

**REGULAR MEETING
DESTIN CITY COUNCIL
MARCH 18, 2019
ANNEX COUNCIL CHAMBERS
6:00 PM**

*****Core Value of the Month - Integrity*****

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

INAUGURATION OF NEWLY ELECTED DESTIN CITY COUNCIL MEMBER STEVEN MENCHEL.

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

1. APPROVAL OF MINUTES

- A. Approval of minutes of January 22, 2019 Regular City Council Meeting
- B. Approval of minutes of December 17, 2018 Regular City Council Meeting

2. PROCLAMATIONS / RECOGNITIONS / **SPECIAL PRESENTATIONS / ANNOUNCEMENTS (No public comments)

- A. Overview of Choctawhatchee Basin Alliance/City of Destin Partnership - Ms. Alison McDowell

3. PUBLIC COMMENTS ON AGENDA ITEMS THAT ARE NOT PUBLIC HEARINGS AND ANY OTHER MATTERS NOT ON THE AGENDA (All agenda items other than those under Number 5)

(Note: Individual speakers will be limited to 3 minutes. At the discretion of the Mayor, this 3 minute allowance may be adjusted depending on the level of business coming before the City Council)

4. CITY MANAGER REPORTS

- A. Public Beach Initiative Update
- B. Crab Island Committee
- C. Direction concerning Evaluation of Professional Services.
- D. Discussion item for livery vessel moratorium
- E. Update from Community Development Director and City Land Use Attorney Per Council's Directives Regarding Updates to LDC and Comprehensive Plan
- F. Announcements:

- 1. April 12, 2019 - Staff Appreciation Day - 11:00 AM to 5:00 PM

5. PUBLIC HEARINGS

6. *CONSENT AGENDA (No public comments)

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

- A. Councilmember Braden
- B. Councilmember Ramswell
 - 1. Appointment of Mr. Jim Wood to the Public Works/Safety Committee
- C. Councilmember Menchel
- D. Councilmember Overdier
- E. Councilmember Marler
- F. Councilmember Destin
- G. Councilmember Morgan
- H. Mayor Gary Jarvis
- I. Land Use Attorney
- J. City Attorney

8. ADJOURN

All items listed under Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and may be considered separately.

****To be placed on the Agenda under scheduled presentations, citizens must contact the City Manager or City Clerk's office one (1) week prior to the scheduled City Council Meeting by completing a Speakers Request Form and providing any accompanying documentation as requested in the form's instructions.**

***** Any invocation that is offered before the official start of the City Council meeting shall be the voluntary offering of a private person, to and for the benefit of the City Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council, or the City staff, and the City is not allowed by law to endorse the religious beliefs or views of this, or any other speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered. A person may exit the City Council Chambers and return upon completion of the opening invocation if a person does not wish to participate in or witness the opening invocation.**

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she may need a record of the proceedings, and for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. FS 286.0105.

Persons with disabilities who require assistance to participate in City meetings are requested to notify the City Clerk's Office at (850) 837-4242 in advance. Hearing Impaired: TTY: 711. Assistance also available through Human Resources, Title VI Coordinator, at (850) 837-4242.

Personas con discapacidades que necesitan asistencia o personas que necesiten ayuda con un idioma para participar en las reuniones de la ciudad, deberán notificar la oficina de la Secretaria Municipal al (850) 837-4242 antes de la reunión. Discapacidad auditiva: TTY: 711 (Solicitar Espanol CA). La ayuda tambien está disponible por Recursos Humanos, Coordinador del Título VI, al (850) 837-4242.

Note: *Persons who wish to provide public comments on agenda items are requested to fill out a blue speaker card and submit it to the City Clerk at the start of the meeting.*

Persons who wish to provide public comments on any other matters not on the agenda are requested to fill out a yellow speaker card and submit it to the City Clerk at the start of the meeting.

All regularly scheduled city council meetings will be streamed live via the city's YouTube channel, www.youtube.com/CityofDestin. Past council meetings can also be viewed here.

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**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
JANUARY 22, 2019
CITY HALL ANNEX COUNCIL CHAMBERS
6:00 PM**

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

Destin City Council

Mayor Gary Jarvis
Councilmember Steven Menchel
Councilmember Cyron Marler
Councilmember Parker Destin

Councilmember Chatham Morgan
Councilmember Prebble Ramswell
Councilmember Skip Overdier
Councilmember Rodney Braden

Destin City Staff

City Manager Lance Johnson
Community Development Director Louis Zunguze
Parks & Recreation Director Lisa Firth
Finance Director Bragg Farmer
City Land Use Attorney Kimberly Kopp

City Clerk Rey Bailey
IT Manager Webb Warren
Code Compliance Manager Joey Forgione
City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM. Pastor Kevin Wendt of Grace Lutheran Church gave the invocation; which was then followed by the Pledge of Allegiance)

AGENDA APPROVAL

Motion by Councilmember Destin, seconded by Councilmember Overdier, to approve the agenda passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

1. APPROVAL OF MINUTES

A) Approval of minutes of January 7, 2019 Special City Council Meeting

Motion by Councilmember Marler, seconded by Councilmember Overdier, to approve minutes of January 7, 2019 Special City Council Meeting passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Ramswell and Braden voted “yes”; Councilmember Menchel abstained from voting).

B) Approval of minutes of November 19, 2018 Regular City Council Meeting

Motion by Councilmember Marler, seconded by Councilmember Overdier, to approve minutes of November 19, 2018 Regular City Council Meeting passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Ramswell and Braden voted “yes”; Councilmember Menchel abstained from voting).

2. PROCLAMATIONS / RECOGNITIONS / **SPECIAL PRESENTATIONS / ANNOUNCEMENTS

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

Mr. Greg Featherston, a Destin resident, representing Emerald Grande and Harborwalk Village, addressed the item on the agenda relating to creating legislative provision for collecting fees at the exit versus the entrance point to a private pay for parking facility. He stated they are not in agreement with collecting parking fees at the exit point, but would remain open-minded to this option. He continued there are a lot of things to consider; including roadway configuration at the intersection of Stahlman Street and US Hwy 98, the parking lot configuration on their property, the ingress and egress available to them and the operation of the parking lot itself. He asked they be given the opportunity to meet with the City Manager and staff on this issue and come back with their findings or for the City Council to hold a public workshop to further discuss this issue.

Councilmember Braden asked why the Emerald Grande is against collecting parking fees at the exit point.

Mr. Featherston explained that the primary concern was it could create a gridlock in the property, which could then affect the traffic on US Hwy 98.

4. CITY MANAGER REPORTS

A) Request from David Theriaque to Dismiss Code Enforcement Appeals/Violations

According to the Land Use Attorney, the subject code enforcement appeals involve three properties located within Destin Pointe, regarding first floor structure within the flood zone. The City of Destin executed a Settlement Agreement last year with the private property owners. The Settlement Agreement provided that the parties would request that FEMA accept Section 1316 Declarations for the subject properties within 95 days, and that the City would subsequently dismiss the pending code enforcement appeal. Due to delays at FEMA, quite possibly at first due to Hurricane Michael, and currently, due to federal government shutdown, the 1316s are still being processed by FEMA. It is believed that ultimately, the 1316s will be issued by FEMA, and that dismissal of the code enforcement appeal will be rendered moot accordingly. Therefore, there is likely little risk to the City in dismissing the pending code enforcement appeals and violations as being requested by Mr. Theriaque, attorney for the property owners. At some point, FEMA is expected to issue the 1316s, and the properties will be removed from the insurance program.

Councilmember Ramswell moved to go forward with the steps necessary to dismiss Code Enforcement Appeals/Violations, as requested by Mr. David Theriaque; seconded by Councilmember Menchel. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

- B) Receipt of Report from Fisher Planning and Development Services in Connection with Bert Harris Pre-Suit Notice Submitted by Destin Fishing Fleet.

The City Manager noted that the City Council directed him to enlist the services of Ms. April Fisher of Fisher Planning & Development Services to prepare an independent evaluation of the development rights of the subject property based on the City’s Comprehensive Plan amendments, in response to the pre-suit notice of Bert Harris claim submitted to the City by the Destin Fishing Fleet. She asked Council to provide further direction to staff on how to proceed.

Councilmember Destin asked what financial exposure the City may have in terms of attorney’s fees in the event the Fishing Fleet files a Bert Harris claim.

The City Attorney explained that the Bert Harris litigation would be a bifurcated process. The first step would be the trial court determining whether the Fishing Fleet had any vested rights for existing use that has been inordinately burdened. Based on the report they received there is substantial likelihood the City will prevail at that stage; and so the City’s primary risk is the attorney’s fees associated with the claim, which is estimated to be \$10,000 to \$20,000.

The Mayor asked whether the City would be required to obtain its own appraisal if they decide not to take further action based on their special counsel’s recommendation and then the Destin Fishing Fleet files a lawsuit.

The Land Use Attorney stated that the City would not necessarily be required to obtain an appraisal at that time. It would depend on how the lawsuit is progressing; adding that the City Attorney feels the City has a strong case.

The City Attorney clarified that the initial step in the proceeding is simply an entitlement as determined by the trial judge. If the Destin Fishing Fleet prevails at that first step, then the City would be required to obtain an appraisal.

According to the Land Use Attorney, she would defer to the Council on whether or not there is an amount they want to offer for a settlement; or if there is anything they wish to discuss as far as settlement. She continued that they should at least provide a statement of allowable uses per Florida Statutes to them; which could be consistent with the existing zoning and comprehensive plan currently in place.

Councilmember Destin moved to direct the City’s legal counsel to communicate a settlement offer of \$12,000 to the Destin Fishing Fleet, and send a statement of allowable uses to the opposing counsel; seconded by Councilmember Braden. Motion passed 7-0

(Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

Councilmember Morgan asked what legal protections are afforded to the City if they make a bonafide settlement offer.

The Land Use Attorney replied that if the City makes a bonafide settlement offer and the Fishing Fleet rejects it and files a lawsuit, the City could potentially be entitled to reasonable costs and attorney’s fees if the City prevails on the lawsuit because the Fishing Fleet rejected the settlement offer.

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

C) Clement Taylor Park Restoration Request to submit the RESTORE Act Direct Component Grant Application

The City Manager noted that during a presentation at the December 17, 2018 Destin City Council meeting, Council directed staff to ask the Okaloosa County and U.S Department of Treasury if excluding a portion of the park would interfere with grant funding. A request was then sent to the County, along with the revised drawing, inquiring if a portion of the southeast corner of the park would be considered a material modification to the County’s accepted RESTORE Direct Component Multi-year plan. Based on the fact that the project budget and scope will not change as a result of the exclusion, the U.S Department of Treasury advised that it would not constitute a material modification. He asked for Council’s approval to move forward with the Clement Taylor Park Restoration Project and submit a RESTORE Act Direct Component Grant application to Okaloosa County for U.S Department of Treasury review.

Councilmember Overdier moved to authorize City staff to move forward with the Clement Taylor Park Restoration Project and submit the RESTORE Act Direct Component Grant Application to Okaloosa County for U.S. Department of Treasury review; seconded by Councilmember Menchel. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

D) Announcements

1) Coyote Mitigation

The City Manager announced that by the Council’s direction, staff has scheduled a site visit this week with representatives from USDA-Wildlife Services. This agency also contracts with Okaloosa County to provide the Wildlife Management Plan for the Destin Executive Airport and has experience dealing with this issue. They currently offer relocation services to the County and the City for coyotes found to be rogue. He continued they would have a better idea on what the next steps should be after that meeting. Furthermore, Florida Fish and Wildlife (FFWC) are willing to do some type of education/outreach over the coming months to provide information to the public on human-wildlife interactions and how to best manage and prevent coyote conflict.

The City Manager also made the following announcements:

- Airport Road Engineering RFQ submissions – Presentations on February 4th Council meeting
- Code Compliance after hour complaints
 - ❖ 850-279-6658
 - ❖ code@cityofdestin.com
 - ❖ Information to be placed on all Code Compliance Department vehicles
- Paid Parking Workshop – Monday, February 4th from 5-6 PM, Annex Council Chambers
- Workshop – FLUM & zoning maps alignment – Tuesday, February 26th, 5-7 PM, Annex Council Chambers
- Destin History and Fishing Museum Gumbo Contest on Saturday, January 26th, 11 AM to 1 PM, Destin Community Center

5. PUBLIC HEARINGS

- A) Second reading of Ordinance 18-29-CC – Amendments to Short-Term Rental Ordinance and Establishing Maximum Occupancy Limits.

The City Attorney read proposed Ordinance 18-29-CC by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO OCCUPANCY LIMITS FOR SHORT-TERM RENTALS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT OF CODE OF ORDINANCES ARTICLE VI - REGISTRATION OF SHORT- TERM RENTALS; AMENDING SECTION 13-108, LOCAL RESPONSIBLE PARTY REQUIRED; AMENDING SECTION 13-114, POSTING OF SIGNAGE; CREATING SECTION 13-117, OCCUPANY LIMITS; CREATING SECTION 13-118, EXEMPTION FOR PRE-EXISTING AGREEMENTS; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Land Use Attorney noted that the size of the signs was changed to 18” x 18” and the grandfathering clause language has been amended.

Councilmember Overdier pointed out they were going to include everyone with a development order, not just those people who currently have a rental property, with the grandfathering clause.

According to the Land Use Attorney, the Council would need to incorporate that language into their motion.

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

Mr. Bill Reddington, a Destin resident, noted there were 123 Bert Harris claims filed against the City of Anna Maria as a result of the short-term rental ordinance the City has adopted; and that two of the claims he studies are for \$280,000 and \$260,000. He stated that the same thing would happen to the City of Destin if they decide to adopt the proposed ordinance and limit occupancy; adding that the City's \$100,000 a day limit on Bert Harris claims would not be able to cover these lawsuits. He urged the Council to enforce the short-term rental regulations they currently have on the books and to study the economic impact that regulating occupancy would have to the City of Destin

Mr. Darryl Shelton, a Destin resident, stated that there had been countless hours of volunteer time as well as staff time that have been spent in trying to reach a consensus with regards to regulating short-term rentals in the City's single-family neighborhoods. There have been false accusations made against some members of the Short-Term Rental Task Force. One out of town short-term rental manager even claimed criminal activity against some of its members; while another very large rental management owner stated that the term quality of life was a code word for racism. He continued that one side wants no regulation at all while the other side claims the proposed ordinance is far too liberal especially with regard to the large number of occupancy being allowed. He searched the internet to find occupancy limits that is as liberal in other cities around the country without success. He read House and Senate bills that propose to regulate short-term rentals and found none with liberal occupancy limits as the proposed two people per bedroom plus 4 more people (2+4). He feels that adopting a regulation that proposes a 2+4 occupancy limit, with a maximum of 24 occupants, would be a step in the right direction. He urged the Council to adopt the proposed ordinance; or, they would be risking losing the support from people as it would appear they are in favor of the State legislation preempting home rule.

Mr. Chad Blankenship, a Destin resident, stated that he works for a vacation rental company. He then asked the following questions:

- *How will the number of required parking spaces be determined?*
- *Will the sign stickers be numbered, in order to prevent theft?*
- *Will the grandfather clause remain in effect if the property sells?*
- *While the sign must be 18" by 18", is it possible to have a rider under the sign that has the specifics to the house (i.e., occupancy levels and number of parking spaces)?*
- *In reference to section 13-114(c) of the ordinance, what would an example be when the responsible party's phone number is different from the rental contact phone number?*

Mr. Blankenship also stated they are not against regulation as long as they are fair, equitable and enforceable.

Ms. Gail Pipes, a Destin resident, stated that many short-term rental owners do not like the proposed ordinance because it would prevent them from bringing in a crowd of people into a house in a residential neighborhood. She urged the Council to consider the quality of life of the full time by adopting the proposed ordinance. It is a win-win proposition for those who are for or against

short-term rentals. It is fair not only to the rental property owners and renters, but also to full-time residents of the City.

Mr. John Pipes, a Destin resident, stated that he listened attentively to both sides of the argument and tried to be open-minded. There are a lot of rental property owners that do a good job controlling their renters making sure they follow the rules and regulations in the neighborhood. But, there are also a fair amount of uncontrolled situations. Many believe that the root cause of the problems is occupancy; and that he believes the proposed ordinance would allow the City to more effectively manage these situations.

Mr. Dan Burns, a Destin resident, stated that his family has had to deal with the consequences of the actions of individual rental corporations. His parents bought their dream house in the early 1980s and lived in that house for over 35 years. They very rarely had any problems because their neighbors cared about their neighborhood. They would never allow their houses to be used as party houses packed with multiple families, or wedding venues with hundreds of attendees. They have seen incredible changes that occur in Destin over the years; most of which have worsen the lives of many people that live here. Today, in many residential areas of Destin, individual owners and corporations who own single-family houses have no respect for the full-time residents. They advertise 4-bedroom houses in a single-family neighborhood as capable of sleeping 20 or more people. Some of the owners have tried to intimidate residents who complaints with threats and other harassments. He asked the Council to consider what kind of rental house they would want their elderly parents, their young children or family to live next to during their deliberation.

Ms. Marcie Bell, a Destin resident, noted that she was previously approached by a member of the short-term rental industry and asked her if she would support an occupancy standard of 2+4. She did not have an opinion at that time, but she now feels it is a good start; adding they can live with it during the upcoming summer season and then readdress the issue afterwards, if necessary. She also reported having a new short-term rental in her street even though the homeowner previously denied renting the home. However, parties are being conducted in that home, with loud music being played and shouting matches among the occupants. They later found out the home is a vacation rental home, but they refer to it as “co-hosting through Airbnb.” They claim they do not have to register the property with the City and had a list of thing they did not have to do. The City staff contacted the owners today and informed them they need to register the property and follow all the rules for short-term rentals. She urged the Council to be aware of individuals or groups that try to get around the rules.

Mr. Ben Giles, a Miramar Beach resident, read the following statement from Florida Statute, Section 509.242(1) (A): *“A hotel is any public lodging establishment containing sleeping room accommodations for 25 or more guests and providing the services generally provided by a hotel and recognized as a hotel in the community in which it is situated or by the industry.”* He then stated than none of the short-term rental homes in Destin meet this definition. He also stated that his houses on Hutchinson Street and Woodward Street should not be included in the proposed ordinance. They are located in mixed-use zoning and not residential zoning, with a classification of Crystal Beach Resort; which is similar to the nearby hotel as well as the Henderson Beach Inn. He

added that cutting his occupancy by 40 percent would have serious detriment to his business and so he has no choice but to oppose this ordinance.

Councilmember Ramswell noted that the City's Land Development Code defines hotel as *"an establishment where lodging is provided for compensation other than in a dwelling unit and for 25 or more person"*; and that she stands by this definition.

Ms. Diana Barnes, resident of Texas and a short-term rental property owner in Destin, stated that she purchased her home in 1995 knowing it would have to be rented to be able to pay the mortgage, taxes, insurance and repairs, while at the same time allowing her family to use the property. She continued there have been many references made to the ordinance adopted by the City of Anna Maria; but, they should not base their decision on an ordinance from another city whose demographics, size and scope of tourism, residential and seasonal population and stature differ greatly from Destin. She stated that the proposed ordinance would affect the livelihood of many property owners in Destin. She also stated that if her livelihood is to be altered by a Short-Term Rental Task Force, she would like that Task Force to be balanced and fairly created. She asked the Council to suspend their vote on the proposed ordinance until such time there has been a thorough and careful analysis of facts by a Task Force equally represented by people who are in favor of or against short term rentals, that a revision of the proposed ordinance has been prepared and all property owners in the City of Destin have been properly notified of the proposed change.

Mr. Ken Wampler, a Destin resident, discussed the economic impact of tourism to the City of Destin. He stated that Okaloosa County collects about \$400 million in bed tax money; most of this money is generated by people staying in lodging establishments. About \$276 million are collected by the bed tax collectors from tourists, and approximately \$188 million is generated in ancillary income in services, such as fishing, restaurants, and entertainment. He stated that tourism generates a lot of income for the City of Destin, its residents and businesses. The Tourist Development Council (TDC) approved funds for the dredging of the East Pass; the residual effect of which is that Holiday Isle is getting sand for which its residents did not have to pay. They also secured funding for the crosstown connector for \$3.5 million. He asked the Council to delay adoption of the proposed ordinance; adding that addressing parking, noise and trash would solve the other ancillary problems they are experiencing.

Mr. James Barnes, a resident of Texas and rental property manager in Destin, stated that the Short-Term Rental Task Force did not represent all the stakeholders in Destin. The 7 person committee consisted of two anti-short term rental residents and two board members of Holiday Isle Improvements Association who is actively trying to get rid of short-term rental homes. He continued that another member of the Task Force is also a member of the Florida Restaurant and Lodging Association that is well known for their lobbying efforts against short-term rental homes. Only two members of the Task Force are pro-short term rentals. The non-resident short-term rental owners were not represented at all. He also argues that the Task Force made a rushed decision even though there is so much information to consider; and that the livelihood of short-term rental owners would drastically be changed by this committee's recommendations. He urged the Council not to copy the City of Santa Maria's occupancy ordinance and adopt it for the City of Destin as the size

and scope of tourism and rental, and potential Bert Harris claims in the two cities are not even remotely comparable.

Mr. Scott Meadow, a Texas resident and property owner in Destin, stated that he and his family started coming to Destin in the early 1990s. They came to Destin because of tourism and bought their first of several properties in 2014. They have a great management company that manages their property. They even hired an outside company to oversee the management company. He also stated that they are active owners who care about Destin. They are in Destin 5 months out of a year, and they work hard to take care of their properties. He asked the Council to keep in mind that the short-term rental industry brings in a lot of money to Destin.

Having no further comments from the public, the Mayor turned the matter over to the City Council for discussion and consideration.

Councilmember Ramswell asked the Land Use Attorney to address the issues raised concerning the City of Anna Maria and the Bert Harris claims.

According to the Land Use Attorney, she and the Mayor had some discussions with the attorney for the City of Anna Maria regarding the Bert Harris claims and the amount of money spent in settling their cases. They were informed that no dollars have been spent in settlement payouts so far; instead, the City of Anna Maria grandfathered in some of the occupancy. The City of Anna Maria had a maximum occupancy of 8; but, they grandfathered in occupancy of 2+2. The City also sent out notices to short-term rental property owners advising them that they have a statutory time limit of a year to file a Bert Harris claim or lose their chance to do so.

The Mayor asked the Land Use Attorney to address the claim that out of town rental property owners were not properly notified of the action being contemplated tonight.

The Land Use Attorney stated that they have followed all code and statutory requirements; adding there is nothing in the code requiring the City to do more than what they have already done in this case. She added they have also been discussing this issue in public meetings for over two years.

Councilmember Marler noted that out of town property owners contribute to the property taxes that they use to run the City, and that they should be given the same rights as the permanent residents. He continued that the action this Council is contemplating on taking tonight may have some economic impacts, such as reduced property taxes and bed taxes. They already have many rules and regulations on the books. They should give them a chance to work before they pass any more ordinances. He also stated they have to get used to the fact that Destin is as resort community, and that they need to be fair to each of the parties involved in this case.

Councilmember Marler moved to continue second reading of Ordinance 18-29-CC to the second City Council meeting in October 2019 to allow the Code Compliance Department to enforce and collect data on the current short-term rental ordinances; and

determine at that time if other rules and regulations, including occupancy, need to be applied,. Motion died for lack of a second.

Councilmember Overdier moved to approve Ordinance 18-29-CC on second reading, with an added stipulation that anyone with a current development order approved by the City of Destin be added to the grandfathering clause; seconded by Councilmember Ramswell.

The Land Use Attorney noted they could add the stipulation regarding the grandfathering clause to the ordinance without bringing it back for another reading; unless the Council wants staff to bring it back.

There is a general consensus not to bring the ordinance back for another reading if the motion passes.

Councilmember Menchel noted he had previously asked Capt. Nix from the Sheriff's Office if he would be in the position to run the calls for service to all enforcement actions at rental houses during the season to give the City a better way to ascertain if in fact things are being policed properly. He feels that with the new Code Compliance Department and the Sheriff's Office, they would have a better understanding of where they stand in this case.

According to Capt. Nix, they would be able to track it again this year and provide a report to the City at the end of the season.

Mr. Joey Forgione of the Code Compliant Department noted they would be working a lot closer with the Sheriff's Office this year. They would contact the Sheriff's Office upon receiving a complaint and they would respond together. They would also document the complaints and provide a copy of the report to the desk sergeant; adding they would build a case file for the problem houses for future action, if necessary.

The Mayor called for a vote on the motion, which passes 6-1 (Council members Morgan, Destin, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Marler voted "no").

- B) Second reading of Ordinance 18-23-LC Amend Section 7.12.01(A)2 of the Land Development Code changing the designation of an 11.543 acre parcel of land located on U.S. Highway 98 from Commercial General (CG) to Town Center Mixed Use (TCMU)

The City Attorney read proposed Ordinance 18-23-LC, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE OFFICIAL ZONING MAP AS REFERENCED IN THE LAND DEVELOPMENT CODE, SECTION 7.12.01(A)2 ZONING MAPS TO INCLUDE A CHANGE IN THE ZONING DESIGNATION OF AN 11.543 ACRE AREA OF LAND LOCATED ON U.S. HIGHWAY 98, DESTIN, FLORIDA FROM COMMERCIAL GENERAL (CG) TO

TOWN CENTER MIXED USE (TCMU); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Clerk sworn in the following individual for testimony:

- Mr. Chip Dillard
- Mr. David Stenecki

The Land Use Attorney noted they have nothing to add to this ordinance, which was previously heard by the Council, unless the applicants want to speak.

Councilmember Destin expressed concern that if they went ahead and approve the rezoning of the property and provide the increase in density, there are no assurances that if the property is sold to a different developer that the new to stay within the current proposal. He recommends tabling this item until after the FLUM Workshop scheduled for February 26th which would include the TCMU discussion.

Councilmember Destin moved to table this item until after the FLUM workshop on February 26th; and instruct the City's Land Use Attorney and staff to explore any avenue they can use in lieu of rezoning that would allow the applicants to get their designation for long-term rental use of their property. Councilmember Braden provided a second to the motion.

Councilmember Morgan wants to know if they could legally put a condition in the development order to hold the applicants to 16 instead of 24 units per acre.

The Land Use Attorney stated it is something she would have to discuss with the applicant.

The Mayor inquired as to the timeline the applicants have to conduct their due diligence before they have to execute the contract to purchase the property.

The applicant expressed concern that if they waited until after February 26th, they could run out of time to execute the contract and put a significant amount of money at risk. He also noted that the number of units they have presented was way under the limit for the zoning.

Councilmember Destin reiterated there are no legal guarantees the applicants will not change their mind later on; adding that if they sell the property, there is nothing that would legally bind the new owner to stay within the current proposal.

Councilmember Morgan added that if the applicants are sincere with their proposal, they should not have any problems putting a deed restriction or condition in their development order to keep it at 16 units per acre.

Councilmember Marler offered a substitute motion to approve Ordinance 18-23-LC on second reading. Motion dies for lack of a second.

Councilmember Braden stated that every developer seemed to want to cram as many units per acre as they possible could on a small property and short-term rental owners try to build large houses and pack as many people as they could into those houses in an effort to make as much money as possible. He continued that people always talk about preserving the City's heritage and protecting the quality of life of the citizens; however, they always do just the opposite.

Councilmember Menchel noted there have been some instances when the Council had given their seal of approval on a project that did not go the way it was planned. He suggests scheduling an earlier workshop because what happens in that workshop may or may not effect this proposal.

Councilmember Destin explained that the reason for his proposal to table this issue until after the February 26th workshop was to simply give staff time to come up with some other mechanisms, in lieu of rezoning, that would allow the applicants to get their designation for long-term rental use of their property. He continued that one of the main reasons for the workshop was to address the Town Center Mixed Use (TCMU) from the visioning standpoint and address the question of why they have some high densities set up in the TCMU instead of single-family residential homes to encourage long-term residents in Destin.

The Land Use Attorney informed the Council that she has just spoken with the applicants and they have requested to continue this item to the February 4th Council meeting to allow them time to get approval from the property owner to volunteer some conditions for the property.

Councilmember Ramswell wants to know the difference unit-wise between TCMU and Commercial General (CG).

According to the Community Development Director Louis Zunguze, the main difference between the two districts the way the comprehensive plan is set up now is that there is more creativity in the TCMU for pedestrian oriented amenities and similar type of enhancements. Depending on the size and shape of the lot, they may or may not maximize that level; whereas under CG, they simply do what they are entitled to do. There is not much flexibility in terms of creativity between the City and the developer.

Concerning the request from the applicant to continue second reading of the ordinance to February 4th, Councilmember Ramswell pointed out that their workshop is scheduled after that date and so they would not have rezoned anything by February 4th.

The Land Use Attorney clarified that the applicants are concern about the timing because of their pending contract to purchase the property. They only have until the end of February to

decide what to do at the end of their due diligence period; and so if they could get the approval of the owner to volunteer some condition, they would then be able to rezone and satisfy the concerns some of the Council expressed tonight.

Councilmember Destin offered an amended motion to continue second reading of Ordinance 18-23-LC to February 4, 2019 to allow applicants time to get approval from the property owner to volunteer some conditions for the properties. Councilmember Menchel provided a second to the amended motion.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the Mayor called for a vote on the motion.

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

6. CONSENT AGENDA

- A) Request for use of City rights-of-way for Valentine's 8K run
- B) Request for use of the City's rights-of-way for Chiropractic Run for Health
- C) Second Addendum to 3TP planning consultant contract.

Motion by Councilmember Marler, seconded by Councilmember Overdier, to approve Consent Agenda items 6A thru 6C, as printed above, passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

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

- A) Councilmember Braden
- B) Councilmember Ramswell

Councilmember Ramswell announced that the Destin High School plans are moving forward. They have made significant progress and they actually have a financial consultant who will look at various properties and make some selections and possibly some negotiations.

- C) Councilmember Menchel

Councilmember Menchel requested that the City Manager draft a letter to FDOT urging them to change the starting time for the 3R project on US Hwy 98 from February to August 2019 to alleviate the bottleneck on the road.

- D) Councilmember Overdier
- E) Councilmember Marler
- F) Councilmember Destin
 - 1) Discuss creating legislative provision for collecting fees at the exit vs. the entrance point to a private pay for parking facility

Councilmember Destin moved to direct staff to conduct some research on this issue and to draft a proposed ordinance for Council to consider; seconded by councilmember Ramswell.

Mr. Greg Featherston, a Destin resident, requested that they be allowed to work with staff and provide them the information they have available regarding this issue.

The Mayor suggests the City contacts all affected property owners along the harbor with a private pay for parking facility and encourage them to participate in the discussion.

Councilmember Marler suggests they delay making decision on this issue until after they have their discussions on what to do with their own parking lots.

Motion passed 6-1 (Council members Morgan, Destin, Overdier, Menchel, Ramswell and Braden voted “yes”; Councilmember Marler voted “no”).

- G) Councilmember Morgan
- H) Mayor Gary Jarvis

The Mayor suggests that since the purchase of Gulf Power by NextEra Energy is now complete that the Council authorizes Councilmember Destin to re-negotiate the franchise agreement or discuss the right to purchase agreement with Gulf Power and then report back to Council by the first meeting in March 2019.

Councilmember Destin noted that both he and Mr. Schef Wright, special counsel for the City, have been in contact with Gulf Power after the acquisition with regards to continuing the negotiations. He stated that Gulf Power was very receptive and anxious to meet. They have their new CEO and senior staff members, and they plan to contact the City within the week to set a date to meet and continue the negotiations. He added they will give the Council a full report as soon as that meeting takes place.

- I) Land Use Attorney

- 1) Update on TRC Status, as of January 22, 2019. (Section 2.26.04(E), Land Development Code; Pursuant to Ordinance No. 1806LC).

The Land Use Attorney reported that the City has not received any development applications since the last update in January, and so there will not be a TRC meeting in February. The next TRC meeting is Tuesday, March 19th.

- J) City Attorney

- 1) Update to East Pass dredge administrative action

The City Attorney reported that on Tuesday, January 15th, the Board of County Commissioners met and considered the Sherry's settlement offer. The offer was for the sand to be split 50-50 between the City of Destin and Okaloosa Island. He stated that the County Commissioners voted to accept the settlement offer and instructed the County Attorney to negotiate a final written settlement agreement with Donovan and the Sherry's. He continued that the settlement agreement is contingent upon FDEP's acceptance of the agreement. He believes the County is trying to make FDEP a party to that agreement because FDEP has the final authority over the placement of the sand. However, FDEP is bound by State Statute which requires the sand to be placed on the adjacent eroding beaches; therefore, there is no guarantee that FDEP will accept the settlement agreement. In which case, the City of Destin needs to make sure they are in a position to act accordingly and as quickly as possible to get the East Pass dredged in the event FDEP disapproves the settlement agreement. He asked the Council to consider approving a motion directing him and the City's special counsel Ken Oertel to take action to ensure the East Pass is properly dredged, including petitioning FDEP for an emergency order allowing for the dredging of the East Pass.

Councilmember Destin moved to direct the City Attorney and the City's Special Counsel Ken Oertel to take action to ensure the East Pass is properly dredged, including petitioning FDEP for emergency order allowing for the dredging of the East Pass, in the event FDEP does not approve the settlement agreement between Okaloosa County and Donovan and the Sherry's. Councilmember Menchel provided a second to the motion.

The City Attorney noted that he and Mr. Greg Stewart of Okaloosa County drafted some additional language on the temporary easement agreement because the "gap" property owners were skeptical of executing the easement agreement as it existed and wanted more protections. They also worked with Oceana's attorney in drafting the language acceptable to Oceana.

Mr. Guy Tadlock noted that the additional language the City Attorney spoke of would be very helpful as there have been some misunderstandings among the "gap" property owners as to what exactly is going on. He also noted there is a deadline that is quickly approaching, and so they need to work hard and quick on this issue.

The City Attorney noted that the County has artificially imposed a February 1st deadline; however, they really have until the date that the dredge actually arrives.

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

The City Attorney also pointed out that Donovan and the Sherry's Administrative Action was previously dismissed by the FDEP. They filed a motion for extension of time to file an amendment to this action. He recommends the Council approving a motion allowing him and Mr. Oertel to file a document opposing the request for extension of time.

Councilmember Destin Motion to direct the City Attorney and the City's Special Counsel Ken Oertel to file a document with FDEP opposing granting Donovan and the

Sherry's additional time to amend their petition preventing the City of Destin from dredging the East Pass; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

The Mayor suggests that after the East Pass is dredged, that they work with the FDEP so that the City of Destin can act accordingly and in a more standalone capacity in the future.

The City Attorney noted that he and Mr. Oertel have been planning on ways for the City to avoid finding itself in the same predicament in the future and to be able to do the dredging more properly.

Having no further business at this time, the meeting was adjourned at 8:15 PM.

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
DECEMBER 17, 2018
CITY HALL ANNEX COUNCIL CHAMBERS
6:00 PM**

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

Destin City Council

Mayor Gary Jarvis

Councilmember Chatham Morgan

Councilmember Cyron Marler

Councilmember Rodney Braden

Councilmember Prebble Ramswell

Councilmember Skip Overdier

Destin City Staff

City Manager Lance Johnson

Acting Parks & Recreation Director Lisa Firth

Public Services Interim Director Tim Pietenpol

Code Compliance Manager Joey Forgione

City Attorney Kyle Bauman

City Clerk Rey Bailey

IT Manager Webb Warren

HR Manager Karen Jankowski

City Land Use Attorney Kimberly Kopp

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM. Pastor Matthew Metcalfe of Coastline Calvary Chapel gave the invocation; which was then followed by the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Ramswell moved to approve the agenda with the following changes:

- **Add approval of special election resolution under section two of the agenda**
- **Add resolution honoring former City Attorney Jeff Burns under section two of the agenda**
- **Add Airport Road presentation on guardrail under section two of the agenda**

Councilmember Overdier provided a second to the motion, which passes 5-0 (Council members Morgan, Marler, Overdier, Ramswell and Braden voted “yes”; Councilmember Destin was absent from the meeting.

1. APPROVAL OF MINUTES

A. Approval of minutes of October 22, 2018 city council workshop

Motion by Councilmember Marler, seconded by Councilmember Overdier, to approve minutes of October 22, 2018 city council workshop passed 5-0 (Council members

Morgan, Marler, Overdier, Ramswell and Braden voted “yes”; Councilmember Destin was absent from the meeting).

B. Approval of minutes of September 17, 2018 regular city council meeting

Motion by Councilmember Ramswell, seconded by Councilmember Overdier, to approve minutes of September 17, 2018 regular city council meeting passed 5-0 (Council members Morgan, Marler, Overdier, Ramswell and Braden voted “yes”; Councilmember Destin was absent from the meeting).

2. PROCLAMATIONS / RECOGNITIONS / **SPECIAL PRESENTATIONS / ANNOUNCEMENTS

A. Employee of the Year 2018, City of Destin

The Mayor presented the City of Destin Employee of the Year award plaque to Mr. Jack Kiehn.

B. Proclamation – Cindy Posey

The Mayor read and then presented a proclamation to Mrs. Cindy Posey honoring her for her years of service and recognizing her contributions to the City of Destin.

C. 2018 Destin Christmas Parade Awards Presentation

The Mayor presented a plaque award to each of the following 34th Annual Destin Christmas Parade winners:

- Noel Award – McGuire’s Pipe Band
- Elf Award – U.S. Gold Gymnastics
- Santa’s Helper Award – All Star Twirlers
- Civic Award – Destin Dolphin Cheerleaders
- Chamber Award – Big Kahuna’s
- Angel Award – Destin Methodist
- Crowd Pleaser Award – Emerald Coast Parrot Head Club and FWB Mardi Gras Club Queen Susan

D. Destin Fire Control District Proposed change to Clement Taylor Park

Mr. Mike Buckingham, Destin Fire Control District Board member, discussed the new Clement Taylor Park drawing depicting the proposed site for the Destin Fire Control District mini-substation. He asked for the Council's approval of the plan and to authorize staff to forward it to the U.S. Treasury, through the County, to confirm that this proposal would not affect the grant funding for the park.

Councilmember Ramswell noted that the plan did not show location for a fire boat. She asked if the Fire District plans to utilize the existing dock or add a dock for the fire boat.

According to Mr. Buckingham, they will address this issue at a later date; adding that the Fire District is willing to abide by whatever is allowable for the project. At this time, they just want to make sure their proposal would not interfere with the grant for the park.

The Mayor asked if the Fire District would lease the portion of the property from the City.

The City Manager stated that particular issue has not been addressed; adding they are merely trying to convey there is a proposed use for the park, and to make sure that proposal would not interfere with the grant.

Councilmember Ramswell asked if the Fire District still plans to utilize their former station located across the road from the park.

Mr. Buckingham stated it was part of their original plan to do so; however, it was turned down by City staff. He added that their current proposal is based on the number of calls they receive; and that they would need another boat in order to quickly respond to these calls.

The next 3 items discussed were agenda items 4A, 4B and 4C

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

Capt. Jim Green, President of the Destin Charter Boat Association, stated there is a deep concern about the current status of the Destin East Pass channel. The Charter Boat Captains have been cancelling trips during the season because of the danger that threatens not only their passenger's safety, but also their equipment. He noted that in 2013, the City of Destin funded an economic study conducted by the HAAS Center. The study determined that the for-hire fishing industry in Destin contributes over \$173 million annually to the local economy. The current shoaling in Destin's East Pass and on the Ebb Shoal threatens that contribution and brings instability to a founding industry in Destin. He continued that the Destin City Council and Okaloosa County Commissioners attempted to get the dredge going during the Norriego Point project; but, the equipment was incapable of doing so. In August 2018, Congressman Matt Gaetz and County Commissioner Kelly Windes surveyed the Pass to get first-hand knowledge of the problem. Both agreed the situation was bad and getting worse. After Hurricane Michael, the one natural spill out on the ebb shoal is now filled in, making it very tough the last three weeks in October. He further stated that the Destin Charter Boat Association is asking this Council for resolution declaring a public safety and economic emergency to acknowledge the dire need for the dredging of the Destin East Pass and the Ebb Shoal. This declaration would not only get the attention of the general public about the problem they are facing, but also the lawsuit that has been put in place to stop the work, which has the potential for punitive harm to the professional fishing industry, private anglers, and the commerce conducted throughout East Pass. This declaration could also demonstrate to the judge that preventing this project from going forward could be catastrophic to them for this upcoming season.

Councilmember Overdier announced that the County TDC is having an emergency meeting on December 20th to discuss the dredging; adding that this resolution would be extremely helpful towards supporting the action they may decide to carry out.

The Mayor suggests that either Capt. Green or one of the Association board members attends and represents the Fleet at that meeting.

The City Attorney noted that under the City's Code of Ordinances, the City Manager or the Mayor can declare a state of emergency. He recommends the Council considers a resolution declaring a state of emergency at the next Council meeting.

Mr. Bill Reddington, a Destin resident, addressed issues relating to the cross-town connector, stating that it would not fix the traffic problem. He also stated that it is not clear to him where the traffic goes once it gets to Benning Drive; adding that diverting all the traffic to Benning Drive would be nightmarish to the residents in that area on daily basis.

Mr. Kenneth Wade, a Destin resident, asked the Council to consider purchasing his property in Lot 3, 2970 Scenic Hwy 98 and Lot 2, 2968 Scenic Hwy 98, for the beach access expansion. He stated that Hutchinson Street access is a very busy location. There are a large number of rental houses and condominiums in that area; and expanding the 60 feet access on Hutchinson Street and adding 136 extra feet from the two contiguous properties would provide a lot more beach. He added that his property is listed the same price as the 60-foot property.

Mr. Ron Sandstead, a Destin resident, showed a sample art banner to the City Council, stating it is one of the 8 different banners that would be displayed as part of the Banner Arts Project on Main Street. He continued that different designs would be displayed every 4 months; and that they plan to have a big celebration at the end of the year promoting the artists, the sponsors as well as the City of Destin.

Following this item, the Council moved on to CITY MANAGER REPORTS item 4D – Crosstown Connector

4. CITY MANAGER REPORTS

A. Resolution 18-48 – Approval of Special Election

The City Manager explained that Councilmember Tuffy Dixon announced his resignation from the Destin City Council effective December 16, 2018. Since there is more than one year remaining in his unexpired term, and no regular City of Destin election is schedule within one year, the Destin City Charter requires the Council to fill the vacancy on an interim basis and schedule a special election not sooner than 60 days, nor more than 90 days following the occurrence of the vacancy. He also stated the City would need to hold the special election to coincide with Okaloosa County's municipal election on March 12, 2019.

Councilmember Morgan moved to adopt Resolution 18-48 authorizing the City of Destin's special election pursuant to Section 3.09(C) (2) of the Destin City Charter to fill the vacancy created by the resignation of Councilmember Tuffy Dixon to be held on March 12,

2019; seconded by Councilmember Marler. Motion passed 5-0 (Council members Morgan, Marler, Overdier, Ramswell and Braden voted “yes”; Councilmember Destin was absent from the meeting).

Motion by Councilmember Ramswell, seconded by Councilmember Marler, to schedule a special council meeting for 5:30 p.m. on Monday, January 7, 2019, to discuss and select an Interim City Council member passed 5-0 (Council members Morgan, Marler, Overdier, Ramswell and Braden voted “yes”; Councilmember Destin was absent from the meeting).

B. Resolution 18-47 Recognizing Jeffrey L. Burns for his service and dedication to the City of Destin

City Attorney Kyle Bauman read Resolution 18-47 recognizing Jeffrey L. Burns for his service and dedication to the City of Destin.

Councilmember Marler moved to adopt Resolution 18-47; seconded by Councilmember Morgan. Motion passed 5-0 (Council members Morgan, Marler, Overdier, Ramswell and Braden voted “yes”; Councilmember Destin was absent from the meeting).

C. Airport Road Curve

Mr. Steven Menchel, Chairman of Public Works/Safety Committee, informed the Council the City recently adopted a resolution which allows it to enter into a Local Agency Program (LAP) with the State for the Airport Road project. He stated that his committee has been discussing the safety aspects at the curve location, between Quail Circle and Mattie Kelly Blvd, and the number of traffic accidents that have taken place at that location. The committee is proposing immediate safety solution until the LAP project is completed; however, City staff has expressed concern that certain safety improvements might jeopardized the State grant funding allocated for the improvements on Airport Road. He noted that an email from a FDOT representative and the LAP administrator, a copy of which was provided to the Council, confirmed that the City can make safety improvements on Airport Road without fear of losing State funds. Furthermore, the committee, at their December 11th meeting, approved a motion to recommend to the City Council to move forward with the safety improvements and to determine if the County would be willing to enter into a partnership with the City to help defray the cost for these improvements. Recommended improvements are as follows:

- Place guardrails along portions of the curve on Airport Road
- Install ribbon curbing along portions of Airport Road to prevent car tires from slipping into the grass and causing some vehicles to overturn
- Install raised pavement marker across the roadway up to the curve on Airport Road causing vehicles to possibly slowdown

After a brief discussion, Councilmember Marler moved to install guardrails along portions of Airport Road near the curve location as a temporary measure until the LAP project on Airport Road is completed; seconded by councilmember Ramswell. Motion

passed 5-0 (Council members Morgan, Marler, Overdier, Ramswell and Braden voted “yes”; Councilmember Destin was absent from the meeting).

Following this item, the Council went back to section 3 of the agenda (Public Comments)

D. Crosstown connector direction

The City Manager noted that during the last meeting, two members of the Council expressed their desire to discuss this item. The City staff is also seeking direction from the Council on whether or not to move forward with this program.

Councilmember Marler stated that the main idea for the crosstown connector was not to divert the main traffic from US Hwy 98 but to move the local traffic from the main highway so local residents could get to their homes much quicker. They have not determined at the time where to go once they get to Azalea Road; however, the connector was never designed to stop at Benning Drive. The idea was to cross through Benning Drive, go thorough Azalea Road, and then through Stahlman Avenue. He added they have spent approximately \$4.7 million to purchase some land in support of this project. He suggests continuing with the crosstown connector.

Councilmember Ramswell expressed concern the crosstown connector would lead people in the middle of residential neighborhoods with no specific direction on how to proceed. She also stated she has been on the Council for nearly 5 years and they have not gotten any additional plans or information about this project; adding they are spending so much time and effort on a project that does not seem fully vetted.

Councilmember Morgan noted that they have discussed this item with FDOT or Atkins Corporation; and that they held public workshops on this project several times since he has been on the Council. Since the Council had already voted at least twice to move forward with this project; he would like to know what changes have been made since that time. He also pointed out they are doing a big disservice to the residents on Sandalwood because there have been some uncertainties over the past 3 or 4 years over whether or not their houses are going to be condemned or taken through eminent domain. He added that he voted to move forward with this project, and that he does not intend to reconsider his vote until he gets new information about it.

Councilmember Braden stated that he has never supported this project because he believes it is a road that leads to nowhere; and that many people do not like it and have a lot of questions about it. He added he would not support spending any more money for this project until the City provides definitive answers to these questions.

Councilmember Overdier noted that the Council has been discussing this project since 2011; adding it was his understanding the crosstown connector was not meant to be a substitute for US Hwy 98, but only to alleviate traffic congestions on US Hwy 98. It was a local initiative to quickly get the people that live in Destin from one side of town to another, and into their houses or to other neighborhoods in the City. He stated that he is in favor of moving forward with this project. He also noted that there is a FDOT initiative to conduct an engineering analysis or traffic study to make Stahlman Avenue and US Hwy 98 intersection more traffic friendly.

Councilmember Ramswell pointed out that people are already using the back roads and cutting through residential neighborhoods to avoid sitting in traffic on US Hwy 98.

According to Councilmember Marler, there are sections of residential areas being impacted by people taking the back streets and hurting the infrastructure of these roads. He continued that local residents do not want this traffic in their residential area. They would prefer to have a straighter route without having to go through residential areas. The crosstown connector takes care of that because it is only minimally impacting one section of Legion Drive and not another section of Legion Drive and Airport Road.

Councilmember Morgan noted that the City had already purchased 2 or 3 properties within the past year on the crosstown connector. He wants to know why some members of the Council are suddenly changing their mind about this project.

Councilmember Ramswell stated that she was under the impression the crosstown connector had been finalized and would be funded by the TDC when she became a member of the Council. She later learned it has not been funded nor it has been finalized; and that they still have options particularly since members of the public have reached out and voiced their concerns. She added that members of the Council could still change their mind if they feel it is the right thing to do.

Councilmember Braden inquired as to the ultimate goal of the crosstown connector.

According to the City Manager, it was his understanding Legion Drive does not have enough right-of-way for four lanes; and that the Campground property is designed for two lanes but is expandable to four lanes. He added that Azalea Road currently has two lanes, but has enough right-of-way to expand to four lanes.

The Mayor commented that the money, energy and time they have already spent, and the need for a better traffic flow in the community, are obvious reasons for moving forward with the crosstown connector. However, the Council could also choose to kill this project, without any solution, and forfeit the \$10 million grant money.

Councilmember Ramswell moved to continue this item to the January 7, 2019 City Council meeting when they have all the Council members present; seconded by Councilmember Braden. Motion failed 2-3 (Council members Ramswell and Braden voted “yes”; Council members Morgan, Marler and Overdier voted “no”; Councilmember Destin was absent from the meeting)

At this time, the City Manager asked for direction on whether or not to move forward to the next item regarding hiring an attorney to perform a review of all condemnation related issues for the crosstown connector.

The City Attorney noted that there is a recommended motion prepared for the next item for Council to vote on.

E. Attorney for condemnation of property

Attorney Steve Bauman explained that at the direction of the Council from the last meeting, he and City Attorney Kyle Bauman spoke to Attorney Bruce Humphrey out of Jacksonville, who is well known throughout the State of Florida as a condemnation and eminent domain expert, about an issue relating to the crosstown connector. The question that was previously identified was if the City were to purchase the Sandalwood units, would it affect the other units to the extent they would have some sort of an inverse condemnation claim against the City. He continued that Attorney Humphrey would be tasked with advising the City as to potential liabilities in those situations. He added that Attorney Humphrey charges \$295.00 per hour, which is quite reasonable considering the complexity of this issue.

Councilmember Braden opined it would be a big waste of money since the Council seemed to want to build this crosstown connector one way or another.

According to Mr. Bauman, it would allow the City to be proactive on how they approach the other unit owners by knowing the issues or problems they could be facing; as well as the likelihood of litigation and prevailing in that litigation.

Councilmember Marler moved to direct the City Manager to take the steps necessary for the city to hire the law firm Birchfield & Humphrey, P.A. to perform a review of all condemnation related issues for the crosstown connector; seconded by Councilmember Overdier. Motion passed 4-1 (Council members Morgan, Marler, Overdier and Ramswell voted “yes”; Councilmember Braden voted “no”; Councilmember Destin was absent from the meeting).

F. Sterling Shores Owners Association Update on Public Beach Access

According to the Land Use Attorney, per the direction of the City Council she has sent correspondence to the general counsel for the Sterling Shores Owners' Association demanding that the Association restore public access to the beach. Subsequently, the Association hired a special counsel to respond on this issue; which response they received just two hours prior to tonight's meeting. She and the City Manager are requesting to bring this issue back at a future meeting, once they have a chance to review the response and come up with some options for Council for moving forward. She added this discussion would be made in public unless there is a pending litigation.

The City Attorney noted there had not been any litigation filed at this time.

There was a general consensus of the Council to bring this item back at a future meeting once the Land Use Attorney and City Manager have reviewed the response from the special counsel to the Sterling Shores Owners Association.

G. Destin Fishing Fleet, Inc.'s Claim under the Bert J. Harris, Jr., Private Property Rights Act E. Public Beach Initiative

The Land Use Attorney noted that on September 4, 2018, the City of Destin received correspondence from the law firm of Hopping Green & Sams, attorney for the Destin Fishing fleet, Inc. This correspondence was immediately forwarded to the City Council. The Fleet alleges that the City has inordinately burdened its property by passing a series of Comprehensive Plan

amendments. The Fleet submitted an appraisal as required by the State Statutes, and which is included in the agenda packet. She continued that at this point, the City is still within the 150 day time period when the City can consider making a settlement offer to the plaintiff.

Councilmember Marler moved to direct the City Manager, City Attorney, and Land Use Attorney to obtain a bona fide, valid appraisal of the subject property from a state-certified real estate appraiser and to bring the appraisal back to the City Council for consideration in evaluating settlement at a future meeting; seconded by Councilmember Overdier.

Councilmember Ramswell asked if there was provision in the Bert Harris Act that would allow the City to collect attorney's fees in the event they prevail in the litigation.

The Land Use Attorney stated that if City were to make a settlement offer to the Fleet and the Fleet were to reject that offer, the fleet could be responsible for the City's legal fees and costs if the City prevails in the lawsuit.

The Mayor called for a vote on the motion, which passes 5-0 (Council members Morgan, Marler, Overdier, Ramswell and Braden voted "yes"; Councilmember Destin was absent from the meeting).

H. Public Beach Initiative

The City Manager noted that the City Council directed staff to secure an individual that could complete appraisal for the 7 properties discussed at the last meeting. Since that time, they have contacted some area appraisers. He asked for Council's authorization to proceed in getting the appraisals complete on these properties and enter into a contract with a property appraiser.

The Mayor noted that Mr. Kenneth Wade has also offered his property, and adding his property to the list would require a motion from the Council to do an appraisal for 8 properties.

Mr. Webb Warren informed the Council they could either go forward with doing appraisal for the 7 properties identified at the last meeting or include the additional property located at 2970 Scenic Hwy 98.

Councilmember Marler moved to add the property address of 2970 Scenic Hwy 98 to the approved list of parcels for appraisal services and accept the proposal from Phil Houston Appraisal Service for \$10,100 and fund this service with the City Council contingency account (0151110.534000); seconded by Councilmember Ramswell.

Councilmember Morgan announced he would abstain from voting as he has a family member who owns one of the properties.

Motion passed 4-0 (Council members Marler, Overdier, Ramswell and Braden voted "yes"; Councilmember Morgan abstained from voting; Councilmember Destin was absent from the meeting).

5. PUBLIC HEARINGS

A. SRG Properties, Inc. Simple Deviation to Restaurant Row Redevelopment (SP #9864)

The City Attorney noted this is a quasi-judicial hearing for a request for simple deviation.

The Land Use Attorney stated this item was continued from a previous meeting. The applicant is requesting clarifying language in a recorded parking agreement with the City to authorize him to prohibit overnight parking and signage for same, and to authorize towing for enforcement.

Mr. Steve Hall of Hall & Runnels informed the Council he represents SRG Properties Inc., owner of the Back Porch. He stated the staff that was presented to the Council fully covered the issues at hand. He explained that short term rentals generate more and more cars with fewer and fewer places to park and that his clients just want to be able to tow vehicles that are parking overnight or for a long period of time and they are not there for the restaurant or the beaches. He added that the City staff had come up with a reasonable amendment to the agreement.

Councilmember Braden inquired about the time period for parking to make sure cars would not be towed in the middle of the afternoon while people are on the beach.

According to Mr. Hall, the intent of the proposed amendment was to be able to run parking the same hours as the City park nearby; which is from sunup to sundown.

Councilmember Ramswell moved to accept the proposed changes contained in the Amended and Restated Parking Agreement with Restaurant Row redevelopment, and authorize the Mayor to execute the amended agreement on behalf of the City; seconded by Councilmember Overdier.

At this time, the Mayor asked for public comments relating to this subject. Having none, the Mayor called for a vote on the motion.

Motion passed 5-0. (Council members Morgan, Marler, Overdier, Ramswell and Braden voted “yes”; Councilmember Destin was absent from the meeting)

B. First reading of Ordinance 18-29-CC Amendments to Short-Term Rental Ordinance

The City Attorney read proposed Ordinance 18-29-CC, and then presented it to the Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO OCCUPANCY LIMITS FOR SHORT-TERM RENTALS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT OF CODE OF ORDINANCES ARTICLE VI - REGISTRATION OF SHORT- TERM RENTALS; AMENDING SECTION 13-108, LOCAL RESPONSIBLE PARTY REQUIRED; AMENDING SECTION 13-114, POSTING OF SIGNAGE; CREATING SECTION 13-117, OCCUPANY LIMITS; CREATING SECTION 13-118, EXEMPTION FOR PRE-EXISTING AGREEMENTS; PROVIDING FOR INCORPORATION

INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING
PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING
FOR AN EFFECTIVE DATE.

The Land Use Attorney explained that at a previous meeting, the City Council directed that two versions of the ordinance be brought forward for their consideration; adding that each version of the ordinance is identical to the other except that the Exhibit A version of the ordinance regulates maximum overnight occupancy by the number of bedrooms in the short-term rental, while the Exhibit B version of the ordinance regulates occupancy by the square footage of the short-term rental. In both cases, the ordinance prohibits overnight occupancy of more than 24 persons per short-term rental. She continued that Exhibit A provides for an option of two persons per bedroom plus an additional two persons (2+2); while Exhibit B provides for an option of one person per 250 square feet of space.

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

Mr. Matthew Reich, a Destin resident, stated that he is proud to live, work and manage his own short-term rental property in Destin. He stated that parking and trash have been a major issue and proposed requiring a simple decal or a sign showing the number of vehicles that are allowed to park on the property. He also noted that Waste Management offers a very reasonable trash valet service; whereby they collect the bins from the property, empty them and then put them back. The company is willing to offer that service year-round if more people use it. He also opined that occupancy limitation would not work. Not only that it is not enforceable, it would not force the unregistered and unlicensed vacation rentals to comply with the rules. It would only lower the quality of renters that come to Destin and the amount of revenue the short-term rental properties bring in to the City.

Next speaker was Mr. Paul Seago from the Expedia Group. He thanked the Council for the process they went through to come up with the proposed ordinance; which is a very difficult ordinance. He also commended the Council for being deliberate, and for considering all sides and taking inputs from all the stakeholders.

Mr. Jason Sprenkle stated that he owns 360Blue Vacation Property Demand, with over 570 homes; a large number of which are located in Walton County and the City of Destin. He was also a member of the Short-Term Rental Tasks Force appointed by the City that put a lot of effort into this issue. He is also the CEO of the company called Key Data which collects vacation rental data for companies around the world. He stated that the time, energy and effort they put in to the Task Force resulted in a lot of compromises. They brought all the short-term rental owners and managers together. They heard from everyone in town that was for or against vacation rentals. They put a lot of effort in putting together some proposals to the Council that would deeply impact on how trash, noise and parking are implemented. He suggests they give these proposals a fair chance to work. He opines that moving forward with regulating occupancy is premature. The one person per 250 square feet of space would affect 75 percent of the vacation homes in Destin. The 2 + 2 would impact 40 percent of the vacation homes in Destin. The two persons per bedroom plus 4 more persons (2+4), which is not currently an option, would impact 10 percent of the vacation homes in Destin. He pointed out that the 2+2 versus the 2+4 represents a 10 percent difference in revenue.

Mr. Tim Taylor, a Destin resident, asked the Council to delay making a decision on the proposed ordinance as there are a lot more questions that need to be answered. He opined that some of the stakeholders that were appointed to the Short Term Rental Task Force may have a hidden agenda. They are claiming that vacation homes are ruining the quality of life of the people in Destin. There have been some proposals submitted to the Holiday Isle Improvements Association to ban short-term vacation rentals. He suggests Council gathers more information on the vacation rental issue before adopting any more regulations.

Ms. Sally Mauer, a Destin resident and owner of a short-term vacation rental on Holiday Isle, stated that she agrees with Mr. Taylor's comments. She continued that everyone in the short-term rental industry wants to abide by the rules for the most part; but these rules need to be reasonable. She stated that she owns a 6-bedroom vacation home that sleeps 18 people comfortably in beds. They are not sofa sleepers or bunk beds. With the 2+2 or 1 person for every 250 square foot of space option, she would only be able to advertise for 14 people; which would impact her revenue and the amount she pays on bed tax. She also noted that based on the report from Holiday Isle, there were only 4 noise violations in 2017 and 2018; which is not nearly as bad as some people are making it sound. She further stated she has been managing her rental property for over 12 years and never once had a problem with any of her tenants nor has she received a visit from the Sheriff's Department. She drives through her neighborhood every day during the summer and she does not witness the same kind of problems that some people claim they exist. She added that the proposed ordinance is not enforceable and urged the Council not to adopt it.

Councilmember Braden asked Ms. Mauer how many vehicles her rental home could accommodate.

Ms. Mauer replied she has a large driveway which could accommodate about 12 normal size vehicles; or 6 to 8 large vehicles.

The next person to speak was Mr. James Barnes, a Texas resident and property manager for a rental property on Holiday Isle. He stated that he requested copies of the audio tapes of all the Short-Term Rental Tasks Force meetings and listened to all of them. He noted that the previous Mayor Scott Fischer attended the initial meeting on November 29, 2017. At this meeting, the Land Use Attorney discussed the Florida Sunshine Law, stating that because the Task Force's mandate was to formulate some recommendations to be voted upon by the City Council, it falls under the Sunshine Law and any of its members that violate this law could be subject to civil and criminal penalties. She also warned against the appearance of any wrong doings, stating that any meeting of any two Task Force members occurring outside of a formal meeting would be a violation of the Sunshine Law. He continued that Task Force member Rick Scalia asked if he could attend his normal monthly professional meeting with Jason Sprenkle, also a member of the Task Force. According to the Land Use Attorney, they cannot meet together outside of an official Task Force meeting. Mr. Barnes asked how it could be possible for two members of the Task Force and the Mayor of the City to all be on the Holiday Isle Improvements Association Board and not violate the Sunshine Law. He opined that there had to have been multiple violations; and for this reason the City Council should not be approving any recommendations brought forward by the Task Force. Instead, there ought to be an investigation conducted for the blatant violation of the Florida Sunshine Law.

According to the Land Use Attorney, any two or more members of the Task Force can meet outside of a formal meeting of the Task Force and would not be in violation of the Sunshine Law as long as they do not discuss any subject that would foreseeably be before the Task Force for review as a possible recommendation. She added that the City is not involved in making Sunshine Law determinations.

Mr. Ben Giles, A Miramar Beach resident, argues that the proposed ordinance does not provide a description of an occupant; nor does it explain the difference between an occupant and a visitor. He continued that according to Section 13-117(b) of the proposed ordinance, *“Before the hours of 7 AM or after 10 PM, the occupancy load of the unit may not exceed the maximum allowed number of overnight tenants.”* He asked if an occupant has visitors that stay passed 10:00 p.m., whether these visitors would be considered occupants. He also stated that since the occupancy load of the unit means the interior of the house, it should be fine for the visitors to remain on the property passed 10 p.m., as long as they are not inside the house. He also maintains that with regards to parking, any number of cars should be allowed to park on the property as long as they park in the improved area. The ordinance does not address how the maximum parking is calculated nor does it address the types of vehicles allowed to be parked on the property. As far as occupancy, when the owner or owners use the home personally, they should be able to invite guests to their house any time they want without being subjected to occupancy or parking restrictions; otherwise, every home owner in Destin would need to comply with the occupancy and parking rules. He added that since page one of the proposed ordinance states that, *“Whereas, certain short-term rentals are presently located within the single-family residential zoning districts of the City of Destin;”* these zoning districts should be defined and listed in the ordinance.

Mr. Gary Troup, a Destin resident, stressed that if the City is going to make any data driven decision, to make sure it is based on a trusted data base, such as the appraisal data base; and not from a data base where people can input whatever they want, such as the short-term rental database. People put in whatever they want in the rental listing; for instance, the square footage or the number of bedrooms or bathrooms; none of which matches the appraisal data base. He also stated that in terms of occupancy levels, the City should create an ordinance that would minimize the impact of short-term rentals to single-family residential home owners. He also maintains that a rental home owner that occupies the home should be treated as a single home owner. That privilege should not be extended to everybody that might be part of a corporation that owns the house. He also pointed out there are occupancy limits on single-family homes that are long-term rentals with much more stringent rules than what are being proposed for short-term rentals; and they could all live by those rules. He added that the protection they have on the north side of US Hwy 98 against short-term rentals is very weak; that almost anyone can put in a short-term rental there based on State law.

Ms. Patti Brown, a Destin resident, stated that she had no hidden agenda and she worked extremely hard as a member of the Short-Term Rental Task Force. She has expended hundreds of hours into doing research and gathering information from all over the country. She had never shown any racism as she was being accused of and which she finds very offensive. Her goal was never to block short-term rental but to have some ability to control some of the issues they have relating to short-term rentals. She also stated she is a fair minded person willing to listen to anybody. She continued that the Task Force worked really hard to try to come up with some recommendations that would accommodate everybody. The smaller houses were never the

problem. The real problem was during the past several years, some loopholes in the code allowed houses to be built that by Florida Statutes fall under the category of hotels. She added that they all need to work together and make some compromises; and not destroy the reputation of people in this community by name calling or insinuating they have hidden agendas.

Mr. Ken Wampler, a Destin resident, noted that the unanimous recommendations by the Task Force which this Council had already passed have had a direct impact in the community by decreasing the number of code violations dealing with trash, noise and parking. These are the three major problems within the community as they relate to short-term rentals; and that they should be focusing their attention in solving them. He also stated that the City's Code Enforcement Division has been short-staffed, which has more likely contributed to these three issues continuing to be major issues. City staff is looking for more support by having stiffer penalties they could impose on the code violators. He mentioned that he was a member of the Business Tax Receipt committee which offered the City Manager and City Council better enforcement capability by imposing stiffer penalties on individuals that are violating the codes currently in place; however, the Council failed to take any actions on their recommendations.

Mr. Bill Reddington, a Destin resident and real estate agent, stated that the City seemed to be doing things to curtail short-term rentals. He continued that if this is the intent by limiting occupancy, it would not make sense to consider spending a lot of money trying to obtain new beach accesses. He urged the Council to re-examine their goals on the occupancy restrictions.

Mr. Jim Bagby, a Destin resident, stated is quite admirable that the Council is trying to strike a balance and trying to find a sense of community. He continued that allowing 5 "mini-hotels" to be built on Shirah Street in Destin is totally wrong. Their street used to be all permanent residents or they belong to people who own second homes that nobody rent. About 50 percent of these homes are now short-term rentals. The entire KA fraternity from the University of Auburn rented the house next to them during spring break week. There were trucks parked everywhere and in the grass. They called their homeowners' Association to take care of the noise after 10:00 p.m. instead of the Sheriff's Department or Code Enforcement. He urged the Council not to adopt a regulation that they cannot enforce. They would not be able to inspect people's houses at midnight and count bodies. If they are going to limit occupancy, using square footage would be more effective; and then establishing the required number of parking spaces based on the square footage and controlling it would eliminate a lot of the problems. He added they cannot totally eliminate short-term rentals. They can only control it. It is the lifeblood of some of the people in this community.

Mr. Steve Deranian, a Destin resident, noted that several years ago Vail Colorado, a ski resort, had very similar problems with short-term rentals. Their City Council passed an ordinance addressing noise, parking and trash and giving the City the ability to enforce the ordinance by imposing stiffer penalties to code violators. Other cities copied their ordinance and tailored it to their town. He suggests that this Council do the same.

Mr. Guy Tadlock, a Destin resident and member of the Short Term Rental Task Force, asked the Council not to feel they are being bullied into trying to limit occupancy as it is the root of the problems with short-term rentals. He stated that the Task Force came very close into unanimously approving an occupancy level; but, they were unable to determine an age limit for children. He stated that the argument that limiting occupancy is not necessary makes no sense. It

is totally related to profits and has no bearing whatsoever in solving the problems with short-term rentals. He continued that the Crystal Beach community was plotted in 1936. The size of the lots were 50' x 150' and the smaller lots were 50' x 100'. The average size of the houses during that decade was 1200 sq. ft. with an average household of 3.47 members. The Crystal Beach layout was never intended for the size houses and use that are currently in place. There are 3 huge houses or "mini-hotels" on Shirah Street that are built on lots about half the size of a football field. They advertise 30 occupants per house for a total of 90. Parking, trash and noise are big problems all summer long; but, occupancy is the major problem. He added that the City needs to better control short-term rentals and two people per bedroom plus two more people would be a step to a positive direction in correcting this problem.

Mr. Daryl Shelton, a Destin resident and member of the Short-term Rental Task Force, stated that he disagrees with the recommendations for the Council to delay making a decision on controlling occupancy; adding that they waited long enough and it is now time for the Council to make some tough decisions. He also refuted an allegation made by a previous speaker that he and another member serving on the Short-term Rental Task Force had a personal agenda; stating they only did what they thought would benefit the entire community. He also addressed the allegation that they violated the Sunshine Law. He explained that they serve on the Holiday Isle Board of Directors and so they had to attend meetings; however, they never discussed the business of the Task Force. With regards to comments about racial discrimination, the only statement that was made before this Council was that short-term rentals were lowering the quality of their visitors; of which everybody is aware. He also pointed out they had more than 520 reported violations on Holiday Isle so far this year; 69.7 percent of which came from 40 single-family rental properties which represent less than 2 percent of all the properties on Holiday Isle. He added that the Holiday Isle Improvements Association Board of Directors did not vote to outlaw short-term rentals on Holiday Isle. They merely took a vote to whether or not to allow people to vote on it because they live in a democratic society.

Mr. Robert Martin, a Destin resident, stated that he has owned some rental properties in Destin. He never had to call the Sheriff's Department because he never had any problems with tenants. The biggest problem that he was aware of happened during spring break when an owner converted his garage into a multi-bedroom complex and allowed in excess of 25 students in that facility. He stated that the occupancy restrictions being proposed are quite severe except possibly during spring break; adding that this is a resort community and people should be given the freedom to rent their homes.

Ms. Marcie Bell, a Destin resident, noted there have been no discussions on occupancy requirements for condominiums, or hotels and motels in the City of Destin. A brief researched that she conducted revealed that of the approximately 75 condominiums located south of US Hwy 98, between the County line to the Marler Bridge, about 12 condominiums do not allow short-term rentals. Approximately 98 percent of the 16 condominiums she researched on the website had occupancy of 2 persons per bedrooms plus two more persons. She also called 3 local hotels and determined that their occupancy was two persons per Queen Size bed in a bedroom. They allow two more people if there is a couch or another person if they pull in a rollaway bed. She also noted that the CC&Rs of several of the condominiums specified that each unit would only be occupied as a single-family residential dwelling. A rules and regulations of one of the condominiums read, "*the pleasantness of condominium living is greatly enhanced by a congenial atmosphere in which all*

residents and their guests have proper regard for the comfort of others” which is exactly what they are asking for in their residential neighborhoods. She also mentioned that one member of the Task Force who manages a business at Emerald Grande with occupancy, and also lived in an area with occupancy issues, spoke very eloquently about the different issues in both those industries in his home. She added that she attends the meetings of the Holiday Isle Improvements Association and she could attest to the fact they did not vote to ban short-term rentals. They voted to put a vote out to the entire memberships of 1900 people because it is the way their CC&Rs read.

Mr. Steven Menchel, a Destin resident, stated that he lives in a neighborhood with short-term rentals. They employ their own security and never had to call the Sheriff’s department or the City’s Code Enforcement. He pointed out that 92 percent of the reported violations in 2017 were from rental homes. He urged the Council not to further delay their decision on occupancy because it is serious issue. He also suggests they confer with the fire department about the occupancy issue because of the safety hazard over occupancy may cause.

Having no further comments from the public, the Mayor closed the public hearing and turned the matter over to the Council for discussion and consideration.

The Mayor noted he previously brought up the square footage as one of the options to consider for occupancy restrictions; however, he later realized it would not work unless they did a multi-tiered square footage occupancy level, which could probably create more problems than it could solve.

Councilmember Marler stated that occupancy is a problem, but regulating it is not going to be easy and it may be hard to enforce. It would require a search warrant to allow them to enter a home to conduct a head count to verify occupancy. He continued that he does not consider occupancy as a major issue at this time. They have short-term rental regulations already on the books and they have a new code enforcement manager who had already presented his plan to the Council on how to enforce these regulations. They need to allow these regulations to be implemented before adding more regulations that they may or may not be able to enforce.

Councilmember Overdier asked for the Code Enforcement Manager’s professional opinion about this issue.

According to the Code Enforcement Manager, reactive enforcement alone is not going to work. They would need to be both proactive and reactive. The plan for enforcement that he previously presented to the Council will work. He continued that the occupancy regulations as written would be difficult to enforce as they would not be able to enter a private property and start counting bodies to verify occupancy. They would need someone to start keeping data and start identifying properties that are advertising above and beyond the occupancy levels of their property. This is the only way they would be able to catch the code violators and regulate occupancy.

Councilmember Overdier stated they are not trying to do anything that would harm the tourist industry; they just want to get these issues under control to avoid ruining the quality of life of the permanent residents in this community.

Councilmember Ramswell stated that when they appointed the Short-Term Rental Task Force the goal of the Council was to select members that were diverse and represent the different aspects and interests throughout the City – such as, property owners, full time residents, and rental property managers – to obtain a variety of perspective. She feels they have accomplished that goal, and that this Task Force worked very hard. They met once a week for 4 months, discussed pertinent issues, to reach some sort of consensus on what would work best for this community. The Task Force came up with a list of recommendations. The Council approved all recommendations that received a unanimous vote from the members of the Task Force. One of the last remaining issues was occupancy, which they are discussing tonight. However, they seem to be having the same discussions they had since she was elected to this Council in 2014. She continued that they do not want anyone to lose income or hurt the tourist industry; but, they also do not want their permanent residents that live next to short-term rental homes to suffer. They need to decide what is best for their residents because they live and pay taxes in Destin, and they elect the people to represent them. She noted that the Task Force had a 5-1 vote to approve their recommendation for an occupancy level of 2 + 2. When the Council met in June 2018, the member of the Task Force that cast the dissenting vote approached the Council and stated that he would go along with the 2+2; which essentially makes the vote of the Task Force unanimous. She added that she fully supports this recommendation as presented by the Task Force.

The Mayor commented that the problem with regulating occupancy is exposing the City to Bert Harris claims. When the City of Anna Maria created an ordinance establishing an occupancy level of 2+2, they received approximately 66 Bert Harris claims for about \$55 million, and the City ended up entering into a settlement agreement with some of those cases. He stated that most cities do not have insurance to cover this type of cases and so they end settling to avoid expensive litigations. He also stated that their risk is minimal with the short-term rental regulations they currently have in place addressing noise, trash and parking. If code enforcement is successful in enforcing these regulations, most of their problems would be addressed. He recommends either implementing the existing short-term rental regulations and giving them time to work, or creating a more liberal occupancy rate of 2+4 with no age limits as a compromise.

Councilmember Overdier noted that Mr. Sprenkle gave the Council a lot of data to consider; however, they do not know the source of this data and so they have to question its accuracy. He stated that based on this data, the 2+2 would impact 40 percent of the vacation rental homes in Destin; and that the 2+4 would only affect 10 percent of the homes. He added this is a significant change and could mitigate the Bert Harris claims, and it is something they could consider if they trust the data.

According to the Land Use Attorney, the City of Anna Maria passed a short-term rental ordinance establishing a maximum occupancy of 8 people. They received a lot of Bert Harris claims, but she is not certain if the City actually paid out any money at all. Based on her conversation with that city's attorneys, they resolved some of these cases by grandfathering in several houses depending on the individual house. She also noted that some of the new language she added in the proposed ordinance was a grandfathering clause. The only people that would have any kind of Bert Harris claim would be those with occupancy above what the ordinance allows. If they have occupancy of more than 24, they would be able to apply for grandfathering if they are compliant with all the provisions of the City's code. If they are compliant with the code and can establish the current occupancy as higher than 24 and want to maintain that occupancy, they would

be grandfathered for up to 5 years. It would allow them to obtain their reasonable investment-based expectations.

Councilmember Ramswell noted that according to Mr. Sprenkle's data, homes that are essentially with 24 or more occupancy would be less than 2 percent of the total homes; which would only be 14 of the 742 homes he has accounted for. She asked how potential impacts in revenue based on potential changes were calculated.

Mr. Sprenkle noted that they obtain their data by tapping in with vacation rental companies' database, with their permission, directly into their database. The information on everyone's reservations along with information about their property units flows into their database every 6 hours. There are approximately 11 vacation rental companies in the City, most of which are their customers. He continued that the calculation on the impact on revenue on home values comes from the average daily rate. He took the average daily rate for homes that slept 2+2 and for homes that slept 2+4, and then calculated the difference between the two based on the number of bedrooms. For two bedrooms homes that slept 2+2 versus a two bedroom homes that sleep 2+4 there was a 3.44 difference in average daily rate based on maximum occupancy in the summer season. The difference for 3 bedrooms homes was 9.13 percent and for 4 bedroom homes was 5.13 percent. He added these calculations are based on the pure data that exist.

Councilmember Ramswell stated that she understands the concerns about the financial impact of their decisions; but, she cannot operate out of fear for litigations. She looks at facts and what she believes is the right thing to do for the betterment of the entire community and its residents; and so she stands by the occupancy level of 2+2.

The Mayor explains he was not trying to instill fear into anybody's heart. He was merely offering a very simplistic and common sense approach, and taking into account all the risk involved, as they legislate.

Councilmember Overdier moved to set an occupancy rate based on 2 persons per bedroom plus 4 additional persons, and bring the ordinance back to first reading on January 7, 2019 Council meeting; seconded by Councilmember Marler.

Councilmember Morgan offered a substitute motion to provide the Council the following two versions in terms of occupancy rate and bring the ordinance back for first reading on January 7, 2019:

- **Set an occupancy rate based on 2 persons per bedroom plus 2 more persons**
- **Set an occupancy level based on 2 persons per bedroom plus 4 more persons**

Councilmember Marler provided a second to the substitute motion, which passed 4-1 (Council members Morgan, Marler, Overdier and Ramswell voted "yes"; Councilmember Braden voted "no"; Councilmember Destin was absent from the meeting).

C. First reading of Ordinance 18-30-LC Commercial events in residential areas

The City Attorney read proposed Ordinance 18-30-LC by title; and then presented it to the Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO COMMERCIAL ACTIVITY IN RESIDENTIAL AREAS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; CREATING DEFINITIONS FOR COMMERCIAL USES, COMMERCIAL SPECIAL EVENTS, AND COMMERCIAL SPECIAL EVENT VENUES; PROVIDING FOR AMENDMENTS TO ARTICLES 3, 7, AND 9 OF THE LAND DEVELOPMENT CODE; AMENDING TABLE 7-2, TABLE OF ALLOWABLE USES IN ZONING DISTRICTS TO PROHIBIT COMMERCIAL SPECIAL EVENT VENUES IN ALL RESIDENTIAL DISTRICTS; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Land Use Attorney clarified that this ordinance does not prohibit people from having weddings in their homes unless it is for commercial gains, and any other parties listed in the definition.

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 Council for their discussion and consideration.

Councilmember Morgan moved to approve Ordinance 18-30-LC on first reading and direct staff to advertise it for review by the Local Planning Agency; seconded by Councilmember Ramswell. Motion passed 5-0 (Council members Morgan, Marler, Overdier, Ramswell and Braden voted “yes”; Councilmember Destin was absent from the meeting).

- D. Second reading of Ordinance 18-26-LC Amending Article 2 of the Land Development Code to amending the application categories for vested rights determinations

The City Attorney read proposed Ordinance 18-26-LC by title; and then presented it to the Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING ARTICLE 2 OF THE LAND DEVELOPMENT CODE TO AMENDING THE APPLICATION CATEGORIES FOR VESTED RIGHTS DETERMINATIONS; PROVIDING FOR AUTHORITY; 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 Council for their discussion and consideration.

Motion by Councilmember Overdier, seconded by Councilmember Marler, to approve Ordinance 18-26-LC on second reading passed 5-0 (Council members Morgan, Marler, Overdier, Ramswell and Braden voted “yes”; Councilmember Destin was absent from the meeting).

E. Second Reading of Ordinance 18-28-CC Amendment to Harbor and Waterways Ordinance

The City Attorney read proposed Ordinance 18-28-CC by title; and then presented it to the Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN RELATING TO CITY WATERWAYS; PROVIDING FOR ADDITIONAL FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT OF SECTION 5-2 OBSTRUCTING CHANNELS; UNLAWFUL ANCHORING, MOORING OR DOCKING; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the Mayor closed the public hearing and turned the matter over to the Council for their discussion and consideration.

Councilmember Morgan noted there were 3 people who waited 3 hours to be able to speak on this issue; and that he would like to continue this item to the next meeting to afford them that opportunity.

Motion by Councilmember Morgan, seconded by Councilmember Marler, to continue second reading of Ordinance 18-28-CC on January 7, 2019 meeting passed 5-0 (Council members Morgan, Marler, Overdier, Ramswell and Braden voted “yes”; Councilmember Destin was absent from the meeting).

6. *CONSENT AGENDA

A. Resolution 18-45 Amendment to the Atkins North America, Inc. Contract for the Crosstown Connector

Motion by Councilmember Marler, seconded by Councilmember Overdier, to approve Consent Agenda item 6A, accepting the amendment to the Atkins North America, Inc. contract for the cross-town connector, passed 5-0 (Council members Morgan, Marler, Overdier, Ramswell and Braden voted “yes”; Councilmember Destin was absent from the meeting).

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

- A. Councilmember Braden
- B. Councilmember Ramswell
 - 1. Utility Art

Councilmember Ramswell stated that she loved the idea of the Banner Art Program on Main Street which was initiated by Mr. Ron Sandstead. She stated that on a recent trip to New Orleans, she met a woman who gets local artists involved in the community by painting utility boxes. They put a wooden create over the utility and paint over it. It is a simple way of beautifying an area and involving the community. It is an idea that they could possibly bring forth before the new Community Development Director for consideration.

- C. Councilmember Overdier
 - 1. New Year's Eve Discussion

Councilmember Overdier stated that City staff has done a great job despite of all the turmoil that went on with the City; and that it would be a nice gesture on their part to reward them by allowing all City facilities to close on Monday, New Year's Eve.

Motion by Councilmember Overdier, seconded by Councilmember Ramswell, to close all City facilities on Monday, December 31, 2018 passed 5-0 (Council members Morgan, Marler, Overdier, Ramswell and Braden voted "yes"; Councilmember Destin was absent from the meeting).

- D. Councilmember Marler
 - 1. Right-turn lane to the Emerald Grande from the Marler Bridge

Councilmember Marler stated he was trying to set up a meeting with a FDOT representative to discuss this issue and so he will not discuss it tonight.

- E. Councilmember Destin
- F. Councilmember Morgan
- G. Mayor Gary Jarvis
- H. Land Use Attorney

1. Summary of Monthly Activities of the TRC, for December 2018. (Section 2.26.04(E), Land Development Code; Pursuant to Ordinance No. 18-06-LC).

Land Use Attorney noted that this is a required update based on Ordinance 18-06-LC. She stated that the committee has not met, but meetings will begin in February 2019, every third Tuesday of the month at 11:00 AM.

- I. City Attorney
 - 1. City Manager Contract

The City Attorney noted he has discussed this document with each member of the Council. There is not much of a difference between this contract presented to the Council today and the contract they had with the previous City Manager Carisse LeJeune.

Motion by Councilmember Ramswell, seconded by Councilmember Marler, to approve the City Manager's contract and authorize the Mayor to execute the contract, passed 5-0 (Council members Morgan, Marler, Overdier, Ramswell and Braden voted "yes"; Councilmember Destin was absent from the meeting).

- 2. Executive Session announcement

The City Attorney noted this issue is related to the East Pass dredging. The City has been named as a respondent to complaints by Mr. John S. Donovan and David and Rebecca Sherry. This requires the City to take some action. Since it is a highly specialized area of law, the City

would be best served by directing the City Manager to hire a special counsel. He has spoken to Attorney Tim Oertel from Tallahassee, from the law firm of Oertel, Fernandez, Bryant and Atkinson, P.A., who is very well versed on this issue.

John S. Donovan, David H. Sherry, and Rebecca R. Sherry, Petitioners vs. City of Destin, Florida and Florida Department of Environmental Protection, Respondent, OGC Case No. 18 1463, File No. 0288799003JC

Councilmember Marler moved to direct the City Manager to hire the law firm Oertel, Fernandez, Bryant and Atkinson, P.A. to represent the City in the administrative action titled John S. Donovan, David H. Sherry, and Rebecca R. Sherry, Petitioners vs. City of Destin, Florida and FDEP Protection, Respondent, OGC Case No. 18 1463, File No. 0288799003JC. Councilmember Overdier provided a second to the motion, which passes 5-0 (Council members Morgan, Marler, Overdier, Ramswell and Braden voted “yes”; Councilmember Destin was absent from the meeting).

Next, the City Attorney asked the Council to consider calling an executive session to discuss this case on Monday, January 7, 2019, at 5:00 p.m., prior to the regular city council meeting.

Motion by Councilmember Overdier, seconded by Councilmember Marler, to schedule an executive session on Monday, January 7, 2019, at 5:00 p.m. passed 5-0 (Council members Morgan, Marler, Overdier, Ramswell and Braden voted “yes”; Councilmember Destin was absent from the meeting).

Having no further business at this time, the meeting was adjourned at 9:55 PM.

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

SPEAKER'S FORM
City of Destin Council Meeting

In an effort to better serve the community, the City Council requests that items or requests to be presented before Council be provided to the City Clerk by noon Tuesday of the week prior to the meeting. **Any related materials that you wish to distribute to Council in support of your item must be submitted at that time as well.** This will give Council adequate time to review your request and make any necessary inquiries. In addition, the staff may need to contact you in response to your topic of concern or in response to action directed by the Council.

As you complete the form below, please note that certain fields marked by * are required. Late or incomplete forms, particularly where required information is omitted, will be deferred by Council to a future meeting pending receipt of all information.

The City appreciates your cooperation and adherence to these guidelines.

******* PLEASE PRINT *******

DATE OF REQUEST: 3/4/19 ***COUNCIL MEETING DATE:** 3/18/19

***NAME:** Alison McDowell/CBA ***PHONE #:** 850 200-4173

ADDRESS: 109 Greenway Trail, Santa Rosa Beach **EMAIL:** mcdowel2@nwfsc.edu

***TOPIC/ISSUE** Overview of Choctawhatchee Basin Alliance/City of Destin Partnership

***HAVE YOU SPOKEN WITH CITY STAFF ABOUT THIS ISSUE? If so, who and when?**
Yes. Joe Bodi—most recently 3/5/19. Also Lorraine Berrish and Rey Bailey.

***DESIRED ACTION BY COUNCIL?** This is just educational to inform newer council members of CBA's role in the City.

PRESENTATION MATERIALS ATTACHED?: YES ☐ NO ☒ **# OF PAGES**

Will send presentation later.



C
B
A



CHOCTAWHATCHEE BASIN ALLIANCE

Northwest Florida State College

Alison McDowell
Director

CHOCTAWHATCHEE WATERSHED

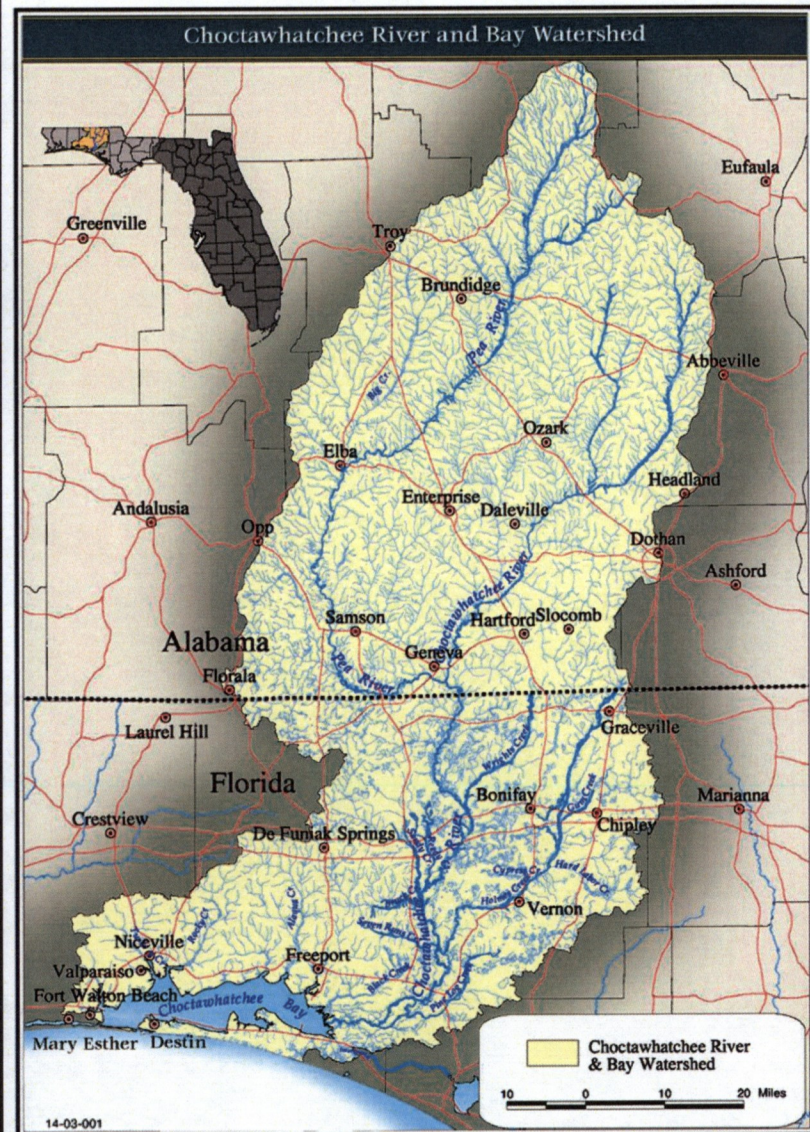
Watershed area is over 5,000 mi²

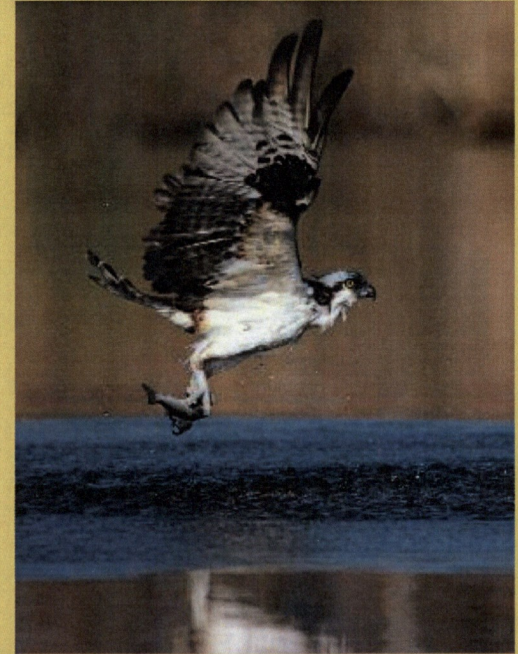
One main river on east side of
watershed

Most of the watershed is in Alabama

Major land use is Agricultural/ Forest/
Grasslands

Most of the urban use is in Okaloosa &
Walton Counties





Local wildlife photos courtesy of Walt Spence and Douglas Buck

The Choctawhatchee River is the fourth largest river in Florida in terms of flow and drainage area. The Choctawhatchee system supports a rich array of aquatic, wetland, and upland ecological communities and plant and animal inhabitants.



**FOR
GENERATIONS,
THE BAY SYSTEM
HAS SUSTAINED
THE REGION'S
ECONOMY AND
DEFINED ITS
TRADITIONS AND
CULTURE.**

ECONOMIC VALUE OF CHOCTAWHATCHEE BAY HAS BEEN CALCULATED*

2.9 billion local sales

36,000 jobs

Tourists spend \$1.6 billion annually

Tourism & water-related activities

- Fishing
- Beach-going activities
- Charter boats
- Boat Registrations...



* *Economic Analysis of the Contribution of Choctawhatchee Bay to Okaloosa and Walton Counties.
Haas Center for business research and economic development. University of West Florida. June 2006.*

A photograph of a person's hand holding a large crab against a sunset background. The sun is low on the horizon, creating a bright glow and reflecting on the water. The crab is dark-colored with prominent claws. The background shows a calm body of water and a cloudy sky.

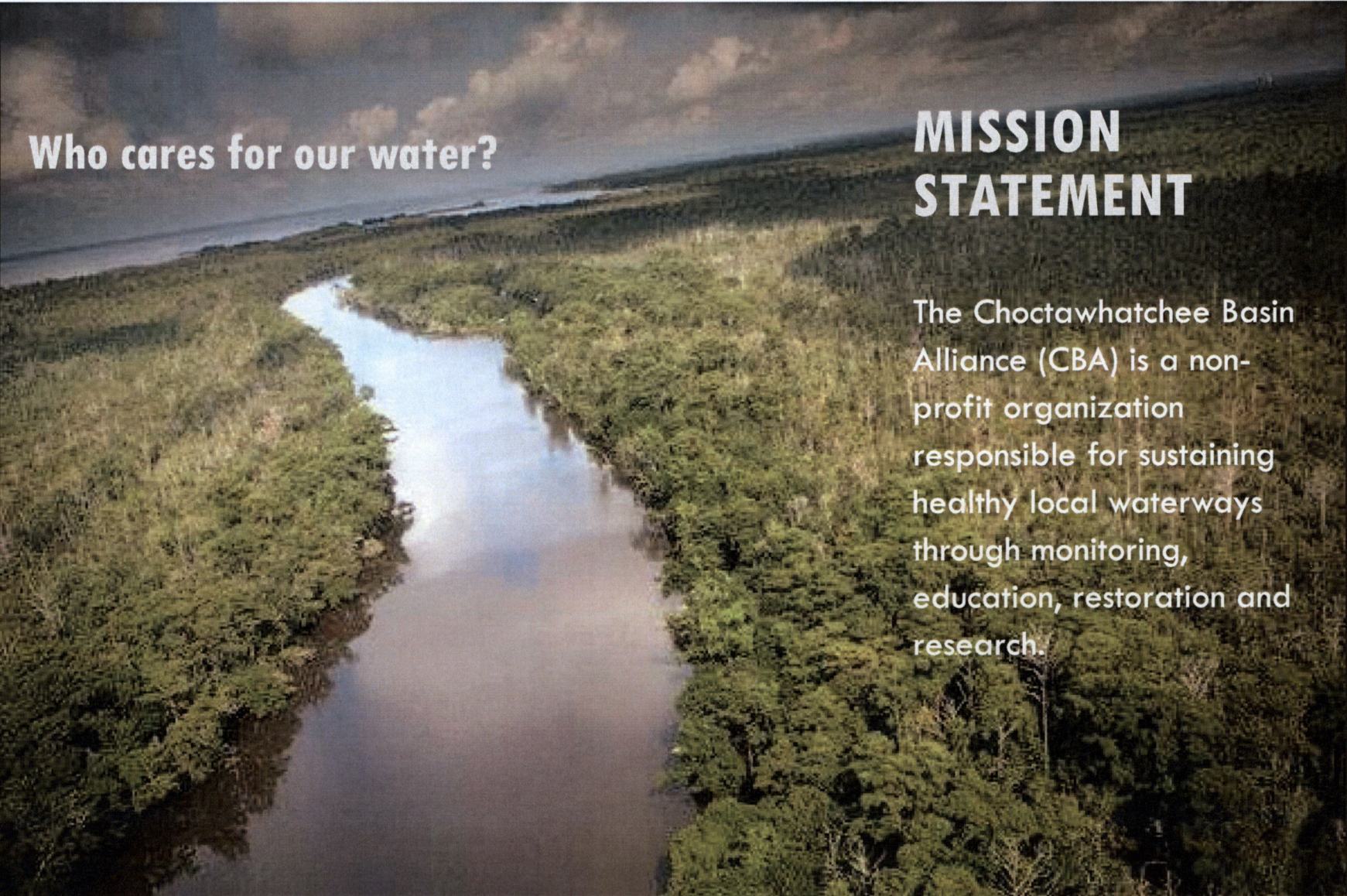
**UP TO 80% OF
RECREATIONAL
& COMMERCIAL
FISH AND
INVERTEBRATE
SPECIES SPEND
PART OF THEIR
LIFE CYCLE IN
CHOCTAWHATCH
EE BAY.**

OUR WATER HAS VALUE...



**WATER HAS AN
IMPACT OF OVER
HALF A BILLION
DOLLARS ON
APPRAISED
PROPERTY
VALUES.**

OUR WATER HAS VALUE...

An aerial photograph of a river winding through a dense, green forest. The river is light blue and reflects the sky. The forest is thick with various shades of green. In the background, a body of water is visible under a cloudy sky.

Who cares for our water?

MISSION STATEMENT

The Choctawhatchee Basin Alliance (CBA) is a non-profit organization responsible for sustaining healthy local waterways through monitoring, education, restoration and research.



CBA PROGRAM AREAS

Monitoring, Education, Restoration, and Research



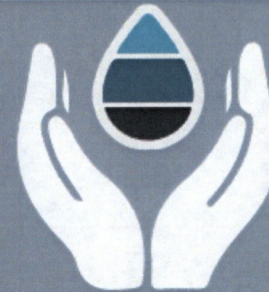
CBA 2017-2018



**3,000 STUDENTS
EDUCATED
EACH MONTH**



**12,000+ OYSTERS
TRANSPLANTED FROM
21 DIFFERENT
OYSTER GARDENERS**



**132 WATER QUALITY SITES
TESTED BY 34 VOLUNTEERS,
SAVING LOCAL AGENCIES
\$100,000+**



**4 ACRES
OF SHORELINES
AND
4,700 LINEAR FEET
OF REEF
RESTORED**

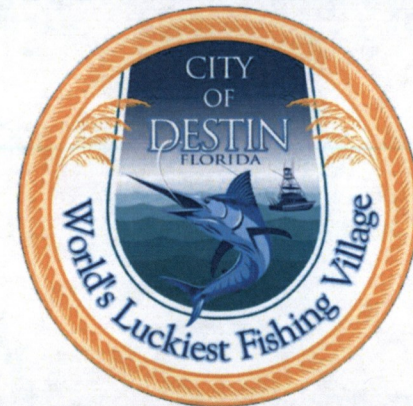
CBA & CITY OF DESTIN: A UNIQUE PARTNERSHIP

CBA and the City of Destin have enjoyed a productive partnership since CBA's inception in 1996. Highlights include:

- Clement Taylor Park stormwater restoration
- Joe's Bayou shoreline restoration
- NPDES permit contract



Northwest Florida State College



WHAT IS NPDES?

National Pollutant Discharge Elimination System

- A regulatory phase of the Federal Clean Water Act
- An EPA permit administered in Florida through the Florida Department of Environmental Protection
- Regulates point source discharges from three potential sources: Municipal Separate Storm Sewer Systems (MS4s), construction activities and industrial activities
- As a holder of an MS4, Destin is required by the permit to accomplish several tasks related to stormwater abatement.
- Destin contracts with CBA to achieve compliance with the City's Notice of Intent
- Tasks fall within the permit categories of:
 - Public Education and Outreach
 - Public Participation and Involvement
 - Pollution Prevention and Good Housekeeping



PUBLIC EDUCATION AND OUTREACH

CBA provides monthly programs for 200 third graders through our Grasses in Classes program at Destin Elementary.



PUBLIC EDUCATION AND OUTREACH

CBA presents stormwater information to a variety of groups such as Destin Rotary, Destin Forward and the Destin Charter Boat Association.



PUBLIC INVOLVEMENT AND PARTICIPATION

CBA organizes the International Coastal Cleanup along Destin's shorelines one or two times a year.



PUBLIC INVOLVEMENT AND PARTICIPATION

CBA coordinates monthly citizen scientist water quality monitoring at 5 stations in Destin waters.



POLLUTION PREVENTION AND GOOD HOUSEKEEPING

CBA coordinates fishing line and oyster shell programs that help keep our waterways clean.



Questions?

**WE LOOK FORWARD TO THE FUTURE
OF OUR PARTNERSHIP!**

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: March 18, 2019

TYPE OF AGENDA ITEM: Presentation

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Webb Warren, IS & Process Manager

DATE: 3/11/19

SUBJECT: Public Beach Initiative Update

I. BACKGROUND:

II. DISCUSSION:

- A. Link to Strategic Goals / Objectives:** Preservation of Heritage and Environment
- B. Effect on Budget (EOB):** Unknown
- C. Level of Service (LOS):** Increased Level of Service

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

1. Public Beach Initiative 31819



Public Beach Initiative

March 18, 2019
Update

The need for public beach



“So how do I, as an 18-year citizen of Destin, gain access to the water? Walk over people in the public area? The public area boundaries are not marked, so what if I “trespass” onto the “private” beach. The tourists have no idea what is going on or where to set up on the beach.” – **Email to council from a concerned Destin resident.**

“I own a house and live year round in Crystal Shores, Crystal Beach, Destin. We went to the beach on the 4th of July at 8:00 AM with out-of-town guests and were shocked that we could barely find a place by the water to put our 4 chairs. There weren't many people there at that early time, but the beach up by the water was packed with empty chairs and umbrellas from the vendors.” – **Email to council from a concerned Destin resident.**

“I am not usually one to write about being disappointed in something I have done or somewhere I have been, but this really has gotten me upset. After 12 great years of enjoying our yearly vacations to the Destin area, sadly we will not be returning to the area. While the Gulf Coast is hard to beat with the beauty and ease of vacationing, you have now blocked the beach for us second class visitors.” – **Email to council from a concerned visitor.**



LOCAL

Lines in the sand

A look at the gradual privatization of Destin's world-class beaches

"... He was forced to come to the small sliver of beach access before sunrise every morning to reserve a spot for his family before people were 'packed like sardines' in the one small section of public beach." – The Destin Log, Aug. 8, 2018

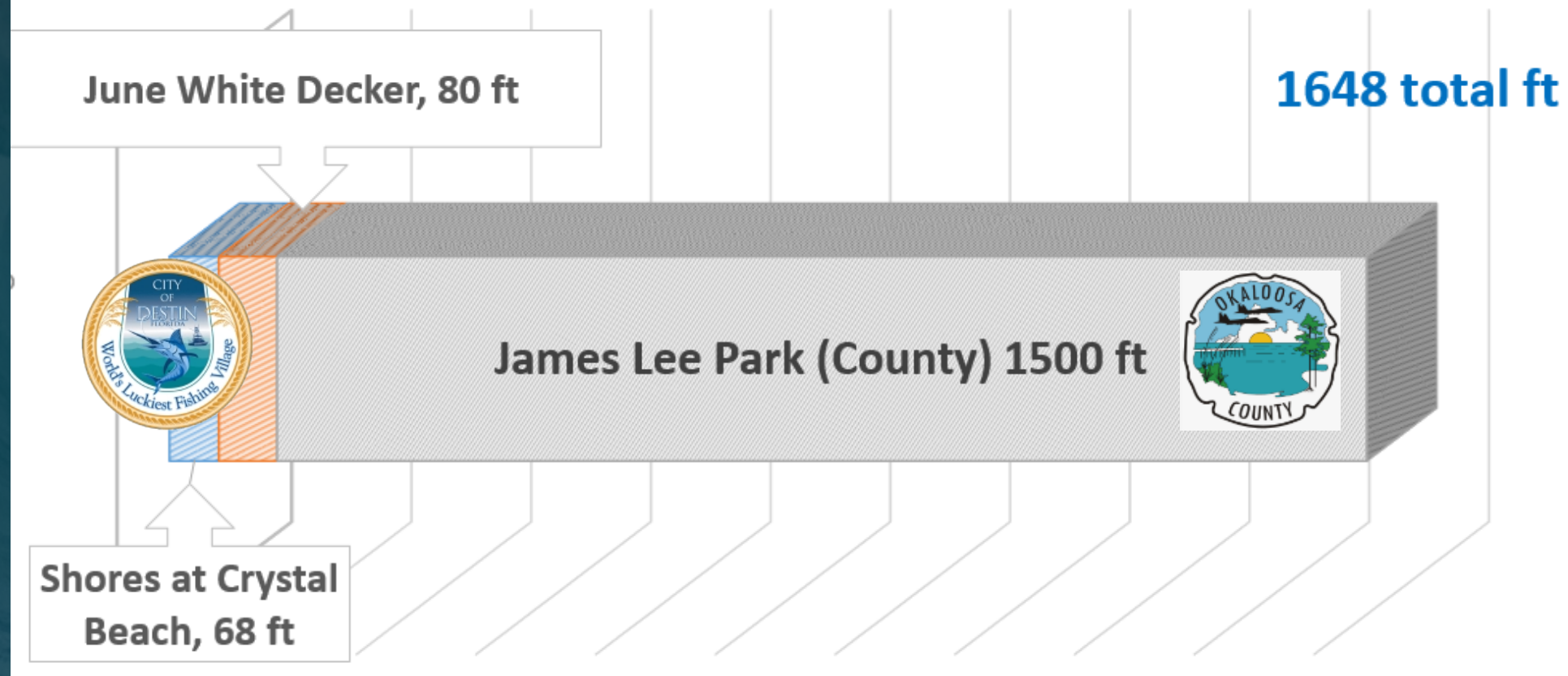
"Nine of the city's public beach accesses, dispersed throughout the Crystal Beach and Scenic Highway 98 areas, have a combined total of less than a half mile of public beach. Some of the smallest beach accesses in the city are Tarpon Street, the Shores at Crystal Beach and Pompano Street, which have roughly 11.5, 40 and 50 feet of public sand, respectively." – The Destin Log, Aug. 8, 2018

"We love Destin... but, next year we will not come back if there's a fight for the beach." – The Destin Log, Aug. 8, 2018





PUBLIC GULF FRONT PARKS (IN FEET)



* Does not include Beach Trails or Henderson Beach State Park (requires entry fee)



Project Review

November 19, 2018 Regular City Council Meeting

- **Motion to look further into the following properties in the order listed:**
- **Capri**
- **Tarpon Beach Access**
- **Henderson Beach Villas**
- Authorize the City Manager and attorneys to work with the Mayor in obtaining appraisals on these 3 properties. Furthermore, instruct the Mayor to contact the owners of the two Crystal Beach properties Councilmember Morgan brought up tonight, and bring information back on these properties for discussion at the next council meeting passed 7-0.



Project Review



December 3rd, 2018 Regular City Council Meeting

- Motion passed to conduct an appraisal on a total of **7 properties**, which does not include East Pass Preserve (Parcel B)

December 17th, 2018 Regular City Council Meeting

- Motion passed to add an additional parcel, *the Shores of Crystal Beach Expansion #2* to the appraisal list.
- Motion passed to hire Houston Appraisals for all 8 property appraisals



Project Review



January 7th, 2019 Regular City Council Meeting

- Staff requested approval, within the City Manager's purchasing threshold of \$15,000, to be able to contract with a new appraiser so that the project could move forward in as expedient manner as possible.
- The time for deliverables estimate from the new appraiser for the entire 8 parcel list was 60-90 days (March to April Delivery).





8 Identified Properties

ASKING PRICE

- **Capri** – 300'/\$44,000 linear ft **\$13,200,000**
- **Tarpon Beach**– 336'/\$50,595 linear ft **\$17,000,000**
- **Henderson Beach Villas** – 205 linear ft/\$58,537 linear ft **\$12,000,000**
- **Shore at Crystal Beach East #1** – 67'/\$50,373 linear ft **\$3,375,000**
- **Shore at Crystal Beach West (Crystal Port)** – 50'/\$73,000 LF **\$3,650,000**
- **West James Lee Park** - ~68'/\$73,529 linear ft **\$5,000,000**
- **Sunfish Street Parcel** – 60'/\$49,167 linear ft **\$2,950,000**
- **Shores at Crystal Beach East #2** – 67'/\$54,478 linear ft **\$3,650,000**

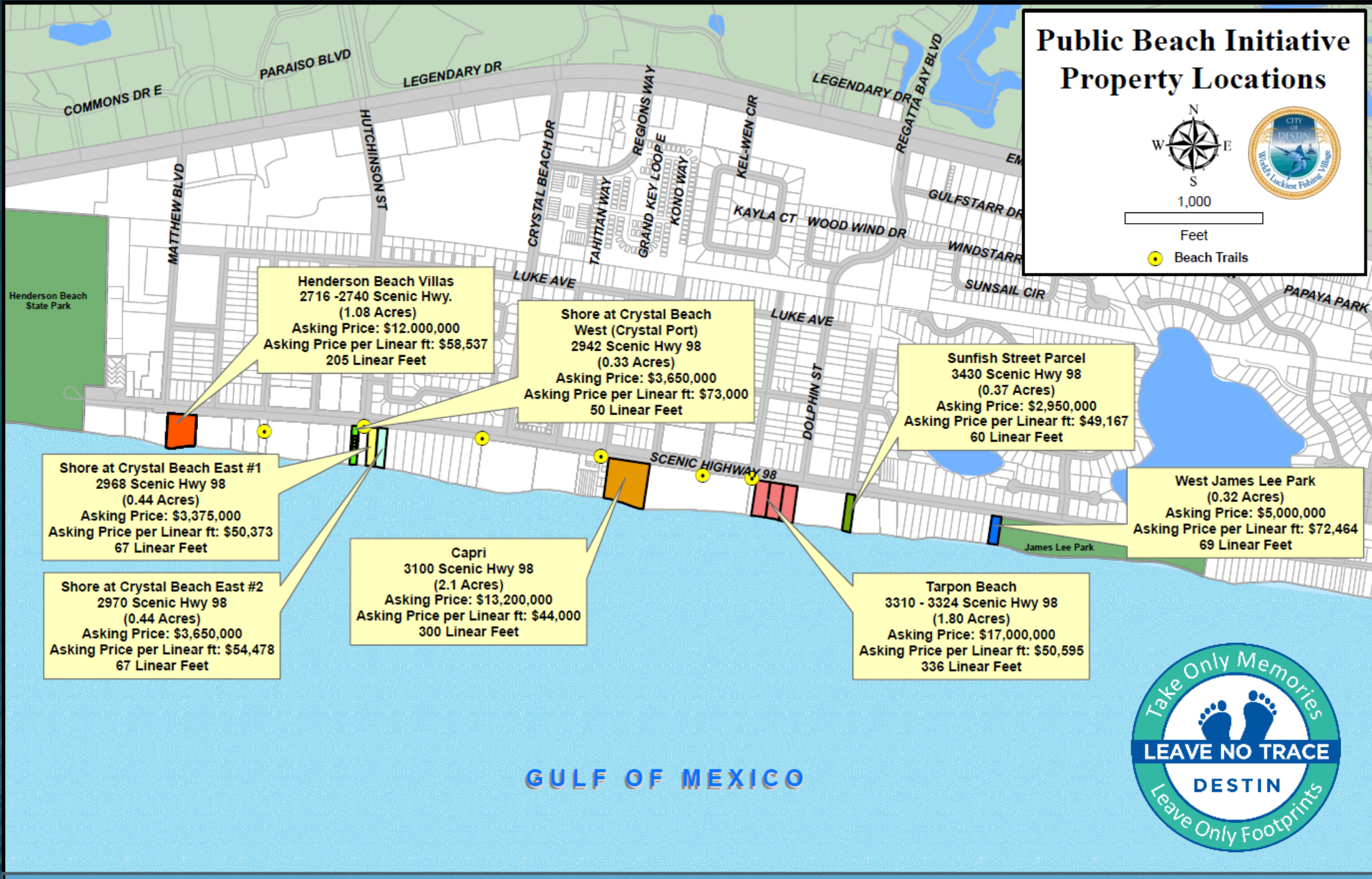


Public Beach Initiative Property Locations



1,000
Feet

● Beach Trails



Henderson Beach Villas
2716 -2740 Scenic Hwy.
(1.08 Acres)
Asking Price: \$12,000,000
Asking Price per Linear ft: \$58,537
205 Linear Feet

Shore at Crystal Beach West (Crystal Port)
2942 Scenic Hwy 98
(0.33 Acres)
Asking Price: \$3,650,000
Asking Price per Linear ft: \$73,000
50 Linear Feet

Sunfish Street Parcel
3430 Scenic Hwy 98
(0.37 Acres)
Asking Price: \$2,950,000
Asking Price per Linear ft: \$49,167
60 Linear Feet

West James Lee Park
(0.32 Acres)
Asking Price: \$5,000,000
Asking Price per Linear ft: \$72,464
69 Linear Feet

Tarpon Beach
3310 - 3324 Scenic Hwy 98
(1.80 Acres)
Asking Price: \$17,000,000
Asking Price per Linear ft: \$50,595
336 Linear Feet

Capri
3100 Scenic Hwy 98
(2.1 Acres)
Asking Price: \$13,200,000
Asking Price per Linear ft: \$44,000
300 Linear Feet

Shore at Crystal Beach East #1
2968 Scenic Hwy 98
(0.44 Acres)
Asking Price: \$3,375,000
Asking Price per Linear ft: \$50,373
67 Linear Feet

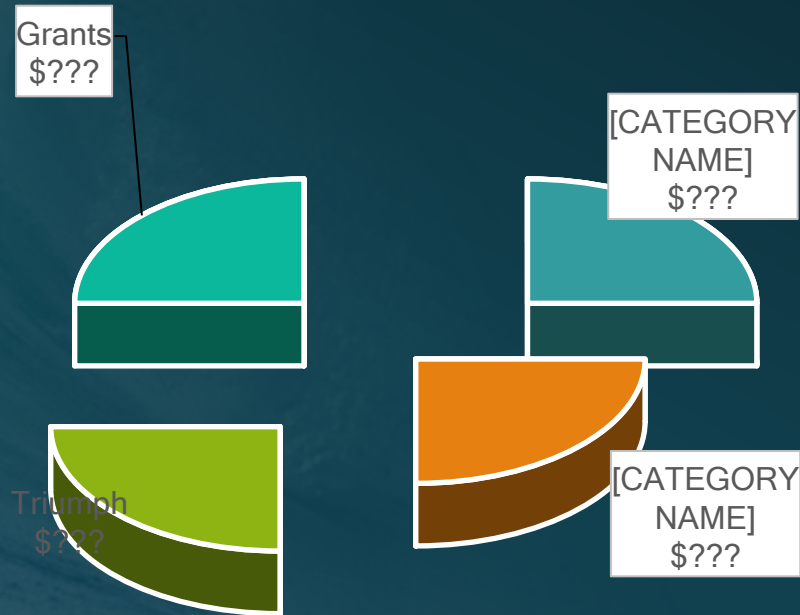
Shore at Crystal Beach East #2
2970 Scenic Hwy 98
(0.44 Acres)
Asking Price: \$3,650,000
Asking Price per Linear ft: \$54,478
67 Linear Feet

GULF OF MEXICO



Moving Forward

Solving the Budget Puzzle



Moving Forward- Proposed Public Beach Initiative Process

1. Identify a list of available properties (complete)
2. Obtain appraisals for list of 8 properties (90% complete)
3. Short list and rank properties
4. Identify City's budget for project
5. Seek additional funding to purchase property (TDC, Triumph) and establish overall budget
6. Secure contract on top properties
7. Pursue grants for demolition, restoration, park design, construction and other possible reimbursements





Appraisals and Florida State Statutes

FSS 166.045 Proposed purchase of real property by municipality; confidentiality of records; procedure.—(1)(a) In any case in which a municipality, pursuant to the provisions of this section, seeks to acquire by purchase any real property for a municipal purpose.... Such appraisals, offers, and counteroffers are not available for public disclosure or inspection and are exempt from the provisions of s. 119.07(1) until an option contract is executed or, if no option contract is executed, until 30 days before a contract or agreement for purchase is considered for approval by the governing body of the municipality.



Ranking Formula for the 8 properties



- Intended as a general guide for council discussion purposes

- Max score of 8 for each of the 5 ranking criteria

- 5 ranking criteria

1. Linear Beach Footage of Target Parcel(s)
2. Asking Price (in terms of per linear foot)
3. Asking Price/Appraisal Price Ratio (How close these numbers?)
4. Proximity (Adjacent) to Existing Beach Parks or Trails

*This allows the city to maximize existing facilities and linear beach footage

1. Location in Crystal Beach

*The further west on Crystal Beach, the higher the ranking





Ranking Criteria Explained

1-8 points, 8 being highest

1. **Linear Feet** - The more linear feet a parcel has, the higher the ranking
2. **Asking Price Per Linear Ft** – If asking price is 1,000,000 and the property has 100 linear feet of beach –the APPLF = \$10,000 per linear ft
3. **Asking Price/Appraisal Ratio** – If Asking Price is \$1,000,000 and Appraisal is \$800,000, then the appraisal is 80% of Asking Price. These percentages were ranked by highest value.
*Appraisals are protected under state statute **166.045**
1. **Proximity to City Park or Beach Trail** – Parcels adjacent to existing city parks/trails were ranked higher due to potentially lower infrastructure costs and the ability to expand existing public property.





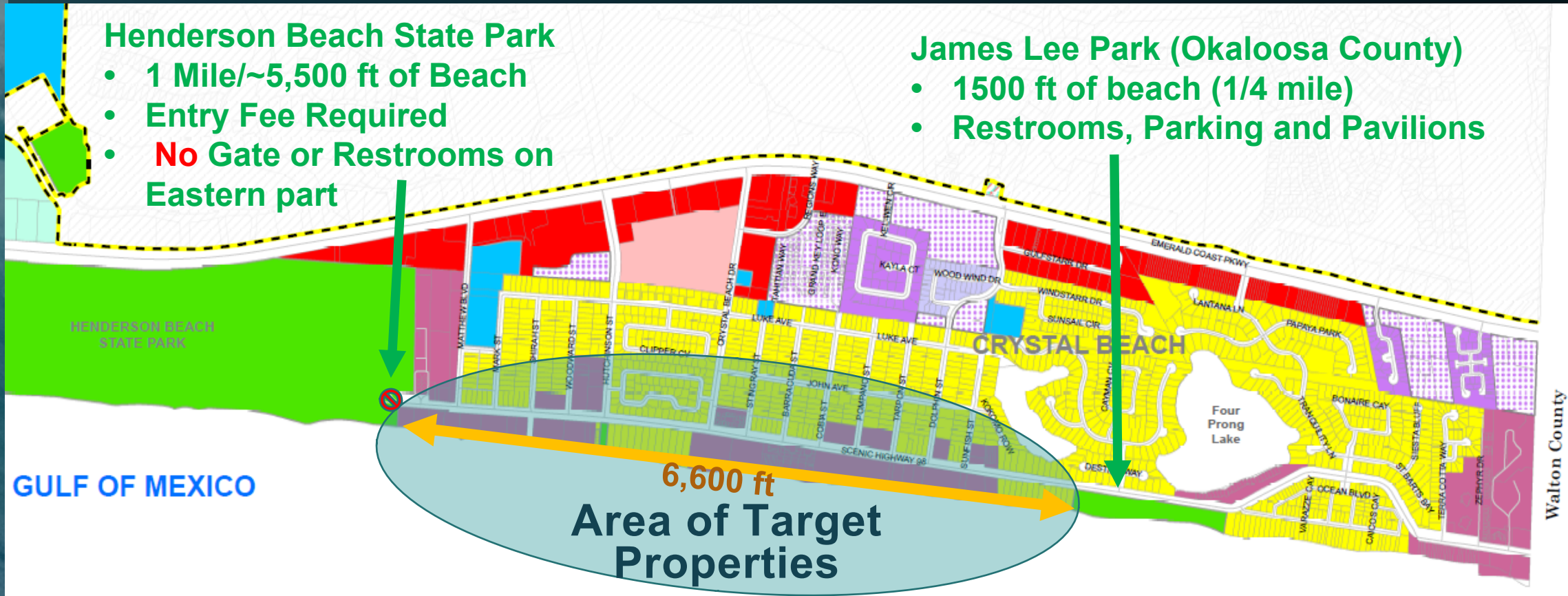
5. Location Criteria

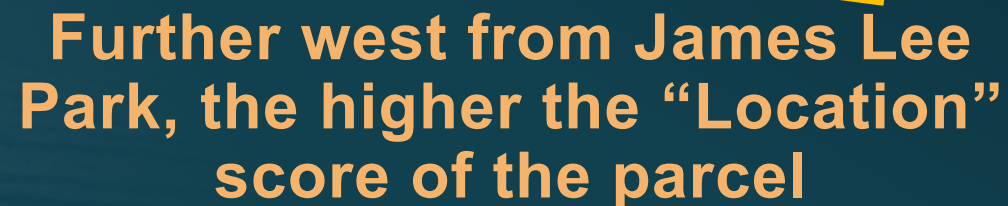
Henderson Beach State Park

- 1 Mile/~5,500 ft of Beach
- Entry Fee Required
- **No** Gate or Restrooms on Eastern part

James Lee Park (Okaloosa County)

- 1500 ft of beach (1/4 mile)
- Restrooms, Parking and Pavilions







Scoring Formula Results (Scale 1-8, 8 Highest Score)

	<u>Linear Ft</u>	<u>Linear Footage</u>	<u>LF Asking</u>	<u>Ask/ Appraisal Ratio</u>	<u>Proximit y</u>	<u>Location</u>	<u>Total</u>
Shore at Crystal Beach East #1	67'	4	6	8	8	7	<u>33</u>
Capri	300'	7	8	4	5	6	<u>30</u>
Shore at Crystal Beach East #2	67'	4	4	7	7	7	<u>29</u>
Tarpon Beach	336'	8	5	5	6	5	<u>29</u>
Shore at Crystal Beach West (Crystal Port)	50'	2	2	6	8	7	<u>25</u>
Henderson Beach Villas	205'	6	3	N/A	4	8	* <u>21</u>
Sunfish Street Parcel	60'	3	7	3	3	4	<u>20</u>
West James Lee Park	69'	5	1	4	2	3	<u>15</u>





Staff's Proposed Rankings

Quick Facts

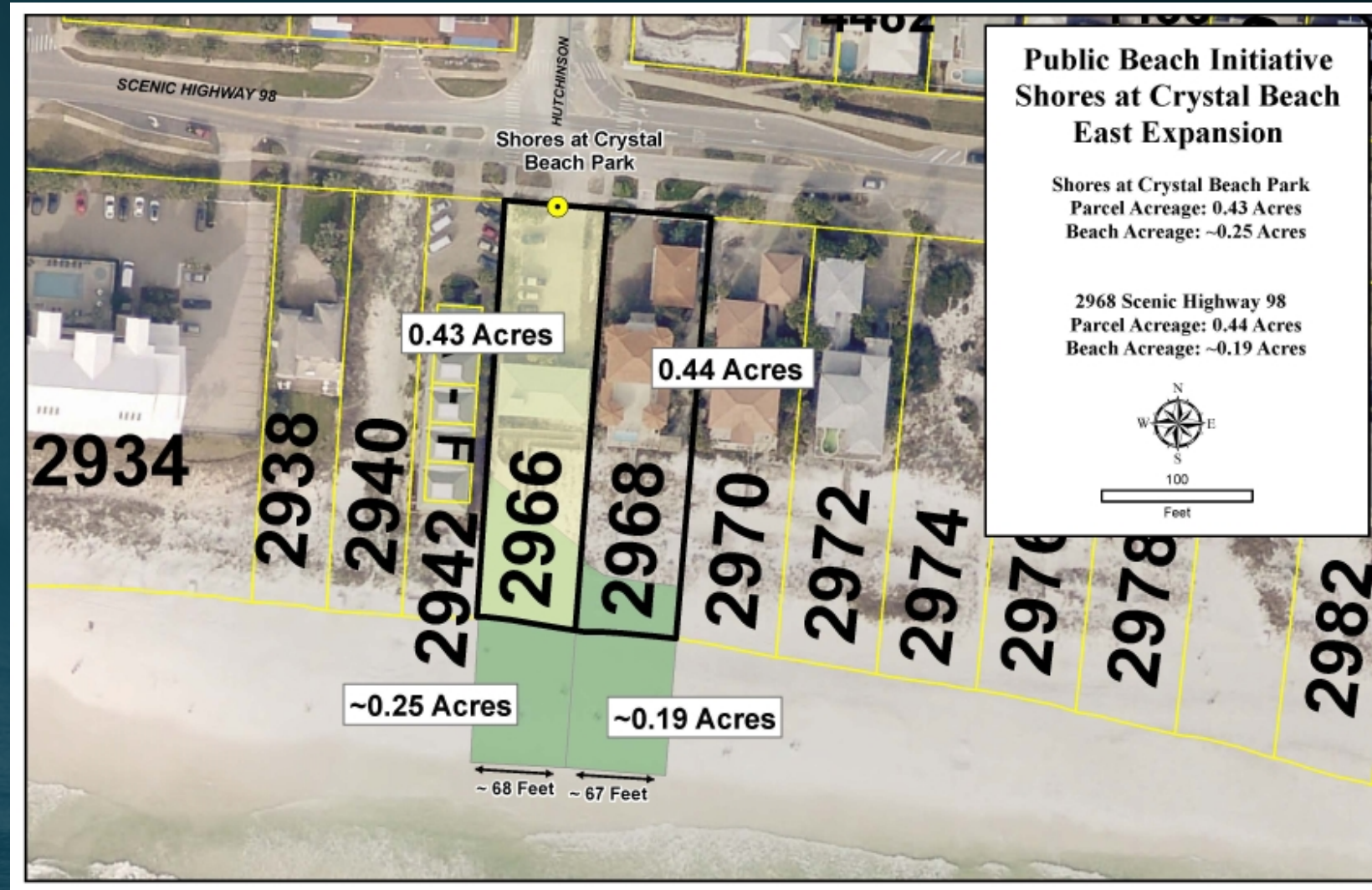
- Shore at Crystal Beach Expansion 1 & 2 + Shore of Crystal Beach Park = ~191 Linear Feet
- Shore at CB Expansion #2 is more feasible if Shore at CB Expansion #1 is secured
- Capri has multiple owners
- Tarpon Beach has 4 parcels and an adjacent Beach Trail

Property Name	Asking Price	Linear ft Asking Price	Linear ft
Shore at CB Expansion 1	\$3,375,000	\$50,373	67'
Capri	\$13,200,000	\$44,000	300'
Shore at CB Expansion 2	\$3,650,000	\$54,478	67'
Tarpon Beach	\$17,000,000	\$50,595	336'

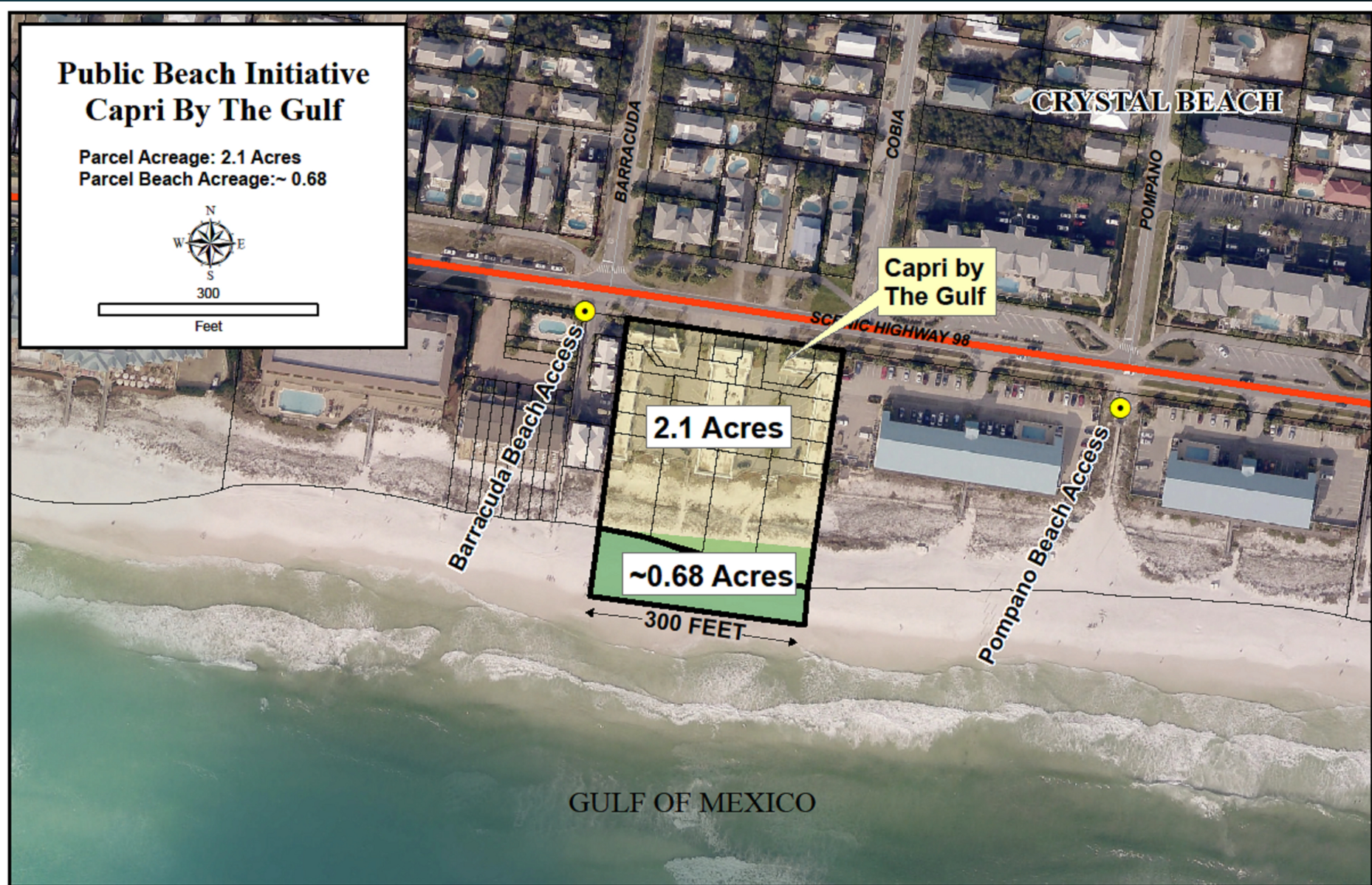




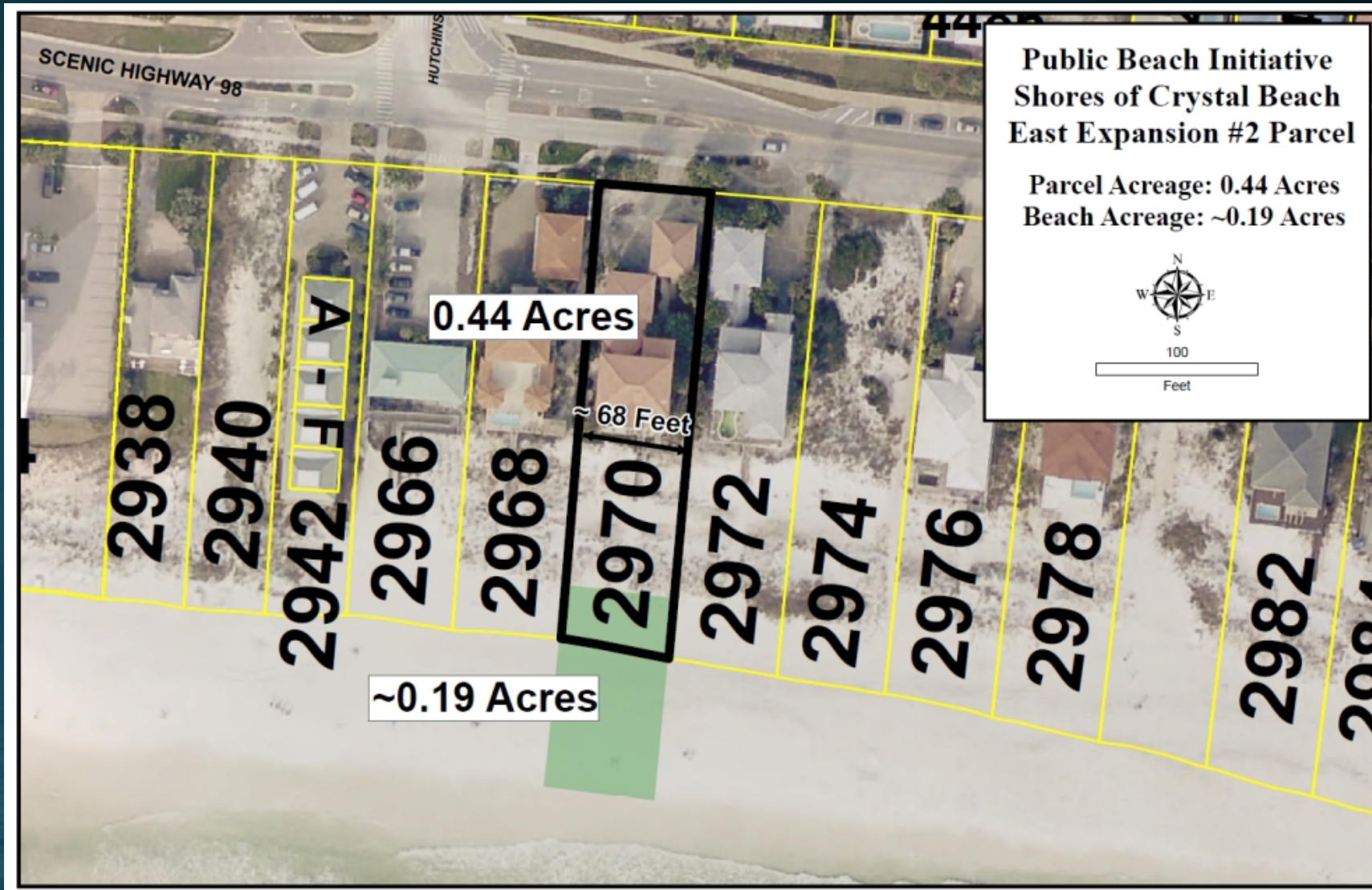
Gulf Front – Shores at Crystal Beach East #1 Expansion -Asking \$3,375,000



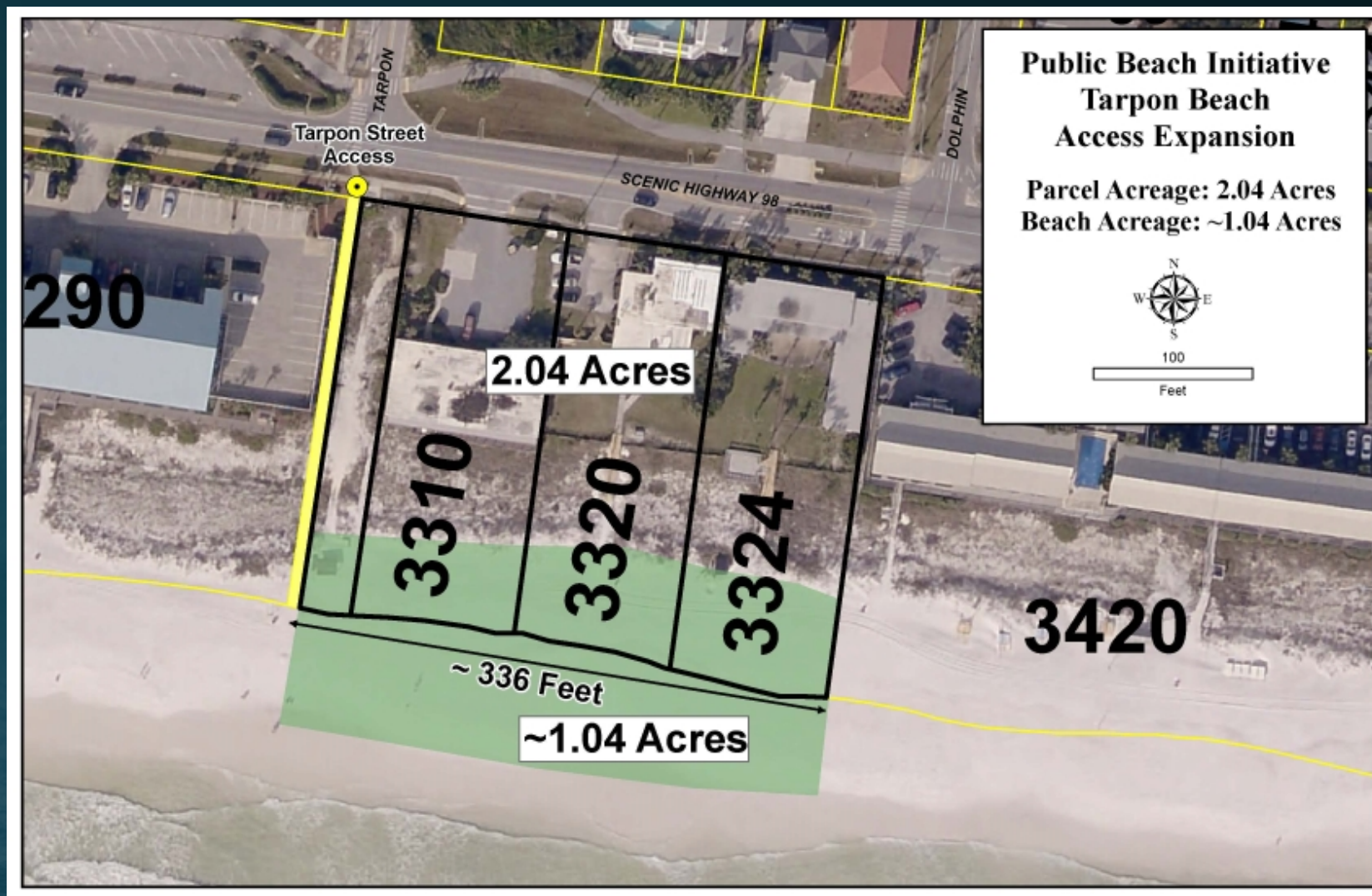
Gulf Front – Capri by the Gulf – Asking \$13,200,000



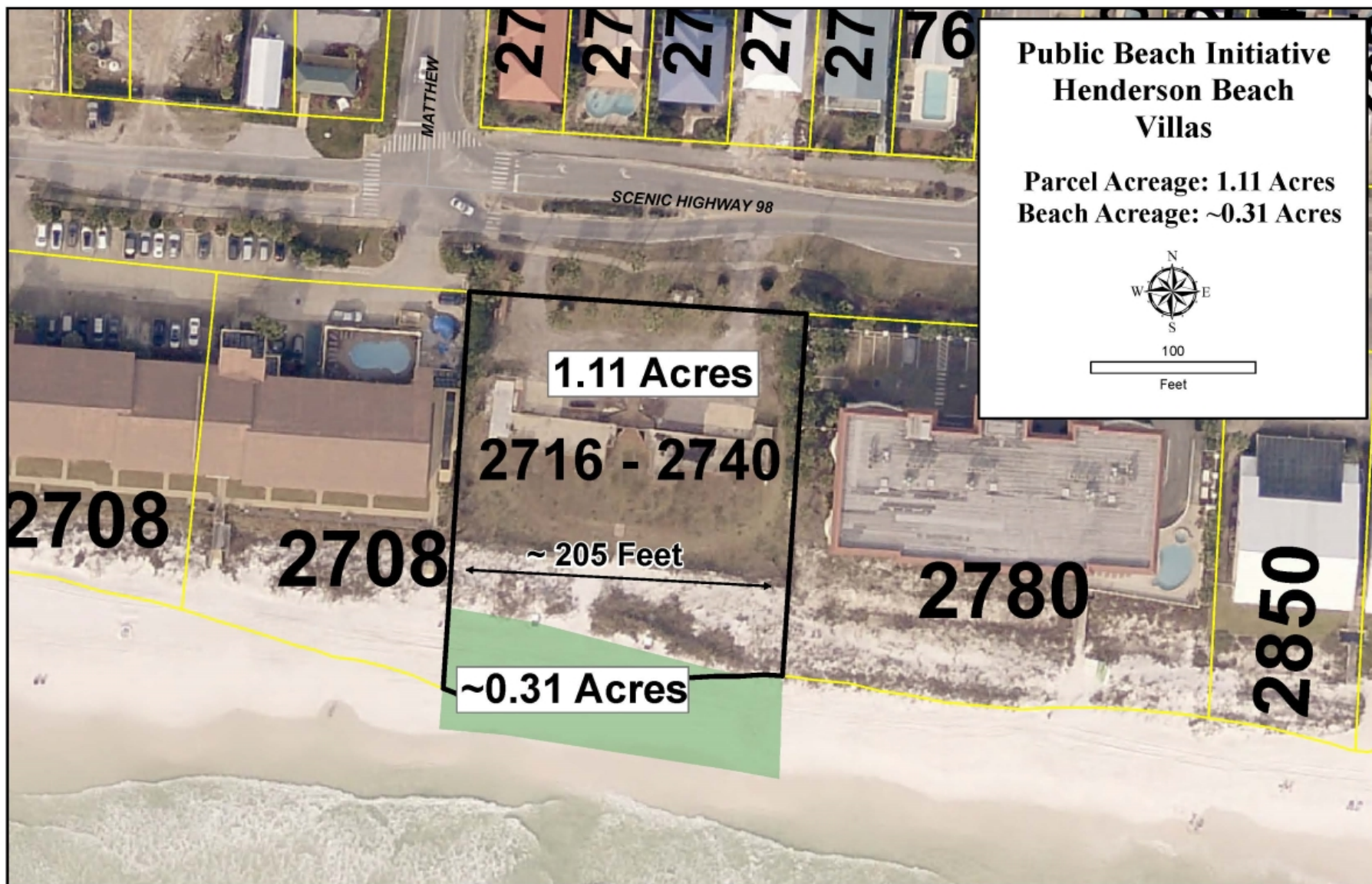
Gulf Front – Shores at Crystal Beach East #2 Expansion – Asking \$3,365,000



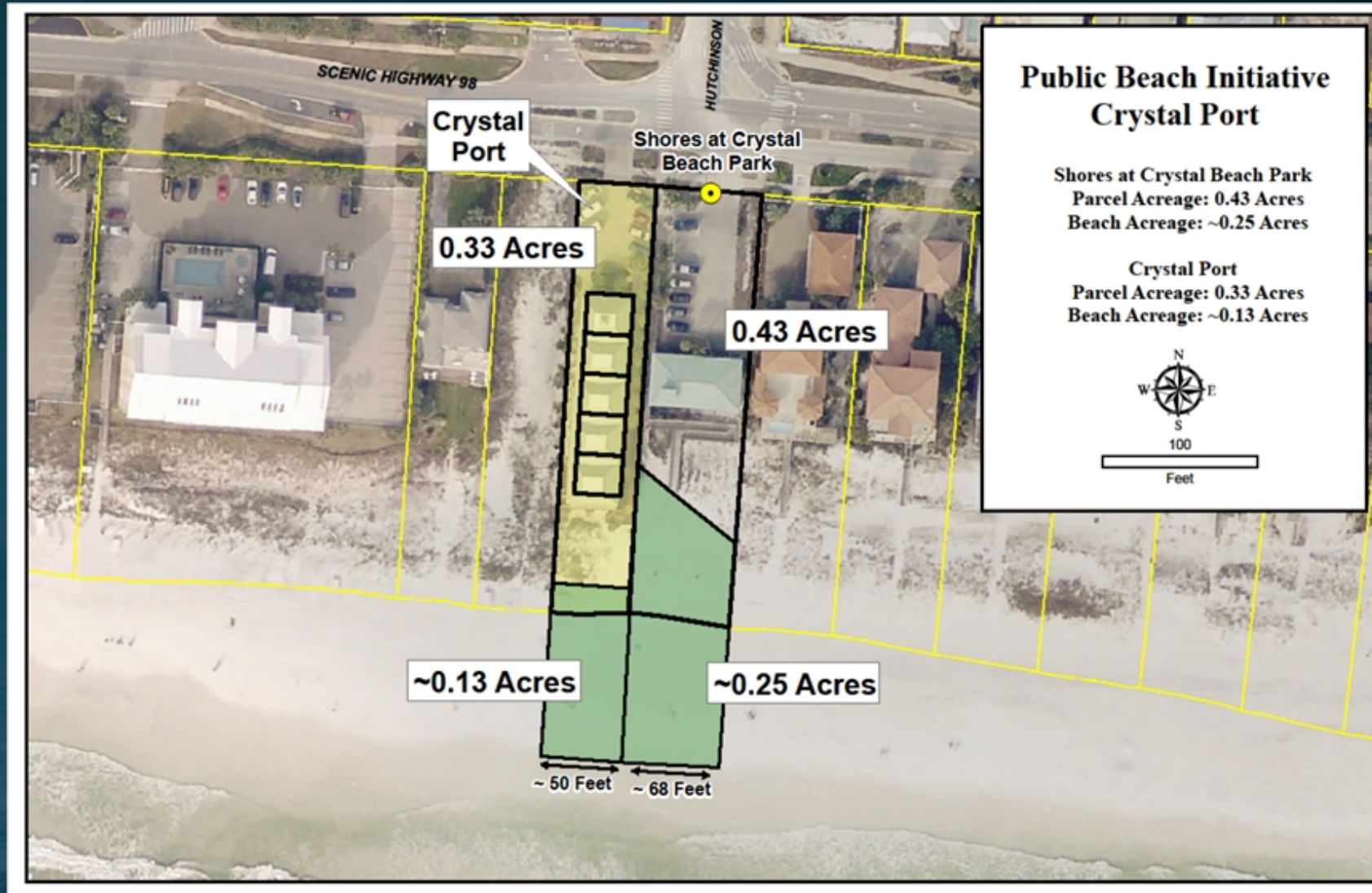
Gulf Front – Tarpon Beach – Asking \$17,000,000



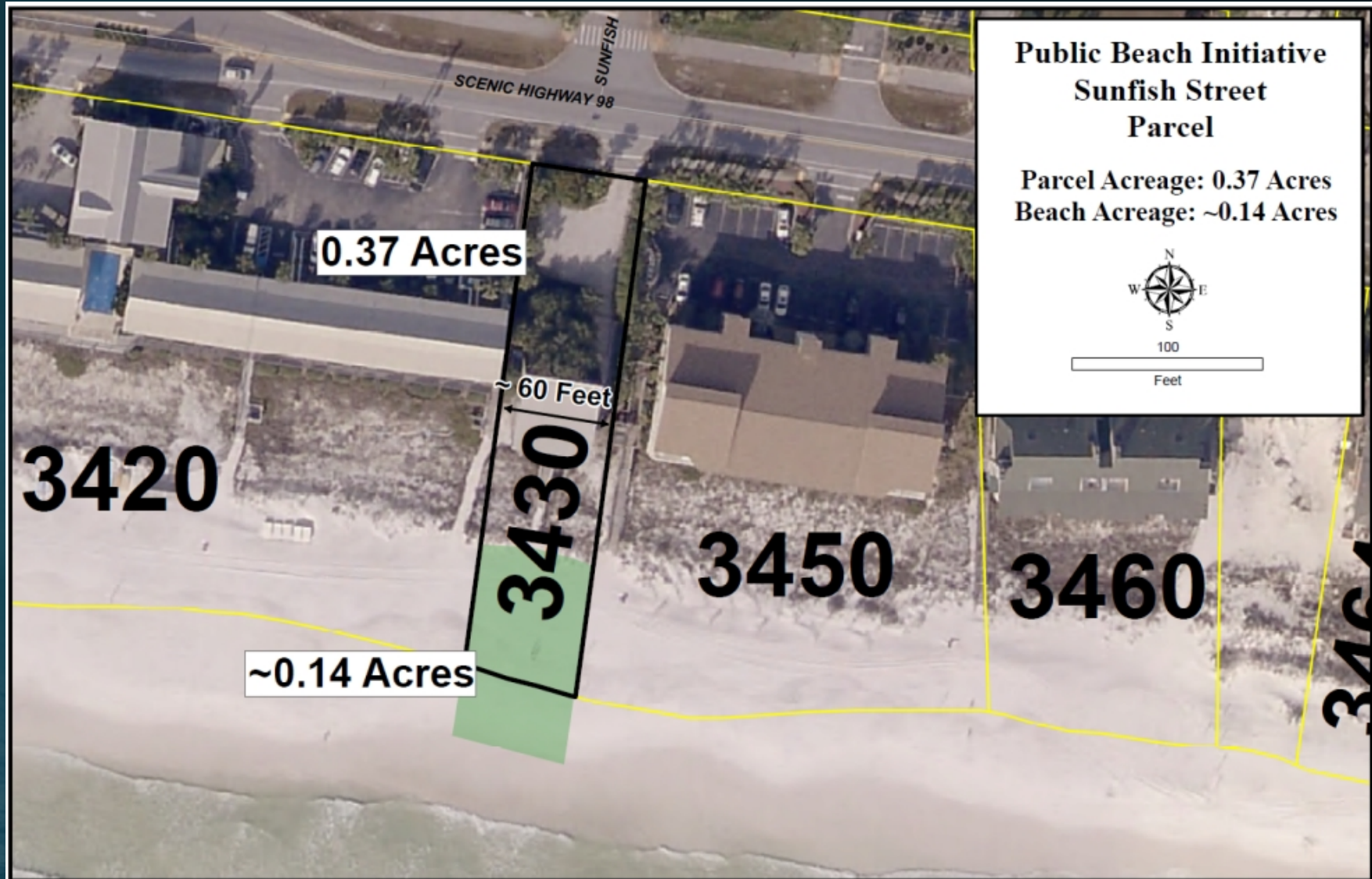
Gulf Front – Henderson Beach Villas Asking \$12,000,000



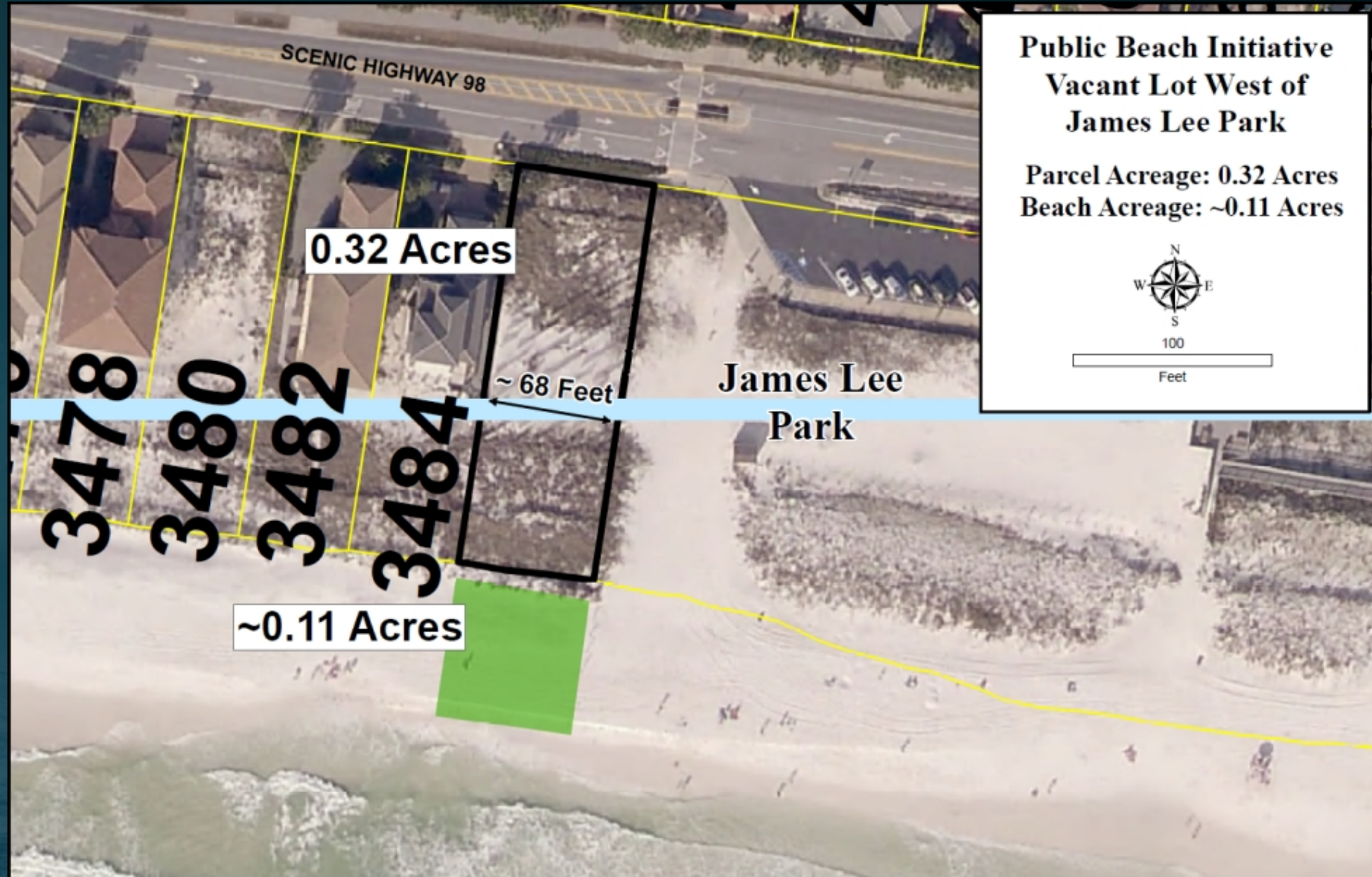
Gulf Front – Shores at Crystal Beach West Expansion (Crystal Port) – Asking \$3,650,000



Sunfish Street Parcel – Asking \$2,950,000



West James Lee Park Parcel – Asking \$5,000,000



Fund Balance and Park Impact Fees (From Audit Presentation)



	2018	2017	Change
Nonspendable fund balance:			
Advance to other fund	\$ 2,379,639	\$ 2,249,623	\$ 130,016
Prepaid expenses	\$ 89,380	\$ -	\$ 89,380
Long-term receivable	\$ -	\$ 750,000	\$ (750,000)
	\$ 2,469,019	\$ 2,999,623	\$ (530,604)
Restricted fund balance:			
Park	\$ 283,794	\$ 193,067	\$ 90,727
Traffic	\$ 1,386,950	\$ 1,114,278	\$ 272,672
Police	\$ 2,233	\$ 5,712	\$ (3,479)
Library	\$ 116,411	\$ 73,083	\$ 43,328
NPEB	\$ 245,950	\$ 270,728	\$ (24,778)
Multimodel Transportation	\$ 445,539	\$ 320,159	\$ 125,380
	\$ 2,480,877	\$ 1,977,027	\$ 503,850
Committed	\$ 9,657,663	\$ 9,674,570	\$ (16,907)
Assigned fund balance:	\$ 1,289,375	\$ 1,625,986	\$ (336,611)
Unassigned fund balance	\$ 6,909,267	\$ 3,626,530	\$ 3,282,737
Total fund balance	\$ 22,806,201	\$ 19,903,736	\$ 2,902,465





Some Possible External Funding Sources

Okaloosa County TDC

Triumph

RESTORE Act

Florida Forever (Land acquisition program)

- 2019-1 Proposal Application Deadline was December 13-14, 2018

Florida Communities Trust (FCT)

- Last Application Period July 2, 2018 – September 17, 2018.

Greenways and Trails Acquisition Program

- Last Application Period Closed Nov. 16, 2018

FRDAP- FL Recreation Development Assistance Program

- Last Application Period: October 1 – October 29, 2018

*Staff is researching additional grant opportunities to apply for



Moving Forward- Proposed Public Beach Initiative Process



- ~~1. Identify a list of available properties (complete)~~
- ~~2. Obtain appraisals for list of 8 properties (90% complete)~~
3. Short list and rank properties
4. Identify City's budget for project
5. Seek additional funding to purchase property (TDC, Triumph) and establish overall budget
6. Secure contract on top properties
7. Pursue grants for demolition, restoration, park design, construction and other possible reimbursements



Discussion and Guidance

Welcome to the pristine white sand beaches and emerald waters of Destin. Please help us preserve our little piece of paradise by kindly removing all the items that you brought with you, future generations are depending on you. Thank you for your help to protect our beautiful Emerald Coast.



www.cityofdestin.com



CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: March 18, 2019

TYPE OF AGENDA ITEM: Action Item

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Rey Bailey, City Clerk

DATE: March 14, 2019

SUBJECT: Crab Island Committee

I. BACKGROUND: At their July 10, 2018 meeting, the Okaloosa County Board of County Commissioners adopted a Floating Structures Ordinance that went into effect November 1, 2018 regulating floating structures and the waterborne sale and distribution of alcoholic beverages. At the time of adoption of the ordinance, the Board requested the formation of a committee to review the regulations to see if they could be enhanced.

II. DISCUSSION: The Board has approved a 7 member committee. One appointed by the Tourist Development Council, the City of Destin, the Destin Chamber of Commerce and the Fort Walton Beach Chamber of Commerce. In addition, the County is seeking one representative from each of the following areas: vendors, recreational user and livery businesses (upland jet skis and pontoons rental business owners).

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION: The County requests the City of Destin appoint a representative from the City of Destin to participate in this committee. Copies of applications from interested citizens are attached.

IV. RECOMMENDED MOTION: I move to appoint _____ to the Crab Island Committee.

Attachments:

1. Application - Mike Buckingham
2. Application - Rodney Braden
3. Application - Teresa Hebert
4. Application - Gary Jarvis



**Application for Okaloosa County
Boards, Commissions, Councils and Committees**

Please indicate the Board, Commission, Council or Committee on which you are interested in serving:

FLOATING STRUCTURES COMMITTEE - RECREATIONAL USER CATEGORY

Section 1 – Personal Information

02/25/19

Date Completed

Name: (Last, First, Middle/Maiden) Buckingham, Mike

Residential Address: 510 Calhoun Ave.

City, Zip Code Destin, FL 32541

Business Address: _____

City, Zip Code _____

Please specify the preferred mailing address: ☒ Residential ☐ Business

Home or Business Telephone: _____

Cell Phone: (850) 259-6533

Email: mikebuck211@aol.com

Occupation: Self-Employed

Employer: _____

In which Okaloosa County Commission District do you live? 5

Florida law allows certain persons to request that an agency not publicly disclose specific identification and/or location information contained in agency records. Please refer to sections 119.071(2)(j), (4)(d), and (5)(i), 265.605 and 267.17, Fla. Stat., or applicable statute for scope of protection which may include home address, phone numbers, photos, name of spouse, and/or children, and their place of employment, and/ or school or daycare facility, and date of birth. Do you qualify for this exemption? Yes ☐ No ☒ If yes, please complete a Public Records Exemption Request form and return it with your application.

Are you currently serving or have you previously served on an Okaloosa County Board, Commission, Council or Committee? ☐ Yes ☒ No

If yes, please explain:

Are you applying for reappointment? ☐ Yes ☒ No

Section 2 – Education and Employment

Please attach your resume. If no resume is available, in the space below, briefly describe or list your educational background, your skills and experience you could contribute to a committee, any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Okaloosa County; any charitable or community activities in which you participate; and reasons for your choice of the boards, commissions, councils or committees indicated on this application.

Education: (If no resume)

High School:

Seminole HS
Name

Seminole
City

FL
State

Post-secondary Institutions:

Name and Location

Dates Attended

Certificate/Degree Earned

N/A

Employment: (If no resume)

Provide the requested information or all employers within the last 5 years, beginning with the most current. Attach additional pages if needed.

Employer

BUCK'S BBQ

Address

303 HARBOR BLVD.

Type of Business

RESTAURANT

Occupation/Job Title

OWNER

Dates of Employment

2015 - 2018

Employer

Address

Type of Business

Occupation/Job Title

Dates of Employment

Employer

Address

Type of Business

Occupation/Job Title

Dates of Employment

Employer

Address

Type of Business

Occupation/Job Title

Dates of Employment

Section 3 - Special Qualifications

List any special qualifications you think are relevant to your being appointed to a board, commission, council or committee, including any type of licensure or certification you hold, as well as any civic, professional, or political organizations to which you belong.

Type or Name of License or Certificate	Number	Granting Agency	Date Granted
SITE UTILITY CONTRACTOR		DBPR/Okaloosa	

Name of Civic, Professional or Political Organization	Office(s) Held	Membership Start Date
DESTIN FIRE CONTROL DISTRICT	BOARD MBR.	2009

Give any additional information you believe is relevant to your appointment to a board, commission, council or committee.

N/A

Section 4 - Ethical Disclosure

If required by law or administrative rule, will you file financial disclosure statements? ☒ Yes ☐ No

Do you know of any circumstances that would result in you having to abstain from voting on a board, commission, council or committee due to having voting conflicts? ☐ Yes ☒ No

Are you, or any business with which you are or have been affiliated as an owner, officer, or employee, or is your spouse or child or their employers, currently doing business with, or have you or they ever held any contractual dealings during the last five years with Okaloosa County? ☐ Yes ☒ No

If yes, please provide:

Business Name	Your relationship in business	Agency	Business's Relationship to Agency

Do you foresee participating in any competitive bid process for Okaloosa County during your time serving on this board, commission, council or committee? ☐ Yes ☒ No

Has probable cause ever been found that you were in violation of Part III, Chapter 12, Florida Statutes, the Code of Ethics for Public Officers and Employees? ☐ Yes ☒ No If yes, please provide:

Date	Nature of Violation	Disposition

Have you ever plead guilty, nolo contendere or been convicted of a violation of any federal, state, county or municipal law, regulation or ordinance? ☐ Yes ☒ No If yes, please provide:

Date	Place	Nature of Violation	Disposition

Do you have any family working for Okaloosa County Board of County Commissioners? ☐ Yes ☒ No
If yes, please provide:

Name	Relation	Department	Title

Section 5 – Certification and Signature

By signing this application you are affirming that the information you provided is true and you are acknowledging the statements below:

- I understand that some boards, commissions, councils and committees have a requirement to file an annual Financial Disclosure Form.
- Information submitted on this application will be considered public information except for any exemptions pursuant to Florida Statute.
- The deadline to apply is 30 days prior to a vacancy.
- Citizen advisory members must be citizens of Okaloosa County, except as specifically provided by County resolution.
- Okaloosa County employees may not serve on any decision making boards, commissions, councils or committees, except as specifically provided by County resolution or as required to perform official County duties.
- Submission of an application does not ensure an appointment on a board, commission, council or committee.
- Participation on a board, commission, council or committee requires my attendance at the majority of the meetings of said board, commission, council or committee.
- This is a volunteer position and I will not receive financial compensation for serving.
- For background purposes, if asked I will complete an *Authorization Form for Consumer Report*.
- Permission is hereby granted to Okaloosa County to investigate my personal history, conduct a criminal background investigation, and solicit statements from any person or organization with

which I have ever been associated. This release is executed with full knowledge and understanding that the information is for the official use of the requesting agency. Consent is granted to Okaloosa County to furnish such information to third parties in the course of fulfilling its official responsibilities. I hereby release Okaloosa County and all persons or organizations from any liability arising from such statements, their solicitation or use. A photocopy of this form will be as effective as the original.

STATE OF FLORIDA
COUNTY OF OKALOOSA

Before me, the undersigned Notary Public of Florida, personally appeared

Michael Buckingham

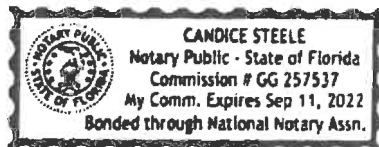
who, after being duly sworn, declares: (1) that he/she has carefully and personally reviewed the answers to the foregoing questions; (2) that the information is complete, true and correct under penalty of perjury; and (3) that he/she will, as appointee, uphold the constitutions of the United States and of the State of Florida.

Signature of Applicant

Date

2-25-19

Sworn and subscribed before me this 25 day of February, 2019.



(NOTARY SEAL)

Candice Steele
(Signature of Notary Public-State of Florida)

Candice Steele

(Name of Notary Typed, Printed, or Stamped)

Personally Known ☐ OR Produced Identification ☒

Type of Identification Produced FLDL B252541-12-189-0



**Application for Okaloosa County
Boards, Commissions, Councils and Committees**

Please indicate the Board, Commission, Council or Committee on which you are interested in serving:

Section 1 – Personal Information

3-15-19

Date Completed

Name: (Last, First, Middle/Maiden)

Residential Address:

City, Zip Code

Business Address:

City, Zip Code

Please specify the preferred mailing address: ☒ Residential ☐ Business

Home or Business Telephone:

Cell Phone:

Email:

Occupation:

Employer:

In which Okaloosa County Commission District do you live?

Florida law allows certain persons to request that an agency not publicly disclose specific identification and/or location information contained in agency records. Please refer to sections 119.071(2)(j), (4)(d), and (5)(i), 265.605 and 267.17, Fla. Stat., or applicable statute for scope of protection which may include home address, phone numbers, photos, name of spouse, and/or children, and their place of employment, and/or school or daycare facility, and date of birth. Do you qualify for this exemption? Yes ☐ No ☒ If yes, please complete a Public Records Exemption Request form and return it with your application.

Are you currently serving or have you previously served on an Okaloosa County Board, Commission, Council or Committee? ☒ Yes ☐ No

If yes, please explain:

Are you applying for reappointment? ☐ Yes ☒ No

Section 2 – Education and Employment

Please attach your resume. If no resume is available, in the space below, briefly describe or list your educational background, your skills and experience you could contribute to a committee, any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Okaloosa County; any charitable or community activities in which you participate; and reasons for your choice of the boards, commissions, councils or committees indicated on this application.

Education: (If no resume)

High School:

Fort Walton Beach High FWB FL
Name City State

Post-secondary Institutions:

Name and Location	Dates Attended	Certificate/Degree Earned
<u>None</u>		

Employment: (If no resume)

Provide the requested information on all employers within the last 5 years, beginning with the most current. Attach additional pages if needed.

<u>Self-employed</u>	<u>23 Indian Bayou Dr. Destin</u>	
Employer	Address	
<u>Construction</u>	<u>owner</u>	<u>1990-2019</u>
Type of Business	Occupation/Job Title	Dates of Employment

Employer	Address
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Type of Business	Occupation/Job Title	Dates of Employment
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Employer	Address
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Type of Business	Occupation/Job Title	Dates of Employment
------------------	----------------------	---------------------

Employer	Address
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Type of Business	Occupation/Job Title	Dates of Employment
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Section 3 - Special Qualifications

List any special qualifications you think are relevant to your being appointed to a board, commission, council or committee, including any type of licensure or certification you hold, as well as any civic, professional, or political organizations to which you belong.

Type or Name of License or Certificate	Number	Granting Agency	Date Granted
<u>Destin City Council</u>			<u>2015</u>

Name of Civic, Professional or Political Organization	Office(s) Held	Membership Start Date

Give any additional information you believe is relevant to your appointment to a board, commission, council or committee. _____

Section 4 - Ethical Disclosure

If required by law or administrative rule, will you file financial disclosure statements? ☒ Yes ☐ No

Do you know of any circumstances that would result in you having to abstain from voting on a board, commission, council or committee due to having voting conflicts? ☐ Yes ☒ No

Are you, or any business with which you are or have been affiliated as an owner, officer, or employee, or is your spouse or child or their employers, currently doing business with, or have you or they ever held any contractual dealings during the last five years with Okaloosa County? ☐ Yes ☒ No

If yes, please provide:

Business Name	Your relationship in business	Agency	Business's Relationship to Agency

Do you foresee participating in any competitive bid process for Okaloosa County during your time serving on this board, commission, council or committee? ☐ Yes ☒ No

Has probable cause ever been found that you were in violation of Part III, Chapter 12, Florida Statutes, the Code of Ethics for Public Officers and Employees? ☐ Yes ☒ No If yes, please provide:

Date	Nature of Violation	Disposition

Have you ever plead guilty, nolo contendere or been convicted of a violation of any federal, state, county or municipal law, regulation or ordinance? ☐ Yes ☒ No If yes, please provide:

Date	Place	Nature of Violation	Disposition

Do you have any family working for Okaloosa County Board of County Commissioners? ☐ Yes ☒ No If yes, please provide:

Name	Relation	Department	Title

Section 5 – Certification and Signature

By signing this application you are affirming that the information you provided is true and you are acknowledging the statements below:

- I understand that some boards, commissions, councils and committees have a requirement to file an annual Financial Disclosure Form.
- Information submitted on this application will be considered public information except for any exemptions pursuant to Florida Statute.
- The deadline to apply is 30 days prior to a vacancy.
- Citizen advisory members must be citizens of Okaloosa County, except as specifically provided by County resolution.
- Okaloosa County employees may not serve on any decision making boards, commissions, councils or committees, except as specifically provided by County resolution or as required to perform official County duties.
- Submission of an application does not ensure an appointment on a board, commission, council or committee.
- Participation on a board, commission, council or committee requires my attendance at the majority of the meetings of said board, commission, council or committee.
- This is a volunteer position and I will not receive financial compensation for serving.
- For background purposes, if asked I will complete an *Authorization Form for Consumer Report*.
- Permission is hereby granted to Okaloosa County to investigate my personal history, conduct a criminal background investigation, and solicit statements from any person or organization with

which I have ever been associated. This release is executed with full knowledge and understanding that the information is for the official use of the requesting agency. Consent is granted to Okaloosa County to furnish such information to third parties in the course of fulfilling its official responsibilities. I hereby release Okaloosa County and all persons or organizations from any liability arising from such statements, their solicitation or use. A photocopy of this form will be as effective as the original.

STATE OF FLORIDA
COUNTY OF OKALOOSA

Before me, the undersigned Notary Public of Florida, personally appeared

ROONEY BRADEN

who, after being duly sworn, declares: (1) that he/she has carefully and personally reviewed the answers to the foregoing questions; (2) that the information is complete, true and correct under penalty of perjury; and (3) that he/she will, as appointee, uphold the constitutions of the United States and of the State of Florida.

[Signature]
Signature of Applicant

3-15-19
Date

Sworn and subscribed before me this 15th day of March, 20 19.



(NOTARY SEAL)

REYNALDO BAILEY
Commission # GG 173682
Expires March 5, 2022
Bonded Thru Budget Notary Services

[Signature]
(Signature of Notary Public-State of Florida)

REYNALDO BAILEY

(Name of Notary Typed, Printed, or Stamped)

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____



Application for Okaloosa County
Boards, Commissions, Councils and Committees

Please indicate the Board, Commission, Council or Committee on which you are interested in serving:

Section 1 – Personal Information

March 6, 2019
Date Completed

Name: (Last, First, Middle/Maiden) Hebert, Teresa, Rose
Residential Address: 716 Main St
City, Zip Code Destin 32541
Business Address: SAME
City, Zip Code SAME
Please specify the preferred mailing address: ☒ Residential ☐ Business
Home or Business Telephone: NONE
Cell Phone: 915 406 7317
Email: red-mercedes2001@yahoo.com
Occupation: Pharmaceutical Sales
Employer: Pfizer Pharmaceuticals
In which Okaloosa County Commission District do you live? Okaloosa

Florida law allows certain persons to request that an agency not publicly disclose specific identification and/or location information contained in agency records. Please refer to sections 119.071(2)(j), (4)(d), and (5)(i), 265.605 and 267.17, Fla. Stat., or applicable statute for scope of protection which may include home address, phone numbers, photos, name of spouse, and/or children, and their place of employment, and/or school or daycare facility, and date of birth. Do you qualify for this exemption? Yes ☐ No ☒ If yes, please complete a Public Records Exemption Request form and return it with your application.

Are you currently serving or have you previously served on an Okaloosa County Board, Commission, Council or Committee? Yes ☐ No ☒
If yes, please explain:

Are you applying for reappointment? Yes ☐ No ☒

Section 2 – Education and Employment

Please attach your resume. If no resume is available, in the space below, briefly describe or list your educational background, your skills and experience you could contribute to a committee, any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Okaloosa County; any charitable or community activities in which you participate; and reasons for your choice of the boards, commissions, councils or committees indicated on this application.

Education: (If no resume)

High School:

Ocean Springs High Ocean Springs Mississippi, 1979
 Name City State

Resume Attached

Post-secondary Institutions:

Name and Location

Dates Attended

Certificate/Degree Earned

Employment: (If no resume)

Provide the requested information or all employers within the last 5 years, beginning with the most current. Attach additional pages if needed.

Employer

Address

Type of Business

Occupation/Job Title

Dates of Employment

Employer

Address

Type of Business

Occupation/Job Title

Dates of Employment

Employer

Address

Type of Business

Occupation/Job Title

Dates of Employment

Employer

Address

Type of Business

Occupation/Job Title

Dates of Employment

Section 3 - Special Qualifications

List any special qualifications you think are relevant to your being appointed to a board, commission, council or committee, including any type of licensure or certification you hold, as well as any civic, professional, or political organizations to which you belong.

Type or Name of License or Certificate	Number	Granting Agency	Date Granted
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Name of Civic, Professional or Political Organization	Office(s) Held	Membership Start Date
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Give any additional information you believe is relevant to your appointment to a board, commission, council or committee.

CHAIRWOMAN, PARKS AND RECREATION
COMMITTEE, Destin, 2016-Present

Section 4 - Ethical Disclosure

If required by law or administrative rule, will you file financial disclosure statements? ☒ Yes ☐ No

Do you know of any circumstances that would result in you having to abstain from voting on a board, commission, council or committee due to having voting conflicts? ☐ Yes ☒ No

Are you, or any business with which you are or have been affiliated as an owner, officer, or employee, or is your spouse or child or their employers, currently doing business with, or have you or they ever held any contractual dealings during the last five years with Okaloosa County? ☐ Yes ☒ No

If yes, please provide:

Business Name	Your relationship in business	Agency	Business's Relationship to Agency
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Do you foresee participating in any competitive bid process for Okaloosa County during your time serving on this board, commission, council or committee? ☐ Yes ☒ No

Has probable cause ever been found that you were in violation of Part III, Chapter 12, Florida Statutes, the Code of Ethics for Public Officers and Employees? ☐ Yes ☒ No If yes, please provide:

Date	Nature of Violation	Disposition

Have you ever plead guilty, nolo contendere or been convicted of a violation of any federal, state, county or municipal law, regulation or ordinance? ☐ Yes ☒ No If yes, please provide:

Date	Place	Nature of Violation	Disposition
2017	Santa Rosa	Speeding	Paid Fine

Do you have any family working for Okaloosa County Board of County Commissioners? ☐ Yes ☒ No If yes, please provide:

Name	Relation	Department	Title

Section 5 – Certification and Signature

By signing this application you are affirming that the information you provided is true and you are acknowledging the statements below:

- I understand that some boards, commissions, councils and committees have a requirement to file an annual Financial Disclosure Form.
- Information submitted on this application will be considered public information except for any exemptions pursuant to Florida Statute.
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- Okaloosa County employees may not serve on any decision making boards, commissions, councils or committees, except as specifically provided by County resolution or as required to perform official County duties.
- Submission of an application does not ensure an appointment on a board, commission, council or committee.
- Participation on a board, commission, council or committee requires my attendance at the majority of the meetings of said board, commission, council or committee.
- This is a volunteer position and I will not receive financial compensation for serving.
- For background purposes, if asked I will complete an *Authorization Form for Consumer Report*.
- Permission is hereby granted to Okaloosa County to investigate my personal history, conduct a criminal background investigation, and solicit statements from any person or organization with

which I have ever been associated. This release is executed with full knowledge and understanding that the information is for the official use of the requesting agency. Consent is granted to Okaloosa County to furnish such information to third parties in the course of fulfilling its official responsibilities. I hereby release Okaloosa County and all persons or organizations from any liability arising from such statements, their solicitation or use. A photocopy of this form will be as effective as the original.

STATE OF FLORIDA
COUNTY OF OKALOOSA

Before me, the undersigned Notary Public of Florida, personally appeared

who, after being duly sworn, declares: (1) that he/she has carefully and personally reviewed the answers to the foregoing questions; (2) that the information is complete, true and correct under penalty of perjury; and (3) that he/she will, as appointee, uphold the constitutions of the United States and of the State of Florida.

Leresa R. Nebert
Signature of Applicant

March 6, 2019
Date

Sworn and subscribed before me this 6th day of March, 2019.



KIMBERLY I. MONTGOMERY
Commission # GG 174770
Expires March 5, 2022
Bonded thru Budget Notary Services

Kimberly I. Montgomery
(Signature of Notary Public, State of Florida)

(NOTARY SEAL)

Kimberly I. Montgomery
(Name of Notary Typed, Printed, or Stamped)

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

Tere'sa R. Hebert

716 Main Street

Destin, Florida 32541

Cell: (615) 406-7317 E-mail: Teresa.r.hebert@pfizer.com

SUMMARY: Promoted February 2018 to Specialty Representative for Pain Management. Currently ranked #3 in the Region for Lyrica sales performance. Awarded second semester Regional Performance Fund Winner, 2018. Selected by peers as the Pfizer Regional Championship Culture Award Winner, 2018. Four Time Regional Award Winner. Team builder, excellent interpersonal skills, outstanding communicator with a superior sales record. Back-to-back top sales performer. Demonstrates superior leadership, management, and training skills. Direct communicator who quickly builds trust and rapport. Energized by fast-paced, multi-tasking environments requiring solid organizational and problem-solving skills. Strong marketing and business acumen; demonstrated ability to assess customers' needs and providing information/products to meet their patients satisfaction.

EXPERIENCE:

2003 – Present

Pfizer, Inc. – Specialty Healthcare Representative, Destin, Florida

- Invited to join the 2017 Masters' Program
- Promoted to Institutional Sales Account Manager, January 2015
- Premier Award Winner, 2014
- Recipient of 6 Regional Performance Fund Awards
- Flector Patch Top Sales Representative for the Nation, 2014
- Summit Award Winner, 2013
- Achieved CMR Advanced Sales Manager Certificate – February 2014
- Ranked #8 of 87 in Regional Sales Representatives, 2014
- Achieved CMR Advanced Medical Representative – November 2011
- Summit Award Winner, 2010
- Ranked #1 of 132 in Regional Sales Representatives, 2010
- Lyrica Top Sales Representative for the State of Tennessee, 2010
- Celebrex Regional Sales Contest Winner for 2009
- Vice President's Cabinet Winner, 2007
- Nationally Ranked #1 of 350 Sales Representatives, 2007
- Regional Winner of Aricept Get After it Contest, 2007.
- Won First in Class for Geodon, 2006
- Zolofit Challenge Contest /Passport to Paradise Contest winner - 2005
- Ranked # 3 of 94 Divisional representatives 2005
- Attained 150 % of sales quota for Bextra and Zolofit, 2005
- Above and Beyond Celebrex Contest Challenge winner, 2005
- Finalist for National Rookie of the Year Award for 2003 Sales
- Consistent Achiever from 2003- Present
- District Disease Team Leader/Winner for Geodon and Aricept
- Gained formulary acceptance of Geodon at Fayetteville Hospital
- Gained formulary acceptance of Geodon at Southern Hills Hospital
- Gained formulary acceptance of all products with Middle Tennessee Medical Center and all direct reporting units.

- Exceptional aptitude for learning and ability to communicate technical and scientific product and disease management information to a wide range of customers
- Demonstrated high degree of business acumen
- Proficiency using complex sales data/call reporting software/applications and able to adapt to Pfizer's long range technology model in bringing relevant Pfizer information to market.

EDUCATION: Masters in Management for Human Resource Administration, 2010
Wayland Baptist University, Texas

Bachelors of Science in Business Administration, and Marketing 2002
Hawaii Pacific University, Honolulu, HI

PFIZER CME: **Certified Medical Representative (CMR) 2012**
Advanced Medical Representative (AMR) 2011
Advanced Specialty Manager (ASM). 2010

References Available Upon Request



**Application for Okaloosa County
Boards, Commissions, Councils and Committees**

Please indicate the Board, Commission, Council or Committee on which you are interested in serving:

Section 1 – Personal Information

3/4/19

Date Completed

Name: (Last, First, Middle/Maiden) jarvis gary charles

Residential Address: 804 Mars St

City, Zip Code destin fl 32541

Business Address: po box 1185

City, Zip Code destin, fl 32540

Please specify the preferred mailing address: ☐ Residential ☒ Business

Home or Business Telephone: 850-259-5482

Cell Phone: same

Email: huntingmayor@gmail.com

Occupation: Professional fisherman

Employer: self

In which Okaloosa County Commission District do you live? 5?

Florida law allows certain persons to request that an agency not publicly disclose specific identification and/or location information contained in agency records. Please refer to sections 119.071(2)(j), (4)(d), and (5)(i), 265.605 and 267.17, Fla. Stat., or applicable statute for scope of protection which may include home address, phone numbers, photos, name of spouse, and/or children, and their place of employment, and/or school or daycare facility, and date of birth. Do you qualify for this exemption? Yes ☐ No ☒ If yes, please complete a Public Records Exemption Request form and return it with your application.

Are you currently serving or have you previously served on an Okaloosa County Board, Commission, Council or Committee? ☐ Yes ☒ No
If yes, please explain:

Are you applying for reappointment? ☐ Yes ☒ No

Section 2 – Education and Employment

Please attach your resume. If no resume is available, in the space below, briefly describe or list your educational background, your skills and experience you could contribute to a committee, any of your professional licenses and/or designations and indicate how long you have held them and whether they are effective in Okaloosa County; any charitable or community activities in which you participate; and reasons for your choice of the boards, commissions, councils or committees indicated on this application.

Education: (If no resume)

High School:

Brookville H S Brookville Oh

Name

City

State

Post-secondary Institutions:

Name and Location	Dates Attended	Certificate/Degree Earned
Troy University	1975-77	

Employment: (If no resume)

Provide the requested information on all employers within the last 5 years, beginning with the most current. Attach additional pages if needed.

owner /operator po box 1185 Destin , fl 32540

Employer	Address
Charter /comercial fishing business	Destin Fishing Fleet 210 Hwy 98 , Destin fl 32541

Type of Business	Occupation/Job Title	Dates of Employment
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Employer	Address
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Type of Business	Occupation/Job Title	Dates of Employment
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Employer	Address
----------	---------

Type of Business	Occupation/Job Title	Dates of Employment
------------------	----------------------	---------------------

Employer	Address
----------	---------

Type of Business	Occupation/Job Title	Dates of Employment
------------------	----------------------	---------------------

Section 3 - Special Qualifications

List any special qualifications you think are relevant to your being appointed to a board, commission, council or committee, including any type of licensure or certification you hold, as well as any civic, professional, or political organizations to which you belong.

Type or Name of License or Certificate	Number	Granting Agency	Date Granted
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Licensed 100 ton Captain	USCG	Sept 1980	
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Name of Civic, Professional or Political Organization	Office(s) Held	Membership Start Date
Destin Charter Boat Assoc	President	1980
Charter Fishermans Assoc	founder / president	2009
Mayor City of Destin		Mar 2018

Give any additional information you believe is relevant to your appointment to a board, commission, council or committee. I have professional expertise in marine issues , navigation, community affairs and business acumen

Section 4 - Ethical Disclosure

If required by law or administrative rule, will you file financial disclosure statements? ☒ Yes ☐ No

Do you know of any circumstances that would result in you having to abstain from voting on a board, commission, council or committee due to having voting conflicts? ☐ Yes ☒ No

Are you, or any business with which you are or have been affiliated as an owner, officer, or employee, or is your spouse or child or their employers, currently doing business with, or have you or they ever held any contractual dealings during the last five years with Okaloosa County? ☐ Yes ☒ No
If yes, please provide:

Business Name	Your relationship in business	Agency	Business's Relationship to Agency
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Do you foresee participating in any competitive bid process for Okaloosa County during your time serving on this board, commission, council or committee? ☐ Yes ☐ No

Has probable cause ever been found that you were in violation of Part III, Chapter 12, Florida Statutes, the Code of Ethics for Public Officers and Employees? ☐ Yes ☒ No If yes, please provide:

Date	Nature of Violation	Disposition

Have you ever plead guilty, nolo contendere or been convicted of a violation of any federal, state, county or municipal law, regulation or ordinance? ☐ Yes ☒ No If yes, please provide:

Date	Place	Nature of Violation	Disposition

Do you have any family working for Okaloosa County Board of County Commissioners? ☐ Yes ☒ No If yes, please provide:

Name	Relation	Department	Title

Section 5 – Certification and Signature

By signing this application you are affirming that the information you provided is true and you are acknowledging the statements below:

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- Participation on a board, commission, council or committee requires my attendance at the majority of the meetings of said board, commission, council or committee.
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- For background purposes, if asked I will complete an *Authorization Form for Consumer Report*.
- Permission is hereby granted to Okaloosa County to investigate my personal history, conduct a criminal background investigation, and solicit statements from any person or organization with

which I have ever been associated. This release is executed with full knowledge and understanding that the information is for the official use of the requesting agency. Consent is granted to Okaloosa County to furnish such information to third parties in the course of fulfilling its official responsibilities. I hereby release Okaloosa County and all persons or organizations from any liability arising from such statements, their solicitation or use. A photocopy of this form will be as effective as the original.

STATE OF FLORIDA
COUNTY OF OKALOOSA

Before me, the undersigned Notary Public of Florida, personally appeared

who, after being duly sworn, declares: (1) that he/she has carefully and personally reviewed the answers to the foregoing questions; (2) that the information is complete, true and correct under penalty of perjury; and (3) that he/she will, as appointee, uphold the constitutions of the United States and of the State of Florida.

Signature of Applicant

Date

Sworn and subscribed before me this 5th day of MARCH, 20 19.



(NOTARY SEAL)

REYNALDO BAILEY
Commission # GG 173682
Expires March 5, 2022
Bonded Thru Budgetary Services

(Signature of Notary Public-State of Florida)

REYNALDO BAILEY

(Name of Notary Typed, Printed, or Stamped)

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: March 18, 2019

TYPE OF AGENDA ITEM: City Manager Report

TO: City Council

THRU:

FROM:

DATE: March 14, 2019

SUBJECT: Direction concerning Evaluation of Professional Services.

I. BACKGROUND: Staff is preparing the Airport Road Improvements Request for Qualifications (RFQ) and are asking Council to clarify the selection process they wish to use so it can be clearly defined in the RFQ document.

Federal guidelines prefer that a staff team (in our case the Bid Committee) reviews the RFQ submissions received from prospective firms, choosing their top firm based on criteria listed in the RFQ and recommending their top choice to Council for approval. This is a thumbs-up/thumbs-down vote by council. If the recommended firm is not approved (thumbs-down) then the RFQ process starts over.

An alternative process is the Bid Committee confirms that the RFQ submissions are Responsive and then forwards all Responsive RFQ submissions to the Council. Each Council-member then in-turn scores each RFQ submission individually based on the documents included in each firm's RFQ submission packet. The rankings are then tallied and the best overall ranked firm is approved for contract negotiations.

II. DISCUSSION:

- A. **Link to Strategic Goals / Objectives:** Fiscal Responsibility
- B. **Effect on Budget (EOB):** Adhering to an approved selection
- C. **Level of Service (LOS):**

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:
None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: March 18, 2019

TYPE OF AGENDA ITEM: Action Item

TO: City Council

THRU: Louis Zunguze, Community Development Director

FROM: Lance Johnson, City Manager

DATE: March 14, 2019

SUBJECT: Discussion item for livery vessel moratorium

I. BACKGROUND: The Harbor CRA held a meeting on March 13, 2019. Staff will present the recommendations of the Harbor CRA, and seek further direction from the City Council as to whether to implement the Harbor CRA's recommendations, take alternative measures, or take no action.

II. DISCUSSION: At the Harbor CRA meeting of 3/13/2019, the following motions were made, and are being shared with the City Council for consideration and further direction:

1. On February 13th, the Harbor CRA recommended that the City Council impose a moratorium on issuing any new livery vessel license, other than those that already obtained a livery vessel license last year.

2. On March 13th, the Harbor CRA recommended that the City Council pass such a moratorium and also begin working on code amendments related to livery vessels.

3. On March 13th, the Harbor CRA recommended that the City Council engage an entity to commission a harbor capacity study to consider aesthetics, socioeconomic, quality of life tourism, and community character issues including population concentration, availability of open space, habitat diversity, and the diversity and health of existing species within the Harbor CRA district and Calhoun area. Additionally, it was recommended that the City Council designate a funding source for the study.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION: Staff is requesting that the City Council review the recommendations of the Harbor CRA, and provide direction to staff as to whether to proceed upon the recommendations of the Harbor CRA, take alternative action related to livery vessels, or take no action at this time.

IV. RECOMMENDED MOTION:

Attachments:

1. Livery 2017
2. Livery 2018
3. Water Quality Testing

LIVERY VESSEL LIST FOR 2017 15 VENDORS

LA DOLCE VITA 10 Pontoons 7 JET SKIS 3
109 CALHOUN

LA DOLCE VITA 16 Pontoons 8 JET SKIS 8
* NOT APPROVED DUE TO LAWSUIT INVOLVING D. MARLER
102 HARBOR BLVD

BLUE CRAB 9 Pontoons 3 JET SKIS 6
404 HARBOR

XTREME H2O 24 JET SKIS 24
* NOT APPROVED DUE TO BATHROOMS AND UNPERMITTED TRAILER
7 CALHOUN

DESTIN BOAT SHACK 9 Pontoons 5 JET SKIS 4
214 HARBOR BLVD

BIG DADDY'S 30 Pontoons 30
404 HARBOR BLVD

DOCKSIDE 13 Pontoons 9 JETSKIS 4
390 HARBOR BLVD

GILLIGAN'S 30 Pontoons 15 JET SKIS 15
530 HARBOR BLVD

WET N WILD 16 Pontoons 10 JET SKIS 6
288 HARBOR BLVD

LA DOLCE VITA 9 Pontoons 5 JET SKIS 4
111 CALHOUN AVE

BOOGIES 138 Pontoons 42 JET SKIS 96
2 HARBOR BLVD

PARASAILING DESTIN 25
214 HARBOR BLVD

PONTOONS 10

JET SKIS 15

SEA CHASE 18
314 HARBOR BLVD

PONTOONS 18

LUTHERS 30
200 HARBOR BLVD

PONTOONS 24

JET SKIS 6

LUTHERS 30
202 HARBOR BLVD

PONTOONS 24

JET SKIS 6

407 TOTAL VESSELS

PONTOONS 210

JET SKIS 197

LIVERY VESSEL LIST AS OF 07/02/2018

15 VENDORS

BLUE CRAB 9 404 HARBOR BLVD	3 PONTOONS	6 JET SKIS
CATCH 22 3 3420 SCENIC HWY 98		3 JET SKIS
CATCH 22 3 15000 EMERALD COAST PKWY		3 JET SKIS
SUNSHINE 14 500 HARBOR BLVD	10 PONTOONS	4 JET SKIS
BIG DADDY'S 28 404 HARBOR BLVD	28 PONTOONS	
SEA CHASE 18 314 HARBOR BLVD	18 PONTOONS	
DOCKSIDE 25 390 HARBOR BLVD	21 PONTOONS	4 JET SKIS
BOOGIES 108 2 HARBOR BLVD	42 PONTOONS	66 JET SKIS
BOOGIES (DISCOUNT) 38 316 HARBOR BLVD	16 PONTOONS	22 JET SKIS
LUTHERS 21 200 HARBOR BLVD	15 PONTOONS	6 JET SKIS
TAILFINS 10 172 HARBOR BLVD	10 PONTOONS	
GILLIGANS 25 530 HARBOR BLVD	13 PONTOONS	12 JET SKIS
LA DOLCE VITA 16 288 HARBOR BLVD	10 PONTOONS	6 JET SKIS

DESTIN BOAT SHACK 5 214 HARBOR BLVD	5 PONTOONS
--	------------

PARASAILING DESTIN 26 214 HARBOR BLVD	11 PONTOONS	15 JET SKIS
--	-------------	-------------

349 TOTAL VESSELS	202 PONTOONS	147 JET SKIS
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(DECREASE OF 58 VESSELS FROM 2017)

PERMIT NO. 46270899

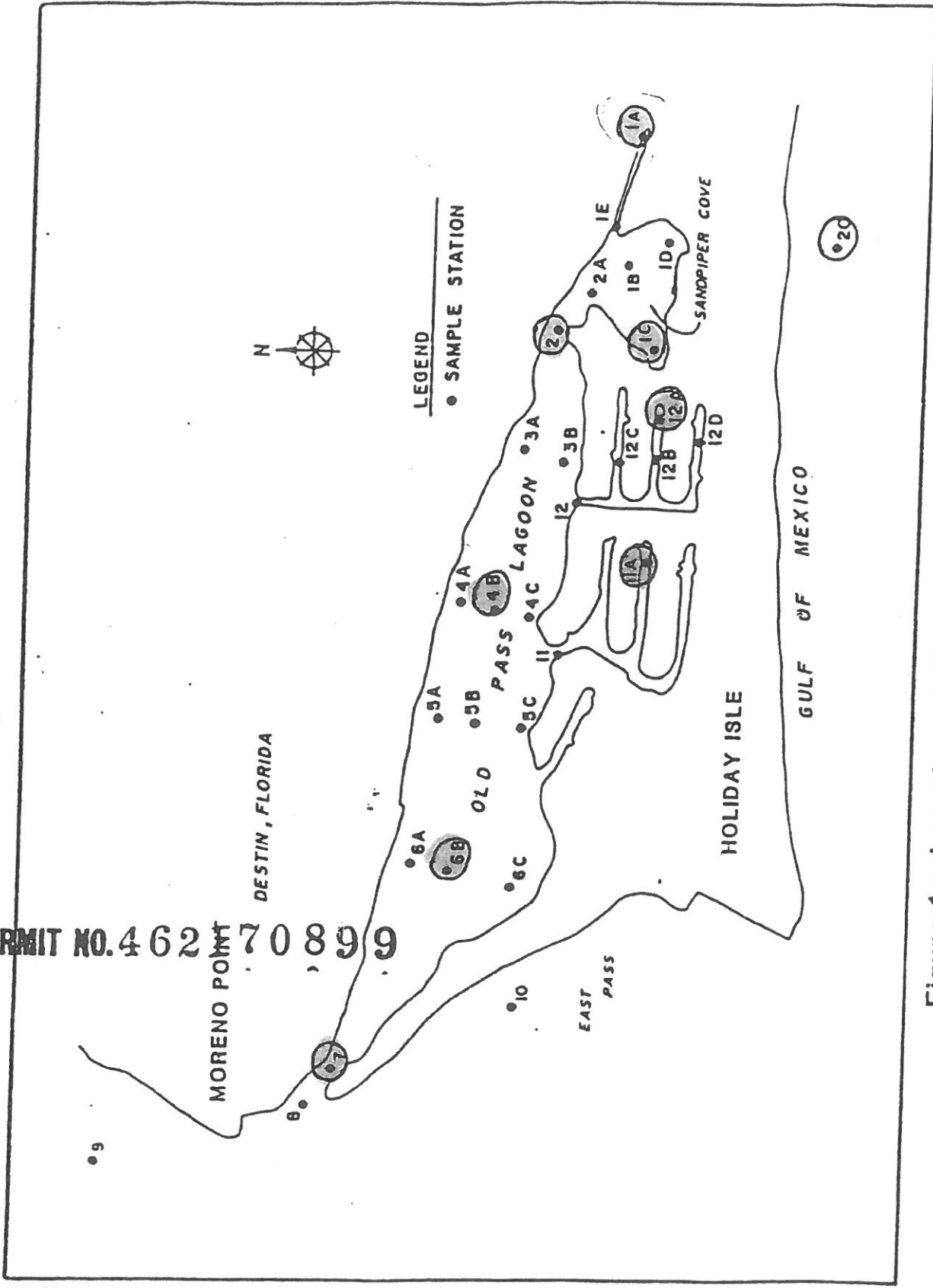


Figure 1: Location of Monitoring Stations.

Analytical Services Corporation

Address:
921 Hospital Drive
Niceville, FL 32578-1818

Telephone: (850) 678-5313
FAX: (850) 678-5063

Certification:
E81384

Revision 1
Effective 11/05/18
Gabrielle Johnson

Customer:**Laboratory Job Number:****Sample Location:****Date Measurements Taken:****Weather Conditions:****Field Technician/ Researcher:****Field Measurements:**

City of Destin

AS18NOV15-001

Destin Harbor Lagoon

11/15/18

Cloudy 55°F

Gabrielle Johnson & Anne Hays

Dissolved oxygen, salinity, water temp, water depth, secchi depth, map location, and wind speed/direction

Measurement Time	Monitor Station*	Water Column	Salinity ppt**	Water Temp.(C°)	Dissolved Oxygen (mg/L)	Water Depth	Secchi Depth	Map Location (GPS)	Wind Speed/ Direction
09:37	1A	Top	9.4	18.0	14.89	6"		N 30° 23.220'	
		Mid	11.6	18.0	14.14	1.5'		W 86° 28.703'	
		Bottom	14.0	17.8	14.14	2.5'	2.5'		SE 10mph
09:51	1C	Top	18.3	14.8	10.45	6"		N 30°23.221'	
		Mid	18.4	12.5	10.48	4'		W 86° 29.3057'	
		Bottom	18.9	12.4	10.58	8'	8'		SE 10mph
10:01	2	Top	19.0	18.2	11.01	6"		N 30° 23.393'	
		Mid	18.0	18.2	11.15	4.9'		W 86° 29.308'	
		Bottom	19.0	20.0	11.11	9.8'	9.5'		SE 10mph
10:13	12A	Top	19.0	18.2	14.30	6"		N 30° 23.196'	
		Mid	20.1	18.2	14.30	7'		W 86° 29.451'	
		Bottom	20.2	18.2	14.50	14'	14'		SE 10mph
10:26	11A	Top	16.0	18.9	7.21	6"		N 30° 23.150'	
		Mid	19.6	18.2	5.70	4.5'		W 86° 29.743'	
		Bottom	26.7	21.0	4.03	9'	9'		SE 10mph
10:40	4B	Top	20.0	15.0	8.36	6"		N 30° 23.442'	
		Mid	19.9	15.2	8.46	4'		W 86° 29.785'	
		Bottom	19.9	15.2	8.75	8'	11'		SE 10mph
10:52	6B	Top	20.0	14.7	7.40	6"		N 30° 23.421'	
		Mid	20.1	15.4	7.85	6"		W 86° 30.331'	
		Bottom	19.8	15.7	7.72	12'	12'		SE 10mph
11:02	7	Top	13.2	18.7	8.32	6"		N 30° 23.636'	
		Mid	19.4	14.3	8.31	3'		W 86° 30.785'	
		Bottom	29.1	18.6	5.65	6'	8'		SE 10mph

* Monitor Station identified by numbers on attached map: Figure 1

** ppt- parts per thousand

Approved by:

Trish Jackson
President

Analytical Services CorporationCertification:
E81384Telephone: (850) 678-5313
FAX: (850) 678-5063Address:
921 Hospital Drive
Niceville, FL 32578-1818**Customer:****Laboratory Job Number:****Sample Location:****Date and time of Collection:****Samplers:****Sample Type:****Weather Conditions:****Received in Laboratory:****Date of Analysis:****Analyst/s:****Method of Analysis:**

City of Destin

AS18NOV15-001

Destin Harbor Lagoon

11/15/18 09:37-11:02

Gabrielle Johnson & Anne Hays

Grab, 6" below surface

Cloudy 55°F

11/15/18 13:20

11/15/18 16:00

Jessica Fetgatter/Trish Jackson

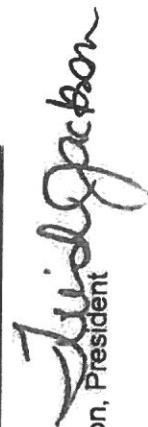
MPN: Total Coliform SM 18th Ed 9221B, Fecal Coliform SM 18th Ed 9221E

Monitor Station	Time Collected	Total Coliform (MPN)	Fecal Coliform (MPN)
1A	09:37	>1600	540
1C	09:51	130	79
2	10:10	140	140
12A	10:13	110	13
11A	10:26	33	4.5
4B	10:40	17	2.0
6B	10:52	49	6.8
7	11:02	31	4.5

Class III Water: Destin Harbor
 Florida Administrative Code (FAC) Chapter 62.302-530 Surface Water Quality Criteria.
 Shall not exceed on any one day: Total Coliform $\leq 2400/100\text{mL}$, Fecal Coliforms $\leq 800/100\text{mL}$.
 Shall not exceed as a month average: Total coliforms $\leq 1000/100\text{mL}$, Fecal Coliforms $\leq 200/100\text{mL}$.

Approved by:

Patricia Jackson, President



Analytical Services Corporation

Address:
921 Hospital Drive
Niceville, FL 32578-1818

Telephone: (850) 678-5313
FAX: (850) 678-5063

Certification:
E81384

Revision 1
Effective 11/05/18
Gabrielle Johnson

Customer:

City of Destin

Laboratory Job Number:

AS18NOV15-001

Date and time of Collection:

11/15/18 09:37-11:02

Sample Location:

Destin Harbor Lagoon

Received in Laboratory:

11/15/18 13:20

Sampler:

Gabrielle Johnson & Anne Hays

Sample Type:

Grab, 18" below surface (Chlorophyll A - grab surface)

Parameters:

CBOD, Ammonia as Nitrogen, Nitrite/Nitrate, TKN, Total Phosphorus, Cl-, and Chlorophyll A

Approved by:

Trish Jackson, President

Monitor Station	5-DAY CBOD (mg/L)	Ammonia as Nitrogen (mg/L)	Nitrite- Nitrate (mg/L)	Total Kjeldahl Nitrogen (mg/L)	Total Phosphorus (mg/L)	Chloride (mg/L)	Chlorophyll A (mg/m ³)
1A	4.0	0.07 l	0.1 U	0.2 U	0.009	9500	3.7
1C	3.4	0.15 l	0.2 l	0.2	0.012	11000	5.8
2	3.3	0.05 U	0.1 U	0.2 U	0.004	12000	3.1
12A	3.8	0.39	0.1 U	0.2 U	0.010	12000	0.8
11A	5.1	0.30	0.1 U	0.2 U	0.003 U	10000	0.5
4B	2.6	0.5 U	0.1 U	0.2 U	0.003 U	10000	3.4
6B	3.3	0.05 U	0.1 U	0.2 U	0.003 U	9000	2.5
7	3.2	0.05 U	0.1 U	0.2 U	0.003 U	12000	2.8
Detection Limit	1.0 mg/L	0.05 mg/L	0.1 mg/L	0.2 mg/L	0.003 mg/L	1 mg/L	0.1 mg/m ³
Method of Analysis	SM 5210B	EPA 350.1	EPA 353.2	EPA 351.2	EPA 365.1	SM4500CL-E	10200H-SM
Date of Analysis	11/16/18 14:00	11/28/18 09:52	11/29/18 12:45	11/30/18 14:40	11/20/18 11:00	12/10/18 11:30	12/19/18 09:00
Analyst	AH	CEC	CEC	DF	JSC	JSC	MLJ

Analytical Services Corporation
921 Hospital Drive * Niceville, FL 32578
(850) 678-5313 * Fax (850) 678-5063
nicevillelab@hotmail.com

No 13295

CHAIN OF CUSTODY RECORD

Company Name / Plant Analytical Services										Project Name Destin Harbor										Sample # AS18NOV15-001																													
Company Address 921 Hospital Dr.										Container #										Check If Rush										Date Required																			
City, State, Zip Nacville, FL 32518										Lab Dispose ☐ Return to Client ☐ Other ☐										Special Instructions																													
Sent Report To:										Analysis Requested										P.O. #																													
Copy To DEP / DOH (circle one)										Preservatives																																							
Yes ☐ No ☐										Containers																																							
Phone #										FAX #										Field Data										Preservative Codes																			
Fax Results Yes No										Matrix										Temp. CL2 pH										A - Ammonium Chloride C - Cool Only H - Hydrochloric Acid M - Monochloroacetic Acid N - Nitric Acid OH - Sodium Hydroxide S - Sulfuric Acid T - Sodium Thiosulfate Z - Zinc Acetate																			
Sampling										Type										Container Codes																													
Date Time										C o m p o s i t e G r a b S i n g l e										V - VOA vial G - glass P - plastic M - micro bag/cup O - Other																													
11/15/18 0751										X X										1A										0.07.5																			
11/15/18 0951										X X										1C										0.07.5																			
11/15/18 1001										X X										2										0.07.5																			
11/15/18 1013										X X										12A										0.07.5																			
11/15/18 1020										X X										14A										0.07.5																			
11/15/18 1040										X X										2B 4B										0.07.5																			
11/15/18 1052										X X										4B										0.07.5																			
11/15/18 1102										X X										7										0.07.5																			
Sampled By & Title Anne Hays										Date Time										Relinquished By										Date / Time																			
Received By																				Relinquished By										Date / Time																			
Received By																				Relinquished By										Date / Time																			
Received By																				Shipped VIA										Date / Time																			
Received in Lab By																				UPS BUS HAND FED EX OTHER										Temp. Received in Lab:																			
11/15/18 1320																				11/15/18 1320																													

Distribution: Original - LAB Yellow - CLIENT

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: March 18, 2019

TYPE OF AGENDA ITEM: Presentation

TO: City Council

THRU: Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

FROM: Lance Johnson, City Manager

DATE: March 14, 2019

SUBJECT: Update from Community Development Director and City Land Use Attorney Per Council's Directives Regarding Updates to LDC and Comprehensive Plan

I. BACKGROUND:

On March 4, 2019 the Council directed the Community Development Department and the City Land Use Attorney to undertake the following:

1. **Bring the Zoning Map into compliance with the adopted Future Land Use Map, with the exception of areas 7 and 15, as set forth in Attachment A hereto, and as noted in the staff presentation.**
2. **Update the Land Development Code based on all adopted Comprehensive Plan amendments.**
3. **Create a Calhoun Mixed Use Village Zoning Category and declare a pending ordinance (see below language).**
4. **Revise the Town Center Mixed Use (TCMU) zoning category and declare a pending ordinance (see below language)**

5. **Amend the Comprehensive Plan to reduce densities in the TCMU future land use designation.**

Pursuant to Smith v. City of Clearwater, 383 So. 2d 681 (Fla. 2d DCA 1980) a “zoning in progress is hereby announced as to the above referenced City Code and/or Land Development Code (“Code”) amendments, thereby invoking the Pending Ordinance Doctrine. Consideration of all applications for development approval, including any application for development order, development order amendment, building permit, or zoning approval, which is received by the City after the date hereof, and which may be affected by the above referenced Code amendments, shall be delayed until after final implementation of the such Code amendments set forth herein above and shall, thereafter, be compliant with such Code amendments.

II. DISCUSSION:

Proposed Course of Action to Fulfill City Council’s Directive:

In order to fulfill the City’s Council directive the Community Development Department proposes to present to the Council the following:

1. **Phase One-** Staff is currently in Phase One.
 - Create a Calhoun Mixed Use Village Zoning Category. The pending ordinance was previously announced by Council, and the ordinance is scheduled to go before the LPA on March 21, 2019.

Revise the Town Center Mixed Use (TCMU) zoning category The pending ordinance was previously announced by Council, and the ordinance is scheduled to go before the LPA on March 21, 2019.

- Seek Council guidance/direction regarding areas 7 and 15.
- Seek Council guidance/direction regarding densities in TCMU Future Land Use Designation.

Phase Two

- Prepare a rezoning package of all city parcels to bring them into compliance with adopted Future Land Use Map.

Phase Three

- Amend the Comprehensive Plan to: (a) **reduce densities in the TCMU future land**

use designation; (b) update the Coastal Element; and if necessary (c) include resolutions regarding areas 7 and 15.

Phase Four

- Update and adopt: (1) the Land Development Code based on all adopted Comprehensive Plan amendments; and (2) Impact Fee Schedule.
 - A. **Link to Strategic Goals / Objectives:**
 - B. **Effect on Budget (EOB):**
 - C. **Level of Service (LOS):**

III. CONCLUSION: Staff will continue to keep the City Council apprised as to its progress on the aforementioned directives of the City Council.

IV. RECOMMENDED MOTION: This item is for informational purposes. There is no requested motion at this time.

Attachments:
None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: March 18, 2019

TYPE OF AGENDA ITEM: Action Item

TO: City Council

THRU:

FROM:

DATE:

SUBJECT: Announcements:

1. April 12, 2019 - Staff Appreciation Day - 11:00 AM to 5:00 PM
-

I. BACKGROUND:

II. DISCUSSION:

- A. Link to Strategic Goals / Objectives:
- B. Effect on Budget (EOB):
- C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:
None

First Name	James
Last Name	WOOD
Home Address	3790 MISTY WAY
City	Destin
State	FL
Zip	32541
Phone	8502690196
Email	armyguyindestin@embarqmail.com
Business Name	US Atmy (Retired)
Business Address	N/A
City	<i>Field not completed.</i>
State	<i>Field not completed.</i>
Zip	<i>Field not completed.</i>
Brief description of education and experience:	Education: MA: Auburn University at Montgomery - Public Administration BA: Mississippi State University - Political Science Destin Forward (Destin Area Chamber of Commerce (2008) Okaloosa County Sheriff's Citizen Academy: twice (2005 / 2015) Experience: 20 Year U.S Army veteran w/Desert Storm combat experience. City of Destin Involvement: - Workforce Attainable Housing Committee 2006-2008 - Public Works and Public Safety Committee 2006-2008 - City Council Member 2008-2016 * Okaloosa Walton TPO (8 years, Chairman 5 years) * Northwest Florida Regional TPO (8 years, Chairman 2 years) * FL Metropolitan Planning Organization Advisory Council (MPOAC) (4 years, 2 years as Vice Chairman) Other Affiliations: - Destin Area Chamber of Commerce (11 years) - Active Retired Men of Destin (11 years) - Okaloosa Walton Transportation Planning Organization Citizen Advisory Committee (3 years) - Destin Water Users Board of Directors (1 year) - Destin Seafood Festival and

Mattie Kelly Arts Festival Parking Chairman (5 years)

How long have you lived in Destin?	15 years
Are you currently a resident of Destin?	No
Are you a registered voter in Okaloosa County?	Yes
Do you currently hold a public office?	No
Have you ever been convicted of a felony?	No
If you have been convicted of a felony, please explain and provide date(s).	<i>Field not completed.</i>
List any city boards or committees you are currently a member of.	See Experience Above
Select the board or committee you are interested in serving on.	Public Works/Public Safety Committee
List your qualifications to serve on the selected board or committee.	See Experience Above
What do you consider the purpose of this board/committee to be?	An advisory committee the Destin City Council to assist in identifying and resolving safety and public works issues for the Citizens of Destin.
What would you like to see this board/committee accomplish?	Maintain vigilance on issues under the preview of the committee and provide thoughtful, common sense recommendations to city council to resolve issues that the committee deems appropriate.
If you have discussed this application with any member(s) of the Destin City Council, please identify them.	No

BY CHECKING THE ELECTRONIC SIGNATURE VERIFICATION BOX BELOW, I

INDICATE MY DESIRE TO SERVE THE CITY OF DESTIN IN A VOLUNTARY CAPACITY AS A MEMBER OF ONE OF ITS BOARDS, COMMITTEES, PANELS OR COMMISSIONS. I ALSO CONFIRM MY UNDERSTANDING OF THE MEETING TIMES AND ATTENDANCE REQUIREMENTS, AND WHERE APPLICABLE, THE REQUIREMENT TO FILE AN ANNUAL FINANCIAL DISCLOSURE FORM (FORM 1). I UNDERSTAND THAT I WILL BE REQUIRED TO FILE THIS FORM ANNUALLY IF SELECTED AS A MEMBER OF THE LOCAL PLANNING AGENCY OR BOARD OF ADJUSTMENT. INITIAL FILING WILL BE REQUIRED WITHIN 30 DAYS OF APPOINTMENT; FOLLOWING THAT, I WILL BE NOTIFIED BY MAIL BY THE COMMISSION ON ETHICS OR THE SUPERVISOR OF ELECTIONS OFFICE.

Signature

Electronic Signature Verification

Date

1/18/2019

Email not displaying correctly? [View it in your browser.](#)