

MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
FEBRUARY 19, 2019
CITY HALL ANNEX COUNCIL CHAMBERS
6:00 PM

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

Destin City Council

Mayor Gary Jarvis

Councilmember Prebble Ramswell

Councilmember Cyron Marler

Councilmember Parker Destin

Councilmember Chatham Morgan

Councilmember Steven Menchel

Councilmember Rodney Braden

Destin City Staff

City Manager Lance Johnson

Acting Public Services Director Tim Pietenpol

Code Compliance Manager Joey Forgione

Community Development Director Louis Zunguze

Acting Public Services Director Tim Pietenpol

Public Information Manager Catherine Card

Deputy City Clerk Kim Montgomery

IT Manager Webb Warren

Finance Director Bragg Farmer

Tim Whaler, Planner

City Land Use Attorney Kimberly Kopp

City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM. Pastor Quinn Erwin of Shoreline Church gave the invocation; which was then followed by the Pledge of Allegiance.

AGENDA APPROVAL

Motion by Councilmember Marler, seconded by Councilmember Destin, to add East Pass Dredge discussion under the City Attorney's Report portion of the agenda passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

Motion by Councilmember Marler, seconded by Councilmember Ramswell, to adopt the agenda as modified passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

1. APPROVAL OF MINUTES

A. Approval of minutes of February 4, 2019 Regular City Council Meeting

Councilmember Marler moved to approve minutes of February 4, 2019 Regular City Council Meeting; seconded by Councilmember Menchel.

Councilmember Ramswell announced she would abstain from voting as she did not attend the February 4, 2019 meeting.

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

2. PROCLAMATIONS/RECOGNITIONS/SPECIAL PRESENTATIONS /ANNOUNCEMENTS

A. 2019 State of the City Address – Mayor Jarvis

Mayor Gary Jarvis delivered the State of the City Address. Below are highlights of his speech:

- Recognized all City officials in attendance
 - ❖ Councilmember Rodney Braden
 - ❖ Councilmember Parker Destin
 - ❖ Councilmember Skip Overdier
 - ❖ Councilmember Cyron Marler
 - ❖ Councilmember Steven Menchel
 - ❖ Councilmember Chatham Morgan
 - ❖ Councilmember Prebble Ramswell
- Recognized City Staff
- City of Destin’s commitment to do the following:
 - ❖ Build Trust and Credibility.
 - ❖ Create a working environment in which to succeed over the long term and
 - ❖ Diligently strive to accomplish all commitments.
- Due to the leadership of the City Council, taxes continue to be low for Destin residents, while providing a high level of service to all; such as:
 - ❖ In 2018, the City Council prioritized an initiative for the City to seek out and acquire more gulf front property for public recreational use utilizing several potential funding sources including our reserves, TDC funding, State/Federal Grants and Triumph funding. This initiative is paramount to preserving public beaches for future generations of residents and visitors to enjoy.
 - ❖ The Council is in negotiations with Gulf Power to develop a purchase agreement or a new franchise agreement with the goal being to ensure Destin’s residents and businesses will receive reliable and low-cost electrical service
 - ❖ To improve green space, parking, building heights and densities, Council has revised sections of the City’s Comprehensive Plan. This includes the adoption of an ordinance to regulate commercial activity in public parks and maintain green space for our public to enjoy
 - ❖ The pilot program adopted by Council for “pay-for-parking” had over 15,000 parking transactions in 2018. In 2019, the city will be looking at how to improve this service for the city’s residents, businesses and visitors. The program is designed to be its own funding source for the expansion and improvement of public parking as designated by the City Council. Parking fees help to offset the costs of these city services and programs so the cost is not attached to the City’s millage rate
 - ❖ With the adoption of the livery vessel registration, the City is holding operators accountable to guidelines that create a safer environment on the water as well as adequate land-based facilities for their customers.
 - ❖ To protect residents and address issues the City is experiencing, they adopted an ordinance that limits the number of overnight occupants of each short-term rental home. This ordinance came from multiple complaints from residents and property owners due to quality of life issues arising from occupancy issues associated with some short-term rental properties.
 - ❖ Phase I of the Norriego Point restoration is complete and the harbor is protected. Phase II - Stabilization of the dunes is also complete, and Phase III - Recreational Components is scheduled to begin in the fall of 2019.
- Progress continues on Captain Leonard Destin Park off Calhoun Avenue and completion is projected in early 2020. This future park will be a 10 million-dollar project funded by the state using oil spill restitution money. The

new park will provide the residents and visitors with a family friendly waterfront park with scenic views of the East Pass, Crab Island and Choctawhatchee Bay

- Awaiting word on a grant to improve the Joe's Bayou Recreation Area located on Beach Drive. Since the acquisition of the old CEMEX property in 2016, this area totals more than 17 acres and includes the Mattie Kelly Pier and Nature Walk and the Joe's Bayou Boat Ramp. The multi-million-dollar grant will include a master plan for the entire site, multiple environmental enhancements and construction of recreational amenities
- Due to funding through FDOT's Local Agency Program, the City was able to complete the design phase of the Calhoun Avenue and Zerbe Street Pathway Improvements Project. The City is working to acquire funding for the construction phase of this project. This Pedestrian Pathway will ultimately connect Clement Taylor Park to the boardwalk under the Marler Bridge and will help to achieve our goal of pedestrian-friendly walking pathways throughout the city.
- The Florida Department of Transportation's 3R Project is in progress. The City Council was able to provide input into the project, ultimately suggesting 10-foot travel lanes and a 4-foot bike path on the roadway. This project includes roadway resurfacing from the Marler Bridge to Airport Road, improvements to the right-of-way, landscaping and updated traffic signs. This project is designed to help alleviate some of the congested traffic that normally occurs during peak seasons.

Highlight of departmental and strategic partners' achievements for 2018.

- The Clerk's Office
 - ❖ Successfully provided administrative support for 132 meetings of the City Council, CRA Board, and the City's volunteer committees and Boards. They maintain a viable Records Management Program that is in full compliance with Federal and State regulations as it pertains to the maintenance, retention, and destruction of our public records. Over 500 public records requests were received and over 10,000 files were digitized into LaserFiche, providing the public broader access to our records.
- Public Services
 - ❖ Has done a remarkable job of assessing roadways, sidewalks, striping, and drainage systems. Thanks to the 3.6 million-dollar Gulf Environmental Benefit Fund, all storm water projects have been completed which will improve the overall water quality of our city waterways, as well as improve areas susceptible to flooding. The National Fish and Wildlife Foundation will use the remaining grant funds to cover three additional projects to mitigate existing outfall discharging into the Marler Bayou and the Choctawhatchee Bay. Three major paving projects were completed for Industrial Park Road, Trista Terrace and Indian Bayou Trail. Public Services also administers the Citywide adopt-a-street program, removed derelict abandoned vessels in the Destin Harbor and Joe's Bayou, maintains the harbor pumping stations, assist in our community events and so much more
- Parks and Recreation
 - ❖ The City's Community Center continues to be the hub of their community providing year-round programs for all age groups. All of the crews made numerous improvements to City facilities while keeping them safe and clean for residents and visitors.
 - ❖ Morgan Sports Center hosted 20 tournaments last year generating millions of dollars in economic impact.
 - ❖ Staff continues to work with county officials to obtain designated RESTORE Act dollars from the US Treasury, totaling 2 million dollars and will begin once funds are released for Captain Royal Melvin Heritage Park, Plaza on Destin Harbor and Clement Taylor Park.
 - ❖ Provided many community special events
- The Destin Library
 - ❖ Vital and vibrant cornerstone of education and culture for the citizens of Destin. Staff is continually seeking to improve the library's collections and program offerings focusing on the needs of the community.
 - ❖ The library received over 53,000 visitors in 2018 and expanded beyond their walls to engage local school children at orientation and issued over 200 library cards. Families participated in numerous holiday events and the Winter/Spring Cultural Series was a highlight of the snowbird season offerings.
 - ❖ More than 1,100 patrons attended 78 classes, concerts, and special events during the summer reading program. In addition to reading programs, the library has launched a series of science and technology based classes for middle and elementary school students which have been very successful, as well as a year-round Code Club. Our library is a beautiful facility and we are fortunate for the opportunity of lifelong learning.
- Information Technology (IT)
 - ❖ Implemented a new work order system which is easy for employees to submit and track work requests within the City for their IT support needs

- ❖ Despite the challenges of high turnover in Code Compliance last year, IT and Code Compliance cooperated to improve mobile access to their systems as well as incorporate approximately 800 rental registrations into the system. Additionally
- ❖ Helped improve automation of City security procedures, surveillance and entry lock down in facilities and upgraded aging fiber infrastructure between city facilities
- Community Development Department
 - ❖ There was a lot of turnover in this department last year and despite the challenges, citizens' needs were met, they provided good customer service and were able to perform their jobs effectively
 - ❖ All the divisions within the department worked collaboratively to ensure goals were met.
 - ❖ The department's focus is to stabilize staffing, streamline processes and shorten turnaround time for applications and permits. As new efficiencies are developed it will improve the timeliness of responding to permit requests and inspections.
- Code Compliance Department
 - ❖ Code Compliance works very hard to ensure quality of life of citizens by enforcing the City's ordinances as it relates to the health, safety, and welfare of the citizens.
 - ❖ Last year, code compliance officers responded to 985 cases and issued 1191 registrations.
 - ❖ Code Compliance and IT implemented a new on-line citation management program to track parking violations throughout the city as well as renewing rentals online. Registrations for short and long term rental properties along with beach vendor and livery vessel operators increased from the year prior with a 19% increase in revenue for 2018.
 - ❖ Code Compliance officers now have in-car computers and printers, creating more efficiency in responding to concerns and spending more time out in the field to educate citizens on local ordinances.
 - ❖ As part of the community relations initiative, all code officer vehicles have been striped to promote visibility and light bars have been added for safety. Their goal is to strengthen community outreach and gain voluntary compliance through education and awareness of city ordinances.
 - ❖ Code Compliance has a great relationship with the Okaloosa County Sheriff's Office as they work in concert together to provide the citizens of Destin with the highest level of professional service available
- Finance Department
 - ❖ Finance has a very crucial role by providing oversight for the day-to-day operations of the City's finances. They provide support for the financing and refinancing of all City debt and over-see the investment of City funds.
 - ❖ The City was awarded, for the twenty-fourth consecutive year, the Government Finance Officer Association Certification of Achievement for Excellence in Finance Reporting and the Distinguished Budget Award for the fifteenth year
- Human Resources (HR)
 - ❖ Like many other public or private entities, the City experienced turnover and personnel shortages. Due to some of these unanticipated shortages and transitions, the were unable to achieve some of its projected goals in 2018. However, they now have new and energetic key personnel in place and are striving to accomplish these goals and more in 2019. The City still has senior and new dedicated professionals who are working very hard for the citizens
- First Responders
 - ❖ During the spring break and summer months, the City receives thousands of visitors. The Okaloosa County Sheriff's Office has done a tremendous job in coordinating with the City to conduct proactive enforcement practices and encourage citizens and visitors to report crimes and suspicious activities
 - ❖ Maintain an atmosphere of hometown policing and partnerships have developed between the residents, local business owners, and community leaders
 - ❖ The Destin Fire Control District coordinates with the City for beach and water safety, hurricane preparedness and educating the public on fire safety. They conduct inspections for residents and visitors to ensure they are protected under the safety codes. It is a shared vision that by continuing to build upon community relationships, it would strengthen their ability to communicate and provide the best law and fire services to the citizens they serve.
- City Staff
 - ❖ The true ambassadors of the City who work hard to meet the needs of the City's full-time residents and visitors
 - ❖ The City's finances are solvent and with a low tax rate
 - ❖ Maintains roads, addresses drainage system issues, maintains the City parks and recreation
 - ❖ The City's library and community center provides community engaged activities for all ages

City officials and staff will continue to work hard every day for the residents and visitors and the world's renowned beaches to make the State of the City stronger than ever before!

B. Parks & Recreation Committee Presentation – Teresa Hebert

Ms. Teresa Hebert, Parks and Recreation Committee Chair, presented the committee's Fiscal Year 2018 Accomplishments and Fiscal Year 2019 Work plans. She highlighted the following activities during Fiscal Year 2018:

➤ Arbor Day Ceremony

- ❖ The City's annual Arbor Day ceremony was held April 27, 2017 at the Destin Elementary School with Mayor Pro Tem Prebble Ramswell presiding and Committee member Myra Williams speaking
- ❖ Park inspections were completed by the committee for Fiscal Year 2018

Ms. Hebert also noted that during the October 15, 2018 Council meeting, the City Council approved a pilot program at Mattie Kelly Nature Walk and Kell-Aire South Park an on-leash parks for currently licensed dogs. She continued that due to the success of the pilot program, the parks and Recreation Committee recommends additional parks to be designated as on-leash parks for currently licensed dogs.

Councilmember Ramswell asked if the committee ever discuss making a section of the Joe's Bayou Park a swimming area for dogs. She stated she has received email in the past from people thinking that would be a great idea since the City does not allow pets in the beaches.

Ms. Hebert replied that this particular issue has not been brought to the attention of the committee. She also stated that since Joe's Bayou is mostly set up for launching and recovery of boats, it could be a hazard. However, if the Council approves Joe's Bayou as an on-leash park for dogs, somebody having their dog on a leash during off season when there are not a lot of boats would easily let their dog get into the water and be in control of it.

Councilmember Ramswell noted that according to the plans for the potential park, the recreation area is going to expand more to the west.

Ms. Hebert stated that when that happens, the committee would push for it to also be an on-leash area for dogs.

Councilmember Destin moved to approve the Parks and Recreation Committee's Fiscal Year 2018 Annual Report and Fiscal Year 2019 Work Plans; and to approve Resolution 19-03 authorizing the Mattie Kelly Pier and Nature Walk, Joe's Bayou Launch and Recovery, Kell-Aire Park North, Main Street Park and Jewel Melvin Park to become On-Leash parks for currently licensed dogs. Councilmember Marler provided a second to the motion.

The Mayor announced he would now allow public comments on this issue. Having none the Mayor called for a vote on the motion.

Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted “yes”; Councilmember Overdier was absent from the meeting).

Ms. Hebert asked the Council to instruct City staff to remove the “No Dogs Allowed” signs from the parks as soon as possible so they could encourage people to use the parks.

The City Manager stated that the signs will be removed.

C. Harbor CRA Updates/Recommendations: Capt. Royal Melvin Heritage Park & Plaza / Harbor Livery Vessels

The City Manager noted that the Harbor CRA Advisory Committee reviewed the revised plan for Capt. Royal Melvin Heritage Park & Plaza; which reflected the changes this Council had instructed staff to include. The committee adopted a motion to approve the changes and to recommend to the Council to forward the plan back to the County for their approval and subsequently to the Treasury Department for the final approval on the grant.

Councilmember Ramswell moved to approve the plan as presented; seconded by Councilmember Menchel.

Ms. Jan Best, member of the Harbor CRA Advisory Committee, noted that the committee’s motion was to send the plan forward to Council and to approve it as a working plan; and for the Council to send the plan back to the committee if any further changes are necessary.

Councilmember Ramswell amends her motion to approve the plan as a working plan; seconded by Councilmember Menchel.

Councilmember Destin announced he would abstain from voting as he is related to one of the litigants in this case.

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

The City Manager noted that the Committee also made a recommendation to the City Council to consider limiting the number of Harbor Livery stickers for pontoon boats to the number that was issued last year.

The Community Development Director Louis Zunguze explained that the main reason for this recommendation was the overcrowding of pontoon boats on the harbor; which is a safety concern for the committee. The committee is recommending perhaps the Council issuing a moratorium to hold the number of pontoon boats to last year’s number until a study with respect to is conducted.

The Mayor stated that he supports the moratorium idea because he firmly believes they need to control the numbers and the carrying capacity of the harbor from a safety standpoint. He

also stated that the City did not have the enforcement capabilities or the staffing necessary to actually evaluate the number of livery vessels per parking in upland requirements.

The City Manager requested that if Council intends to make a motion in this regard, to delay making that motion until after agenda item 4B when the Code Compliance Department report is presented because an item in that report is a request for additional manpower on the Harbor Boardwalk area.

Councilmember Ramswell moved to delay any decisions relating to this subject until after agenda item 4B is presented; seconded by Councilmember Morgan.

Councilmember Menchel asked if there were any pending applications for additional vessels: to which Mr. Zunguze replied affirmatively.

The Mayor asked if there were any unregistered livery vessels in 2018. A member of staff replied affirmatively.

Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted “yes”; Councilmember Overdier was absent from the meeting).

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

Ms. Jan Best noted that a pontoon boat operator who made a presentation to the committee stated that he was in favor of a moratorium. He would like to see the industry raise their standards and comply with the codes. Ms. Best also explained that the committee recommends a temporary moratorium because they feel it is important to know the carrying capacity of the pontoon boats on the harbor. They would also like to see water quality be conducted. It was reported that some livery vessel operators use 5-gallon cans to fuel their boats; resulting in spillage of fuel into the harbor.

4. CITY MANAGER REPORTS

A. Crosstown Connector: Property Acquisition; Legal Opinion, Inverse Condemnation

The City Manager explained that back in December 2018, the Council directed staff to hire a special counsel to form a legal opinion regarding the potential of inverse condemnation related to acquisitions required for the Crosstown Connector project. Staff subsequently received an opinion from Mr. Bruce Humphreys, a copy of which was included in the meeting packet, basically stating that he finds no reason for alarm with regards to inverse condemnation in this City. The next step would be to proceed with the acquisition of the properties they need to complete the crosstown connector; which is a part of this agenda.

B. Code Compliance Update

Mr. Joey Forgione, Code Compliance Manager, stated that the City's newly-formed Code Compliance Division is transitioning from a reactive compliance approach to a proactive approach; with the following goals mind:

- Maximize current officer capacity given the City's challenges and add personnel as needed
- Obtain and maintain compliance of all city ordinances
- Educate the public about all city laws

Mr. Forgione proceeded to discuss the following topics:

- Code Compliance Officer Appearance
- Code Compliance Officer Professionalism
- Code of Ethics for Code Compliance Officers
- Standard Operating Procedures for Code Compliance Officer
- Code Compliance Officer Safety
- 2018 Code Compliance Calls for Service

Also, according to Mr. Forgione, in order to successfully complete this transition, additional manpower will be required in key areas such as the harbor and waterways and beaches; to include night-time coverage. The addition of this manpower will enhance the delivery of effective, confident and professional code compliance serve and strengthen local, state and federal agency cooperation. He recommends the hiring of a full-time Harbor Compliance Officer and a part-time Beach Compliance Officer for the upcoming season.

The Harbor Compliance Officer will:

- Ensure compliance along the harbor and waterways
- Manage the Livery Vessel Program
- Assist the Harbor Board
- Work closely with Okaloosa Sheriff's Office Harbor Unit

The Beach Compliance Officer will:

- Ensure beach vendor compliance
- Ensure compliance of beach management codes
- Work closely with Okaloosa Sheriff's Office

Councilmember Ramswell moved to make the appropriate budget amendments to hire a full-time Harbor Compliance Officer, and a part-time/seasonal Beach Compliance Officer; seconded by Councilmember Morgan. Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

Next, the Mayor pointed out that the Council delayed its action with regards to agenda item 2C, livery vessel moratorium, until after this item is completed.

The City Attorney expressed concern with regards to Council passing a moratorium tonight since no notice was provided to any of the pontoon boat owners. He recommends the motion be limited to directing staff to further investigate this issue.

Councilmember Destin moved to continue the item on Livery Vessel Moratorium to their next regularly scheduled meeting, and to instruct staff to conduct further investigation on the issue; seconded by Councilmember Ramswell. Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted “yes”; Councilmember Overdier was absent from the meeting).

C. Discussion on draft ordinance for pay-to-park facilities

According to the Land Use Attorney, the City Council discussed the first draft of this ordinance related to pay-for-park facilities at its regular meeting on February 4, 2019. Based on comments made at that meeting, staff has revised the draft ordinance for City Council consideration. She explains that the draft ordinance requires that pay-to-park facilities will have their patrons pay for parking upon exiting the facility or within a designated parking spot within the facility, but prohibits payments from being made at the entrance or in any drive area within the facility other than the exit lane.

Councilmember Marler opined that the City has no direct right to dictate to a private property owner how parking fees at their facilities are to be collected. It is also not appropriate for the City to blame property owners for backing up traffic on US Hwy 98 and other streets without a proper study and available data to prove it. He noted that one particular property has been named by several Council members which could result in potential lawsuit causing the City thousands of taxpayers' money. He believes those properties that charge parking fees are doing so to comply with the City's code on having the proper amount of parking spaces for their customers. He also argues that this ordinance would force these properties to redesign their parking facilities at their expense in order to be in compliance.

Councilmember Marler offered a motion to table the proposed ordinance until such time that a proper study has been performed on all properties charging parking fees to determine if the proposed ordinance is warranted; and for Council to give the affected properties authorization to work with City staff in trying to come up with a reasonable solution to this issue in lieu of the proposed ordinance. Motion dies for lack of a second.

The Mayor recommends adding a language in the proposed ordinance such that if the collection of parking fees causes a traffic back-up on US Hwy 98, a Code Compliance officer can issue a citation. He stated this would place the burden on a property owner to find a way to collect parking fees without violating the code.

The Land Use Attorney asserts that the whole reason for putting in designated areas for payment is it is much easier to enforce and less burdensome for the City.

Councilmember Destin moved to proceed with the proposed ordinance; seconded by Councilmember Ramswell. Motion passed 5-1 (Council members Morgan, Destin, Menchel,

Ramswell and Braden voted “yes”; Councilmember Marler voted “no”; Councilmember Overdier was absent from the meeting).

D. Announcements

The City Manager announced that on Tuesday, February 26th, at 5:00 PM, in the City Hall Annex, the City Council will hold a workshop to discuss resolving the conflicts between the Future Land Use Map and Zoning Map

E. Destin Fishing Fleet v. City of Destin, Okaloosa County Circuit Court, Case No. 2019 CA 000425 F.

The City Attorney announced that the Destin Fishing Fleet has filed a lawsuit against the City of Destin; and that the City has 20 days to respond unless an extension is provided. The City’s insurance carrier hired Attorney Bill Warner to represent the City. He and the Land Use Attorney will meet with Mr. Warner tomorrow to discuss strategy. He asked the City Council to consider hiring Anchors, Smith & Grimsley as excess legal counsel in this matter. He stated that his contract with the City allows the City to hire him at a reduced rate of \$145.00 per hour for litigation matters.

Councilmember Ramswell moved to appoint Anchors, Smith & Grimsley to serve as excess legal Counsel; seconded by Councilmember Braden.

Councilmember Ramswell asked if the Land Use Attorney would be consulted at all since she is an expert in this particular case.

The Land Use Attorney stated she would be working with the City Attorney in this case; but, Anchors, Smith & Grimsley has more attorneys and is in a better capacity to handle the workload.

Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted “yes”; Councilmember Overdier was absent from the meeting).

5. PUBLIC HEARINGS

A. Jenkins Engineering, Inc., on behalf of Vintage Destin, Inc., LLC, is requesting approval of a Major Development Order and Major Subdivision identifies as “Vintage Destin.” The proposed multi-family development consists of 282 units with Office Space and associated infrastructure improvements, including proposed public right-of-way. The proposed project is generally located north of Highway 98 East, addressed as 117 Palms Street. Property can also be identified by Okaloosa County Property Appraiser’s Parcel I.D. no. 00-2S-22-0000-00213-0000. The total site area is 18.1 acres, more or less.

The Deputy City Clerk sworn in the following individuals for testimony:

- Louis Zunguze, Community Development Department Director
- Tim Whaler, Planner
- Tim Pietenpol, Acting Public Services Director

- Mr. Jamie Eubanks, Project Engineer
- Ross Bradley, development team member, TDK
- Tom Newton, development team member, TDK

According to Mr. Zunguze, City staff has conducted an extensive review of the following requirements and found that the project met, and in most cases, exceeded these requirements.

- Comprehensive Plan requirements
- Land Development Code requirements
- Density
- Height
- Setbacks
- Open space
- Transportation management
- Concurrency
- Storm water management
- Parking requirements
- Pedestrian requirement
- Networks
- Utilities
- Public improvements

The Land Use Attorney noted that the project is proposing a major subdivision to be processed simultaneously with a major development order. She continued that a major subdivision is required by code due to road dedication.

Attorney Mark Davis, representing the applicant, requested that the staff report and all the attachments be accepted into evidence. There were no objections from the City Attorney and City Land Use Attorney.

The Mayor accepted the staff report and all the attachments into evidence.

Mr. Davis stated that the proposed development meets, and in most cases, exceeds all the requirements in the City's Land Development Code and Comprehensive Plan; as noted in the report presented by City staff. The property is located in a TCMU zoning and land use district where a maximum of 24 dwelling units per acre is allowed. The particular site contains 18.1 acres; but, the property owner had chosen to develop only 15.58 dwelling units per acre. The code requires 25 percent open space, but the plan will present 46 percent of the property as open space. The project is located within the multi-modal transportation district, and it meets all the code requirements for this district. A portion of a right-of-way which will extend to 98 Palms Blvd further to the east will be provided to the City. The developer will provide \$262,000 for multi-modal improvements toward that corridor. The value of the dedicated property is valued at approximately \$1 million. The developer is also paying \$376,745 in impact fees to the City. The total monetary contributions being provided to the City to build this project is approximately \$2 million. He added that the developer wants to be a part of the City; and he wants to make sure the project will help the City realize its goals in that area. He urged the Council to approve the development order and the subdivision plat.

Mr. Jamie Eubanks, Civil Engineer for the project, noted they have gone before the City Board of Adjustment to obtain the variance on this project. It has to do with the required setback. The Destin Water Users has three main lines that run through that particular area which serve about half of Destin. He then highlighted the component and type of development for which the developer is seeking. He stated they submitted the plan in March 2018 and worked with different staff members within the Community Development Department. They believe that their current plan is a better plan than the plan they submitted in 2018.

Mr. Eubanks also provided the following information: The project includes right-of-way dedication consistent with the Transportation Corridor Management Plan. The dedications include portions of the East-West Section 1 secondary alignment, 98 Palms Blvd and North-South Section 1, Palms Street. As to the east-west alignment, the project will provide a portion of right-of-way extending 98 Palms Blvd further to the east. As to the north-south alignment, the project will provide a portion of right-of-way extending Palms Street northward to the 98 Palms Blvd extension. These segments of right-of-way will allow the City to provide connectivity to the residential Twin Lakes Subdivision and continued eastward to Mattie Kelly Blvd. The project provides a complete pedestrian network. External sidewalks are provided along all rights-of-way including the existing private southern alignment of 98 Palms Blvd and the proposed Palms Street extension. A continuous on-site internal sidewalk is provided throughout the development.

Councilmember Braden inquired as to the reason for the right-of-way dedication.

Mr. Tim Whaler, City planner, explained that the City's Comprehensive Plan has key components in the Transportation element that emphasize increasing roadway connectivity within the City to disperse the traffic trips through the City better than having just one east-west road. The initiative has been in place since approximately 2005; and that these policies were enacted around that time period. From staff's perspective, it is great to see projects coming in that are actually in the future roadway management corridor areas to help move the initiative forward.

Councilmember Braden asked which City Engineer approved the stormwater portion of the plan on January 29, 2019 as noted in the staff report. He pointed out that the City currently does not have an engineer. He asked if there would be a legal issue if a non-engineer signed off on the plan.

Acting Public Services Director Tim Pietenpol stated that Michael Burgess, Stormwater Manager, or Jim Bodi, Engineering Assistant, signed off on the plan.

The Land Use Attorney noted there is no legal issue involved in this case if someone from the Public Works Department signed-off on the plan; adding that if it becomes an issue with the Council, they could have that person testify on another date.

Councilmember Braden suggests changing the report to indicate someone from the Public Works Director signed off on the plan instead of the City Engineer.

According to Mr. Whaler, the staff report indicates that the City's Stormwater Manager signed the Stormwater Concurrency Evaluation Certificate.

The City Manager noted that Mr. Michael Burgess is a certified stormwater manager.

The Land Use Attorney stated there are no legal issues involve in this case.

Mr. Ross Bradley, member of the development team, stated that his firm is very focus on transit oriented development and town center style development; and that they value the importance of safety and creating a quality of life for residents.

Mr. Davis requested that the items they presented – the amenities list, renderings and pictures of the project – be accepted into evidence.

Having no objections from the City Attorney, the Mayor accepted the items into evidence.

Councilmember Ramswell noted the staff report indicates the total number of units per acre allowed and units per acre proposed was changed. She asked who made the change and the reason for the change.

Mr. Eubanks explained that part of the reason was comprehensive plan changes that took place during this whole process that affected the development, along with the normal revision process. They had 281 units when they started; now they have 282 units.

There were some discussions relative to the traffic study. Councilmember Ramswell noted that the report seems to indicate that the development will have no impact on traffic.

Councilmember Ramswell questioned the accuracy of the traffic study. She stated that the report seems to indicate that the development will have no impact on traffic; and that the trips are not going to be increased to the point where there needs to be additional roads. She stated that this is going to be a 282 unit development. There could be a minimum of 200 residents and 200 cars, plus the number of support personnel.

Mr. Eubanks explained that in the traffic study, the data is collected during a certain time frame in the afternoon. They take the 4 highest 15 minute intervals in that time period, and they come up with what is known as the PM Peak Hour. These are the worst case scenarios during the afternoon hour. He continued that the traffic study does not indicate the project has no impact on traffic or it does not generate trips. It gives an actual breakdown of what is available on each City roadway. It shows the generation of the actual trips, the standard distribution of those trips and the tentative trips that are out there from other approved projects. The report actually indicates there is sufficient capacity on all affected roadway for the amount of trips this project will generate. As an example, if a roadway in a City system shows there are 100 trips available, and they have 10 trips, there will now be 90 trips available for future development.

Councilmember Ramswell asked if the owners of Target and Hobby Lobby been consulted as to the potential impact of the number of vehicles that would actually traversing through those private properties.

Mr. Eubanks replied that to his knowledge, they have not been consulted; but, he believes the report took that particular scenario account.

Mr. Tom Newton, development team member, noted there are cross-parking easement between the Winn-Dixie center, the Target center and other properties in that area.

Councilmember Ramswell stated that with regards to the roadway dedication, it was noted earlier that they would be extending 98 Palms as well as Palms Street. She pointed out there are already existing City of Destin easement that are required to remain to allow access to the other City of Destin easements that run west to east.

According to Mr. Eubanks, it was the opinion of the City's former Public Works Director that those original dedicated plats may not be valid; and that they have had that discussion numerous times in the past. It is the reason they are issuing the plat at the same time. It is a way to ensure access is available.

Councilmember Ramswell asked if the public would be allowed to drive through the dedicated right-of-way and possibly park there if parking is provided, and then access the Indian Lakes Park.

Mr. Eubank stated that once the Council approves the plat and it is recorded, and that the roadway is constructed, it becomes City property. There would be 7 or 8 parallel parking spaces, along with a transit stop and a school bus drop off area. It would be a dedicated public roadway and the public would be allowed to park along that roadway or along the Palms Street area so they could access the park.

At this time, the Mayor announced he would allow public comments on this subject.

Ms. Marcie Bell, a Destin resident, expressed her support for the project. She asked if they have taken into account the work which FDOT is about to do on US Hwy 98. She also wants to know how much it would cost to rent the condominiums or apartments; and if there is a guarantee short-term rental would not be allowed on the property since it is designed for long-term residential living..

Attorney Dana Matthews, representing the developer, stated they have been working on this project with Mr. Eubanks and his staff, as well as with the City of Destin staff and other regulatory agencies, for nearly 16 months. He noted that the traffic analysis was done by Mr. Joe Poole, with Southern Traffic, from Tallahassee. Mr. Poole has worked with FDOT for 20 years and then went in to private practice for another 20 years and did some work for several city and county governments. He clarified that the 2500 traffic leftover shown in the traffic analysis report were on PM peak hour and not necessarily at any given moment. These are based on traffic concurrency data that is maintained by the City. It was reviewed by the appropriate agencies and it met concurrency requirements.

Councilmember Ramswell asked if the private roads through the shopping centers were taken into account.

Mr. Matthews explained that the traffic mitigation portion in Mr. Poole's report indicates they did not take into consideration the new improvement. The new improvement on Palm Street

was not taken into consideration for purposes of a report. The re-analysis reveals it has less impact on US Hwy 98 because it allows traffic to go north. He added that all the access point on US Hwy 98, including the Palm Street extension, was clearly taken into consideration.

Mr. Matthews agrees the staff report needs to be corrected because it shows that a City Engineer signed the Stormwater Concurrency Evaluation Certificate when in fact the City does not currently have a City Engineer. However, Mr. Burgess, the City's Stormwater Manager, and Mr. Bodi, who have been reviewing stormwater for the City for many years, are certainly qualified to sign the certificate. He also noted that the Northwest Florida Water Management District reviews and approves all stormwater plans as well as all signed and sealed engineering plans and analysis. They have to issue a permit before the City can even issue their concurrency certificate.

Referring to a map, Mr. Matthews noted that the roadway north of 98 Palms Street is not going to be improved by the developer. The City may choose to do so using the money being provided by the developer. He also mentioned that short-term rentals would not be allowed on the property.

Councilmember Morgan moved to approve the major development order and major subdivision identified as "Vintage Destin"; seconded by Councilmember Braden.

Councilmember Ramswell asked if there was a required public benefit in this case. The Land Use Attorney replied that a public benefit is not required.

According to Councilmember Braden, it has been mentioned that the project will provide a portion of right-of-way extending Palms Street northward to the 98 Palms Blvd extension. These segments of right-of-way will allow the City to provide connectivity to the residential Twin Lakes Subdivision. This would be problematic because Twin Lakes was never designed for through traffic and there are a lot of children in that neighborhood.

Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

- B. First reading of Ordinance 18-24-CN Acquisition of 607 Sandalwood for the Cross Town Connector

The City Attorney ready Ordinance 18-24-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 FOR THE CROSS TOWN CONNECTOR; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDING OF FACT; PROVIDING FOR CITY COUNCIL APPROVAL OF A CONTRACT FOR PURCHASE OF TOWNHOME UNIT, LOCATED AT 607 SANDALWOOD DRIVE, DESTIN, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mr. Bill Reddington, a Destin resident, noted that 6 or 7 properties were going to be included in the eminent domain, but only two are being addressed tonight. He inquired as to the status of the other properties.

The City Manager explained that the inverse condemnation was not in regards to the two properties on the agenda tonight for purchase.

The City Attorney stated there was never any intent to exercise eminent domain powers. The City hires a special counsel to determine whether there is an inverse condemnation issue where they look at the effect of City action on adjacent properties.

Mr. Reddington asked by the contract prices for both properties are a lot more than what they are worth.

According to the City Manager, the company the City hired to handle the acquisition for the crosstown connector project arrived to what they consider to be a fair price for these properties.

The City Attorney added that when they enter into a voluntary purchase such as these, there are certain tenant relocation expenses the City must incur; which is why the prices for these properties are possibly above market value.

Having no further comments from the public, the Mayor closed the public hearing portion of this item and turned the matter over to the City Council for their discussion and consideration.

Councilmember Menchel moved to approve Ordinance 18-24-CN on first reading and direct staff to bring it back for second reading at the next City Council meeting; seconded by Councilmember Marler. Motion passed 5-1 (Council members Morgan, Destin, Marler, Menchel and Ramswell voted “yes”; Councilmember Braden voted “no”; Councilmember Overdier was absent from the meeting).

C. First reading of Ordinance 18-25-CN Acquisition of 601 Sandalwood for the Cross Town Connector

The City Attorney ready Ordinance 18-25-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 FOR THE CROSS TOWN CONNECTOR; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDING OF FACT; PROVIDING FOR CITY COUNCIL APPROVAL OF A CONTRACT FOR PURCHASE OF TOWNHOME UNIT, LOCATED AT 601 SANDALWOOD DRIVE, DESTIN, FLORIDA; 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 portion of this item and turned the matter over to the City Council for their discussion and consideration.

Councilmember Menchel moved to approve Ordinance 18-25-CN on first reading and direct staff to bring it back for second reading at the next City Council meeting; seconded by Councilmember Marler. Motion passed 5-1 (Council members Morgan, Destin, Marler, Menchel and Ramswell voted “yes”; Councilmember Braden voted “no”; Councilmember Overdier was absent from the meeting).

- D. First reading of Ordinance 19-01-LC Provides for an amendment to Land Development Code Section 9.06.04, relating to the location of swimming pools

The City Attorney ready Ordinance 19-01-LC by title, and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO THE LOCATION OF SWIMMING POOLS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AN AMENDMENT TO LAND DEVELOPMENT CODE SECTION 9.06.04; 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 portion of this item and turned the matter over to the City Council for their discussion and consideration.

Councilmember Menchel moved to approve Ordinance 19-01-LC on first reading and direct staff to bring back for second reading at the next Council Meeting; seconded by Councilmember Ramswell. Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted “yes”; Councilmember Overdier was absent from the meeting).

- E. First reading of Ordinance 18-30-LC - Creates definitions for commercial uses, commercial special events and commercial special event venues. Provides 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.

The City Attorney ready Ordinance 18-30-LC by title, and then presented it to the City 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 Mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the Mayor closed the public hearing portion of this item and turned the matter over to the City Council for their discussion and consideration.

Councilmember Destin moved to approve Ordinance 18-30-LC on first reading and direct staff to bring back for second reading at the next Council Meeting; seconded by Councilmember Menchel. Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted “yes”; Councilmember Overdier was absent from the meeting).

6. CONSENT AGENDA

- A. Submerged Lands Easement Renewal – Old Pass Lagoon
- B. Destin Little League Opening Day Parade Request for use of city right-of-way
- C. Junior League of the Emerald Coast request for use of right-of-way
- D. GP Lighting Service Contract Rate Schedule
- F. Independence Day Fireworks bid approval
- G. LoBello, Duhon, LoBello Quotes for Mattie Kelly & Joe Bayou
- H. Fencing Repairs for Tennis/Pickleball Courts at Buck Destin

Councilmember Ramswell requested that Consent Agenda item 6G be pulled for further discussion.

Councilmember Morgan moved to approve Consent Agenda items 6A through 6H, and pull Consent Agenda item 6A for discussion, seconded by Councilmember Menchel. Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted “yes”; Councilmember Overdier was absent from the meeting).

Councilmember Ramswell reported that several members of the public had contacted her to express their concern that the repairs to Mattie Kelly and Joe’s Bayou piers are taking too long; and that they would like the City to do whatever is necessary to expedite the process.

The City Manager explained that this action is to move the project forward and get the repairs done. He stated that City staff has been working with FEMA over the last two months to finalize the needed repairs and determine which repairs are and are not reimbursable. At this point, FEMA is willing to reimburse the City for 75 percent of the cost, the State will reimburse the City for 12.5 percent of the cost, and the City is responsible for the other 12.5 percent. He added that the City would have to front the money to get the repairs done; and that the City is prepared to do so.

Councilmember Braden moved to approve Consent Agenda item 6G; seconded by Councilmember Ramswell. Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted “yes”; Councilmember Overdier was absent from the meeting).

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

A. Councilmember Braden

Councilmember Braden reported that some citizens contacted him wanting to partner with the Trees on the Coast or formed their own group for the maintenance of the medians from the Marler Bridge to Airport Road; which would include additional landscaping, fertilization and irrigation. They are also willing approach the adjacent property owners along Hwy 98 and find out if they are willing to contribute for maintenance of the median in front of their businesses. They would like to know the process involved in making this happen.

The City Manager recommends waiting until the FDOT's 3R project on US Hwy 98 concludes; adding that the City temporary suspended maintenance of the medians and in some cases removed the irrigation system in preparation for the pending work on that road. The company the City hired to maintain the medians will resume work once the 3R project is completed.

Councilmember Braden will meet with the City Manager to discuss what they can do to possibly supplement the work on the medians, to include involvement by the businesses along US Hwy 98.

B. Councilmember Ramswell

Councilmember Ramswell stated that she has spoken to Mr. Zunguze about some of the concerns she received from the citizens. Due to the fact they have un-annexed areas that are adjacent to annexed areas, sometimes people on one side of the street or even neighbors have differing rules and allowable items that they could do. Some of the businesses have expressed concern they are not allowed to advertise in the same manner as someone located next door to them. She asked Mr. Zunguze to try to look into Okaloosa County and Destin partnership for zoning compatibility at annexed lines.

C. Councilmember Menchel

Councilmember Menchel asked staff to invite a Mid-Bay Bridge Authority representative to attend the next City Council meeting to provide an update on the status of the Mid-Bay Bridge.

Councilmember Menchel also announced that if anyone from the public has a residential building they are planning to tear down, to contact the Destin Fire Control District because they are interested in using it for training purposes before it is demolished.

- D. Councilmember Overdier
- E. Councilmember Marler
- F. Councilmember Destin
- G. Councilmember Morgan

Councilmember Morgan requested that Mr. Alan French of Trees on the Coast be added on the next agenda. Mr. French will present a plan to beautify the Welcome to Destin sign on the Eglin Air Force Base property by the Marler Bridge.

H. Mayor Gary Jarvis

I. Land Use Attorney

1) Technical Review Committee (TRC) Update

The Land Use Attorney noted that the required updates are included in the agenda packet.

J. City Attorney

1) Fleet Lawsuit

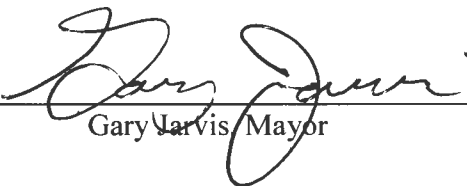
The City Attorney has no update on the current litigation between the Destin Fishing Fleet and the City of Destin.

2) East Pass Update

The City Attorney reported that the administrative action against the City has been delayed indefinitely while the County and the petitioners (Cherry's and Donovan's) continue to work on their agreement. At this point it looks like the Army Corps of Engineers (USACE) would be performing the dredging at their sole cost, which is not to exceed \$1.5 million. He continued that since they have been unable to get to the Reach 3 properties, Destin would be getting half the sand in Reach 1, which would not be enough to fill up Reach 1. The other half of the sand would go to Okaloosa Island. This is the agreement the County is trying to reach with the petitioners. He also noted they have previously executed an easement to Reach 1 property owners since they have anticipated moving forward with the City's permit. It now looks like they would be moving forward with USACE's permit. He further stated that he and the County Attorney have worked on a language to allow flexibility to go with either permit. He asked for Council's authorization to allow the Mayor, City staff and City Attorney to execute easement with Reach 1 property owners so that these property owners could receive sand from the East Pass dredge.

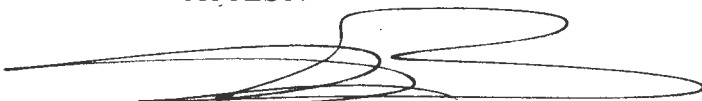
Councilmember Destin moved to authorize the Mayor, City Staff and City Attorney to execute easements with Reach One property owners so they can receive sand from the East Pass Dredge; seconded by Councilmember Ramswell. Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

Having no further business at this time, the meeting was adjourned at 9:05 PM.



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk