

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
DECEMBER 3, 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 Parker Destin

Councilmember Tuffy Dixon
Councilmember Prebble Ramswell
Councilmember Skip Overdier
Councilmember Rodney Braden

Destin City Staff

Interim City Manager Lance Johnson
Acting Parks & Recreation Director Lisa Firth
Community Development Director Louis Zunguze
Code Compliance Manager Joey Forgione
City Land Use Attorney Kimberly Kopp

City Clerk Rey Bailey
IT Manager Webb Warren
HR Manager Karen Jankowski
Finance Director Bragg Farmer
City Attorney Kyle Bauman/Jeff Burns

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

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

AGENDA APPROVAL

Councilmember Destin moved to switch agenda items 4A and 4B in position, for the Council to hear the Code Compliance Department update prior to discussion on City Manager candidates; seconded by Councilmember Braden. Motion passed 7-0 (Council members Morgan, Destin, Marler, Dixon, Overdier, Ramswell and Braden voted “yes”).

1. APPROVAL OF MINUTES

A. Approval of minutes of October 15, 2018 regular city council meeting

Motion by Councilmember Marler, seconded by Councilmember Overdier, to approve minutes of October 15, 2018 regular city council meeting passed 7-0 (Council members Morgan, Destin, Marler, Dixon, Overdier, Ramswell and Braden voted “yes”).

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

Ms. Sally Maurer, a Destin resident, stated that tourism is Destin's primary business; and that anything they do that has a negative effect on the short-term rentals reduces their tourist income. The Destin Log recently quoted that 56 percent of their annual tax is generated during the tourist season. She provided some statistics from the South Walton Tourist Development Council (TDC) to include the following: 3.8 million visitors spent \$2.5 billion in 2017; 22,000 jobs were created by visitors; 75 percent stayed in rental houses/condominiums; and the median household income was \$148,000. Most people travelled with children under 20 years of age. The average party was 5 people and the average stay was 6 nights. She added there have been a lot of negative comments on the short-term rentals; and that they need to realize the importance of short-term rentals in the community.

Mr. Tom Maurer, a Destin resident, stated that according to House Bill 883, vacation rentals are deemed residential property, and that a local law, ordinance or regulation may not prohibit vacation rentals or treat vacation rentals differently from other residential properties based solely on their classification, use or occupancy. He continued Senate Bill 356 states that a local law, ordinance or regulation adopted after June 1, 2011 may not prohibit short-term vacation rentals or regulate the duration or frequency of short-term vacation rentals. He also noted there is an initiative on Holiday Isle to eliminate short-term rentals, which is an action that is prohibited by the State of Florida. He added that short-term rental business is very large part of the business in this community; and that any ordinance the City decides to adopt that regulates short-term rental houses should apply to all and not just certain sections of the City.

Mr. Tim Taylor, a Destin resident, stated that lot of people have been coming to Destin for a variety of reasons; and that the TDC continues to advertise to bring more people in this community. More homes, hotels, condominiums and restaurants are getting built. They have a variety of issues in many resort areas in Destin, and one of the main issues involves parking. One of the recommendations given by the Task Force was for short-term rental homes to go back to the original permit to determine how a short-term rental home was permitted and if any changes have been made; while other businesses that obtain business license from Destin are not being held to the same standard. He suggests that the Short-Term Rental Task Force be reformed and expand their discussion to include all of Destin; especially those businesses in Destin with parking issues.

Mr. Shaun Hickey, a Destin resident, pointed out that the draft ordinance dealing with commercial events in residential areas considered wedding/wedding reception, bachelor party, family reunion, class reunion, company banquet, retreat and/or picnic, or other similar event or celebration for which a property owner or occupant of the property obtains a profit, event fee, or other commercial gain as commercial events; however, the remainder of the ordinance only described wedding/wedding reception, company banquet, retreat and picnic and not the others. He suggests the other elements be described as well.

Ms. Sandy Trammell, a Destin resident, noted that the same ordinance Mr. Hickey discussed provided a list of prohibited home occupations in residential zones. She asked where the small

home based party businesses such as Avon, Mary Kay or yard sales stand. She continued that she runs a home based business and invites people to her home; and that she makes sure all cars are parked in her yard and not on the street. She asked if the proposed ordinance would prohibit her from conducting this type of business.

Mr. Ken Wampler, a Destin resident, noted that the City's code enforcement records do not support the need for the City Council to take additional action on short-term rentals. Enforcing the regulations already on the books relative to parking, noise and trash would resolve the majority of the issues. There is no need to adopt anymore regulations that the City may not be able to enforce. He also stated that tourism is very important to this community as they all benefit from it. Among other things, the TDC uses tourism dollars to fund the bypass for Commons Drive (\$3.6 million), to fund the lifeguards and beach cleanup as well as the Okaloosa Sheriff's Department for additional patrols in the harbor district and along the beach.

Mr. Bill Reddington, a Destin resident, wants more information about the crosstown connector. He would like to know the future plans for the crosstown connector when it gets to Benning Drive. He also stated that it appears from the current plan that they are spending a lot of money to create two traffic jams because all the traffic feeds back into the bridge or to the harbor.

Ms. Marcie Bell, a Destin resident, stated that the Short Term Rental Task Force met once a week for 4 months, and that she attended all of their meetings. She stated that short-term rentals are a problem in residential neighborhood in Destin. Everything, including trash, is out of control. She also noted she lives across the street from a house that has been condemned over two years ago, but there are people still living in it because of the City's inaction.

Mr. Darryl Shelton, a Destin resident, referred to an earlier statement that the City's code enforcement cannot determine how many of the recorded violations are relative to short-term rentals. He stated that according to Holiday Isle's record, from January 1st to October 30th 2018, there have been 520 violations in Holiday Isle representing \$60,000 in association fines, and 69.7 percent of which has been attributed to short-term rental houses. He added that short-term rental houses only represent two percent of the properties on Holiday Isle; and that when two percent of the properties create 69.7 percent of the violations, it clearly indicates there is a serious problem that would have to be solved.

Mr. Guy Tadlock, a Destin resident, noted that parking is a problem they have throughout the City, and that a lot of it is driven by occupancy. With regards to a point made earlier that the average number of people staying in a short-term rental home on Holiday Isle was 5 people, the total fines Mr. Shelton mentioned earlier did not involve short-term rental houses with 5 occupants. The problem houses are those with 25 to 40 occupants. He stated there are a lot of short-term rental houses throughout Destin that are 50 x 100, and being advertised to sleep 35 or more people. Though he understands the importance of short-term rentals to this community, they would also need to consider the quality of life of full time residents of the City that live next to short-term rental homes.

Ms. Patti Brown, a Destin resident, stated that many of the people in the community do not know how to report a problem. They need to have a system in the City where people could call a

certain number and then code enforcement is automatically notified. She also stated that the City's website is quite cumbersome and is not conducive to solving this problem.

Mr. Ben Giles, a local business owner and Miramar Beach resident, stated that short-term rental properties should comply with the City's ordinances that control noise, parking and trash, or receive citations which could result in a loss of their City operating license. He also stated that according to VRBO, there are 1854 short-term rental houses in Destin. The number could go easily up to at least 2000 since some large companies do not advertise on VRBO. If each of these rental properties generates an average of \$70,000 in gross rental income per year, it would equate to \$140 million in annual gross revenue. He further stated that an occupancy restriction of two people per bedroom plus two could easily result in a 20 percent reduction in rents, and \$28 million in annual and hundreds of million dollars long term losses to rental owners. Reduction in rent would also reduce property values as confirmed by the Okaloosa County Tax Collector. With regards to a suggestion to use Flagler County ordinance as a model for occupancy restriction, the Zoning Department at Flagler County stated that their ordinance applies to about 100 houses; which is only 5 percent of the total number of rental houses in Destin. He added that if the real issue is quiet enjoyment for owners/occupants, the Council should narrow its focus to address short-term rentals that are causing problems and not use the occupancy argument as a way to reduce tourism in Destin.

Mr. Gary Troup, a Destin resident, stated that over occupancy is the main cause of the problems with short-term rentals in Destin; and that he disagrees with the statement that limiting occupancy would hurt property values. He feels it would make Destin a place where people would want to come. He also stated that most rental companies are not doing their job, and that they would see trash cans everywhere if they drive around town on weekends. He added they need to have enforcement and the ability to ticket and levy a fine on rental property owners that are not doing their job, and not listen to people who claim some of the regulations being proposed are not enforceable.

Mr. Reddington stated that since the City contracts with Waste Management, they should have garbage pick-ups set on Saturdays; which is a much easier solution.

The Mayor believes there are Saturday pick-ups already set at certain locations.

Next item discussed was agenda item 4B

4. CITY MANAGER REPORTS

A. City Manager Candidates – Discussion

Councilmember Braden stated that Mr. Lance Johnson has done a great job as Interim City Manager and that he should be given the position of full time City Manager.

Councilmember Dixon stated that the City is facing a lot of issues Mr. Johnson is already familiar with, and that he has done a fine job as Interim City Manager.

Councilmember Ramswell expressed her support for hiring Mr. Johnson as full-time City Manager. She stated that Mr. Johnson had lived and worked in Destin for a number of years. He has two perspectives that are very valuable – as a citizen and City staff member. He has proven

himself as the Interim City Manager, as evidenced by the outstanding presentation they received tonight from the Code Compliance Manager. Code compliance was one of their primary areas of necessary improvement.

Council members Marler, Overdier and Morgan also expressed their confidence and their support for Mr. Johnson.

Councilmember Marler moved to direct the City Attorney to enter into a contract negotiation with Mr. Lance Johnson for a permanent City Manager position and bring the contract back on December 17, 2018 Council meeting for approval by the Council. Councilmember Ramswell provided a second to the motion. Motion passed 7-0 (Council members Morgan, Destin, Marler, Dixon, Overdier, Ramswell and Braden voted “yes”).

B. Code Compliance Department Update

The interim City Manager noted that on October 15, 2018, the City Council directed him to establish a new Code Compliance Department by separating the existing Code Enforcement Division from the Community Development Department. He stated he has accomplished this directive, and Mr. Joey Forgione has commenced duties as head of the new department.

Mr. Forgione presented the following update on the department to the City Council:

- Preparation
 - ❖ Closely working with City Manager, Land Use Attorney, IT Manager, and the Okaloosa County Sheriff’s Office (Capt. Nix)
- Code Compliance Contact Information for the Public
 - ❖ Destin Website
 - Code Compliance Manager E-mail and voice mail – operational 24/7
 - Officer on duty after hours will be dispatch or the manager will respond if the situation needs immediate attention
- Code Compliance Standard Operating Procedure (SOP)
 - ❖ Working with the Land Use Attorney
 - ❖ SOP will be finalized this month
- Vehicle Marked “Code Compliance”
 - ❖ Allows citizens to see that Code Compliance staff is out in the City
 - ❖ Staff is available for citizen questions
 - May help prevent violations
 - Shows professionalism
 - Helps build community relations
- Visibility and Efficiency
 - ❖ Officers can issue warnings, citations and can hand deliver Notices of Violations
 - ❖ Officers working from vehicles will streamline efficiency and provides visibility
 - Visibility helps community relations
 - Could prevent violations from occurring

- Professionalism
 - ❖ City Attire
 - ❖ Appearance
 - ❖ Attitude
 - ❖ Vehicles
- Training Goals
 - ❖ Attempt to have each officer trained in all 4 levels within 5 years
 - Brings professionalism, confidence, growth and development
- Short Term Rental Compliance Officer/Long Term Rental Code Compliance Officer
 - ❖ Each assigned a 4x4 Ford pick-up
 - Visible to the public
 - Builds rapport
 - Community relations
 - Manages STR Program (Issues permits and inspections)
 - Ensures compliance to all City codes (including but not limited to trash, noise and parking violations)
- Business/Building Code Compliance Officer
 - ❖ Assigned a 4x4 Ford pick-up
 - ❖ Manages Beach Vendor Program
 - ❖ Ensures compliance of business district
 - ❖ Ensures compliance of issued building permits (stop work orders)
- Harbor Compliance Officer
 - ❖ Ensures compliance along harbor and waterways
 - ❖ Manages livery vessel program
- Beach Compliance Officer (part-time/seasonal) (TDD grant request for at least 1-2 years)
 - ❖ Can work in association with park rangers
 - ❖ Ensures beach vendor compliance
 - ❖ Ensures compliance of beach management codes
- Weekend Duties
 - ❖ 4-8 hour staggered shifts
 - Parking violations
 - Garbage violations
 - STR violations and registration
 - City park violation
 - Day to day violations
- Night Shift (by year 2)
 - ❖ Must be a 2-person shift
 - Handle parking, garbage and noise violations
 - STR registration
 - City Park violations
 - Day to day violations
 - ❖ Suggests increasing STR registration fee to \$500 to offset cost

Councilmember Ramswell asked to see some sort of public relations effort advertising the changes being done and the efforts the City putting forth for the community. She also asked how

many code compliance officers they have now and how many more would they anticipate hiring to accomplish all these goals.

According to Mr. Forgione, they currently have 3 officers and a slot for one more officer. They need approximately 5 more officers to have code compliance officers available 7 days a week.

Councilmember Dixon noted they just increased the STR registration fee last year, and that he cannot support another increase at this point. He also stated it would not be fair for someone with a 1500 square foot rental house and another with a 12,000 square foot rental house to be paying the same amount of fee. He suggests they try to come up with some sort of staggered fee structure to make it fair for everybody.

C. Public Beach Initiative

The Mayor provided the following presentation:

Project Overview:

- July 26, 2018, Special City Council Meeting
 - ❖ Motion: Authorize Mayor Gary Jarvis to lead the initiative of trying to acquire more public beaches, with assistance from the City Attorney Jeff Burns and City Land Use Attorney Kimberly Kopp, and to have preliminary discussions with land owners at their discretion passed 7-0
- November 19, 2018 Regular City Council Meeting
 - ❖ Motion: To look further into the following properties in the order listed: Capri, Tarpon Beach Access and 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
- Seeking Direction:
 - ❖ With the introduction of additional parcels, prioritize available land options
 - ❖ Confirm a short list of parcels to obtain appraisals
 - ❖ Guidance moving forward
- Additional Parcels to Consider
 - ❖ West James Lee Park – 68 linear foot - \$73,529 per linear foot - \$5,000,000
 - ❖ Sunfish Street Parcel – 60 linear foot - \$49,167 per linear foot - \$2,950,000

Purchase Options Summary

- Capri – 300 linear feet - \$44,000 per linear foot - \$13,200,000
- Tarpon Beach Access Expansion – 336 linear feet - \$50,595 per linear foot - \$17,000,000
- Henderson Beach Villas – 205 linear feet - \$58,537 per linear foot - \$12,000,000
- Shores at Crystal Beach East – 67 linear feet - \$50,373 per linear foot - \$3,375,000

- Shores at Crystal Beach West (Crystal Port) – 50 linear foot - \$73,000 per linear foot - \$3,650,000
- West James Lee Park – 68 linear foot - \$73,529 per linear foot - \$5,000,000
- Sunfish Street Parcel – 60 linear foot - \$49,167 per linear foot - \$2,950,000
- East Pass Preserve (Parcel B)

Councilmember Destin asked if they anticipate any title issues that could arise with the two additional parcels.

According to the City Attorney, there are no known issues at this time; however, they have not explore them in great detail as of yet.

Councilmember Destin expressed support to adding the two parcels to the list of potential properties to acquire and to conduct appraisals on these two properties.

Councilmember Dixon noted that the West James Lee Park parcel is already located adjacent to a park with a lot of public access; and that in his opinion neither of the two additional parcels is big enough. He suggests going forward with the original plan

Councilmember Ramswell stated that she stands by her previous statement that the Henderson Beach Villas is a viable option. It is located near the end of Matthew Blvd, which is a dire need area. She continued that the east and west section of the Shores at Crystal Beach are also exceptionally viable specifically because they have an access with bathrooms, shelter and other existing structures. Thought it was mentioned that there may be some sort of legal issue with the Shores at Crystal Beach west; but they heard they may also some title or legal issues with some of the other properties.

The Mayor noted that according to the owners of the Shores at Crystal Beach west (Crystal Port), the only issue they had was with the vacant piece of property next to it.

According to the City Attorney (Jeff Burns), there is an issue involving the Capri parcel because they could not get 100 percent of the townhouses on board; with possibly one holdout. According to the owner, they could carve that unit owner out given the ownership structure of the Capri Townhome Association.

Councilmember Ramswell inquired as to the actual beach footage they have at Shores at Crystal Beach.

The City Manager replied there is approximately 60 feet of beach footage.

Councilmember Ramswell noted this is a very volatile section of beach where people are constantly fighting for beach space. She recommends expanding the beach access they already have to create more space.

Councilmember Ramswell moved to add The Shores at Crystal Beach East and the Shores at Crystal Beach West (Crystal Port) to the list of properties to be appraised; seconded by Councilmember Braden.

The City Attorney (Jeff Burns) noted there is a bit of urgency on this and they would need to get the applications in very soon. There are rumors that the Triumph Funding may be defunded by next spring, and that all the moneys would be sent to Hurricane Michael relief areas.

Councilmember Destin offered a substitute motion to conduct an appraisal on all 7 properties, which does not include East Pass Preserve (Parcel B); seconded by Councilmember Overdier.

Councilmember Marler announced he would abstain from voting because one of the parcels is owned by an affiliate he works for.

Councilmember Morgan also announced he would abstain from the vote as he has family members with vested interest on a property.

The Mayor called for a vote on the substitute motion, which passes 4-1 (Council members Destin, Overdier, Ramswell and Braden voted “yes”; Councilmember Dixon voted “no”; Council members Marler and Morgan abstained from voting).

D. New Year's Eve Harbor Boardwalk Special Event Co-Sponsorship Discussion

The City Manager explained that for the past several years, residents and visitors have celebrated New Year's Eve on the harbor boardwalk. Part of this celebration has included a ball-drop at midnight which starts on the north side of the harbor, traverses across the harbor and terminates on the south side of the harbor at midnight. This event has become a tradition amongst many resident and visitors over the years and attracts business into the Harbor District. Staff would like Council to consider co-sponsoring the New Year's Eve celebration along the harbor boardwalk which would allow the “ball” to terminate on Norriego Point Park. As with other co-sponsorships, the City would require the primary sponsor, in this case Harbor Walk, to provide the City with an executed Hold Harmless Agreement and Certificate of Insurance naming the City of Destin as “Additional Insured Party.”

Councilmember Ramswell noted there was a fire that broke out with one of the fireworks shows last year. She asked if the certificate of insurance would cover another such incident in case it happens again.

According to the City Manager, if the incident took place in City park property, the certificate of insurance and liability waiver would definitely cover it. He continued that the incident that took place last year was not on City property; and that further investigation revealed it was not the professional fireworks show but other people setting up their own fireworks that caused it.

Councilmember Marler announced he would abstain from the vote as he is employed by Harbor Walk.

Councilmember Destin moved that the City co-sponsors the New Year's Eve special event in the Harbor District and authorize the City Manager to issue a park permit for the event; seconded by Councilmember Overdier. Motion passed 5-1 (Council members

Morgan, Destin, Dixon, Overdier, and Ramswell voted “yes”; Councilmember Braden voted “no”; Councilmember Marler abstained from voting).

E. Follow up from Short-Term Rental Workshop Held on October 25, 2018, and Discussion Of Preliminary Draft Ordinance

The Land Use Attorney noted that on October 25, 2018, the City Council held a workshop to consider other issues discussed by the Short Term Rental Task Force which may not have received unanimous consent of all members of the Task Force. At the workshop, the City Council took public input, and considered occupancy limits and other related concerns. As a result of that workshop, she has prepared the proposed ordinance, with staff input.

The Mayor proposes setting occupancy level based on one person per 250 square foot of space rather than 2 people per bedroom plus additional 2 people, with a cap of 24 people. For instance, a 1600 square foot house would have a maximum occupancy of 6 people.

Mr. Forgione suggests they exempt children under 12 years of age.

Councilmember Morgan argues it would require an ID check to determine the exact age of a child.

Councilmember Overdier noted that Florida Building Code limits it to one person per 200 square foot of space; and so he would support a recommendation of one person per 250 square foot of space. He added that occupancy of over 24 people would fall under the statutory guidelines for hotel/motel.

Councilmember Marler noted that the fire department has rules and regulations for commercial occupancy and capacity, which should be considered.

Councilmember Dixon stated that the fire district has managed to get commercial buildings inspected; however, adding short-term rentals to the list would require additional inspectors. Furthermore, short-term rental houses are classified as single-family dwelling when they get their building permit; and the fire district does not get involved because they do not have jurisdiction regardless of the size of the dwelling.

Councilmember Braden asked who regulates hotels/motels.

The Land Use Attorney replied that the State regulates hotels/motels.

Councilmember Braden argues that the City would not be able to regulate 6000 square foot homes that sleep 30 or more people.

According to the Land Use Attorney, they could still regulate these homes under their short-term rental ordinance; but, the State regulates their licensing.

Councilmember Destin stated that he likes the idea of basing occupancy on square footage because it is more tangible and quantifiable.

Councilmember Ramswell maintains that hotels/motels are not an allowable use in single-family residential zoning; therefore, homes with an occupancy level of more than 24 people should not be allowed in it. She continued that they have spent many times discussing these issues and formed a Task Force that met for several months putting together recommendations. They seemed to have reached a consensus and asked staff to bring back a draft ordinance for their approval. However, it now seemed they have taken a huge step back and they are discussing the same issues all over again. She added that the State of Florida is getting very close to passing some bills that would not allow local municipalities to make any decisions on this subject.

Councilmember Morgan wants to know how they propose to enforce the occupancy rules.

Mr. Forgione replied it would have to be through advertising. The Code Compliance Department would have to work closely with the IT Department or have its own IT person to pull advertising information off the websites.

The Community Development Director stated that many communities have used the square footage process because it is more straightforward and easier to enforce.

Councilmember Destin moved to direct the Land Use Attorney to bring the ordinance back on first reading on December 17, 2018 providing the Council the ability to choose from the following two versions in terms of occupancy standard. Councilmember Overdier provided a second to the motion.

- **Occupancy level based on 2 people per bedroom plus 2 additional people.**
- **Occupancy level based on one person per 250 square foot of space, with a maximum occupancy of 24 people. Occupancy of 25 or more people would fall under the statutory guidelines for hotel/motel**

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

F. Discussion of Commercial Events in Residential Areas and Proposed Ordinance in Preliminary Draft Form G. Announcements/Updates

According to the Land Use Attorney, this matter comes from Council’s direction at the October 25, 2018 City Council Workshop when they discussed prohibiting commercial events in residential areas.

Councilmember Marler asked the Land Use Attorney to address the matter Ms. Trammell brought up earlier relating to prohibited home occupations in residential areas.

The Land Use Attorney explained that a small event, such as AVON party does not fall under the definition of special event; adding that the issue Ms. Trammell alluded to earlier falls under the section “*Prohibited Home Occupations*” which is already part of the current ordinance and it is not being changed.

There was a consensus of the Council to bring the proposed ordinance back for first reading on the next City Council meeting.

G. City Manager Announcements

The Interim City Manager welcomed Mr. Louis Zunguze, the new Community Development Director, to the City. He also announced that the Destin Christmas Parade is scheduled for Saturday, December 8, 2018.

5. PUBLIC HEARINGS

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

The Land Use Attorney noted that the applicant originally submitted a request for a major deviation, which was changed to simple deviation. However, it was not reflected in the staff report and the applicant has agreed to a continuance.

Motion by Councilmember Ramswell, seconded by Councilmember Marler, to continue item to the December 17, 2018 Council meeting passed 7-0 (Council members Morgan, Destin, Marler, Dixon, Overdier, Ramswell and Braden voted “yes”).

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

The City Attorney read Ordinance 18-26-LC by title, and then presented it to the City Council on first 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 City Council for consideration.

Councilmember Overdier moved to approve proposed Ordinance 18-26-LC on first reading and direct staff to advertise it for second reading was seconded by Councilmember Destin and passed 7-0 (Council members Morgan, Destin, Marler, Dixon, Overdier, Ramswell and Braden voted “yes”).

C. First reading of Ordinance 18-27-CN Acquisition of 108 Sibert Avenue

The City Attorney read Ordinance 18-27-CN by title, and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN OF OKALOOSA COUNTY, FLORIDA, RELATING TO THE PURCHASE OF CERTAIN REAL PROPERTY; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDING OF FACT; PROVIDING FOR CITY COUNCIL APPROVAL OF A CONTRACT FOR PURCHASE OF PROPERTY LOCATED AT 108 SIBERT AVENUE, DESTIN, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Attorney noted that the City Council has previously directed staff to obtain an environmental survey prior to first reading of this ordinance; and that the environmental survey came back with no significant concern.

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

Councilmember Overdier moved to approve proposed Ordinance 18-27-CN on first reading and direct staff to order a Property Survey and title Commitment and bring this item back for second reading at the first available City Council meeting after satisfactory review of the survey and title report. Councilmember Destin provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Dixon, Overdier, Ramswell and Braden voted “yes”).

D. First Reading of Ordinance 18-28-CC Amendment to Harbor and Waterways Ordinance

The City Attorney read Ordinance 18-28-CC by title, and then presented it to the City Council on first 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.

According to the City Attorney, this proposed amendment to the approved ordinance clarifies the prohibition for anchoring to make it clear the ordinance only prohibits anchoring of bottomland in the City of Destin to live-aboard vessels and floating structures.

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

Mr. Eric Partin, a Destin resident, stated that he has not reviewed the ordinance but would like to know exactly which type vessels are prohibited or limited from anchoring and how many days could a vessel be allowed to anchor in one spot.

Councilmember Morgan explained that the definition of live-aboard vessels under the proposed ordinance is a vessel used solely as a residence and not for navigation. It is a vessel for

which a declaration of domicile has been filed pursuant to statutes or a vessel used as a residence that does not have an effective means for propulsion for safe navigation.

Councilmember Dixon moved to approve proposed Ordinance 18-28-CC on first reading and direct staff to bring it back for second reading on December 17, 2018; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Morgan, Destin, Marler, Dixon, Overdier, Ramswell and Braden voted “yes”).

6. CONSENT AGENDA

- A. Reimbursement to Councilmember Skip Overdier for expenses incurred while attending the 58th Annual Legislative Conference in Orlando, Florida, from November 14 - 17, 2018
- B. Resolution 18-46: 2019 Concessions Agreement Renewal with Greek's Catering and Events, Inc.
- C. First Amended and Restated City Attorney Employment Agreement

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

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

- A. Councilmember Braden
- B. Councilmember Ramswell
- C. Councilmember Dixon

Councilmember Dixon asked staff to place the dangerous curve on Airport Road as a topic of discussion on the next Council meeting agenda. He also asked staff to provide the Council an estimate of the cost to alleviate the problem in that area.

- D. Councilmember Overdier
- E. Councilmember Marler

Councilmember Marler asked staff to place the right turn lane from the foot of the Marler Bridge to the Emerald Grande as a topic of discussion on the next Council meeting agenda; and invite an FDOT representative to the meeting.

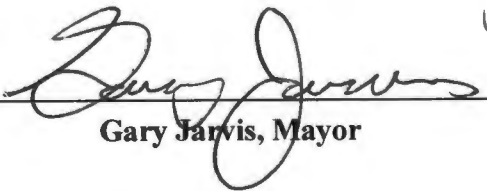
- F. Councilmember Destin
- G. Councilmember Morgan
- H. Mayor Gary Jarvis
- I. Land Use Attorney
- J. City Attorney
 - 1. Sandalwood Takings Discussion

The City Attorney (Jeff Burns) stated they were never actually asked to look into anything associated with the crosstown connector until recently when they were provided the contracts. They have come up with several questions that would require definitive answers. One of the issues they

have involves Sandalwood Court which road access would be temporarily and completely cutoff. In some situation, this could potentially be considered inverse condemnation, which is a partial taking of a property. It would ultimately diminish its value which could result in litigation. There are only a few attorneys that handle this type of claims statewide. He recommends allowing the City Attorney to work with staff in contacting some of these firms to conduct legal analysis and then coming back with some proposals.

After further discussion, Councilmember Destin moved to continue this item to the next meeting and instruct staff to bring back some proposal for a law firm that specializes on inverse condemnation claims that could offer their legal services for this issue; seconded by Councilmember Overdier. Motion passed 6-1 (Council members Morgan, Destin, Marler, Dixon, Overdier and Ramswell voted "yes"; Councilmember Braden voted no).

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


Gary Jarvis, Mayor

ATTEST:


Rey Bailey, City Clerk