

**REGULAR MEETING
DESTIN CITY COUNCIL
SEPTEMBER 7, 2023
CITY HALL ANNEX COUNCIL CHAMBERS
5:30 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 Jim Bagby

Councilmember Kevin Schmidt
Councilmember Dewey Destin
Councilmember Johnny King (Arrived: 6:55 PM)
Councilmember Matthew Sweetser

Destin City Staff

City Manager Lance Johnson
City Engineer Ryan Scott
IT Director Andy Peters
Finance Director Krystal Strickland
HR Manager Jaime Dittmer
Building Official Noell Bell
Land Use Attorney Kimberly Kopp

City Clerk Rey Bailey
Public Works Director Michael Burgess
Community Development Director Louis Zunguze
Grants/Project Manager Jeffrey Cozadd
Public Information Manager Tamara Young
Code Compliance Director Troy Williams
Deputy Code Compliance Director Brian Davis

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Bobby Wagner called the meeting to order at 5:30 PM. Pastor Steve Farris of the First Baptist Church of Destin gave the invocation, which was then followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Schmidt requests agenda item 4A – *Need for Comprehensive Visioning Framework* be pulled and placed on the next council meeting agenda.

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

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

- A. Artificial Turf Permitting & Artificial Turf in regard to Storm Management Systems
Marci Gragg

Ms. Marci Gragg of Forever Lawn of Emerald Coast gave the following presentation:

Artificial Turf Discussion: Permit Requirements & Stormwater Management

- Are Permits Required?
 - ❖ According to City of Destin Land Development Code, 10.03.02 (1) Permits and Stormwater Management review is exempted for “New Single Family or Duplex dwellings” or “the addition of impervious area less than 250 sf.”
 - ❖ There is no listed exemption for pervious to pervious, according to local legal teams. It is an understood exemption.
- Is artificial turf pervious or impervious?
 - ❖ The majority of artificial turf products are made to be pervious. Forever Lawn Select HD is our most popular residential turf product and has a test rating of 41.5” per hour.
- It’s all about the system!
 - ❖ Similar to any building, high rise, or single-family residence, the building is only as good as its foundation. The same is true of artificial turf. The system under the turf is even more important than the turf when it comes to permeability and stormwater management.
 - ❖ Due to the fact we live in a coastal region, Forever Lawn Emerald Coast has chosen to install all our pervious turf options over a Limestone base. We use angular clean aggregate, which not only allows for permeability, but also allows for natural filtration of stormwater.
- Limestone as a stormwater management tool?
 - ❖ There are many university studies showing “limestone proves to be a simple, reliable, and cheap process for removal of nitrates from ground water.” The same holds true for phosphates as well as debris.
- Can an artificial turf system be used in stormwater management?
 - ❖ According to the Synthetic Turf Council and Princeton University’s studies “Stormwater Considerations and Opportunities with Synthetic turf” presentation dated 10/18/2022, it is not only possible to utilize turf as a pervious surface, but the subsurface area can be designed to be used as subsurface storage to manage runoff additional adjacent impervious surfaces.
- Destin specific details
 - ❖ New permit requirements, without written process or appropriate Compass selections.
 - ❖ Project delays and residential stressors.
 - ❖ Loss of income due to additional requirements and unclear processing guidelines
- Our Neighbors?
 - ❖ At this time, there is no city or county in the immediate area requesting or requiring permits for the installation of artificial turf, residentially or commercially (Pensacola through Tallahassee).
 - ❖ Local LDC’s and ordinances state “exception for single-family residence.”
 - ❖ Tampa has been in an 18-month discussion between city staff and local businesses to create a process for permitting, but nothing has been voted on at this time.

- ❖ Atlantic Beach City has adopted a permit process which includes turf as pervious surface, so long as pre-, mid-, and final construction inspections are made to ensure their approved base requirements have been met.

Following the presentation, Ms. Gragg asked the council for some guidance moving forward. She also mentioned that they are scheduled to give this same presentation to the Local Planning Agency.

Councilmember Destin asked whether the company is suspended from operating for lack of permits.

According to Ms. Gragg, they have permit applications that have not been approved; adding that the permitting process is unclear and quite lengthy. It has been taking several weeks following the application is submitted before a permit is issued.

Councilmember Destin stated that as they move forward to this process, he trusts that staff would facilitate a more timely and simplified permitting process. He asked the firm to work closely with staff to make sure they are clear on what to look for to be able to understand their job better in this particular case.

Councilmember Bagby requests the firm provides physical addresses of 3 properties where they installed the most frequently installed turf, and one which they are currently working on but have not laid the turf. He wants to know what type of compaction is being used.

2. PUBLIC COMMENTS

3. CONSENT AGENDA

A. Resolution 23-18 Off Boarding Policy

(August 21, 2023: Councilmember Schmidt moved to direct the City Attorney and City Manager to incorporate into the Offboarding Policy terminating access of outgoing employees to IT technology and bring it back in a resolution format for the council to formally approve at the next council meeting passed 6-0).

B. FFY 2022 Byrne Grant Funding - 51% Letter of Support

C. Resolution 23-19, Authorization to renew FDOT Right-of-Way Maintenance Agreement with Webber, LLC

D. Milling/Re-Surfacing/Re-Striping of Moreno Point Road (Gulf Shore Drive to end of Public ROW)

E. Approval of minutes of July 13, 2023 City Council Workshop

F. Approval of minutes of June 20, 2023 Regular City Council Meeting

G. Minutes of Boards & Committees

H. Attendance Report - Standing Committees/Boards

Motion by Councilmember Schmidt, seconded by Councilmember Hebert, to approve Consent Agenda items 3A thru 3H, as printed above, passed 6-0 (Council members Schmidt,

Hebert, Bagby, Destin, Geile, and Sweetser voted “yes”; Councilmember King was not present during the voting).

4. CITY MANAGER REPORTS

A. Need for Comprehensive Visioning Framework

(August 21, 2023: Request by Councilmember Bagby regarding the comprehensive planning for utilization of 1 Harbor property, what areas it encompasses, what ideas are being considered and plans for obtaining input from the public).

Item tabled to the next council meeting.

B. Announcements

1. The City of Destin’s contract with Waste Management allows for an annual rate adjustment related to the consumer price index. This year’s increase is at 5.41%, which is approximately \$4.50 per quarter per residential service.
2. The resurfacing of Vintage Circle and Vintage Court is scheduled to begin on September 12th.
3. The resurfacing of the Destin Community Center parking lot is scheduled for September 18th.
4. Doctor Tamara Young completed 29 hours of training at the National Information Officers Association Conference in Tennessee.
5. The city is moving 3 candidates to the next round of interviews, which is scheduled to occur next week, for the Assistant City Manager position.
6. All properties for the Destin Crosstown Connector project have been obtained. The next step is to get those properties cleared and ready for construction.
7. New employees: Mr. Jason Williams, IT Specialist and Mr. Ross Haynes, Code Compliance Officer.
8. City of Destin Open House scheduled for Wednesday, October 25th, at the Destin Community Center. This year’s theme is “Music to Our Ears.”
9. City of Destin Christmas Parade is scheduled for Saturday, December 9th, and this year’s theme is “Christmas Vacation.”

5. PUBLIC HEARINGS

A. First reading of Ordinance 23-13-CN - Adopting the Fiscal Year 2024 Millage Rate

The City Attorney read proposed Ordinance 23-13-CN by title, and then presented it to the council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN OF OKALOOSA COUNTY, FLORIDA,
ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF
DESTIN FOR FISCAL YEAR 2024; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Attorney announced for the record that the FY 2024 operating millage rate for the City of Destin is 1.6150 mills which is more than the rolled back rate of 1.4553 mills by 10.97%.

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

According to the Finance Director, keeping the millage rate at 1.6150 will bring in approximately \$12.8 million to the City of Destin. They are allowed to budget 95% of that amount. The \$11 million will go the General Fund and the remaining balance will go into the two CRA districts.

Councilmember Bagby moved to adopt Ordinance 23-13-CN on first reading, adopting a proposed Tax Year 2024 millage rate of 1.6150 mills which is more than the rollback rate of 1.4553 by 10.97%. The second reading will take place at Public Hearing #2 on September 18, 2023, at 6 pm, in the City Hall Annex; seconded by Councilmember Hebert.

Councilmember Geile asked how long it has been since the council voted to increase the millage rate for the City of Destin.

According to the Finance Director, the city's millage rate was increased to 1.6150 in 2016.

Councilmember Geile asked how much of an impact increasing the millage rate by a tenth of a percentage point would have to the average citizens of Destin.

The Finance Director replied that the average homeowner would pay an additional \$33 per year, and it would bring in approximately \$750,000 to the City of Destin.

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

B. First reading of Ordinance 23-14-CN - Adopting the Fiscal Year 2024 Budget

The City Attorney read proposed Ordinance 23-14-CN by title, and then presented it to the council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN MAKING APPROPRIATIONS FOR CERTAIN EXPENDITURES, EXPENSES, CAPITAL IMPROVEMENTS AND CERTAIN INDEBTEDNESS OF THE CITY OF DESTIN, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024; 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 sent the matter over to the city council for their discussion and consideration.

Motion by Councilmember Bagby, seconded by Councilmember Hebert, to adopt Ordinance 23-14-CN on first reading to provide for a balanced budget for FY 2024. The second reading will take place at Public Hearing #2 on September 18, 2023, at 6 pm, in the City Hall Annex passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Geile, and Sweetser voted “yes”).

- C. Second reading of Ordinance 23-11-CC, amending Chapter 13 of the Code of Ordinances Section 13-40 Schedule of Fees, to remove the fees listed and add a language that defers and fees to be charged to the Resolution of Fees.

The City Attorney read proposed Ordinance 23-11-CC by title, and then presented it to the council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING CHAPTER 13 OF THE CODE OF ORDINANCES, SECTION 13-40, “SCHEDULE OF FEES” TO REFLECT THAT THE SCHEDULE OF BUSINESS TAX RECEIPT FEES ARE CURRENTLY SET FORTH IN THE CITY’S FEE SCHEDULE RESOLUTION AND AS SUCH SHALL BE REMOVED FROM THE CODE OF ORDINANCES; 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 and sent the matter over to the city council for their discussion and consideration.

Motion by Councilmember King, seconded by Councilmember Hebert, to approve Ordinance 23-11-CC on second reading passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Geile, and Sweetser voted “yes”).

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

- A. Councilmember Sweetser
- B. Councilmember Geile

Councilmember Geile requests council’s support in scheduling a town hall type meeting for the citizens to meet with the city’s Code Compliance Department to discuss matters dealing directly with the community and code enforcement. He stated that the recently formed Short-Term Rental Impact Committee seems to predominantly be taking up the time discussing issues that ought to be discussed in a workshop session rather than concentrating on the task at hand.

Councilmember Bagby asked for clarification with regards to the mission of the Short-Term Rental Impact Committee.

The City Attorney explained that the committee’s task at hand is to provide the city council a report on both the positive and negative impacts of short-term rentals to the community. The council will then decide whether to forward that report to the State Legislature

and the League of Cities so they could decide if they wanted to lobby on the city's behalf and to make changes to the legislature to give the city the ability to deal with any impacts.

Councilmember Destin recommends advertising the meeting in a way that it would be Sunshine Law compliant in case two or more members of the council decide to attend.

Motion by Councilmember Geile, seconded by Councilmember Destin, to direct the City Manager to schedule a community meeting that will be Sunshine Law compliant, for the citizens to meet with the city's Code Compliance Department and voice their concerns and be educated on the city's policies, passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Geile, and Sweetser voted "yes").

Councilmember Geile noted that he is being accused lately of listening to the "squeaky wheels" by someone who cannot take the time to come before this council. He wants to make it clear to all that people like John Stephens, Marcie Bell, Guy Tadlock, and others that are invested in this community, who dedicate their time to the city continuously, volunteer to be members of a committee, and are constantly offering their services for the betterment of the city deserve to be heard and will always have his attention.

- C. Councilmember Destin
- D. Councilmember Bagby
- E. Councilmember Hebert
- F. Councilmember King
- G. Councilmember Schmidt

1. 401 Beach Drive - Information Gathering

Councilmember Schmidt brought up the idea of purchasing 7-plus acres of parcel at 401 Beach Drive, adjoining the Destin Elementary School property. He stated that this specific parcel has been discussed in the past with desires to purchase it, but it was not available. But it is available now and that he recommends doing whatever is necessary for the city to obtain this property. The property is currently owned by the bank and will be going up for auction soon.

Councilmember Hebert supports the idea stating that she had received numerous emails and telephone calls from citizens urging the city to purchase this piece of property. She stated that she fully support buying this property as she believes it is necessary for the future growth of the city.

Councilmember Geile noted that he also received dozens of emails regarding this property all in favor of obtaining this property, but only 9 are verified citizens of the city. He is curious whether the city could afford to buy this land and what the intended purpose is for this property.

Councilmember Schmidt noted that the elementary school is looking to expand, and they already have a plan for the expansion. The school does not need this piece of property to expand, but they could use part of it. In terms of funding, there are a lot of options for the city, such as a partnership with the school board, the General Funds, or debt service.

Councilmember Destin stated that he is in favor of exploring the possibility of partnering with the school district in obtaining this property.

Councilmember Bagby also talked about receiving multiple emails in support of purchasing the land, adding that the majority of the senders wanted the property to be used to expand the school. He expressed concern as to where the money would come from as the city has already taken on too much debt. He also pointed out that obtaining this piece of property is not part of their strategic plan.

Councilmember Sweetser expressed his support of purchasing the property. He reasoned that it was not part of their strategic plan because it was not available when the plan was being developed.

Councilmember King stated that he supports the idea of obtaining the land and making it a part of their strategic plan. But they also need to identify the sources of funding.

The mayor mentioned that the Boys and Girls Club is also interested on the parcel and could also be included in the partnership.

Mr. Steve Horton, Assistant Superintendent of School Operations, confirmed that the school district is in the design and engineering phase for an addition to the Destin Elementary School. The new facility has been designed to fit within the school district's current property. The addition will be a 2-story facility with 32 classrooms. Work is expected to be completed by December 2025. The addition is currently designed to fit in the current school district property. There is not a need for the property at 401 Beach Drive. But there is a desire for a fraction of that property to create more green space for the students. He added that the plan includes bringing the fifth grade back to the Destin Elementary School, which will open up space at the Destin Middle School.

Councilmember Bagby stated that the city cannot afford to purchase the land by itself. He supports the idea of creating a partnership with the school district. However, he would like to see an appraisal before the city commits to anything.

Mr. Horton noted that for the school board to purchase real property over \$100,000 requires two appraisals. They have only ordered one for the purpose of investigating the feasibility of obtaining the parcel, similar to what the city is doing. He does not foresee any issue of sharing the result of that appraisal with the city since they are not buying the property directly from them.

Councilmember Schmidt moved to direct the City Manager and City Attorney to work with the school board about a possible partnership; work with the seller, negotiate, submit a letter of intent, or do whatever necessary to pursue the purchase of 401 Beach Drive, seconded by Councilmember Hebert. Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Geile, and Sweetser voted "yes").

Councilmember Bagby moved to direct the City Manager to obtain an appraisal on this parcel that can be used as a second appraisal for both the school board and the City of

Destin, seconded by Councilmember Destin. Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Geile, and Sweetser voted "yes").

H. Mayor Wagner

1. Park Foundation Workshop

Motion by Councilmember Bagby, seconded by Councilmember Geile, to direct the City Manager to proceed with establishing a park foundation and bring the information back to the council passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Geile, and Sweetser voted "yes").

I. City Attorney

7. PUBLIC COMMENTS

ADJOURNMENT

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

ATTEST:

Rey Bailey, City Clerk

Bobby Wagner, Mayor