

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
APRIL 1, 2019
CITY HALL ANNEX COUNCIL CHAMBERS
6:00 PM**

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

Destin City Council

Mayor Gary Jarvis

Councilmember Steven Menchel

Councilmember Cyron Marler

Councilmember Parker Destin

Councilmember Chatham Morgan

Councilmember Skip Overdier

Councilmember Rodney Braden

Destin City Staff

City Manager Lance Johnson

Public Service Director Michael Burgess

Code Compliance Manager Joey Forgione

Public Information Manager Catherine Card

Community Development Director Louis Zunguze

City Land Use Attorney Kimberly Kopp

City Clerk Rey Bailey

Deputy City Manager Webb Warren

Finance Director Bragg Farmer

Parks & Rec. Director Lisa Firth

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 Steve Farris of First Baptist Church gave the invocation, which was then followed by the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Destin requested that discussion related to City election be added to the agenda as agenda item #7F (2).

Motion by Councilmember Braden, seconded by Councilmember Overdier, to add City election for discussion as agenda item #7F (2) passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

1. APPROVAL OF MINUTES

A. Approval of minutes of February 26, 2019 City Council Workshop

Councilmember Marler moved to approve minutes of February 26, 2019 City Council Workshop; seconded by Councilmember Destin. Motion passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

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

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

A. Proclamation Water Conservation Month

The Mayor read the proclamation designating April 2019 as *Water Conservation Month*, and then presented it to Mr. Lockwood Wernet, General Manager of the Destin Water Users.

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

Ms. Carrie Harbarger, a Destin resident, spoke of the crosstown connector. She stated that she lives on Spring Lane Avenue and diverting the traffic through her neighborhood would ruin the quality of life of its residents. She continued she has spoken to about 70 people about this subject. Most of them are not even aware it is going on and some are shocked to know it is still happening. They thought this plan was cancelled 20 years ago. She asked the Council to reconsider purchasing any more property until they have a chance to re-present this plan to the people.

Ms. Marcie Bell, a Destin resident, stated that the City code requires residents to have service with Waste Management, Inc. She stated that Waste Management does not provide good service as they went right past her garbage can that was aligned with several other trash cans. She also had 3 piles of yard waste. The Waste Management truck drove by the first two and only picked up the last pile. She called the company 3 days in a row complaining about yard waste and trash pick-up to no avail. She also stated that another resident of Holiday Isle called about a refrigerator pick-up 4 times, but the company never picked it up. The resident ended up putting the refrigerator on a truck and driving it to a Waste Management location at Fort Walton Beach. She added that another person with yard waste called for a pick-up 5 times without any success. She asked the Council to publish an addendum to the ordinance providing residents the opportunity to contract with other companies.

The City Manager will discuss this issue with a Waste Management, Inc. representative.

4. CITY MANAGER REPORTS

A. Strategic Visioning Session Date

The City Manager asked if the Mayor and Council are amenable to having the Strategic Visioning Session either on Thursday, May 2nd or Friday, May 3rd to discuss major projects and staffing requests from department directors along with any other major undertakings for the next fiscal year.

After a brief discussion, the Council agreed to tentatively schedule the Strategic Visioning Session on Wednesday, May 1st, beginning at 8:00 AM.

B. Town Hall Meeting Schedule

The City Manager announced that the City of Destin will host a Town Hall meeting on Thursday, April 18, 2019, from 9 to 10 a.m. at the Destin Library's Calhoun Room. At this meeting, the public will have an opportunity to engage with Councilmember Menchel and City staff in an open forum setting. Topics covered during this meeting will include current City projects and accomplishments. He continued that the meeting will be advertised to comply with the Sunshine Law in case there is more than one member of the Council present.

C. Draft Memorandum of Understanding (MOU) Okaloosa County, James Lee Park

The City Manager explained that Okaloosa County has identified a need for parking improvements at James Lee Park. Since a portion of the parking area is located within the City's right-of-way, the County has requested a Memorandum of Understanding before they proceed with the project. He recommends that the City Council approves the requested MOU and authorizes the City Land Use Attorney to finalize the document with the County Attorney.

Councilmember Marler noted that the purpose of doing this was not to provide additional parking for the restaurant, but to give the public more parking for the beach.

Councilmember Menchel pointed out that the actual crosswalks currently go from the north to the south side of Scenic Hwy 98. When they try to crossover into James Lee Park parking lot, there is no crosswalk to allow people on wheelchairs to go all the way through; but the new plan will allow them to go all the way through.

Motion by Councilmember Overdier, seconded by Councilmember Destin, to approve the MOU as requested, contingent on authorizing the City Land Use Attorney to finalize negotiations with the County Attorney, passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

D. Announcements

The City Manager stated they are aware of the problem and the negative press regarding the City beaches and beach accesses. Staff has been working with the Council since the November 2018 time frame in trying to obtain properties to help alleviate this problem. The Community Development Department has been working on revising the ordinance for the past 2 to 3 months to strengthen the current rules and make them easier to understand for the City's Code Enforcement Officers. Staff will bring back the ordinance that was first presented in July, but was tabled, that could establish a safety corridor on the water's edge; if it is the desire of the Council.

After a brief discussion, the Council agreed to allow staff to bring the ordinance back for their consideration.

5. PUBLIC HEARINGS

A. First reading of Ordinance 19-05-LC – Amending Article 7 of the Land Development Code to create a Harbor District overlay

The City Attorney read proposed Ordinance 19-05-LC by title; and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO PRESERVING THE HISTORIC DESTIN HARBOR AREA WITHIN THE CITY OF DESTIN; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE, "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS" TO CREATE A HARBOR DISTRICT OVERLAY; PROVIDING FOR PURPOSE AND INTENT; ESTABLISHING PRINCIPLE, CONDITIONAL, AND ACCESSORY USES IN THE HARBOR DISTRICT OVERLAY; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES"; ESTABLISHING A PROCESS FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE DESTIN HARBOR; ESTABLISHING CRITERIA FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE DESTIN HARBOR; ESTABLISHING A CERTIFICATE OF APPROPRIATENESS; AUTHORIZING CODE WAIVERS; PROVIDING FOR APPEALS; PROVIDING FOR PENALTIES; PROVIDING FOR FINDINGS OF FACT; 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.

Mr. Claude Perry, a Destin resident and business owner, stated that he is not familiar with the origin of this proposed ordinance and would like some clarifications because he finds the language very confusing.

The Land Use Attorney explained that the proposed ordinance came about because staff has been reviewing the City's Comprehensive Plan and Land Development Code for inconsistencies. There are elements and policies in the Comprehensive Plan that have not been addressed; and that this and other ordinances they are currently working on, and that will be coming to the Council soon, will address these inconsistencies.

The Community Development Director Louis Zunguze explained that the specific language in the Comprehensive Plan that requires the City to enhance the restoration of historical structures in the harbor area as part of the celebration of the district as a fishing village has not been addressed at all in all the ordinances. This is part of trying to bring that consistency between the Comprehensive Plan and the Land Development Code. He continued this is an additional development rights that are being given to the citizens of Destin. They are not taking anything away from the underlying zoning districts and the rights people currently have; but what they are looking for is the celebration of the district from a historical standpoint architecturally and an environment where the uses are consistent with the harbor aspects of the area.

Mr. Perry argues this is clearly an architectural review for the harbor district which he considers very serious development that came out of nowhere. He suggests they delay approval of

this ordinance until after they have more public discussions and learn a lot more about the purpose of this ordinance.

According to the Land Use Attorney, the proposed ordinance is not an architectural review for the harbor district. It is an application process that is voluntary; and it does not apply unless someone makes an application to the City. She added it is another option for property owners and it does not take anything away from them.

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

Councilmember Braden noted that the ultimate goal of this ordinance is to get the Land Development Code in compliance with the Comprehensive Plan. He would also like to revisit the issue related to parking requirements for outdoor seating in the Harbor District at a later date.

Motion by Councilmember Overdier, seconded by Councilmember Menchel, to approve Ordinance 19-05-LC on first reading, and direct staff to advertise it for second reading passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

B. First reading of Ordinance 19-06-LC – Establishing the Calhoun Center Mixed Use Village (CMUV) zoning district

The City Attorney read proposed Ordinance 19-06-LC by title; and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA ESTABLISHING THE CALHOUN CENTER MIXED USE VILLAGE ZONING DISTRICT; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS"; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES"; AMENDING TABLE 7-3: "SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS"; PROVIDING FOR; PROVIDING FOR FINDINGS OF FACT; 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 and turned the matter over to the City Council for discussion and consideration.

Councilmember Menchel moved to approve Ordinance 19-06-LC on first reading and direct staff to advertise it for second reading; seconded by Councilmember Marler. Motion passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

C. First reading of Ordinance 19-07-LC – Amending the Town Center Mixed Use (TCMU) zoning district

The City Attorney read proposed Ordinance 19-07-LC by title; and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING THE TOWN CENTER MIXED USE ZONING DISTRICT; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS"; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES"; AMENDING TABLE 7-3: "SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS"; PROVIDING FOR; PROVIDING FOR FINDINGS OF FACT; 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 and turned the matter over to the City Council for discussion and consideration.

Councilmember Menchel moved to approve Ordinance 19-07-LC on first reading, and direct staff to advertise it for second reading. Councilmember Braden provided a second to the motion, which passes 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

D. First reading of Ordinance 19-08-CN – Livery Vessel Moratorium

The City Attorney read proposed Ordinance 19-08-CN by title; and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO LIVERY VESSELS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR A TEMPORARY MORATORIUM ON LIVERY VESSEL PERMITS; DIRECTING STAFF TO DEVELOP RECOMMENDATIONS FOR REGULATION OF LIVERY VESSELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXPIRATION OF MORATORIUM; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mr. Claude Perry stated they have had tenants that brought their own pontoon boats, but they are contemplating on purchasing their own pontoon boats and Jet Skis by next year. He asked for some language to be added to the ordinance that would preserve the rights of property owners to purchase their own pontoon boats.

Councilmember Morgan noted they would not be making any decisions in that regard until after the completion of the harbor capacity study.

Mr. Ed Rogers, a Destin resident and pontoon boat operator, expressed his support of the moratorium. He believes there are way too many boats operating in the harbor, and a lot of boat operators with substandard equipment that do not carry insurance or have workers compensation insurance for their employees; and that it is going to hurt other businesses that follow all the rules in the long run. He further stated this moratorium would not have been necessary if City regulations that are currently in place are being enforced.

Mr. Mike Buckingham, a Destin resident and Chairman of the Harbor CRA Advisory Committee, noted that the committee has been working on this issue for over two years and fully support a moratorium. He also stated that many of the pontoon business owners that are following the rules and operating a legitimate business have also expressed support of the moratorium. He urged the Council to adopt the proposed ordinance and either adding a specific expiration date for the moratorium or adding a language that it will be in effect until the harbor capacity study is completed.

The City Attorney noted that the moratorium is effective through November 1, 2019; however, it could be extended if necessary, by an amendment to the ordinance.

Mr. Zunguze stated they have prepared a draft Request for Proposal (RFP) for the study. It will go through the City's Bid Committee and then out to the public.

Mr. Mike Abadie, a Destin resident, stated that he supports a moratorium; however, ordinances that are currently in place that regulate this issue have not been enforced. He continued it would just be a waste of time adopting any regulations they do not have the ability to enforce.

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

Councilmember Menchel asked if it would be more advantageous to include a language that the moratorium is in effect until after completion of the harbor capacity study as opposed to having an expiration date for the moratorium.

The Land Use Attorney stated that having a hard date would be easier for enforcement. It would also be simple to amend the ordinance and extend the date, if necessary.

According to Councilmember, the City has contributed to the problem in the past by allowing shared parking between pontoon boat operators and restaurants on the harbor; which have gotten out of control. He would also like for the Council to start receiving reports every meeting on pontoon boat operators that are still not in compliant with current regulations.

Code Compliance Manager Joey Forgione stated they are aware of all businesses that are currently not in compliant; and that they would be bringing back some information on the number of vessels, which businesses do and do not have the right number of parking and which do or do not have the required bathrooms.

Councilmember Menchel stated they have new staff and they are doing a great job; they just need for the citizens to be more patient and give them more time to perform their mission.

Councilmember Overdier moved to approve Ordinance 19-08-CN on first reading, and direct staff to advertise it for second reading; seconded by Councilmember Menchel. Motion passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

6. CONSENT AGENDA

A. Request for Council Approval to Purchase FY19 Budgeted Equipment; 2019 Ford Escape 4x4, 2019 Ford F550 4x4, 2019 30-ton trailer.

Motion by Councilmember Marler, seconded by Councilmember Overdier, to approve Consent Agenda item 6A, as printed above, passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

Councilmember Overdier recommends amending the procurement manual so that budget items which the Council had already approved do not have to go back for further approval by the Council.

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

A. Councilmember Braden

Councilmember Braden asked the City Manager to discuss the trash pickup issue with a Waste Management, Inc. representative. He stated he has been getting complaints about the company not picking up yard debris.

Councilmember Braden inquired about the hiring of a new engineer.

The City Manager noted they have received several applications, which are being reviewed by the hiring team very carefully to make sure they hire the right person for the job. Interviews will be held within the next two weeks.

Councilmember Braden wants to make sure the harbor capacity study will not have any effect on the enforcement of regulations on the harbor.

Mr. Forgione replied affirmatively; stating that the study will not interfere with enforcement.

B. Councilmember Ramswell

C. Councilmember Menchel

Councilmember Menchel expressed his gratitude to the Sheriff's Office for placing the blinking sign on Airport Road that shows the speed of motorists passing by; adding there has been a big improvement in controlling vehicular speed in that area.

Councilmember Menchel announced that he has had the pleasure of meeting with each of the department heads in the City and is very impressed with their attitude.

D. Councilmember Overdier

E. Councilmember Marler

Councilmember Marler reported that the "No Parking on the Sidewalk" signs located on the Corner of Main Street and Kelly Street are not working. He suggests adding more power to force compliance such as a "Tow Away Zone."

F. Councilmember Destin

1. Discussion of pedestrian traffic at foot of bridge.

Councilmember Destin stated that the Emerald Grande gets the bulk of the blame with regards to the traffic at that intersection; but it is also the pedestrians that are using the crosswalks, especially during special events, that are causing some of the traffic backups. He stated they need to figure out a way to get people safely from the north side to the south side of the harbor. He would like to get an update on the status of the boardwalk extension underneath the Marler Bridge, which they have previously discussed.

The City Manager noted there have been some conceptual drawings done by a firm that is no longer affiliated with the City. He stated they would need authorization from the Council to engage a new firm and to move forward with the conceptual drawings.

Councilmember Destin moved to direct staff to pursue a bid process for an engineering firm to create conceptual drawings and concrete plans for pedestrian improvements and boardwalk extension underneath the Marler Bridge; seconded by Councilmember Marler. Motion passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

2. City Election

Councilmember Destin stated he has been quite disappointed with the voter turnout at the City's March election cycle during even numbered years. Most voters do not seem to realize that March is a time to vote. He continued they have ordinances that set the election of Mayor and Council on a March election cycle; however, the City Charter states that election shall be held during the State general election in November. There seemed to have a conflict and so he would like the Land Use Attorney and City Attorney to look into this issue and see what their legal options are in terms of conducting the City election. He added he would rather hold an election in November to encourage increase in voter turnout.

Councilmember Destin moved to direct the City Attorney and Land Use Attorney to look into the historic setting of the City's election dates, as well as their legal option in holding the City election in November to coincide with the State General Election; seconded by Councilmember Marler. Motion passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

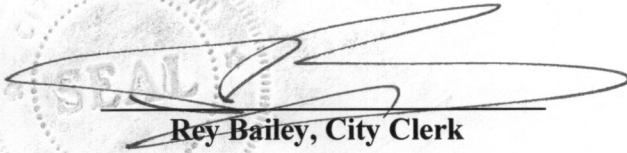
- G. Councilmember Morgan
- H. Mayor Gary Jarvis
- I. Land Use Attorney
- J. City Attorney

Having no further business at this time, the meeting was adjourned at 7:20 PM.



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk