

**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 Sprengle 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.

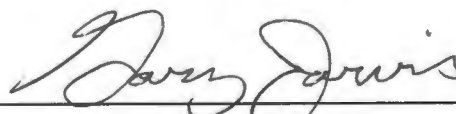
John S. Donovan, David H. Sherry, and Rebecca R. Sherry, Petitioners vs. City of Destin, Florida and Florida Department of Environmental Protection, Respondent, OGC Case No. 18 1463, File No. 0288799003JC

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.

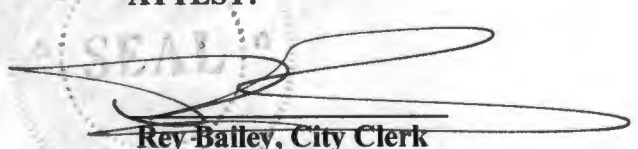
Motion by Councilmember Overdier, seconded by Councilmember Marler, to schedule an executive session on Monday, January 7, 2019, at 5:00 p.m. passed 5-0 (Council members Morgan, Marler, Overdier, Ramswell and Braden voted "yes"; Councilmember Destin was absent from the meeting).

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



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk