

**REGULAR MEETING
DESTIN CITY COUNCIL
AUGUST 21, 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 Dewey Destin

Councilmember Kevin Schmidt

Councilmember Johnny King

Destin City Staff

City Manager Lance Johnson

Parks/Recreation Director Lisa Firth

City Engineer Ryan Scott

Finance Director Krystal Strickland

Human Resources Director Jaime Dittmer

Building Official Noell Bell

IT Specialist James Lauria

City Attorney Kimberly Kopp

City Clerk Rey Bailey

Public Works Director Michael Burgess

Community Development Director Louis Zunguze

Grants/Project Manager Jeffrey Cozadd

Principal Planner Steve O'Connor

Public Information Director Tamara Young

Code Compliance Director Troy Williams

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

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

AGENDA APPROVAL

Councilmember King requests Consent Agenda item 3C be pulled for discussion.

Councilmember Schmidt requests Consent Agenda item 3H be pulled for discussion.

Motion by Councilmember Hebert, seconded by Councilmember King, to approve the agenda, as amended, 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

A. Suicide Prevention Proclamation

Mayor Wagner read the Proclamation designating the month of September 2023 as National Suicide Prevention & Action Month in the City of Destin, and then presented the proclamation to Mr. Louis Zunguze and Mrs. Sabina Zunguze, the Executive Director of the Tatissa Zunguze Foundation For Suicide Prevention.

2. PUBLIC COMMENTS

Ms. Melody Ziegler, Vice-President of the Holiday Isle Improvements Association (HIIA) spoke in regard to the association's opposition to the 25% Net Positive Environmental Benefit (NPEB) fee. She stated that multiple homeowners' associations have been informed by city staff that the 25% fee of the overall construction costs will be levied for seawall, docks, boat slips, and others. This includes not only new projects but also replacement projects. This change will include not only Destin harbor but also canals adjacent to the Destin Harbor. She stated that they question the legality of the implementation of this change without it being properly being vetted. With this change, homeowners will be discouraged in repairing dilapidated seawall and docks because of the heavy additional costs. Replacement and repair projects lead to less runoff and clean up the underwater areas around these projects. The association is urging the council to withhold charging NPEB fees on any such projects within the harbor and the association's canals until the city's Land Development Code (LDC) rewrite is completed. The association would like to have the opportunity to add their input into the LDC rewrite.

Ms. Nikki Noblin, HIIA President, echoed the sentiments of the previous speaker adding that a lot of the association members are concerned about the NPEB fee, especially those with older properties. The association is constantly fighting unpermitted work and they do not want to encourage unpermitted work because of additional fees.

Ms. Lynn Schmidt, Destin Harbor Resort West Homeowners Association President, stated that the impact of the 25% NPEB fee to have anything done in their canal is tremendous. A lot of their residents do not have a lot of money and cannot afford to pay the extra fee. They are struggling to stay in this area because they love it here, and they are urging the council to reconsider the 25% NPEB fee.

Ms. Marcie Gragg, owner of the Forever Lawn of Emerald Coast, an artificial turf installation company, commented on agenda item 4E - *Minimum Stormwater Management Systems Requirement (Definition of Vegetation)*. She stated that there is currently an exception in the LDC for single-family dwellings, and that until the LDC rewrite is completed, the stipulations and permits that are being requested are resulting in more fees being incurred without the full depth of knowledge and would require further discussions.

3. CONSENT AGENDA

- A. Operations Financial Report
- B. Capital Project Status
- C. Resolution 23-17: A resolution of the city council of the City of Destin, Florida, supporting U.S. House Representative Matt Gaetz; supporting diversity; supporting the local economy and supporting local businesses; agreeing with U.S. Representative Matt Gaetz that improving safety and responsible commerce on Crab island is best done in partnership with local communities; directing the city clerk to forward the resolution pursuant to section 4; and providing for an effective date.
- D. Replacement of four HVAC systems, City Hall, emergency purchase
- E. Reimbursement to Mayor Bobby Wagner for expenses incurred while attending the Florida League of Cities Annual Conference in Orlando, Florida, from August 9-12, 2023.
- F. Resolution 23-16 – Financial Institution Signature Authority
- G. City of Destin Vulnerability Assessment DEP Grant Agreement 23LN64
- H. Offboarding Policy
(July 17, 2023: Councilmember Schmidt moved to direct the City Manager to draft a policy with regards to access by terminated employees to IT systems software, seconded by Councilmember Hebert, and bring it back for council's review and approval passed 7-0).
- I. Approval of minutes of August 7, 2023, Council Executive Session
- J. Minutes of Boards and Committees

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

Addressing Consent Agenda item 4C above, Councilmember King stated that he is in full support of Resolution 23-17, but he would like to be able to place, if possible, some size restrictions on commercial vessels and other floating structures, such as the large floating restaurants and the huge water slide.

Councilmember Geile stated that it would be impossible to enforce any additional rules and regulations on Crab Island. The city's code enforcement officers are so backed up as it, and that the city does not have the authority to enforce the rules on Crab Island. He added that they either support the resolution as written or not at all.

The mayor agreed that the city does not have any jurisdictions over Crab Island; adding that the main goal for the resolution is to be able to work with the county in keeping the authority at the local level and not give it away to the National Park Service.

Councilmember Schmidt moved for approval of Resolution 23-17 and direct the City Clerk to forward it as directed in the resolution; seconded by Councilmember Hebert. Motion passed 5-0 (Council members Schmidt, King, Hebert, Destin, and Geile voted “yes”; Councilmember Bagby abstained from voting; Councilmember Sweetser was absent from the meeting).

With regards to Consent Agenda 3H, Councilmember Schmidt noted that the agenda item presented did not quite meet the criteria contained in the motion council adopted on July 17th, which was for the City Manager to draft a policy with regards to access by terminated employees to the IT systems software.

Councilmember Schmidt moved to direct the City Attorney and City Manager to incorporate into the Offboarding Policy the termination of access of outgoing employee to IT technology and bring it back in a resolution format for the council to formally approve at the next council meeting; seconded by Councilmember Hebert.

Councilmember Bagby recommends allowing an outgoing employee to keep their phone for up to 90 days at the City Manager’s discretion, or for a period the City Manager deems appropriate, to be explicitly stated in the policy.

Motion 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. Paid Parking Presentation
(March 6, 2023: Motion by Councilmember Schmidt, seconded by Councilmember King, to direct the City Manager to present a paid parking revenue report to the council in August 2023 passed 5-1, with Councilmember Destin dissenting).

Public Works Director Michael Burgess provided a paid parking update and revenue report to the city council.

Summary Timeline of Paid Parking in Destin

- 2008 – Purchased northern part of Sibert Avenue lot
- 2009 – Purchased Marler Street Parking Lot
- 2013 – Developed approximately 150 parking spots in the Marler Parking Lot

- 2017 – Implemented Harbor District Paid Parking Program (1 for first hour, \$.50 each additional hour)
- 2019 – Implemented \$5 daily fee for all lots
- 2019 – Purchased land adjacent to Sibert Avenue lot for expansion
- July 2020 – Implemented beach paid parking program (\$5 for 5 hours)
- September 2020 – Council waived fees for Sunday morning parking at the Marler Street Parking Lot.
- May 2023 – Implemented new fee schedule for both harbor and beach parking lots.

Harbor District Parking – 300 spaces

- Consists of 3 parking areas (does not include handicapped spaces)
 - Sibert Avenue – 75 paid spaces
 - Destin Community Center – 82 paid spaces
 - Marler Street – 143 paid spaces
- Pre-May 19, 2023
 - 95 daily rate, no over-night parking
- Effective May 19, 2023
 - \$15 daily rate, no over-night parking
- 28 Harbor District parking passes sold (as of July 31, 2023)

Beach District Parking – ~135 spaces

- Consists of Seven Parking Areas (Does not include Handicap Spaces)
 - Gulf Shore Drive –43 Paid spaces
 - Hutchinson – 12 Paid spaces
 - Barracuda – 7 Paid spaces
 - Pompano – 27 Paid spaces
 - Terra Cotta – 12 Paid spaces
 - Shirah – 10 Paid spaces
 - Norriego – 24 Paid spaces*
 - *Currently being used for Norriego Road Extension Construction*
 - *Since Mid-March 2023*
 - Pre-May 19, 2023 - \$5/5hr., No Over-Night Parking
 - Effective May 19, 2023 - \$20/4hrs., No Over-Night Parking

Destin Annual Parking Passes

- Destin Resident Passes
 - Free to Destin Residents

- Applicable at All City Paid Parking Facilities
 - Up to 2 per Household
 - Available at City Hall, Monday-Friday 8am to 5 pm
 - Driver's License & Registration
 - Good from January 1 thru December 31 each Year
 - 1,703+ Resident Passes thus far in Calendar Year 2023
- Non-Resident Harbor District Parking Passes
- \$205 per Pass, non-transferable
 - Applicable in Harbor District Only
 - Unlimited number of passes per household
 - Available at City Hall, Monday-Friday 8am to 5pm
 - Driver's License & Registration
 - Good from January 1 thru December 31 each Year
 - 28+ Non-Resident Passes Purchased in Calendar Year 2023

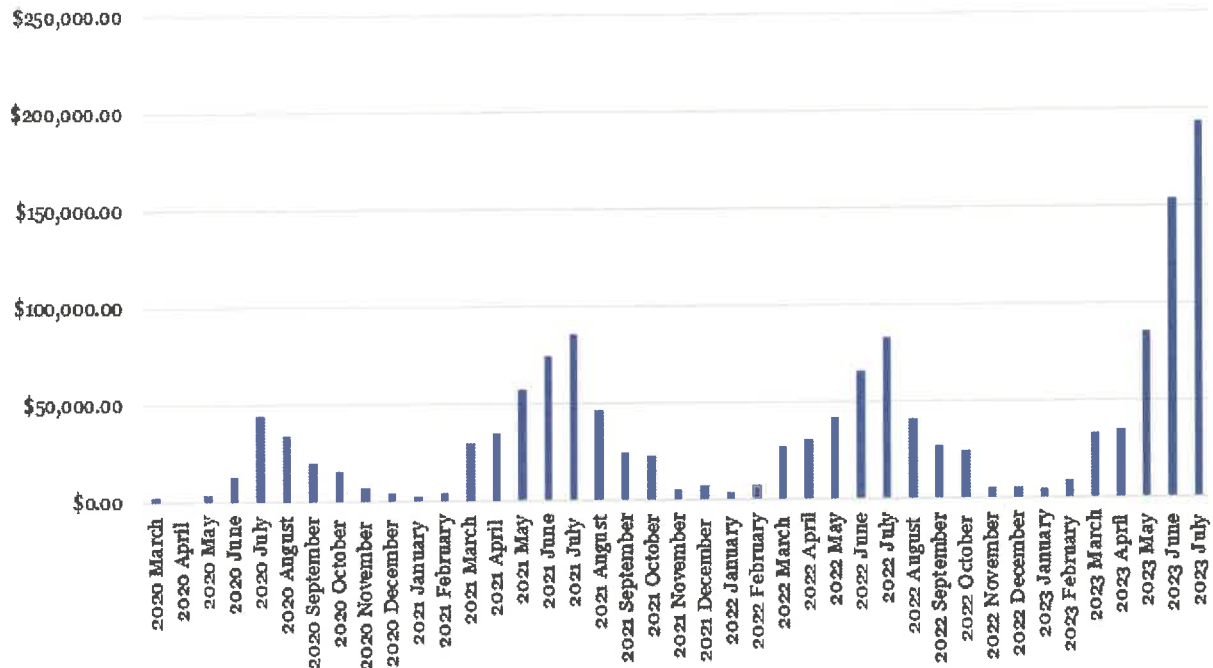
Complicating Factors in Metrics/Unknowns

- Frequency of Destin Resident Parking Pass Use
- Frequency of Non-Resident Parking Pass Use
- Community Center Patron Parking Use (allowed without payment)
- Sunday Morning Use of Marler Street Lot
- Handicap Parking Exemption (Handicap Spaces and those with Handicap Tags or Placards)
- Bad Parking Practices (close or over line, parking in areas not designated as spaces yet paying, etc.)
- Long Vehicles in parallel spaces on GSD (Trucks over 18 feet)
- Doubled parking of LSVs
- Effects of competition

Revenues Generated (net, minus taxes and fees)

- FY21 (All) \$392,349.69
- FY22 (All) \$367,761.48
- FY23 (thru July 31) \$553,174.76
- Remainder of FY23 ~15,000+ transactions

Net Revenues Mar 2020 thru Jul 2023



Focus on the Marler Street Parking Lot

- Marler Street Transactions (Mar1 thru Jul 31 each FY)
 - FY23 – 6786
 - FY22 – 8678
 - FY21 – 9967
 - FY20 – 2054 (COVID)

Parking Enforcement by Year

- Citations
 - FY21 Total – 1152 (824 Paid, 318 Unpaid, 28% Unpaid)
 - FY22 Total – 735 (518 Paid, 217 Unpaid, 29% Unpaid)
 - FY23 Total - 550 (as of 07/31/2023) – (329 Paid, 221 Unpaid, 40% Unpaid)

(NOTE: Parking Citation rate increased from \$33 to \$100 in May 2023)

Councilmember Destin noted that the council previously approved a motion directing staff to explore the possibility of hiring a better parking vendor that can provide the city with more options. He asked staff to provide an update to the council's direction.

According to the City Manager, staff have previously informed the council that this will be done towards the end of the current season when the volume of parking drops and they will have a few months of down time to implement a new system, if necessary.

B. Undergrounding Overhead Utilities - Update Presentation

Mr. Mark Porter, Undergrounding Project Manager from Utility Consultants of Florida, and Mr. Schef Wright, special counsel for the project, provided the following update on the status of the undergrounding overhead utilities project.

- Phase 1 is along US Hwy 98 from the Marler Bridge to Airport Road. The initial estimate to underground the overhead utilities in this area was estimated to cost approximately \$13 million and estimated to cover 3.25 miles.
- Utility Consultants of Florida has compiled data from FPL and the telecom providers with specifics to underground 5.69 (conduit) miles at a cost of \$14,745,000. This amount includes many lateral feeds and replacement of over 100 streetlights within this corridor.
- They will provide the council with several options for the streetlights.
- They will have a better estimate of the landscaping costs once they get a better idea of the council's vision.
- The City's Binding Cost Estimate and Underground Agreement with FPL is being finalized. Once the Binding Cost Estimate is accepted and the Undergrounding Agreement is signed with FPL, the city will make the first payment and FPL will order the materials.
- Undergrounding agreements will be negotiated this fall with the telecom providers, to pin down costs and to allow them to order the materials to move their equipment from the poles.
- If materials are ordered by October 2023, the underground utilities will be ready by August 2025.

Finance Director Krystal Strickland stated that the purpose of tonight's presentation was just to give the council an update on what they can expect to see at the following council meetings when a lot of decisions will be made.

C. City Manager Annual Evaluation Report

The City Manager explained that the City Manager evaluation process allows members of the city council to provide formalized feedback to the City Manager on areas of performance and implementation of the strategic plan. The mayor and several members of the council each completed a City Manager Annual Review form. The Human Resources Director tabulated the results of the evaluation and provided those results to the council.

Councilmember Bagby noted that 70% of the City Manager evaluation submitted by the council were for "Exceeds Expectation" performance category.

Councilmember Bagby moved that pending the council's identification of the merit rating for the next fiscal year, 70% of merit, plus the 3% COLA should constitute the City Manager's salary increase; seconded by Councilmember King.

Councilmember Schmidt noted that the resolution for the City Manager's evaluation that the council adopted does not require any written evaluation form to be submitted by the members of the council; adding it is up to the discretion of each council member whether to give a verbal or written evaluation.

Councilmember Hebert announced that she has had private discussions with the City Manager and that she cannot support a merit increase at this time, but she will support the COLA increase.

According to Councilmember Destin, it may be premature to vote on the City Manager's salary raise before they approve the budget, and when all the other factors are not yet known.

Councilmember Bagby withdrew his motion on the floor.

D. City Marina Presentation for Discussion

Capt. Jim Green, Chairman of the Harbor CRA Advisory Committee, a member of the Harbor Waterways Board, and Chairman of the Destin Charter Boat Association, provided the following proposal for a City of Destin Municipal Marina on the harbor.

Proposed City of Destin Municipal Marina



Purpose and Need

This proposal started to be envisioned when the City of Destin began discussing the purchase of the property at 1 Harbor Blvd located in the Harbor CRA district. The attached documents show a layout of a possible design for a Municipal Marina along with improved parking, which both are part of the City's Strategic Plan as desirable goals.

Public Purpose

- **City Marina**

The Destin Harbor is one of the most sought-after places to keep a vessel. Whether for private or commercial purposes it is home to a synergy that has been a product of commitment of private businesses as well as city planning. The proposed Marina has 41 slips, 40 rentable slips and 1 pump out slip. The need for more dockage of vessels of all modes is desired and at a deficit within the Harbor CRA District. Transit and Permanent slips are in high demand year round. The preliminary estimates of income generated by these slips are close to \$750,000.00 annually

- **Improved Parking**

We all know that the Harbor CRA District is and has been operating at a deficit in parking for quite some time. Some parking would need to be set aside for tenants of the marina, but in the design, it provides an abundance of parking similar to the capacity of existing lots located within the district. This parking can be viewed as a premium as it connects directly to the Harbor Boardwalk and provides the safest passage without any street crossings at all. Within the design is 150 parking spaces with some room to expand depending on adjustments to design features.

- **Phase II Harbor Boardwalk**

One of the amenities within the design is Phase II of the Harbor Boardwalk, running under the Destin Bridge. This not only connects the Boardwalk to a property north of Highway 98, but also provides safe passage for pedestrians under the roadway to the Harbor's "Festive Market Place".

- **Connectivity**

With an ADA sidewalk running along the north side of the property, which has the most favorable amount of grade, the City will be able to provide ADA accessibility and connectivity to the Harbor Boardwalk in the safest manner possible. This will allow for utilization of the Zerbe parking areas for all pedestrians as well.

- **Marine Waste Pump Out Facility**

Another need for the Destin Harbor as well as the waterways around Destin is a Marine Waste Pump Out facility. As you may remember from the Harbor Capacity Study Steering Committee recommendations, we only have one facility in the Harbor that provides this service. With the large volume of marine traffic, and our city's commitment to water quality in our area, our waterway can only benefit from more points of service.

- Public View and Observation of the Waterway

During the City Council's discussions about the acquisition of the property many citizens spoke of having an unobstructed view of the waterway and sunsets. Utilizing an already existing platform on the property provides a very nice well-appointed Observation Area can be installed with also room for expansion if desired to make it bigger.

Summary

Overall, the property at 1 Harbor Blvd has a lot of potential to check a lot of boxes considering the needs and desires of the citizens as well as the Harbor CRA District. The Harbor CRA has a lot of parks for enjoyment and access for citizens and visitors alike. One thing that the city does not provide in all these other parks is available dockage for long term and transit vessels. Not only does this design provide a lot of connections to projects completed and being visioned as we speak, but it also provides the connection to the boating and fishing industries which is truly the foundation of Destin existence. Thank you for your consideration of this utilization of the 1 Harbor Blvd property.

Councilmember Bagby requests a briefing from staff at the next council meeting regarding who is working the comprehensive planning for utilization of the 1 Harbor property, what areas it encompasses, what ideas are being considered, and plans for obtaining input from the public; and then to start sending that information to the Harbor CRA .

E. Minimum Stormwater Management Systems Requirements (Definition of Vegetation)

City Engineer Ryan Scott gave the following presentation:

Current City Land Development Code Definitions

- Impervious surface: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It also includes semipervious surfaces such as clay, shell, gravel, crushed stone, pavers, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar surfaces.
- Landscape material: Living material including, but not limited to, trees, shrubs, vines, lawn grass, ground cover; landscape water features; and nonliving durable material commonly used in landscaping including, but not limited to, rocks, pebbles, sand, prairie film, brick pavers, and earthen mounds, but excluding impervious surfaces for vehicular use.
- Open space: A vegetative pervious surface at ground level that is unobstructed from ground level to the sky and is not occupied by any building coverage or impervious surfaces.

- **Retention:** The collection and storage of surface water runoff without subsequent discharge other than through percolation or evaporation.
- **Stormwater facilities:** Manmade structures that are part of a stormwater management system designed to collect, hold, convey, channel, inhibit, divert, or discharge stormwater, on, through and from a site. A stormwater management system may include, but is not limited to stormwater ditches, sewers, canals, drains, detention facilities and retention facilities.
- **Swale:** A manmade trench which: a) has side slopes no steeper than one-foot vertical to three-foot horizontal; b) contains contiguous areas of standing or flowing water only during and following a rainfall event; c) is planted with or has stabilized vegetation suitable for soil stabilization, stormwater treatment, and nutrient uptake; and d) is designed to take into account the soil erodibility, percolation, slope, slope length and drainage area so as to prevent erosion and reduce pollutant concentration of any discharge.

Why is a stormwater system needed?

- **Elements of a stormwater system:**
 - ❖ Swales (quantity)
 - ❖ Retention (quantity)
 - ❖ Canals (quantity)
 - ❖ Detention (quantity)
 - ❖ Wet Ponds (quantity)
 - ❖ Natural vegetation (quality)
 - ❖ Soils (quality)
- **A stormwater system helps reduce:**
 - ❖ Runoff
 - ❖ Erosion
 - ❖ Pollutants
- **Stormwater helps protect:**
 - ❖ Yourself
 - ❖ Our
 - Neighbors
 - Harbor
 - Bayous
 - Bay
 - Gulf
 - Wetlands

Artificial turf as vegetation

- *If artificial turf is included in the definition of vegetation, will it then be allowed in stormwater systems?*
- *University of Florida paper*
 - ❖ Living turfgrass provides a root zone to help filter and slow runoff and stop erosion.
 - ❖ Natural turfgrass plays an important role in cooling the environment that synthetic turf cannot.
 - ❖ Average surface temperature of natural turfgrass can be 70° to 100° cooler than synthetic turf.
 - Leads to higher surrounding air temperatures which can result in higher cost to cool buildings.
 - Some users will end up “watering” synthetic turf to cool it off for children or pets to use it.
 - Many manufacturers recommend weekly washdowns to remove contaminants such as dust, pet waste, and odors.
 - ❖ Fertilizer – lack of root system and its associated microbial community there is no water filtration benefit.
 - ❖ Synthetic turf does not offer any benefits that attract or support wildlife.
- *Environmental Protection Agency*
 - ❖ When private entities do not fulfill their maintenance responsibilities and the facilities fail, the burden of maintaining runoff control and performing downstream restoration may ultimately fall under the local government’s responsibility.
 - ❖ Infiltration practices...are subject to clogging from sediment, oils, greases, and microbes. Clogging impairs their effectiveness in reducing runoff volume and pollutant loading to downstream waters.
 - ❖ Promotion of a vegetative cover will help maintain percolation rates, slow runoff velocity, and minimize ground water pollution.

Local Agency Requirements

- Northwest Florida Water Management District (NFWMD) and Florida Department of Environmental Protection (FDEP) – Applicant Handbook Volume II
- 2.6.2 – The retardation of overland runoff and soil stabilization using naturally occurring vegetation coverage shall be considered before paving, riprap, lining, energy dissipation and other structural measures are employed.
- ❖ 9.5 – Swales shall be stabilized with vegetative cover suitable for soil stabilization, stormwater treatment, and nutrient uptake.
- Email from NFWMD – Dated 8/7/2023:
 - ❖ If other structural means are used, aside from naturally occurring vegetation coverage, the applicant would be **required** to demonstrate

that the proposed material meets the minimum stormwater treatment performance standards...

- ❖ If a material is used that is not considered the standard, such as a liner, semi-impervious, etc...the applicant would be required to provide a pollutant loading analysis to demonstrate that the alternative material meets or exceeds the minimum performance standards for Total Nitrogen and Total Phosphorus, demonstrating a net benefit to the pollutant loading from the existing conditions of the site.

➤ Email from FDEP – Dated 8/10/2023:

- ❖ There is no direct definition in rule for vegetation. However, most instances of that word being used it is described as natural, undisturbed, wetland, growing, exotic, and other such terms that indicate it is a living material.
- ❖ Synthetic turf does not have the natural vegetation or root system to aid in uptake of nutrients providing treatment and water could potentially not infiltrate within the 72-hour requirement. There is no research that I am aware of that substantiates that artificial turf could treat stormwater to the same level as natural turf.
- ❖ While synthetic turf can be useful in small and well trafficked areas where natural grasses would have a difficult time growing because of shade, soil conditions, foot traffic, or other causes; the use of synthetic turfgrass could cause additional factors on a site that would need to be accommodated. The project would need to take into account the permeability in the artificial turf and its subsurface as a low permeability of the area will increase the runoff volume and rate of the site. Washing and cooling of the synthetic turf with water should also be accounted for as a potential additional source of runoff volume.

What do our neighbors do?

➤ Okaloosa County

- ❖ We have a lot of the same code language.
- ❖ 6.05.04(3)(a) – Plant material standards
 - ❖ Turf and lawn grass: Lawn grass shall be perennial species capable of thriving in Okaloosa County.

➤ Santa Rosa County

- ❖ 3.04.00(M)(2) – Stormwater management
 - ❖ At completion of construction, all exposed dirt shall be stabilized with sod, a hay/seed mix or hydro-seed.

➤ Fort Walton Beach

- ❖ 4.08.03(A)(9) – Specifications for Landscape Materials and Vegetation
 - All landscaped areas and buffers shall be stabilized with grass (sod or seeded) or ground cover. Ground cover used in lieu of grass shall be planted so as to present a finished appearance and substantially complete coverage.

➤ Niceville – Same verbiage in code as City of Destin

➤ Walton County

- ❖ 5.01.03 – Drainage Facility Landscaping
 - Drainage facilities shall be completely landscaped with plantings and ground surface materials. Such landscaping shall provide for erosion protection while allowing for the efficient utilization of the site.
- ❖ 5.06.00 – Stormwater Management
 - Site shall be permanently stabilized with viable vegetation prior to issuing a Certificate of Occupancy (CO). Pine straw will not be accepted as a permanent stabilization technique unless accompanied by appropriately spaced ground covers, shrubs and canopy trees.
- Gulf Breeze
 - ❖ 24-134(g) – Plant material
 - Synthetic materials. Synthetic shrubs shall not be used. Synthetic turf may be used only in areas where severe conditions prevent the use of other ground cover.

Artificial Turf

Pros:

- Low maintenance
- Last for years
- Durable
- Customizable
- Conserves water
- No fertilizers
- No pesticides
- Reduced carbon emissions (lawn mowers, etc.)
- Can be made from recycled materials.

Cons:

- High costs (initial install & repairs).
- Can absorb heat and get hotter in the summer months unless the proper cooling infill is used.
- Introducing a lot more plastics and rubbers to the environment especially after a major storm event comes through the area.
- If not maintained properly, over time, it can become compacted and act as an impervious area.
- Loss of wildlife habitat.
- Potential of contaminated runoff from the site.
- Slowly kills soil nutrition.
- No nutrient removal (all nutrients runoff the site)
- Micro plastics leaching into environment
- Fertilizer/Pesticides

- Lack of photosynthesis
- Type of infill (crumb rubber?)

Natural Sod

Pros:

- Offers an instant, natural lawn with weed resistance.
- Provides natural look and feel.
- Can be less expensive upfront.
- Natural nutrient removal from the water (improved water quality).
- Reduces soil erosion.
- Reduces carbon dioxide levels in the atmosphere (increases oxygen levels).
- Reduces heat island effect.
- Keeps soils healthy for organisms and natural vegetation.
- Specialty contractor not required.
- Easy to repair when needed.
- Reduces glare.

Cons:

- Requires more maintenance than artificial turf.
- Can be more susceptible to damage from heavy foot traffic or pets than artificial turf.
- Use of fertilizers.
- Use of pesticides.
- Water use.

Councilmember Schmidt stated that for the most part, this presentation seemed one-sided and was aimed at discouraging the use of artificial turf. He stated that there is a permitting process involved which allows city staff to review what people want to do with their property to make sure they meet the code, and then to have professional inspectors/engineers to sign off on the project. In this case, to make sure the artificial turf is being used in a reasonable way. They should be working with the industry professionals that can provide that insight. He stated there is not enough emphasis put on what artificial turf can bring and that he did not hear much about the major advantage of artificial turf such as reduction in use of pesticides. With artificial turf, they would not need to water the grass anymore or use chemicals to kill weeds. He continued that there are many places in the city that struggle drastically with growing grass. Most places, such as on Holiday Isle, are so sandy. He added that they should allow property owners to make their decision to use artificial turf in their yard and follow the permitting process.

Councilmember Geile noted that he is part of the Florida Roofing and Sheet Metal Contractor Association. Insurance companies use to tell people to replace their roof every 10 years. The Association fought it and was successful in getting it eliminated because of landfill. There was also a study that found grass *clippings* to be the third largest component in landfill and that there are very few approved landfills left. Also, with regards to the presentation, everything leading up to the pros and cons portion seemed to discourage the use of artificial turf. He added that they should not be dictating to the citizens what to do with their own property.

Councilmember Bagby stated that he does not want artificial turf in the rights-of-way or in swales; adding they should allow it on private property as long as they have stormwater treatment system (i.e., French drain, exfiltration tubes) because this is a water-based community.

Councilmember Bagby moved to send this matter to the Local Planning Agency so that the Agency and city staff can investigate and bring something back that captures the wastewater treatment component of the stormwater system and to provide better information to council before they decide on this matter, seconded by Councilmember Destin.

Councilmember Destin asked staff to provide the number of artificial turf applications they have received to the city council.

Councilmember Schmidt stated that this is a pressing matter as they have business owners and citizens that are being denied the use of artificial turfs. He stated that the City Engineer is one of the subject matter experts on this topic, and so sending it to the Agency will be unnecessary and will only result in further delay.

Councilmember Destin asked if city staff has been denying permits even though they do not have anything in the code that addresses this issue at all.

The City Engineer stated that permits are not being denied.

The City Attorney explained that there was an initial interpretation made that artificial turf was not allowed, resulting in a bit of an outcry from some people in the public. There was a new interpretation where it was allowed if there was basically sufficient drainage. There may have been some permits that were delayed but were ultimately issued. She added that the new interpretation is what is currently being followed. City staff want to know if the city council agrees with the new interpretation, otherwise they are requesting further guidance.

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

F. Net Positive Environmental Benefit Fee - LDC 11.05.02.N

The city’s Principal Planner Steve O’Connor provided the following information:

The first record found concerning the Net Positive Environmental Benefit (NPEB) fee comes from Ordinance 033.3, dated March 24, 1986. It was established as a 25% fee based on the project valuation. Since then, the specific NPEB section has been amended to clarify when the fee was due (currently prior to permit issuance) and how to calculate the 25% (currently the cost of construction, which is materials & labor).

In October of 1995, the City and the Florida Department of Environmental Protection (FDEP) entered into an agreement that established the Destin Harbor Stormwater Treatment Fund (DHSTF) funded by the NPEB fees. As this agreement was being considered, the Harbor &

Waterways Board recommended the City Council establish exemptions to the NPEB fee. The first recommended exemption is likely where the current confusion over when the NPEB fee does and does not apply. The first exemption has to do with boat lifts. The lifts themselves are exempt if attached to existing pilings. If new pilings are needed for the lift, then the NPEB fee is applied to the new pilings only, not the lift. The City Council adopted that recommendation along with the others listed in the attachment. The council directed the City Manager at that time to develop an ordinance for adoption to reflect these exemptions. Staff has yet to find this ordinance.

However, the Land Development Code (LDC) 11.05.02 N is specific on when and how the fee is applicable and calculated. Further, *Comprehensive Plan policy 6-1.2.3: Protect Water Quality with Destin Harbor* provide enough guidance on the NPEB to show that in the absence of any further Council direction, Ordinance Change, or other policy directive, the NPEB fee is to be applied to all marine facilities construction projects whether, residential or commercial, and or new, modification, or repair project.

Based on the Comprehensive Plan policy, the Land Development Code regulations, the intent of the Net Positive Benefit fee, and comments heard from residents and builders, Staff is bringing the following options for discussion and to get clear direction and guidance from City Council on how to assess the NPEB fee moving forward properly. Any direction Staff receives tonight will be addressed in the new LDC but can also be implemented sooner with an ordinance amending the current LDC.

OPTIONS:

1. Keep assessing the NPEB fee to all projects within the Harbor and Canals adjacent to the Harbor, as Staff is currently implementing the regulations. This means any new dock, modification, or repair to an existing approved dock and the addition of, modification or repair to riprap will be assessed a fee of 25% of the construction cost (labor & materials).
2. Assess an initial 25% NPEB fee to all new facilities and expansions or major modifications, then a lesser percentage, for discussion purposes, a 10% fee, for any voluntary modification or repair not directly linked to an emergency event, such as a hurricane or other event out of the upland property owner's control.
3. Assess the 25% NPEB fee once, and no additional fees are required until an expansion or other major modification is proposed from the approved initial marine facility.
4. Refer the item to the Harbor and Waterways Board for further discussion and recommendations.

Councilmember Destin noted that instituting this fee back in 1987 was quite controversial as a lot of dock owners vehemently opposed it. It was intended for new constructions and not for reconstruction. Over the years, materials have matured and become more environmentally friendly. As people go forward to replacing the old materials with the new materials, to charge them 25% fee is counterproductive.

Motion by Councilmember Destin, seconded by Councilmember Bagby, to refer this item to the Harbor and Waterways Board for further discussion and recommendations passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted “yes”; Councilmember Sweetser was absent from the meeting).

G. Pickleball

(July 17, 2023: Direct the City Manager and City Attorney to work out all the Details as part of the interlocal agreement involved with the Destin Aquatic Center option by the second city council meeting in August, at which time the council will make the final decision; seconded by Councilmember Hebert. Motion passed 7-0.)

According to the City Manager, the city has received a letter from Emerald Coast Fitness Foundation indicating they were withdrawing their proposal to build pickleball courts at the aquatic center property in Destin. With this new development, staff believes the most viable option to deliver pickleball courts in the near term is to construct those adjacent to the City Hall annex property. Staff have secured two proposals from Jenkins Engineering to update those designs. The first proposal is an update to design and permit the pickleball complex. The second proposal included the design and permitting for the pickleball complex, boundary and topographical survey, and parking additions and improvements.

Motion by Councilmember Hebert, seconded by Councilmember Destin, to accept the proposal from Jenkins Engineering to design and permit the pickleball complex, parking addition and improvements, and additional survey work for a lump sum amount of \$51,400 passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted “yes”; Councilmember Sweetser was absent from the meeting).

Councilmember King recommends creating a design that could potentially accommodate additional courts in the future.

H. Announcements:

1. Mobility Workshop scheduled for Tuesday, August 29th, beginning at 5:30 PM in the City Hall Annex Council Chambers. The public is invited and encouraged to attend.
2. The TDC arranged to have the film crew in town last weekend. The Public Information Department is working with them in putting out information regarding scuba diving and snorkeling in the area.
3. City facilities will be closed on Monday, September 4th, for Labor Day Holiday. The next city council meeting and first budget hearing are scheduled for Thursday, September 7th, at 5:30 PM.
4. Destin Water Users occasionally restrict reclaimed water flows; and that Morgan Sports Center is currently on a 3-day restriction.
5. The proposed resurfacing of Vintage Court and Vintage Circle is scheduled to start around September 12th.
6. The city has received, and in the process of assembling and installing, 6 pairs of pedestrian crossing signals. One will be located in the intersection of Main

Street and North Lakeside Drive. The other 5 will be installed along Scenic Hwy 98, per the recommendations by the Public Works/Safety Committee.

5. PUBLIC HEARINGS

A. Second reading of Ordinance 23-10-LC, amending Article 7 - Zoning and Regulatory Controls of the Land Development code; changing the list of permitted conditional and prohibited uses to include Luxury Motor Home Resorts as a Conditional Use in the Town Center Mixed Use (TCMU) zoning district; amending Table 7-2, Table of Allowable Uses; including conditions and criteria for approval.

The City Attorney read Ordinance 23-10-LC by title, and then presented it to the city council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING ARTICLE 7, ZONING AND REGULATORY CONTROLS , OF THE LAND DEVELOPMENT CODE; CHANGING THE LIST OF PERMITTED, CONDITIONAL AND PROHIBITED USES TO INCLUDE LUXURY MOTOR HOME RESORTS AS A CONDITIONAL USE IN THE TOWN CENTER MIXED USE (TCMU) ZONING DISTRICT; AMENDING TABLE 7-2 , TABLE OF ALLOWABLE USES; INCLUDING CONDITIONS AND CRITERIA FOR APPROVAL; PROVIDING FOR AUTHORITY; 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 their discussion and consideration.

Motion by Councilmember Schmidt, seconded by Councilmember Hebert, to approve Ordinance 23-10-LC on second reading, 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 23-11-CC, amending Chapter 13 of the Code of Ordinances Section 13-40 Schedule of Fees, to remove the fees listed and add language that defers and fees to be charged to the Resolution of Fees.

The City Attorney read Ordinance 23-11-CC by title, and then presented it to the city 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 turned the matter over to the city council for their discussion and consideration.

Motion by Councilmember Schmidt, seconded by Councilmember Hebert, to approve Ordinance 23-11-LC on first reading and to advertise it for second reading on September 7th, passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Geile voted “yes”; Councilmember Sweetser was absent from the meeting).

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

- A. Councilmember Sweetser
- B. Councilmember Geile
- C. Councilmember Destin
- D. Councilmember Bagby
- E. Councilmember Hebert
- F. Councilmember King
- G. Councilmember Schmidt

Councilmember Schmidt requests the City Manager obtain some clarity, or a copy of written agreement between the city and county, as to what activities the County TDC’s Little Adventures is allowed to conduct on city parks.

- H. Mayor Wagner
- I. City Attorney

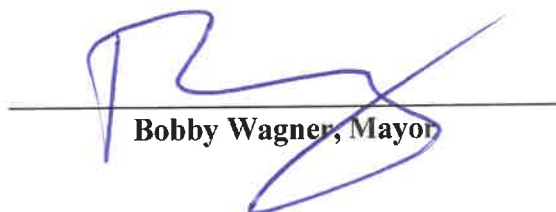
7. PUBLIC COMMENTS

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 9:35 PM.

ATTEST:


Rev Bailey, City Clerk


Bobby Wagner, Mayor