should be coming before this council very soon. She urged the council to seriously consider this recommendation and take some actions toward a permanent solution.

Ms. Debra Cwynar informed the council that her residence is located at 3683 First Street, and that she has owned that property since 1989. She stated that several months ago, she was contacted by the City Engineer to inform her of how a new project was going to impact on her residence. She explained that Fourth Street ends at a stop sign at First Street. Just in front of the stop sign there is a very small connector piece which turns right onto First Street; and that according to the City Engineer, this connector piece should not exist, and the stop sign needs to be moved to the right to be in accordance with the code. She stated that when this stop sign is moved, car headlights will shine directly in front of her windows. It will also create a water runoff problem which does not currently exist. Therefore, a drainage ditch will need to be dug from the middle of the property next door (corner of Benning and First) and to her mailbox. This is across her entire front yard and part of the residence next door. Her sprinkler system will also be affected. She asked the council to reconsider this action and to find a better solution to this issue that will not create a problem for her and her neighbor.

According to the City Manager, he will discuss this issue with the City Engineer to see if they can find a better solution to this problem.

Ms. Sandy Trammell, a Destin resident, stated that they have not had commercial launching at Joe's Bayou. Now they do based on the fee schedule which is an item on the agenda. She recommends not allowing it as they can expect to see trailers with 6 wave runners coming in and out at that location. This will not allow much public parking at the new park. She stated that they will be constructing two new marinas, each will have its own boat launching ramps, and they already have one on Calhoun Avenue. And so those are the locations where commercial launching should be allowed.

Mr. Ryan Otto of 3826 Indian Trail noted that they have no speed or traffic measures of any kind, and that there are no sidewalks in their neighborhood. Speeding is very much out of control. His mailbox has been hit twice and he has just put up a third one. There are also many elementary school children that traverse that area both morning and afternoon to get to the school bus stop. They need speed humps on his neighborhood for the safety and wellbeing of its residents.

3. CONSENT AGENDA

- A. HydroGate 72"x72" for Harbor Pump, authorization to purchase
- B. Capital Project Status
- C. Operations Financial Report
- D. Approval of minutes of April 3, 2023 Regular City Council Meeting

Motion by Councilmember Hebert, seconded by Councilmember King, to approve Consent Agenda items 3A thru 3D, as printed above, passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted "yes"; Councilmember Sweetser was absent from the meeting).

4. CITY MANAGER REPORTS

- A. Linear Park / 98 Palms Boulevard Extension - Design Engineer recommendation

According to the City Manager, the RFQ for Linear Park and 98 Palms Blvd Extension Design and Permitting Services was released and one proposal, from DAG Architects, Inc., was received. The city's bid committee evaluated the proposal, and it was found to be responsible and conformed to all the terms and conditions of the RFQ. This proposal is now before the council for their consideration.

Councilmember Bagby moved to authorize the City Manager to negotiate the terms of a service agreement with DAG Architects, Inc. for the design of the Linear Park and 98 Palms Blvd. extension and bring that back to the council for consideration at the next city council meeting; seconded by Councilmember Geile.

Councilmember Destin wants to make sure there is no intermingling of the road design with the Linear Park design that could slow down the process for the latter.

The City Manager noted that the first focus will be on the trailway, and then at some point after that they will handle the roadway.

Councilmember Schmidt inquired as to the reason they did not publish two separate RFQs – one for the Linear Park and another for the road extension.

The City Manager explained that since both need to co-exist at some point, if both are approved, design considerations have to be considered at the same time.

Grants and Project Manager Jeff Cozadd noted that phase one will be the park design and phase two on the road design.

Motion passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted “yes”; Councilmember Sweetser was absent from the meeting).

B. Utility Wrapping Project- Update and Funding

Community Development Director Louis Zunguze noted that as directed by council, staff met with the Kohlman Family representative to discuss a custom memorial on the utility box located at Main Street and Kelly Avenue. They have also investigated three additional different locations throughout the city to wrap utility boxes as a pilot program, making a total of four boxes scheduled to be wrapped. Staff is waiting on Fast Signs to complete the custom design for Kohlman’s Memorial Wrap, and once complete, staff will meet with the family representative to receive final approval. Staff have also received the cost estimates and is requesting to proceed with the next steps of the Utility Wrapping Project using funds from the City Council Contingency Fund.

Councilmember Schmidt moved to direct the City Manager to proceed with the next steps to the Utility Wrapping Project using funds from the City Council Contingency Fund. Councilmember Hebert provided a second to the motion, which passes 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted “yes”; Councilmember Sweetser was absent from the meeting).

C. Harbor District Paid Parking - Non-Resident Parking Pass

According to the City Manager, the council previously directed staff to come up with some parking options for employees in the harbor, bring it before the Public Works/Safety Committee for their review and recommendation to this council. At that same meeting, there was discussion of different ideas to potentially provide different options for businesses and non-residents. Some ideas included reserved spots for businesses or parking passes for nonresidents/businesses. Staff has researched various ways to accomplish council’s directive while working on the program’s goals and existing resources. Staff is currently issuing passes for Design Parking Passes, Joe’s Bayou Passes as well as Henderson Beach Passes. Staff proposed using a similar system for non-resident/business parking passes for the Harbor District (Marler, Zerbe, and Community Center). The daily launch fees for Joe’s Bayou are charging from \$20 to \$25. The annual non-resident Joe’s Bayou Pass fee is \$205.

Councilmember Geile asked whether the parking pass is revoked or if it will stay in tack if the employee loses their position on the harbor.

The City Manager stated the parking pass will stay in tack until the end of the calendar year.

According to Councilmember Geile, it is the responsibility of the employer to provide parking for their employees and customers. He does not want to see the business owners to have

the opportunity to take advantage of the city and the taxpayers' revenue by not fulfilling their obligation of providing those parking and relying on discounted rate on city parking in this process; and to also place the burden on the employees to pay for that fee. He would like to see some way of organizing this in such a way that it is not a permanent situation. He also recommends setting a maximum number of passes that can be issued, which could prevent individuals from just taking a job for a week, quitting, and then having parking all year long.

Councilmember Schmidt moved to implement an annual, non-refundable, and non-transferable harbor district parking pass for non-residents at a cost of \$205; seconded by Councilmember Hebert.

Councilmember Schmidt pointed out that this is not just an employee parking pass, but a non-resident parking pass; and so limiting the number of passes that can be issued is really unnecessary. Anybody that is not a Destin resident can purchase this pass. He also stated that tourists may prefer to pay the \$20 parking fee rather than purchase this pass.

Councilmember Hebert stated that the business owner could also incentivize their employees to stay longer with the business by offering to pay for the parking pass for the employees as long as they stay with the business for a specified amount of time.

Councilmember Destin noted that this initiative will not remedy their parking problem as there are about 1,000 to 1,500 employees on the harbor and they only have about 300 parking spaces available. He also stated that he does not anticipate having a lot of employees willing to pay the \$205 parking fee. They will try to park in somebody else's parking lot instead and pay no fees.

Motion passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted "yes"; Councilmember Sweetser was absent from the meeting).

D. DRAFT Schedule of Fees Resolution 23-06

The Finance Director noted that the draft Schedule of Fees includes the following:

1. Updated Joe's Bayou boat launch.
2. Increased fees charged for Building Plan Reviews, Building Construction Permit Fees, and Development Order Applications by 10%.
3. Increased marine application fees.
4. Increased Business Tax Receipt fees based upon Florida Statute 205.033(b) allowances (25%).
5. Parking fees and parking fines were increased.
6. An NSF (returned check) fee is added.

Motion by Councilmember King to direct staff to make a change to the fee schedule reducing the Destin residents' annual Joe's Bayou passes from \$20 to \$0 passed 4-2 (Council members Schmidt, King, Destin, and Geile voted "yes"; Council members Hebert and Bagby voted "no"; Councilmember Sweetser was absent from the meeting).

Motion by Councilmember Hebert to direct staff to incorporate higher fines for continuous violations by rental companies with their rental tents on the beaches; seconded by Councilmember Bagby. Motion passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted “yes”; Councilmember Sweetser was absent from the meeting).

Councilmember Schmidt recommends incorporating the following into the fee schedule:

- Discounted rates for multiple-day Parks & Rec fields reservations.

Councilmember Bagby moved to prohibit commercial launching at Joe’s Bayou; seconded by Councilmember Hebert.

Councilmember Destin pointed out that commercial launching has always been allowed at Joe’s Bayou. They still have the few fishing operations operating and who have used the facility for over 50 years; and as the “World’s Luckiest Fishing Village” it is appropriate to allow local fishermen to launch their boats from that area. He also pointed out that they have increased the fees over the years to try to appease the people who did not want to see commercial activities out in that area. He added it would not be right to regulate other entities that conduct commercial activities there while crippling some of the fishermen that are still in existence.

The City Manager clarified that no commercial activities are allowed on the park property. It is strictly launch and recovery.

Councilmember Schmidt stated that he agrees with Councilmember Destin, but he also believes it is important to regulate commercial activities in that area as there have been lots of illegal operations taking place there during the past several years.

Councilmember Bagby stated that he is withdrawing his motion on the floor at this time, but he would like to send a message to rogue operators that commercial activities are not allowed. He would like to make sure the final draft of this resolution prohibits any commercial activities at Joe’s Bayou, whether it be launching by other than fishing boats, picking up or dropping off customers; otherwise, he will make the same motion.

Next, Councilmember Schmidt requests staff looking into the rental fees for the parks facilities (i.e., Clement Taylor, Calhoun, Destin Elementary) and determining how much is attributed to cleaning the facility.

E. FY24 Budget Calendar

The Finance Director presented and outlined the proposed FY24 Budget Calendar.

Motion by Councilmember Bagby, seconded by Councilmember Hebert, to approve the Fiscal Year 2024 Budget Calendar and to set Budget and Millage Adoption Public Hearing #1 for September 7, 2023 at 6:00 PM in the Annex Council Chambers at 4100 Indian Bayou Trail passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted “yes”; Councilmember Sweetser was absent from the meeting).

F. Welcome to Troy Williams, Code Compliance Director

Code Compliance Director Troy Williams provided the following report to the council:

Destin Code Compliance Director's Report
Monday April 17, 2023

City of Destin size: 7.66 square miles

<u>US Census Data:</u>	<u>Year</u>	<u>Population</u>
	1990	8,000
	2000	11,119
	2010	12,305
	2020	13,931

Code Compliance Staffing:

Director	6 since July of 2017 (one person twice)
Deputy	2 since June of 2021
Admin Assistant	3 since December 2021
Officers	13 since February of 2020

Current Staffing:

1. Director	Troy Williams
2. Deputy	Danny Sullivan
3. Admin Assistant	Darlene Lebold
4. Officer	Billy Morales
5. Officer	Jeramy Kwiatkowski
6. Officer	Brian Eager
7. Officer	Brian Davis
8. Officer	Robert Hilligoss

OPEN (2-interviews scheduled this week)

Average years of time in position:

.8	Excluding B. Morales (outlier w/ 5.6 years of service)
1.4	Including B. Morales

<u>Code Compliance Cases:</u>	<u>Self-Initiated and Reported by Community</u>
Year 2021	1965 (average 162 per month)
Year 2022	3461 (average 288 per month)
Year 2023	1246 (thru March, 415 average, on pace for 4980)

Other:

Short Term Rentals - Approximately 900
Livery Vessels - Approximately 430
Waste Management - 5329 residential accounts
(trash/recycle 10,658 cans)

Goals:

Short Term and Long Term
ST-Increase training (lots of free training available)
ST-Obtain needed equipment
ST-Prioritization of calls
LT-Accreditation
LT-Add part-time officer(s)

Miscellaneous: Invitation to Council for a Ride-A-Long

G. Announcements

1. New signage up on Capt. Royal Melvin Heritage Park. The city's "Leave no Trace" program will also be promoted at the new park.
2. The city has been releasing information in preparation for the hurricane season.

3. The city's Annual Arbor Day Celebration is scheduled for Friday, April 28th, at Leonard Destin Park, beginning at 10 AM.
4. Earth Day Celebration (beach cleanup) on Saturday, April 29th, from 8-10 AM. Those wishing to volunteer can go to the city's Facebook page or Instagram account to register.
5. The Community Development Department is launching a new interactive land use and zoning information platform on April 24th for use by the public. This will be on the city's website and will provide general development information and specific zoning requirements for any address in the city.
6. Effective April 24th, the Community Development Department will be posting drafts of Articles 3 of the LDC on the city's website for public review and comments.
7. This will be Webb Warren's final city council meeting. We thank him for his 18 years of dedicated service to the City of Destin.

5. PUBLIC HEARINGS

A. Single-Family Residential Marine Construction Proposed at 523 Norriego Rd

The City Attorney sworn in the following individuals for testimony:

- Noell Bell, Chief Building Official
- Scott Shackley of William F. Davis Construction
- Robert Champagne, Property Owner – 523 Norriego Road
- Keith Johnson – Environmental Scientist from Wetland Sciences

The City Attorney asked the mayor and council members if there have been ex-parte communications that have taken place that are related to this project.

Each mayor and council member responded “none.”

The Land Use Attorney requested that the staff report dated April 13, 2023, along with exhibits 1-8, be entered into the record.

With no objections from the applicant, the staff report dated April 13, 2023 was entered into the record.

The mayor opened a public hearing to receive comments for or against the proposed project. Having none, the mayor closed the public hearing portion and turned the matter over to the applicant.

Attorney Travis Morock, representing the applicant, noted this is a continuation of the hearing held on March 20, 2023, and that the application is now back before the city council with

additional information provided from both the applicant and FDEP. He then provided the following information:

- The applicant requests City Council approval for a single-family marine construction located at 523 Norriego Rd, located within Destin Harbor, a Class II Florida Waterbody. Although the site and structural plans did not match at the time of the March 20th hearing before the City Council, the applicant has provided revised plans and they now match. The site and structural plans provided by the applicant both now show the correct width dimensions of 54' wide. The application includes the proposed reconstruction of one (1) $\pm$ 1,406 square foot dock and the new construction of one (1) 1,400 square foot upper deck, one (1) 120 square foot staircase, and 210 linear feet of handrails, comprising a total of $\pm$ 2, 926 square feet.
- The proposed marine construction project meets the following requirements of Section 11.05.00, City of Destin Land Development Code (LDC),
 - 11.05.01.A, 11.05.01.B – Construction of new dock
 - 11.05.01.F, 11.05.01.G, and 11.05.01.M – Length of the pier
 - 11.05.01.N – Slip density
 - 11.05.01.S – Notifying adjoining landowners when a dock is placed within 25-foot riparian setback.
- The proposed marine construction project is consistent with Comprehensive Plan Goal: 6-1: Coastal Management Element, Objective 6-1.5: Land Use Controls and Construction Standards for Protecting the Natural Shoreline and the Natural Shoreline and the Beach/Dune System, and Policy 6-1.5.5: Enforce Marina Siting Criteria and Construction Standards.
- FDEP COMMENT (4/13/2023):

Based on the information provided by FDEP, it appears the dock “repair and replacement” was within the same footprint as the existing dock. It is not considered new dock construction and has been determined to be in existence since the late 1980s. However, FDEP has no other form(s) of proof to make a confident determination whether the location & footprints are the same. As such, the “repair & replace” activity is considered a regulatory exemption (Rule 62-330.051(5)(D), F.A.C.). It also means attaining a letter of consent or approval from the adjacent property owner is not required.
- Due to the square footage exceeding 1,000 sq ft., it will require a sovereign submerged land lease. The applicant is actively working with FDEP and secured their approval on the issuance of a temporary use agreement until the submerged land lease is finalized.
- With regards to questions on the project valuation as to whether it consisted of the contract price or just the labor and material. They have confirmed with the city’s building official that the project valuation is only based on cost of construction, which is the labor and materials. Mr. Tim Shackley of William F. Davis is present tonight to testify that \$69,000, which is the amount listed on the application, is consistent with the cost for the labor and materials.

- Various aerial photos of the subject property, along with the adjacent properties, have been included in support of the project. The adjacent property owners previously testified that the proposed dock construction caused an obstruction of their view. These aerial maps and photos clearly show that both adjacent property owners have more extensive and intrusive dock construction that greatly exceed the proposed dock construction. The proposed dock construction is the exact same footprint as was previously existed.

Councilmember King moved to approve the single-family marine construction project located at 523 Norriego Road, subject to the following conditions:

- 1. The submittal of FDEP approval or exemption for the expansion of the dock.**
- 2. Payment of the Net Positive Environmental Benefit (NPEB)) per LDC Section 11.05.02.N, to the Community Development Department before the Stop Work order is released and approval to proceed with commencement of work.**
- 3. Resubmittal of both the site plans and structural plans to the permit, showing no discrepancy in square footage before the Stop Work order is released.**
- 4. A copy of the FDEP-approved Sovereign Submerged Land Lease shall be required to be provided prior to final approval and release of Stop Work order on the building permit.**
- 5. Non-residential use is prohibited and subject to code enforcement action.**

Councilmember Schmidt provided a second to the motion.

Motion passed 5-1 (Council members Schmidt, King, Hebert, Destin, and Geile voted “yes”; Councilmember Bagby voted “no”; Councilmember Sweetser was absent from the meeting).

B. First reading of Ordinance 23-04-CC - which amends the code of ordinances to establish a code compliance lien reduction application process and criteria for the reduction of code compliance liens; amending chapter 14 “offenses and miscellaneous provisions”, creating section 14-86, “application to the city council for reduction of existing code compliance lien”; creating section 14-87, “required criteria for the reduction of existing code compliance lien.”

The City Attorney read Ordinance 23-04-CC by title, and then presented it to the city council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES TO ESTABLISH A CODE COMPLIANCE LIEN REDUCTION APPLICATION PROCESS AND CRITERIA FOR REDUCTION OF CODE COMPLIANCE LIENS; AMENDING CHAPTER 14 “OFFENSES AND MISCELLANEOUS PROVISIONS”, CREATING SECTION 14-86, “APPLICATION TO CITY COUNCIL FOR REDUCTION OF EXISTING CODE COMPLIANCE LIEN”; CREATING SECTION 14-87, “REQUIRED CRITERIA FOR REDUCTION OF EXISTING CODE COMPLIANCE LIEN”; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE CODE OF

ORDINANCES; 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 portion of this item and turned the matter over to the city council for their discussion and consideration.

Councilmember Hebert moved to approve Ordinance 23-04-CC on first reading and direct the City Clerk to advertise for second reading; seconded by Councilmember King. Motion passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted “yes”; Councilmember Sweetser was absent from the meeting).

C. First reading of Ordinance 23-05-LC - which amends the Land Development Code; amending Section 11.05.01 “Marina Siting” to prohibit the granting of variances to the maximum dock lengths set forth therein.

The City Attorney read Ordinance 23-05-LC by title, and then presented it to the city council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO THE LAND DEVELOPMENT CODE; AMENDING SECTION 11.05.01 “MARINA SITING” TO PROHIBIT THE GRANTING OF VARIANCES TO THE MAXIMUM DOCK LENGTHS SET FORTH THEREIN; 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 portion of this item and turned the matter over to the city council for their discussion and consideration.

Councilmember Hebert moved to approve proposed Ordinance 23-05-LC on first reading, forward it to the Local Planning Agency (LPA) for a formal recommendation, and then advertise the ordinance for second reading after the LPA meeting; seconded by Councilmember Bagby.

Councilmember Destin stated that most applicants that apply for variances for dock extension have property that fronts very shallow water. If they cannot extend the dock, they will be compelled to dredge in what could be sensitive areas on the shoreline. He continued that from the environmental point of view, dredging is not necessarily a better alternative to extending the dock.

According to the Land Use Attorney, they could either put an exception in the code, modify the rules to limit the issuance of a variance, or change the criteria for dock variances.

Councilmember King commented that Destin Harbor and Choctawhatchee Bay are two different waterways, and that there are different situations for navigation; adding that FDEP will do what it takes to protect the environment.

Councilmember Hebert offered an amended motion to modify the proposed ordinance to change the criteria for dock variances, send the ordinance to the Local Planning Agency for recommendation, and then back to council for first reading; seconded by Councilmember Bagby. Motion passed 6-0. (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted “yes”; Councilmember Sweetser was absent from the meeting).

D. First reading of Ordinance 23-06-LC - which amends the Land Development Code; amending Section 2.23.00 “reserved” to provide that applications for variances are to be granted or denied by the City Council and establishing a process and criteria for City Council consideration of variance applications; renaming Section 2.23.00 “variances”; amending Section 2.25.00 “Board of Adjustment” to remove the authority to consider variance applications from the Board of Adjustment.

The City Attorney read Ordinance 23-06-LC by title, and then presented it to the city council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO THE LAND DEVELOPMENT CODE; AMENDING SECTION 2.23.00 “RESERVED” TO PROVIDE THAT APPLICATIONS FOR VARIANCES ARE TO BE GRANTED OR DENIED BY THE CITY COUNCIL AND ESTABLISHING A PROCESS AND CRITERIA FOR CITY COUNCIL CONSIDERATION OF VARIANCE APPLICATIONS; RENAMING SECTION 2.23.00 “VARIANCES”; AMENDING SECTION 2.25.00 “BOARD OF ADJUSTMENT” TO REMOVE THE AUTHORITY TO CONSIDER VARIANCE APPLICATIONS FROM THE BOARD OF ADJUSTMENT; 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 portion of this item and turned the matter over to the city council for their discussion and consideration.

Councilmember Destin recommends they reconsider taking over this responsibility; noting that this was the case for several years following the city’s incorporation. Some hearings relating to variances could last for hours. If the council starts hearing variance applications, they could have meetings that would last through midnight. Also, hearing variance applications is a big part of the Board of Adjustment’s responsibility. There may not be any reason for the Board to exist if it is taken away.

Councilmember Schmidt stated that with the kind of staff and agenda process that they have, they can make sure they utilize the time wisely in bringing variance decisions to the council.

Councilmember Bagby noted that he served on the Board of Adjustment for a few months prior to going back to the council and the Board did not meet once. He stated that they could approve this now, and if things do not go the way they want to, they could always place this responsibility back to the Board of Adjustment.

Councilmember King wants to know if it is typical for the Board of Adjustment's decision to be final.

According to the Land Use Attorney, it is typical for the Board of Adjustment to have final authority on variances. The reason the LPA makes recommendations to the council is that state laws require it to be consistent with the comprehensive plan. The council could consider having an intermediate appeal process go before the city council rather than directly to the circuit court, however, they could end up hearing all of them anyways because applicants that are denied variances will usually want to appeal the decision made by the Board of Adjustment.

Councilmember Hebert moved to approve proposed Ordinance 23-06-LC on first reading, forward it to the Local Planning Agency for a formal recommendation, and then advertise the ordinance for second reading, failed 3-4 (Council members Schmidt, Bagby, and Geile voted "yes"; Council members Hebert, King, and Destin voted "no"; Councilmember Sweetser was absent from the meeting; Mayor Wagner cast the tiebreaking vote of "no"),

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

A. Councilmember Sweetser

B. Councilmember Geile

Councilmember Geile requests the Short-Term Rental Impact Committee to start meeting the week of May 13th.

The City Clerk announced that Capt Gary Jarvis, previously nominated by Councilmember Hebert and appointed by the council to the Short-Term Rental Impact Committee has recently decided to resign from the committee.

Motion by Councilmember Hebert, seconded by Councilmember Destin, to appoint Mr. Ken Wampler to the Short-Term Rental Impact Committee passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted "yes"; Councilmember Sweetser was absent from the meeting).

C. Councilmember Destin

Motion by Councilmember Destin to direct the Land Use Attorney and City Manager to work with the Trust for Public Land to try to facilitate some kind of opportunity to acquire the property that is located alongside the Marler Bridge; seconded by Councilmember Schmidt. Motion passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted "yes"; Councilmember Sweetser was absent from the meeting).

Councilmember Destin requests the City Manager contact the Destin Fire Control District and find out at what other places they could place the beach warning flags to enhance the public awareness program and facilitate the flow of information to visitors to the city and report back to council.

D. Councilmember Bagby

Motion by Councilmember Bagby, seconded by Councilmember Hebert, to direct staff and the Public Works/Safety Committee to start the process on speed humps on Indian Trail passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted “yes”; Councilmember Sweetser was absent from the meeting).

E. Councilmember Hebert

Councilmember Hebert noted that council previously approved the placement of speed humps on Main Street. She asked when and where those speed humps will be installed.

Public Works Director Michael Burgess noted they have received a quote from the city’s continuing services contractor for the two speed humps, and they have already started the process for installing them. He and the City Engineer will discuss and decide on suitable spots for the speed humps.

F. Councilmember King

Councilmember King stated that they should consider limiting the placement of speed humps on road longer than a mile. They now seem to have speed humps all over town.

G. Councilmember Schmidt

Councilmember Schmidt inquired as to the status of the boardwalk planks the council asked staff to put together as one of the measures which they are trying to accomplish on the city’s boardwalk to provide safety information to the public.

According to the City Manager, all of the boards with safety messages have been put in place on the various trails to the beach.

Councilmember Schmidt asked for an update on the RFQ for the city center design.

The City Manager noted that the city received 11 bid submissions which are going before the city’s bid committee this week. They will select the top three to present to the council for their consideration. Representatives for each of the top 3 firms will make a presentation to the city council.

Councilmember Schmidt moved to direct the City Manager to work with the City Engineer in opening the gates to the crosstown connector property to convey a more welcoming sign that the property can be used as a public park and come back with the design for the council to review; seconded by Councilmember Hebert. Motion passed 6-0. (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted “yes”; Councilmember Sweetser was absent from the meeting).

Councilmember Schmidt recommends that the Public Works/Safety Committee review the city’s speed humps approval process and bring back some ideas and thoughts to the city council.

H. Mayor Wagner

I. Land Use Attorney

J. City Attorney

7. PUBLIC COMMENTS

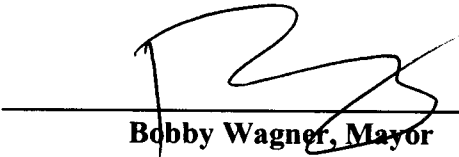
Ms. Becky Pritchard, a Destin resident, asked for council to also look at where people can exit to avoid the speed humps as they look at the speed hump situation.

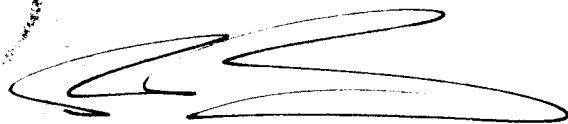
Ms. Sandy Trammell, a Destin resident, asked the council to consider having law enforcement patrolling the residential neighborhoods a lot more often as they review the upcoming budget. She also recommends lowering the speed limit to 25 mph in residential areas.

Mr. Jim Wood, a Destin resident and Public Works/Safety Committee Chair, explained the proper terminology for speed humps, speed bumps, and speed tables. He stated that parking lots get the speed bumps and roads get speed humps and speed tables. Speed humps are rounded, speed tables are normally rounded and flat on top of the crosswalks. He also stated that the procedures for speed humps is quite confusing and inconsistent. Some people go before the Public Works/Safety Committee, and some go directly to the city council. His committee will review the city's speed humps approval process and try to determine proper locations for speed humps around the city.

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 9:20 PM.



Bobby Wagner, Mayor
ATTEST:

Rey Bailey, City Clerk