

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
APRIL 15, 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 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
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 Eric Partin of Shoreline Church gave the invocation, which was then followed by the Pledge of Allegiance.

AGENDA APPROVAL

Motion by Councilmember Marler, seconded by Councilmember Overdier, to approve the agenda passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

1. APPROVAL OF MINUTES

- A. Approval of minutes of February 19, 2019 Regular City Council Meeting

Councilmember Destin moved to approve minutes of February 19, 2019 Regular City Council Meeting, as amended, passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

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

- A. Proclamation Arbor Day Celebration

The Mayor read the proclamation designating April 26, 2019 as *Arbor Day* in the City of Destin, and then presented it to the members of the City’s Parks and Recreation Committee.

B. Destin Harbor Clean-up Initial Planning and Proposal – Capt. Andrew Nelson, Special Tactics Training Squadron

Capt. Andrew Nelson of Special Tactics Training Squadron provided the following presentation:

- Combat Controllers (CCT) is completing advanced dive training at the Special Tactics Training Squadron, Hurlburt Field
- Highly trained airmen that provide expert air-to-ground integration and air traffic control capabilities to Special operations Command (SOCOM)
 - ❖ Trained in static line parachute and military free fall
 - ❖ Open and closed-circuit diving
- Supported Thai Cave Rescue in July 2018 and Black Hawk crash recovery in March 2015; provides 1,500 dives annually
- 20-man team; 15 master divers; all Air Force Combat Dive School graduates
 - ❖ Lived in Destin/FWB area for 18 months and will move in October
 - ❖ Want to give back to the community in a meaningful way
 - ❖ Utilize unique skillset and capability to support local community
- WHAT: Underwater clean-up of Destin Harbor and/or nearby areas in need
- WHEN: Wednesday, May 8, 2019
- HOW: With support from City of Destin, Emerald Coast Scuba, local authorities (Sheriff's Office/US Coast Guard)
- Full face mask diving with integrated underwater communication (2-5x teams)
- Parallel sweep, windshield wiper, pendulum search methods
- Command and control boat with medical support (dr./paramedic) and standby safety divers
- Law enforcement provides cordon from boater traffic
- Safety
 - ❖ C2 Boat equipped with communication between surface/sub-surface
 - ❖ Medical personnel with AED and O2
 - ❖ Police cordon prevents recreational and commercial boats from interfering with divers
- Supplies: SCUBA gear, debris collection bags, debris catalog and disposal, air tank refill/exchange
- Logistics
 - ❖ Location of cleanup/grid search area defined
 - ❖ Staging area at Emerald Coast Scuba
 - ❖ 0730 – volunteer brief
 - ❖ 0900 – splash
 - ❖ 1400 – dives complete
 - ❖ 1600 – mission complete

Councilmember Menchel suggests they provide this initiative as much publicity as possible.

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

Mr. Mike Buckingham, a Destin resident and Chairman of the Harbor CRA Advisory Committee, suggests doing a traffic capacity study for the entire Destin community, like the harbor capacity study to be conducted at the Destin Harbor.

Ms. Teresa Hebert, a Destin resident and Chair of the Parks and Recreation Committee, reported that during the joint meeting of the Harbor CRA Advisory Committee and the Parks and Recreation Committee, they approved and forwarded to the Council the two parks that are ready for the grant process. She also reported that by making some changes to the initial layout for the Calhoun Park upgrade, and adding the fire station section, they have gone from #3 down to #25 in the grant approval standings; adding it would take at least another two years before they get the grant money. She continued this is the exact opposite from the information they received from the Grants and RESTORE Manager for Okaloosa County who told the Council during a previous meeting that the change would not affect the grant approval process.

Councilmember Ramswell asked the City Manager to contact the County and determine if there are other reasons that affected their standings other than making specific changes to the application; and possibly filing an appeal or a complaint.

Mr. Buckingham stated it was his understanding the plans are still at the County level and not at the State level; and that they were going to stay at the level and not go down to the bottom of the County's file. He suggests they contact their County Commissioners and ask for project status.

4. CITY MANAGER REPORTS

A. Immanuel Anglican Church and the Week of Blessings Committee request to waive parking fees at Marler Parking Lot for 2019 Blessing of the Fleet.

The City Manager informed the Council the Week of Blessings committee has requested that the City waives the parking fees at the Marler Parking Lot for the 2019 Blessing of the Fleet on May 30th. He recommends Council's approval to waive the parking fees beginning at 3:00 PM so that the lot does not fill up earlier in the day preventing the participants from participating in the event.

Councilmember Ramswell moved to waive the parking fees at the Marler Parking Lot for the 2019 Blessing of the Fleet, effective at 3:00 PM on May 30th; seconded by Councilmember Morgan. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

B. Results of the Harbor CRA Advisory Committee and Parks and Recreation Committee Joint Meeting – Discussion

The City Manager noted that the Harbor CRA Advisory Committee and the Parks and Recreation recently held a joint meeting primarily to review the current plans for Capt. Royal Melvin Heritage Park. Both committees agreed that the plans represent the Council's desires and approved a motion to move the process forward.

Councilmember Menchel moved to direct the City Manager to send a letter to the County Commissioners requesting the re-establishment of the City's standings in the grant

approval process for funding for the Capt. Royal Melvin Heritage Park and Clement Taylor Park; seconded by Councilmember Ramswell.

Councilmember Ramswell requested that preliminary phone calls be made to the County to let them know the letter is forthcoming.

Motion passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

C. Announcements

The City Manager made the following announcements:

- Town Hall meeting on Thursday, April 18th, from 9-10 a.m., at the Destin Library
- Destin Annual Easter Egg Hunt on Saturday, April 20th, at 9 a.m. at the Morgan Sports Center
- Retirement Party for Mr. Will Rogers on Thursday, April 25th, at 6 p.m.
- Destin Arbor Day Celebration to be held on Friday, April 26th, at the Nancy Weidenhamer Dog Park (small dogs section)
- Norriego Point clean up to be held on Saturday, April 27th, 8 a.m. at Norriego Point Park
- Council Visioning Session scheduled for Wednesday, May 1st, starting at 8 a.m., at the Destin Library
- National Fish and Wildlife Foundation approved two storm water projects, for approximately \$600,000, on Cross Street and on Calhoun Avenue areas
- Founder’s Day on May 4th at the Destin Community Center
- The City’s contracted paving company will be paving areas on Scenic Hwy 98 and Gulf Shore Drive between Easter and Memorial Day

The Code Compliance Manager Joey Forgione announced that Mr. David Bazylak has been hired as the Harbor and Waterways Code Compliance Officer and Mr. Murray Casey has been hired as the Beach/Harbor Code Compliance Officer.

The Mayor asked if the harbor pump is operational and how often it is being ran.

According to the Public Services Director Michael Burgess, the harbor pump has been on line for a few weeks and it runs from 11:00 PM to 7:00 AM daily.

Councilmember Destin asked staff to make sure the harbor pump is running for a few days before the underwater clean-up of the Destin Harbor resumes to make sure clear and clean water is running through the harbor.

5. PUBLIC HEARINGS

A. Continuance to 6pm at May 6, 2019 Regular City Council Meeting for Caretta Dunes Application for Determination of Vested Rights

The Land Use Attorney announced that both the applicant and the City have agreed to a continuance of this item to the regular City Council meeting on May 6, 2019. She asked for a

formal motion of continuance from the City Council so that the City does not have to re-advertise the item.

Councilmember Menchel moved to continue the applicant's application for a vested rights determination to the regular city council meeting of May 6, 2019 at 6:00 p.m.; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

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

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

Attorney Mike Chesser, representing the Destin Fishing Fleet, contends this overlay ordinance only affects two properties on Harbor Blvd and not the entire harbor district; and that it establishes a very special category for those two properties that will not apply to anyone else on the harbor.

Councilmember Ramswell stated that she has read through the entire ordinance and all related information and found it to contain very generalized information and that it does not pertain only to two properties.

Mr. Chesser maintains that the ordinance lists a criteria that fits only two specific properties in the harbor.

Councilmember Braden pointed out there are old homes and buildings around Mr. Claude Perry's property to which this ordinance would apply.

Mr. Chesser contends there are old buildings around that property that have already been permitted and in use. He added there is only one concrete block two-story building that could be

converted to meet the proposed ordinance if they believe it is an architectural facility that is worth saving.

Mr. Claude Perry, a Destin resident and business owner, spoke of his opposition to the proposed ordinance stating he is very much against overlay districts. He stated that there is no need for it as it is nothing more than an architectural review. He also noted that he owned the concrete block building which Mr. Chesser alluded to earlier which was built in 1955 and qualifies for certificate of appropriateness; adding that building as well as all his other buildings are already permitted. He also stated that he and his entire family has future plans and should not be burdened with an overlay district that will be in place forever; and that it would limit what they could do with their property.

Councilmember Ramswell stated it was her understanding the proposed ordinance would provide people more options on what they could do with their property.

The Land Use Attorney noted that the proposed ordinance does not do anything with any property in the South or North Harbor unless the property owner applies voluntarily; and that it gives added rights to property owners.

Mr. Shane Moody of the Destin Chamber of Commerce stated that the Chamber is not completely opposed to an overlay district. They just feel this is the wrong time to create one because the comprehensive plan and the land development code are currently being aligned; and that they would suggest waiting until the alignment is complete before implementing an overlay district. He added there has been a parking issue in the harbor district for the past several years, and they would add to that problem if creating an overlay district would provide property owners with waivers for parking or other requirements in the land development code.

Ms. Maryann Windes of the Destin Fishing Fleet Marina read the following statement for the record:

"Unless this reading has changed significantly from the first reading, this Harbor Overlay district says specifically that it is created to help historical homes become restaurants or taverns - so interesting, and yet so specifically suspicious. Speaking for the North Harbor shore (SHMU), there are zero historical homes that are not already currently being run as commercial operations which would negate the need for this overlay district. However, if you've done your homework, which I know some of you have and therein lies the problem, there are exactly two historical homes that are currently being run as restaurants/taverns that are absolutely NOT in compliance with the LDC, the Comp Plan, Life Safety Codes, and/or other state statutes that this Harbor overlay could be used to remedy. The settlement agreement made in Executive Session back in September 2018 in response to a lawsuit on an alleged public easement that this council, less Mr. Menchel, granted exclusively to those two properties exempting them from any bothersome regulations that MUST have been meant for everyone else has been before two judges and has not yet been signed after seven months. Does that not tell you something! Clearly, the court understands the settlement agreement far better than the city council's understanding of what they were being asked to do. Now that this settlement and the other components are being set for a full all-day trial which does not bode well for those two properties, it appears the city council is now being asked to legislate these changes by changing the law even though it goes against the Comp Plan in order to benefit a single property owner. My attorneys who reviewed it say that this is spot zoning.

Without public input, without explanations of how this benefits anyone but one man, and without knowing exactly how this came to be, I strongly urge the city council to ask staff specifically what properties are impacted."

Referring to a portion of the above statement read by Ms. Windes, “*Harbor Overlay district says specifically that it is created to help historical homes become restaurants*”; Councilmember Ramswell pointed out that according to the purpose and intent of the Harbor District Overlay as outlined in the ordinance, it allows historic residential structures to be used for commercial purposes such as restaurants, bars, bed and breakfast and other uses that encourage tourist commercial development; and not specifically for restaurants.

Ms. Windes stated that the version of the ordinance presented for second reading seems to have a lot more pages than the one presented at first reading; adding she has read the initial version but not the current version of the ordinance that seems to have changed.

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 Overdier moved that they schedule a public workshop to discuss this subject and to obtain more information and more public input before they come up with a final decision; seconded by Councilmember Marler.

Councilmember Destin offered a substitute motion to approve Ordinance 19-05-LC on second reading; seconded by Councilmember Ramswell.

The Mayor read the following statement for the record:

“The original intent of Ordinance 17-05-LC was to address the directions from the city council to staff to cleanup non-conforming use issues between the comp plan and land development code, city wide. In other words, to put all the pieces in the right places so future developments will take place in their proper form, fashion and in a timely established manner. Overlay districts in addition to the LDC can be used for community planning especially in areas of historical significant, either due to architectural structures from a historical era or because of historical importance of people or places in a community. I want to make it abundantly clear that I am OK with the use of overlay districts as a planning tool when used and developed in the right manner. But one of the greatest warnings by planning experts throughout the US, to councils or commissions is, when developing an overlay district that it’s key to have widespread involvement with not only property owners but all members of the community. Another warning by planning experts was the fact that if an overlay district ordinance is not well thought out and developed with that type of stakeholder visioning and community buy in, that it can lead to councils or commissions to politically micro-manage development outside the confines of the new comp plan and LDC and that my create a distrust of the public in our city and create more problems than they solve. To set things straight, the city and this council has operated within Florida statutes by giving the proper public notices in the paper on this ordinance; it followed Florida Statutes and city protocols by sending this ordinance to the LPA who passed it moving forward. But in my opinion, we have not heeded good planning recommendations and we have fallen far short of widespread stakeholders input, in developing an ordinance that my affect this community for decades to come. One of the main reasons the new comp plan was passed was to change how we did business in community development. The old multi-tiered system which gave wide latitude to the city managers and community development led to some decisions in the past, that this council wanted to make sure would not happen in the future. Subsequently, this council felt that we needed to no longer give any appearance of acquiescing to special interest groups or developer influence peddling and passed a new comprehensive plan that changed the future development of our city. In the last 11 months, this council and all our new department heads including our City Manager, have really made strides to produce results and build confidence that we are on the right track to a transparent and productive city. In my mind there’s usually a right way to govern which in most cases is harder to do, but in the end is more complete and comprehensive. But there is also a less effective way, which in the interest of expediency, or to diminish an

inconvenience, creates governance that ends up with a wide variety of unintended consequences most of which are very undesirable. We have a year's worth of work just to get the comp plan and the LDC in compliance with each other and complete the future land use map/zoning map fix. When this large task is complete and at that time we recognize a need to create an overlay district (which by the way we haven't ever had since this City inception. That we began with a true visionary process with multiple stakeholders and community involvement. All I'm asking is for a time certain delay before we establish an overlay district on the harbor. That will give us some time to establish public process that gives private property owners and our citizens who live, work and play on Destin Harbor, an opportunity to weigh in on what we want an overlay district to look like, and to achieve."

Councilmember Menchel noted they unanimously passed this ordinance on first reading with only one public comment. It was properly advertised and had gone before the Local Planning Agency. He wonders what had transpired in two weeks that changed everything.

Councilmember Menchel then asked staff to respond to comments that have been made that this ordinance only impacts two properties.

The Land Use Attorney noted it is not a true statement. The ordinance applies throughout the north and south harbor, and it would only be specifically applicable to a property owner who choose to apply under it. She continued that the application would be reviewed by staff. Any waivers requested that would seriously impact the public health and safety would be denied; otherwise, staff would make recommendations to the City Council regarding the application at a public hearing.

Councilmember Ramswell pointed out that this is the third public hearing on this subject including the Local Planning Agency meeting; and they and the members of the public had many opportunities to speak on this matter. She continued that it was troublesome for her to hear the Mayor's comments that they did not heed good planning or stakeholder input, and they are giving the appearance of acquiescing to special interest groups.

The Mayor explained that the comment previously made by Mr. Claude Perry during first reading of this ordinance asking where this ordinance came from prompted him to write the statement and read it for the record. He stated that he began to research and to learn more about the intents and purposes of an overlay district. He also read a few reports including the Piedmont Report and several articles by the National Planning Organization; and that most of his comments were based on their recommendations. He stated that overlay districts are a good tool especially in historic areas where architecture is an important part; however, in this case, architecture is not the reason for an overlay district consideration. It is more about specific buildings that have historical significance to the people that were born and raised in Destin; and if they are going to establish an overlay district on one of the most important portions of the community, a different process other than the normal 10-day notification in the newspapers should have been applied. He does not believe they have done everything to make sure they get community buy-in, not only by the property owners but by many members of the public; a lot of which are not present at this meeting tonight.

Councilmember Ramswell stated that she looked at this issue from a different perspective. She continued that even before she was elected in this Council in 2014, the Harbor CRA Advisory Committee had already developed the idea of creating the festive marketplace and they had laid the groundwork as to what they wanted to see down at the harbor. She views the idea of a harbor district overlay as an extension of what the committee had already started,

and to further put the land development code and comprehensive plan in compliance with some of the issues that would be remedied by it. She added it would also give harbor property owners some options on what they could do with their property.

Having no further comments, the Mayor called for a vote on the substitute motion to approve Ordinance 19-05-LC on second reading, which passes 5-2 (Council members Morgan, Destin, Menchel, Ramswell and Braden voted “yes”; Council members Overdier and Marler voted “no”).

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

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

Mr. Curtis Gwin, a Destin resident, stated that the ordinance, as it was advertised, had an incorrect purpose and intent. Upon noticing it, he contacted the City staff informing them that Mr. Mike Shoults, who owned properties on Calhoun Avenue, Sibert Avenue, had been doing a totally legal wedding venue on the bay in the Calhoun Center Mixed Use (CMU) district for many years. He has remodeled all his old homes and turned them into short-term rentals that are registered with the City. He continued that the previous purpose and intent had the CMU, the current purpose of intent has the CMU-V. They dropped out the seasonal single-family detached dwelling as being an allowable use. He asked the Council to make a change in the Table of Allowable Uses making the property designation as a conditional use so that Mr. Shoults property would be acceptable instead of being a non-conforming property.

Councilmember Destin stated he is in favor of approving the requested change.

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 Ramswell asked that if they approved a conditional use for rental property and then another property owner wanted a conditional use for a different purpose approved by the Council, if the property owner could then change the purpose as long as it falls within the guidelines for conditional use.

According to the Land Use Attorney, if something is a conditional use, the Council would consider each application and each property individually. They could put conditions on the use, and it would not be a precedence setting for the next application. She also stated that if somebody violates one of the conditions, it would then go to Code Compliance Department for action.

Councilmember Menchel asked what the difference would be between designating the particular property as a conditional use versus grandfathering it.

The Land Use Attorney explained that the property would not be grandfathered; instead, it would be considered a legal non-conforming use. She continued that future expansion on the property would not be allowed, and they would not be able to rebuild the property if it was damaged in the storm to a certain degree.

Councilmember Destin moved to approve Ordinance 19-06-LC on second reading and instruct the Land Use Attorney to make the appropriate amendment to the Table of Allowable Uses to change the single-family short-term residential use to conditional use. Councilmember Morgan provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

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

The City Attorney read Ordinance 19-07-LC by title; and then presented it to the Council on second 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 second reading; seconded by Councilmember Marler.

The Mayor asked if the reduction in density and units per acre at a level that could mitigate Bert Harris claims or the level of risks; to which the Land Use Attorney replied affirmatively.

Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

E. Second 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 second 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. Having none, the Mayor closed the public hearing portion and turned the matter over to the City Council for discussion and consideration.

Mr. Travis Glaze, a Destin resident, stated that he has been in watersports business since 2009, and that he recently purchased a piece of property and moved this business at that location. He then reapplied for a business license this year but was denied because of this impending moratorium. He stated that he was authorized 10 pontoon boats, 10 JetSkis and two parasail boats. He maintained his parasailing business at a different location with the expectation of opening the rental portion of his business at the new piece of property he just purchased.

The City Attorney stated that Mr. Glaze's business should potentially fit under the exception in Section 4(b)(1) if he could demonstrate potential hardship by making a capital investment of \$10,000 or more. He continued that the purchase of the property should qualify as capital investment, allowing Mr. Glaze to get additional pontoon boats under that exception. He also recommends removing the word "existing" from Section 4(b)(2) to allow more flexibility to address Mr. Glaze's situation and perhaps prevent some potential Bert Harris claims.

Councilmember Destin moved to approve Ordinance 19-08-CN on second reading and instruct the City's attorneys to make the appropriate amendment to Section 4(b)(2) by eliminating the word "existing"; seconded by Councilmember Overdier.

Councilmember Menchel noted that the staff report included a memo from the Community Development Director talking about the agreement they worked out with the Army Corps of Engineers (ACOE) with regards to the harbor capacity study. He stated that the ACOE will enter into an agreement with the City which would bring a lot of credibility to the study; and that the ACOE is also agreeing to pay for half the cost of the study.

Councilmember Menchel also mentioned that this issue was discussed during the joint meeting of the Harbor CRA Advisory Committee and Parks & Recreation Committee. They uncovered some troubling information when one of the committee's member inquired as to the formula used for livery vessel parking. They discovered some disparity; for instance, one company with three pontoon boats was only required to have one parking space. He added this is one of those bad situations which the current staff has inherited. They are trying to fix the problems, but it would probably take some time and so everyone just need to be patient.

Councilmember Braden asked which pontoon boat rental company is operating behind the Inn of Destin, located just west Marina Café, and if they are correctly permitted to operate.

The Code Compliance Manager Joey Forgione replied that the name of the company is not listed, but the address of the company is 402 Harbor Blvd. He also stated there is no registration information for that property.

Mr. Glaze noted there were pontoon boats on that site; but the City ordered the owner to move them last year; and so there should not be any more boats on that particular property since September of last year.

Mr. Forgione would investigate and provide some information to the Council as soon as possible.

The Mayor asked for a vote on the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

F. First Reading of Ordinance 18-15-LC – Wheeled Vehicles on the Beach

The City Attorney read proposed Ordinance 18-15-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 USE OF WHEELED VEHICLES ON PUBLIC AND PRIVATE AREAS OF THE BEACH; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AN AMENDMENT TO LAND DEVELOPMENT CODE SECTION 11.08.02, AND CREATING SUBSECTIONS C(i) THROUGH C(v); 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.

Ms. Marcie Bell, a Destin resident, expressed her support for the proposed ordinance. She asked if the ordinance only allows one vehicle per vendor; and if so, could it be changed to allow more vehicles at the beginning and end of season for those who have multiple sites on the beach.

Councilmember Morgan recommends one vehicle per location, with a maximum of three vehicles per company.

Mr. Stephen Tatum, from Matthews and Jones law firm, agrees with allowing more vehicles per vendor minus the caveat that it is only during the beginning and end of season. He continued that each vendor should be allowed at least one vehicle for each section of the beach in which they operate at any time.

Having no other 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 Ramswell moved to approve Ordinance 18-15-LC on first reading with a condition that each vendor shall be allowed additional vehicles, one per location with a maximum of three vehicles, at any time; seconded by Councilmember Morgan.

Councilmember Marler wants to know how they plan to address individual private property that owns a pontoon boat.

According to the Code Compliance Manager, all vehicles need to be registered and would be required to have a sticker; and so his office and the Sheriff's Department would be able to enforce the ordinance on each individual owner. He added that for non-vending purposes, they would need to have a reason why they need to be on the beach and would be subject to restrictions.

The Mayor called for a vote on the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

G. 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 72, Table of Allowable Uses in zoning districts to prohibit commercial special event venues in all residential districts.

The City Attorney read proposed 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 and turned the matter over to the City Council for discussion and consideration.

Councilmember Overdier moved to approve Ordinance 18-30-LC on first reading; seconded by Councilmember Menchel. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

H. First Reading of Ordinance No. 19-02-LC – Zoning Map Amendment

The City Attorney announced this is a quasi-judicial hearing and people providing testimony would have to be sworn in. Also, they would need to combine this item with the following item (Ordinance 19-03-PC), and conduct one single hearing, with approval from the applicant.

The City Attorney sworn in the following individuals for testimonies:

Mr. Curtis Gwin, applicant
Ms. Lauren Witt, City Planner
Ms. Noell Bell, City Building Official

The City Attorney read proposed Ordinance 19-02-LC and proposed Ordinance 19-03-PC by title, and then presented both ordinance to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE OFFICIAL ZONING MAP AS REFERENCED IN THE LAND DEVELOPMENT CODE, SECTION 7.12.01(A)2 ZONING MAPS TO INCLUDE A CHANGE IN THE ZONING DESIGNATION OF 75.08 ACRES OF THE SOUTHWEST PORTION OF PARCEL NUMBER 00-2S-22-0000-0046-0000, DESTIN, FLORIDA FROM RECREATION (REC) TO LOW DENSITY RESIDENTIAL-VILLAGE (LDR-V); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Lauren Witt noted that the proposed rezoning and future land use amendments are to change the land use designation on 75 acres of Indian Bayou Golf Course, a 9-hole golf course located directly east of the Destin Airport, from Recreation (REC) to Low-Density Residential – Village (LDR-V), and the future land use changed from REC to Low Density Residential (LDR). Staff has found the proposed designations as generally compatible and would match the zoning just north of the golf course and in support of both ordinances. There are several items that would need to be addressed in the course of the development review when additional required applications are submitted; such as how the proposed development would interact with the airport as well as its environmental impacts.

Mr. Curtis Gwin, the applicant, presented the project. He explained that the property was purchased in the late 70's and developed into its current state. He explained that the additional 9-hole golf course was installed in 1991, with the intention to eventually developing that area as well. He spoke of their desire to develop that area and the need to have the acreage rezoned from Recreation to Low Density Residential. He also noted that the property was originally zoned Medium Density Residential, and that it was unknown to the property owners how the property was rezoned to Recreation.

Mr. Gwin presented some documents to support his argument; nothing that these items were previously presented to the Local Planning Agency.

The Land Use Attorney has no objection to the documents being entered into the record.

The Mayor accepted the documents into the record.

Councilmember Ramswell requested that moving forward, when issues such as this is brought before the Local Planning Agency (LPA), that all the information presented to the LPA should also be provided to the Council.

The Mayor asked the City Manager to make this a standard operating procedure for all items brought before the City Council.

Mr. Gwin explained the contents of the documents.

Councilmember Braden asked why they did not close the 18-hole golf course and develop it.

Mr. Gwin replied there are existing homes around the 18-hole golf course that would be impacted.

Councilmember Braden inquired about the stormwater plan.

Mr. Gwin explained that stormwater currently filters through the wetlands and into the lake systems in Indian Bayou. It filters into four different lakes before it goes into the bay. He also stated there is a plan to utilize one of the lakes outlined in yellow in one of the documents provided to the Council, as a stormwater pond if it is permitted.

Councilmember Braden asked if there was a plan to make sure they avoid a similar problem in the past from people purchasing their homes located around the airport and then complaining about airport noise.

Mr. Gwin stated they cannot stop anybody from complaining but they ought to make everyone sign an avigation easement acknowledging the fact they are purchasing a property located next to the airport. They are also working with the airport and trying to do everything possible to avoid a similar problem. For instance, houses located near the airport fence will contain extra sound attenuation insulation materials.

Councilmember Braden asked if the City has anything in place that when someone obtains a permit that they are advised they are building something next to the airport or perhaps a night club.

The City's Building Official Noell Bell explained that there are certain standards for sound transmission and certain decibel levels that would have to be met during construction. The applicants would have to provide documents that would show how they plan to meet the sound transmission criteria.

Councilmember Ramswell noted that other people have expressed concern about the jet fumes, and she asked that it be taken into consideration as well. She also stated that she lives in one of the first houses on Country Club Road and that her backyard has become the low point of the entire subdivision. They have had to dig trenches along the side of the house after heavy rain so that the water gets to the road and not flood the house and then water spreads to all the neighboring houses. The water then heads into the golf course and down into the road. She wants to make sure they would not be tapping into existing lines and outfalls.

Mr. Gwin guarantees that this development would not affect that area in any way as they plan to take care of their own storm water. They would not be tapping into existing lines and outfalls. It would all be a standalone development.

Councilmember Ramswell stated that she appreciates the fact this area was originally zoned MDR and they are going a step lower to LDR. She also mentioned that at least two other properties in the same time period were rezoned and nobody knew anything about it.

Mr. Gwin stated that he looked at every comprehensive plan amendment and every ordinance adopted by the City of Destin and could find anything that rezoned their property.

Councilmember Menchel noted that the traffic study talks about the number of holes or trips generated to the golf course, but not trips generated to the houses.

Mr. Gwin explained that it takes into account the trips that were already generated to the golf holes and takes them off of the net positive effect they are going to get with the 80 or 90 homes.

The City Attorney stated it has come to his attention that the Council received an email from the Okaloosa County Airports Director Tracy Stage regarding this subject. He asked that this email including any attachments be entered into the record.

Councilmember Morgan asked if they have had some discussions with the people in the Anglican Church about this development and if they had any objections.

Mr. Gwin stated that he has spoken with Mr. Tommy Taylor from the Anglican Church about the development and he told him they have no objections.

Ms. Marcie Bell, a Destin resident, noted she was present at the LPA meeting when one member of the LPA discouraged the representatives from the airport from giving their testimony stating that the LPA's responsibility is to only make a recommendation to the Council for the adoption of the zoning change, and that the airport personnel should be presenting their arguments to the City Council. She suggests that the applicant invites the representatives from the airport for the second reading of this ordinance.

Councilmember Morgan moved to approve Ordinance 19-02-LC on first reading and direct staff to advertise for second reading; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

I. First Reading of Ordinance 19-03-PC – Land Use Map Amendment

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING COMPREHENSIVE PLAN: 2020; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR THE ADOPTION OF A LARGE SCALE AMENDMENT TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP TO INCLUDE A CHANGE IN FUTURE LAND USE DESIGNATION OF A PARCEL OF LAND FROM RECREATION (REC) TO LOW DENSITY RESIDENTIAL (LDR); PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion by Councilmember Morgan, seconded by Councilmember Menchel, to approve Ordinance 19-03-PC on first reading and direct staff to advertise for second

reading passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

Councilmember Ramswell stated that people have approached her about potential public benefit. She asked if these people could reach out to Mr. Gwin to present their ideas as they move forward with the development.

Mr. Gwin stated they would be putting about 80 single-family residential lots in the market in Destin where there are none at this time. They are also converting a \$4700 a year tax base into somewhere around \$40 million; adding this should serve as a public benefit.

J. First reading of Ordinance 19-04-LC – Prohibiting Pay-to-Park Facilities from Collecting fees at Entrance to Facility

The City Attorney read proposed Ordinance 19-04-LC by title, and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA PROHIBITING PAY-TO-PARK FACILITIES FROM COLLECTING FEES AT ENTRANCE TO FACILITY; PROHIBITING BACKUP OF VEHICLES ONTO CITY, STATE AND FEDERAL HIGHWAYS, ROADS AND STREETS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR CREATION OF LAND DEVELOPMENT CODE SECTION 8.10.00; PROVIDING FOR CIVIL AND CRIMINAL PENALTIES; 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. Stephen Tatum, speaking on behalf of Harborwalk Holdings, announced that FDOT has approved a dual turn lane; a west bound right turn lane into Stahlman Avenue and a dedicated east bound right turn lane, with stacking, into Stahlman Avenue, in the plans to be implemented in this construction phase. He stated they are willing to comply with this ordinance even though they do not believe it will fix the problem. They feel it would be more beneficial to talk to the Sheriff's Department and come up with some ways to direct traffic at that intersection.

Councilmember Ramswell noted that according to past amendments in the development, it looks like once Phase 1 is complete, another traffic study is supposed to be done to determine the impact at that time. She asked if this was ever completed.

According to Mr. Tatum, he has never seen a document stating it.

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 moved to approve Ordinance 19-04-LC on first reading, seconded by Councilmember Braden.

Councilmember Marler asked if they would be willing to waive any required permit fees for the properties that are currently collecting parking fees since they are already 5 weeks before

the Memorial Day weekend and they are expecting these properties to comply with this ordinance if approved; and that some of these properties may also have reconfigure their parking lot layout to comply with this ordinance.

According to the Land Use Attorney, there are currently no provisions for waivers; however, the Council can provide direction to put that into the ordinance if they so desire. She added it is at the property owners' expense to comply with this ordinance.

Councilmember Morgan asked if they would be assessing fines to those who are doing the right things and following the ordinance, but the traffic is still backing up.

The Land Use Attorney stated that the intent is not to assess fines if the rules are being followed and traffic is still backing up; but they need to give a clear direction in the ordinance.

Councilmember Menchel amended his motion to approve Ordinance 19-04-LC on first reading, adding the language that fines not be assessed if cars are backing up in the roadway as long as fees are being collected at the exit point in the facility; seconded by Councilmember Braden. Motion passed 6-1 (Council members Morgan, Destin, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Marler voted "no").

6. CONSENT AGENDA

A. Request for a single-family residential marine construction project at 415 Gulf Shore Drive, Unit 1.

B. Request for a single-family residential marine construction project at 504 Vera Cruz Drive

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

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

A. Councilmember Braden

Councilmember Braden asked staff to provide information to Council relating to the money transferred in and out of the unassigned fund balance from 2012 to present.

Councilmember Braden asked how many livery vessels businesses are still non-compliant.

Mr. Forgione noted there are a few businesses that are still under review. Once they close the moratorium, they would start moving forward with the businesses that are operating but have not registered.

B. Councilmember Ramswell

Councilmember Ramswell announced she presented a proclamation to the Boys and Girls Club in Destin last week and declared that it was the National Boys and Girls Club Week; adding it was an honor for her to be a part of the activities.

C. Councilmember Menchel

Asked staff to look into potential grants they could apply for a traffic capacity study for Destin.

D. Councilmember Overdier

E. Councilmember Marler

Councilmember Marler announced that Saturday, May 4th is Founders' Day in Destin.

F. Councilmember Destin

Councilmember Destin requested that "Traffic Capacity Study" and "Cemetery Parking" be placed under his name on the next meeting agenda for discussion.

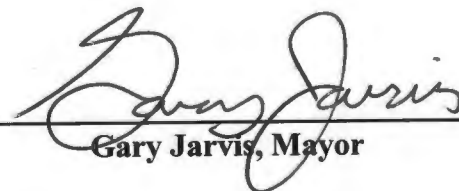
G. Councilmember Morgan

H. Mayor Gary Jarvis

I. Land Use Attorney

J. City Attorney

Having no further business at this time, the meeting was adjourned at 9:15 PM.



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk