

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

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

Destin City Council

Mayor Gary Jarvis

Councilmember Steven Menchel

Councilmember Cyron Marler

Councilmember Prebble Ramswell

Councilmember Chatham Morgan

Councilmember Skip Overdier

Councilmember Rodney Braden

Destin City Staff

City Manager Lance Johnson

Public Service Director Michael Burgess

Code Compliance Manager Joey Forgione

Community Development Director Louis Zunguze

City Land Use Attorney Kimberly Kopp

City Clerk Rey Bailey

Deputy City Manager Webb Warren

Finance Director Bragg Farmer

City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM. The Mayor asked everyone to observe a moment of silence, which was then followed by the Pledge of Allegiance.

INAUGURATION OF NEWLY ELECTED DESTIN CITY COUNCIL MEMBER:

The City Attorney Kyle Bauman administered the Oath of Office to newly elected member of the City Council Mr. Steven Menchel.

AGENDA APPROVAL

Motion by Councilmember Overdier, seconded by Councilmember Menchel, to add "Approval of FEMA Funding Agreement" under Consent Agenda passed 6-0 (Council members Morgan, Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Destin was absent from the meeting).

Motion by Councilmember Braden, seconded by Councilmember Menchel, to add "East Pass Administrative Action" under City Attorney Comments passed 6-0 (Council members Morgan, Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Destin was absent from the meeting).

1. APPROVAL OF MINUTES

A. Approval of minutes of January 22, 2019 Regular City Council Meeting

Councilmember Marler moved to approve minutes of January 22, 2019 Regular City Council Meeting; seconded by Councilmember Ramswell. Motion passed 6-0 (Council members Morgan, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”; Councilmember Destin was absent from the meeting).

B. Approval of minutes of December 17, 2018 Regular City Council Meeting

Councilmember Overdier moved to approve minutes of December 17, 2018 Regular City Council Meeting; seconded by Councilmember Marler. Motion passed 5-0 (Council members Morgan, Marler, Overdier, Ramswell and Braden voted “yes”; Councilmember Menchel abstained from voting; Councilmember Destin was absent from the meeting).

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

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

Ms. Alison McDowell, Director of Choctawhatchee Basin Alliance (CBA), provided the following presentation:

- Choctawhatchee Watershed
 - ❖ Watershed area is over 5,000 square miles
 - ❖ One main river on east side of watershed
 - ❖ Most of the watersheds is in Alabama
 - ❖ Major land use is Agricultural/Forest/Grasslands
 - ❖ Most of the urban use is in Okaloosa and Walton Counties
 - ❖ The Choctawhatchee River is the fourth largest river in Florida in terms of flow and drainage area
 - ❖ The Choctawhatchee system supports a rich array of aquatic, wetland, and upland ecological communities and plant and animal inhabitants
 - ❖ For generations, the bay system has sustained the region’s economy and defined its traditions and culture
- Economic Value of Choctawhatchee Bay – Calculation
 - ❖ 2.9 billion local sales
 - ❖ 36,000 jobs
 - ❖ Tourists spend \$1.6 billion annually
 - ❖ Tourism and water-related activities
 - Fishing
 - Beach-going activities
 - Charter boats
 - Boat registrations
 - ❖ Up to 80% of recreational and commercial fish and invertebrate species spend part of their life cycle in Choctawhatchee Bay
 - ❖ Water has an impact of over half a billion dollars on appraised property values
- Mission Statement

- ❖ The CBA is a non-profit organization responsible for sustaining healthy local waterways through monitoring, education, restoration and research
- CBA Program Areas (Monitoring/Education/Restoration/Research)
 - ❖ CBA 2017-2018
 - 3,000 students educated each month
 - 132 water quality sites tested by 34 volunteers; saving local agencies \$100,000-plus
 - 12,000-plus oysters transplanted from 21 different oyster gardeners
 - 4 acres of shorelines and 4,700 linear feet of reef restored
- CBA and City of Destin: A unique partnership
 - ❖ CBA and the City of Destin have enjoyed a productive partnership since CBA's inception in 1996. Highlights include:
 - Clement Taylor Park storm water restoration
 - Joe's Bayou shoreline restoration
 - NPDES permit contract
 -
- What is National Pollutant Discharge Elimination System NPDES?
 - ❖ A regulatory phase of the Federal Clean Water Act
 - ❖ An EPA permit administered in Florida through the Florida Department of Environmental Protection
 - ❖ Regulates point source discharges from three potential sources: Municipal Separate Storm Sewer Systems (MS4S), construction activities and industrial activities
 - ❖ As a holder of an MS4, Destin is required by the permit to accomplish several tasks related to storm water abatement
 - ❖ Destin contracts with CBA to achieve compliance with the City's Notice of Intent
 - ❖ Tasks fall within the permit categories of:
 - Public Education and Outreach
 - CBA provides monthly programs for 200 third graders through their Grasses in Classes program at Destin Elementary school
 - CBA presents storm water information to a variety of groups
 - such as Destin Rotary, Destin Forward and the Destin Charter Boat Association
 - Public Participation and Involvements
 - CBA organizes the International Coastal Cleanup along Destin's shorelines one or two times a year
 - CBA coordinates monthly citizen scientist water quality monitoring at 5 stations in Destin waters
 - Pollution Prevention and Good Housekeeping
- Pollution Prevention and Good Housekeeping
 - ❖ CBA coordinates fishing line and oyster shell programs that help keep our waterways clean

Councilmember Braden asked if the CBA monitors seagrass and where they could find the documentation for a successful seagrass monitoring program.

Ms. McDowell replied they conduct seagrass monitoring every summer in concert with Fish and Wildlife Research Institute; and that she could provide the information relative to a successful seagrass monitoring program.

Councilmember Morgan asked Ms. McDowell to describe the current health of the bay.

According to Ms. McDowell, she would describe the health of the bay as precarious. Overtime, there has been some nutrient enrichment in some spots which could lead to a decline. However, they have been lucky they have not had big factories pumping lead and factory waste into the bay that would require a long recovery period. She added that more and more people want to live in this area, and the more people they get on the water, the more stress they would have on their waterways; and they have to be constantly vigilant about it.

Councilmember Morgan wants to know how big of an issue is the septic tanks for Okaloosa County; and if this is being addressed with the County.

Ms. McDowell stated that she is not as familiar with Okaloosa County as she is with Walton County with regards to the septic tank issue. She continued that Walton County has identified all of their septic tanks and they are trying to identify some of the grant programs that would allow and make some improvements to the septic tank and sewer connections

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

Ms. Kathi Polkow, a Destin resident representing the residents of Sandpiper Cove, stated that they have been kept awake at night by the loud music coming from Bric A Brac Club. Many of the residents continue to call the Sheriff's Office to report the noise. They go out on the balconies to watch if they come, but they never respond. She stated they live in a residential area and they should have some kind of noise ordinance, and it needs to be enforced. They are now dealing with a bar shooting so close to their neighborhood, which is quite disconcerting. Stray bullets could have easily penetrated their buildings from across the street. She urged the City and the Sheriff's Office to take some strong action as this is a serious issue for this community.

Sergeant Joseph Fulghum from the Okaloosa Sheriff's Department stated that they response to all calls for service. She asked to meet with the residents after the meeting to determine the dates and times the calls were made to the Sheriff's Office so he could find out what happened and how they were handled. He also stated there is a City of Destin noise ordinance, and that the Sheriff's Office and the City of Destin work together to try to address the noise issues.

According to Code Compliance Manager Joey Forgione, they have not received any calls for service lately regarding noise ordinance violations. He announced that the City of Destin website has information on reporting noise violations, to include after hour contacts.

The City Manager added there is also an area of the website where citizens can voice their concerns about any issues, including code enforcement. They are logged in and forwarded to the City Manager's Office for follow up actions.

According to Councilmember Ramswell, there have been some instances where people were denied admittance to the club for various reasons, who then stayed outside the club. She would like the Sheriff's Office to look into this type of situation to see if it could be considered loitering. She also mentioned a report that the club previously hired an off-duty law enforcement officer to provide security, but this service has been discontinued. She asked if there was a way for the City to require businesses to provide security on site.

According to the City Manager, he is not of the answer to this question; however, he and Mr. Forgione intend to have a frank discussion with the manager of Bric A Brac and express some of the same concerns they received from the residents. They would also insist they take every possible measure to prevent this incident from happening again in the future.

The Mayor announced that he received a call from the Okaloosa County Sheriff immediately after the incident who assured him that not only are they using their own police powers, but they are also looking into State statutes to determine if having a liquor license require certain amount of performances from businesses, to include providing a safe environmental for the facility.

Councilmember Menchel suggests that moving forward, anytime a call for service is made to the law enforcement office, the caller documents the specific date and time the call was made so that if necessary, they can determine how the call was handled.

Mr. Fernando Petit stated that as the owner of Bric A Brac, he is also very concern about the shooting incident that happened at the club as well as the safety of the residents that live around the facility. He announced they are making some changes to make things better for the community. They have determined that the Hip Hop event is the source of most the problems they have had at the club; and so they have decided to discontinue this event for the betterment of the community.

4. CITY MANAGER REPORTS

A. Public Beach Initiative Update

Deputy City Manager Webb Warren provided a status report on the public beach initiative.

The Need for Public Beach – Feedback from Visitors

- *"The tourists have no idea what is going on or where to set up on the beach."*
- *"We went to the beach on the 4th of July at 8:00 AM with out-of-town guests and were shocked that we could barely find a place by the water to put our 4 chairs. There weren't many people there at that early time, but the beach up by the water was packed with empty chairs and umbrellas from the vendors."*
- *"After 12 great years of enjoying our yearly vacations to the Destin area, sadly we will not be returning to the area. While the Gulf Coast is hard to beat with the beauty and ease of vacationing, you have now blocked the beach for us second class visitors."*

Additional Comments in the Local Newspapers

- *"He was forced to come to the small sliver of beach access before sunrise every morning to reserve a spot for his family before people were packed like sardines in the one small section of public beach."*

- *"Nine of the City's public beach accesses, dispersed throughout the Crystal Beach and Scenic Hwy 98 areas, have a combined total of less than a half mile of public beach. Some of the smallest beach accesses in the City are Tarpon Street, the Shores at Crystal Beach and Pompano Street, which have roughly 11.5, 40 and 50 feet of public sand, respectively."*
- *"We love Destin...but, next year we will not come back if there's a fight for the beach."*

Public Gulf front Parks (In Linear Feet)

- June White Decker – 80 feet
- James Lee Park (County) – 1500 feet
- Shores at Crystal Beach – 68 feet
- Total: 1648 feet

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

Project Review

- November 19, 2018 Regular City Council Meeting - motion
 - ❖ To look further into the following properties in the order listed:
 - Capri
 - Tarpon Beach Access
 - Henderson Beach Villas
 - ❖ Authorize the City Manager and attorneys to work with the Mayor in obtaining appraisals on the above properties. Furthermore, instruct the Mayor to contact the owners of the two Crystal Beach properties Councilmember Morgan brought up tonight, and bring information back on these properties for discussion at the next Council meeting, passed 7-0
- December 3, 2018 Regular City Council Meeting
 - ❖ Council passed a motion to conduct an appraisal on a total of 7 properties, which does not include East Pass Preserve (Parcel B)
- December 17, 2018 Regular City Council Meeting
 - ❖ Council passed a motion to add an additional parcel, the Shores of Crystal Beach Expansion #2, to the appraisal list
 - ❖ Council passed a motion to hire Houston Appraisals for all 8 property appraisals
- January 7, 2019 Regular City Council Meeting
 - ❖ Staff requested approval, within the City Manager's purchasing threshold of \$15,000, to be able to contract with a new appraiser so that the project could move forward in as expedient manner as possible
 - ❖ The time for deliverables estimate from the new appraiser for 8 parcels was 60-90 days (March to April delivery)

8 Identified Properties/Size/Asking Price

- Capri 300'/\$44,000 linear foot – \$13,200,000
- Tarpon Beach 336'/\$50,595 linear foot – \$17,000,000
- Henderson Beach Villas 205'/\$58,537 linear foot – \$12,000,000
- Shores at Crystal Beach East #1 67'/\$50,373 linear foot – \$3,375,000
- Shores at Crystal Beach West (Crystal Port) 50'/\$73,000 lf – \$3,650,000

- West James Lee Park 68'/\$73,529 linear foot – \$5,000,000
- Sunfish Street Parcel 60'/\$49,167 linear foot – \$2,950,000
- Shores at Crystal Beach East #2 67'/\$54,478 linear foot – \$3,650,000

Moving Forward – Proposed Public Beach Initiative Process

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

Appraisals and Florida State Statutes

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

Ranking Formula for the 8 Properties (Intended as a general guide for Council discussion purposes):

- Maximum score of 8 for each of the 5 ranking criteria
- Five ranking criteria
 - ❖ Linear beach footage of target parcel(s)
 - ❖ Asking price (in terms of per linear foot)
 - ❖ Asking price/appraisal Price Ratio (How close these numbers?)
 - ❖ Proximity (adjacent) to existing beach parks or trails (This allows the City to maximize existing facilities and linear beach footage)
 - ❖ Location in Crystal Beach. The further west on Crystal Beach, the higher the ranking

Ranking Criteria Explained – 1-8 points, 8 being highest

- Linear Feet – The more linear feet a parcel has, the higher the ranking
- Asking Price per Linear Ft – (if asking price is 1,000,000 and the property has 100 linear feet of beach – the APPLF = \$10,000 per linear foot)
- Asking Price/Appraisal ratio. If asking price is \$1,000,000 and Appraisal is \$800,000, then the Appraisal is 80% of Asking Price. These percentages were ranked by highest value
- Proximity to City Park or Beach Trail – Parcels adjacent to existing City parks/trails were ranked higher due to potentially lower infrastructure costs and the ability to expand existing public property

Location Criteria Scoring

- Further west from James Lee Park, the higher the location score for the parcel

Staff's Proposed Rankings

- Shore at Crystal Beach Expansion 1 and 2 plus Shore of Crystal Beach Park
- Shore at Crystal Beach Expensing #2 is more feasible if Shore at Crystal Beach Expansion #1 is secured
- Capri has multiple owners
- Tarpon Beach has 4 parcels and an adjacent beach trail

Next, Finance Director Bragg Farmer discussed potential budgetary opportunities for the City and this initiative. He stated there are not a lot of impact fees available because of the cost of the properties being considered for acquisition; and that funding from the City would have to come from Unassigned Fund Balance. He noted that during general discussions with the Deputy City Manager and City Manager, they determined that \$2 million is the maximum amount the City should put in to any property they acquire; and that the money could potentially be used for demolition and reconstruction of the property since all the properties have buildings and structures that may have to be demolished and cleaned up. Restrooms may have to be provided, which could cost a significant amount of money. He added that the majority of the funding would have to come from grant programs, the TDC and/or a possible third party source.

The Mayor commented that it is important for the City to commit some funding towards this initiative when they are filing for grants.

Mr. Farmer agreed stating that most of the State grants require the City to commit to a certain percentage of the funding when applying for the grant.

Mr. Warren provided the following list of possible external funding sources:

- Okaloosa County TDC
- Triumph Gulf Coast
- RESTORE Act
- Florida Forever (Land Acquisition Program)
- Florida Communities Trust (FCT)
- Greenways and Trails Acquisition Program
- Florida Recreation Development Assistance Program (FRDAP)

Mr. Warren stated they are looking for a general consensus of the Council tonight so staff could prioritize their efforts moving forward with the property list as described. He continued that the recommended formula is not designed to exclude any of the available properties, but to simply help identify properties that are more compatible with the City's beach initiative. Staff recommends they allocate no more than \$2 million from the Unassigned Fund Balance to be used as a matching fund to external funding sources as listed above.

The Mayor announced he would also give an abbreviated version of this presentation to the TDC this week.

Councilmember Ramswell stated that she prefers the two Shores at Crystal Beach options (East #1 and East #2) primarily because they adjoin an existing public park; adding that these two properties combined with the Shores at Crystal Beach West (Crystal Port) and the existing park would provide the City a tremendous amount of beach front for public use. She would also like to

pursue the Capri property if they were able to get a significant amount of grant or convince the TDC to provide a significant amount of funding.

Councilmember Overdier moved to authorize City staff to allocate \$2 million from the unassigned fund balance to the project and to hire an acquisition manager at a cost not to exceed \$15,000. Councilmember Menchel provided a second to the motion.

Councilmember Morgan announced he would abstain from voting on this item as he has a family member that owns one of the properties being considered for acquisition.

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

B. Crab Island Committee

The City Manager noted that the Okaloosa County Board of County Commissioners adopted a Floating Structures Ordinance regulating floating structures and the waterborne sale and distribution of alcoholic beverages. At the time of adoption of the ordinance, the Board requested the formation of a committee to review the regulations to see if they could be enhanced. The Board has approved a 7-member committee. One appointed by the TDC, the City of Destin, the Destin Chamber of Commerce and the Fort Walton Beach Chamber of Commerce. The County is also seeing one representative from each of the following areas: vendors, recreational user and livery businesses (upland jet skis and pontoons rental business owners). He continued there are originally 4 applicants for the City of Destin position; but, one individual has withdrawn his application. The 3 remaining applicants are Mr. Mike Buckingham, Councilmember Rodney Braden, and Ms. Teresa Hebert.

The Mayor announced he withdrew his application after speaking to some of the applicants. He finds them to be fair-minded, and that he is convinced they will represent the City well.

Councilmember Braden asked if the County would prefer the City of Destin appoints a current member of the City Council to the committee.

The City Attorney stated that according to the County Attorney, the Board prefers the City appoints an elected official; but it is not a requirement.

Councilmember Ramswell moved to appoint Councilmember Rodney Braden to the Crab Island Committee; seconded by Councilmember Menchel.

Councilmember Morgan asked Councilmember Braden if he is confident he will be able to attend all the meetings of the Crab Island Committee if appointed; to which Councilmember Braden replied affirmatively.

Councilmember Marler opined that this position falls under recreation, and that Ms. Teresa Hebert ought to be the City's representative to the Crab Island Committee since she is the Chairperson of the Parks and Recreation Committee.

The Mayor called for a vote on the motion, which passes 4-1 (Council members Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Marler voted "no"; Councilmember Morgan abstained from voting; Councilmember Destin was absent from the meeting).

C. Direction concerning Evaluation of Professional Services

According to the City Manager, staff is preparing the Airport Road Improvements Request for Qualifications (RFQ) and is asking Council to clarify the selection process they wish to use so it can be clearly defined in the RFQ document. He explained that federal guidelines prefer that a staff team (in this case, the City's Bid Committee) reviews the RFQ submissions received from prospective firms, choosing their top firm based on criteria listed in the RFQ and recommending their top choice to Council for approval. If the recommended firm is not approved, then the RFQ process starts over. An alternative process is that the Bid Committee confirms that the RFQ submissions are responsive and then forwards all responsive RFQ submissions to the Council. Each Council member then scores each RFQ submission individually based on the documents included in each firm's RFQ submission packet. The rankings are then tallied and the best overall ranked firm is approved for contract negotiations.

Councilmember Overdier stated it is City staff's job to review these submissions and make recommendations to the City Council.

Motion by Councilmember Overdier, seconded by Councilmember Menchel, to authorize the City's Bid Committee to review the Airport Road Improvements RFQ submissions received from prospective firms, choosing their top firm based on criteria listed in the RFQ, and recommending their top choice to the City Council for approval, passed 5-1 (Council members Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Morgan voted "no"; Councilmember Destin was absent from the meeting).

D. Discussion item for livery vessel moratorium

Community Development Director Louis Zunguze noted that the Harbor CRA Advisory Committee, at their previous meeting, made two recommendations for Council's consideration tonight. The first recommendation is to impose a moratorium on issuing any new livery vessel licenses, other than those that already obtained a livery vessel license this year. This recommendation is predicated on safety concerns for both the boaters and the people that recreate in the harbor. The second recommendation was for a carrying capacity study to be undertaken to determine the maximum defensible number of livery vessels they could allow in the harbor; and to look at it from the social component which is health and safety, the economic component in support of the tourism industry and recreation, and environmental component to ensure water quality. In addition, it was recommended that the City Council designate a funding source for the study.

Councilmember Overdier stated that he sees no factual evidence to substantiate the claim there is overcrowding in the harbor; in fact, he read a report that indicates there are fewer livery vessels in the harbor in 2018. He suggests waiting until they get the result of the harbor capacity study before imposing a moratorium on issuing new livery vessel licenses.

Councilmember Overdier moved to authorize City Staff to engage an entity to commission a harbor capacity study to consider aesthetics, socioeconomic, quality of life tourism, and community character issues; including population concentration, availability of open space, habitat diversity, and the diversity and health of existing species within the Harbor CRA district and Calhoun area; and for City staff to designate a funding source for the study; seconded by Councilmember Morgan.

The Mayor asserts that longtime residents of Destin, and everyone that had conducted business in the harbor, can attest to the exponential increase in the number of livery vessels in the harbor, which has become a safety issue. He continued that imposing a moratorium before the capacity study is completed is necessary. Businesses already in operation in 2018 can maintain their level of business until after the study is completed; at which time, the City Council can make better decisions.

Councilmember Overdier noted that his motion was not made to prevent the moratorium; adding that anyone in favor of the moratorium could make a second motion in that regard.

Councilmember Braden agreed with the Mayor that they should impose the moratorium prior to completion of the capacity study.

Councilmember Menchel inquired as to the number of unregistered vessels that are currently operating in the harbor.

According to Mr. Forgione, there are 15 businesses that are currently registered. There are 5 other businesses, 4 in the harbor and one that was launching from Joe's Bayou area that have not registered and are being monitored. He also noted that the City's harbor compliance officer has been tasked to conduct an internal audit and capacity survey after this season to determine the scope of the moratorium; and with the report to be presented to the Council by September.

Councilmember Menchel stated that based on his conversation with a lot of people on this subject, there is a possibility there are a lot of businesses that have not registered and a lot of vessels without a permit to operate. He continued he would support imposing a moratorium that includes a language that any legitimate business that currently has an outstanding order for vessels prior to the moratorium will be grandfathered in and will be allowed to continue their purchase.

Councilmember Morgan noted that they are beyond capacity and they need to take appropriate actions and adopt meaningful regulations now before tragic accidents happen. They have one of the most dangerous passes in the State of Florida, with a lot of novice boaters many of whom have never driven a boat in salt water and do not know the concept of the "No Wake Zone" signs.

Councilmember Marler stated that if they are going to impose a moratorium, it ought to have a specific time period rather than at the end of the capacity study. They also need to address other vessels in the harbor that are registered outside the City of Destin but are docking in the docking facilities in Destin.

The City Manager noted that the Unassigned Fund Balance would quite possibly be designated as the funding source for the capacity study.

The Mayor called for a vote on the motion, which passes 6-0 (Council members Morgan, Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Destin was absent from the meeting).

Councilmember Menchel moved to direct the City staff, Land Use Attorney and City Attorney to draft a livery vessel moratorium ordinance; seconded by Councilmember Overdier.

Councilmember Braden stated that the moratorium ordinance should include a language that if a business has already followed the current process, submitted their application and provided ample parking and bathroom facility for additional vessels which they have already purchased; then they should be allowed to continue with their purchase.

Ms. Jan Best, a member of the Harbor CRA Advisory Committee, stated they need to impose a moratorium so they could conduct a harbor capacity study. The Code Compliance Officers have a big job ahead of them. She and her husband walked along the docks yesterday and spotted approximately 115 unregistered boats. They found approximately 115 other boats that belong to registered businesses but have not been permitted. She also stated that the moratorium ordinance does not have to come back to the advisory committee because time is of the essence. The season is starting, and they need to get things under control.

The Mayor called for a vote on the motion, which passes 5-1 (Council members Morgan, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Marler voted "no"; Councilmember Destin was absent from the meeting).

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

Mr. Zunguze provided an update related to the City Council Workshop on the Future Land Use Map and Zoning Map alignment and the subsequent directions from the City Council. On March 4, 2019, the Council directed the Community Development Director and the City Land Use Attorney to undertake the following:

- Bring the Zoning Map into compliance with the adopted Future Land Use Map, with the exception of areas 7 and 15, as set forth in Attachment A hereto, and as noted in the staff presentation
- Update the Land Development Code based on all adopted Comprehensive Plan amendments
- Create a Calhoun Mixed Use Village Zoning Category and declare a pending ordinance
- Revise the Town Center Mixed Use (TCMU) zoning category and declare a pending ordinance
- Amend the Comprehensive Plan to reduce densities in the TCMU future land use designation

To fulfill the City Council's directive, they propose the following course of action:

- Phase 1 – staff is currently in Phase 1
 - Create a Calhoun Mixed Use Village zoning category. The pending ordinance was previously announced by Council, and the ordinance is scheduled to go before the LPA on March 21, 2019
 - Revise the Town Center Mixed Use (TCMU) zoning category. The pending ordinance was previously announced by Council, and the ordinance is scheduled to go before the LPA on March 21, 2019
 - Seek Council guidance/direction regarding areas 7 and 15
 - Seek Council guidance/direction regarding densities in TCMU Future Land Use Map designation
- Phase 2
 - Prepare a rezoning package of all City parcels to bring them into compliance with adopted Future Land Use Map
- Phase 3
 - Amend the Comprehensive Plan to:
 - Reduce densities in the TCMU future land use designation
 - Update the Coastal Element; and if necessary, include resolutions regarding areas 7 and 15
- Phase 4
 - Update and adopt the Land Development Code based on all adopted Comprehensive Plan amendments
 - Update and adopt Impact Fee Schedule

Councilmember Marler noted that the Council previously approved the change of area #15 to Commercial General so it would comply with similar businesses (furniture store and warehouse) located on each side of the property. He asked if the plan is to change the zoning back to Residential Office & Institutional (ROI).

According to the Land Use Attorney, they plan to come back to Council for guidance, since direction was not provided when Council decided to pull the property from the list of properties to be brought into compliance with the Future Land Use Map.

F. ANNOUNCEMENTS

- City contracted with individual to assist with the coyote issue in Destin
- Pooch Palooza to be held in the Destin Dog Park at 10:00 a.m., Saturday, March 23rd
- Staff Appreciation Day on Friday, April 12th, from 11:00 a.m. to 5:00 p.m.

5. PUBLIC HEARINGS

6. CONSENT AGENDA

A. Approval of FEMA Funding Agreement

Motion by Councilmember Overdier, seconded by Councilmember Ramswell, to approve Consent Agenda item 6A, as printed above, passed 6-0 (Council members Morgan, Marler, Overdier, Menchel, 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

Councilmember Braden asked staff to provide a copy of the unassigned fund balance from 2012 to 2018 to members of the City Council.

Councilmember Braden asked the City Manager to investigate and possibly hire an arborist to care for the health of the trees in Destin. Several Pine Trees in the Destin Dog Park are dying and some of the trees on Indian Bayou had to be removed due to beetle infestation.

B. Councilmember Ramswell

1. Appointment of Mr. Jim Wood to the Public Works/Safety Committee

Motion by Councilmember Ramswell, seconded by Councilmember Marler, to appoint Mr. Jim Wood to the Public Works/Safety Committee passed 6-0 (Council members Morgan, Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Destin was absent from the meeting).

Councilmember Ramswell asked staff to repair a down sign located between the Main City Hall and the Annex.

Councilmember Ramswell asked for some data on the number of accidents that has occurred at the curve location, both eastbound and westbound lanes, on Airport Road.

Sergeant Fulghum will forward the information to the City Council.

C. Councilmember Menchel

Councilmember Menchel asked the City Manager to schedule a Meet and Greet on a date to be determined in April to allow the citizens to come and discuss their ideas and issues with members of the Council and City staff.

Councilmember Menchel expressed some concern over the left turn lane from US Hwy 98 on to Airport Road; stating there are only inches between the two lanes of traffic. He continued it is a safety issue and FDOT needs to be notified.

Councilmember Menchel also noted that FDOT needs to put the street signs back up on many of the intersections along US Hwy 98 with a permanent mast arm.

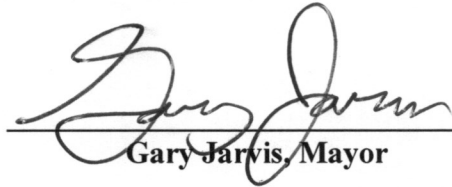
Councilmember Menchel pointed out that many of the street signs at major intersections along US Hwy 98, such as Gulf Shore and Benning Drives, are faded and unreadable; and that City staff should ask Okaloosa County to create and install new street signs at no charge to the City.

- D. Councilmember Overdier
- E. Councilmember Marler
- F. Councilmember Destin
- G. Councilmember Morgan
- H. Mayor Gary Jarvis
- I. Land Use Attorney
- J. City Attorney
- 1. East Pass Administration Action

The City Attorney announced that he, special counsel for the City of Destin Ken Oertel, Okaloosa County and FDEP had a conference call recently and discussed legal challenges facing the City and County regarding the dredging of the East Pass; and that it was agreed upon that the best path forward is for the City of Destin to take all the necessary actions related to clearing all challenges to the City's East Pass dredging permits. He asked for the Council's authorization to proceed with litigation in this matter.

Councilmember Morgan moved to direct the City Attorney and Special Counsel Ken Oertel to proceed with litigation in OGC Case # 18-1463, John Donovan, David Sherry and Rebecca Sherry vs. City of Destin, and take all other actions reasonably related to clearing all challenges to the City's East Pass dredging permits; seconded by Councilmember Ramswell. Motion passed 6-0 (Council members Morgan, Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Destin was absent from the meeting).

Having no further business at this time, the meeting was adjourned at 8:00 PM.



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk