

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
JULY 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 Prebble Ramswell
Councilmember Chatham Morgan
Councilmember Skip Overdier
Councilmember Rodney Braden

Destin City Staff

City Manager Lance Johnson
Code Compliance Manager Joey Forgione
Public Services Director Michael Burgess
Deputy Parks/Rec. Director Scott Berrish
Community Development Director Louis Zunguze
City Land Use Attorney Kimberly Kopp

City Clerk Rey Bailey
Deputy City Manager Webb Warren
Finance Director Bragg Farmer
Public Info Manager Catherine Card
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.

AGENDA APPROVAL

Motion by Councilmember Overdier, seconded by Councilmember Marler, to approve the July 1, 2019 City Council meeting 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 May 15, 2019 Council Strategic Visioning Session

Councilmember Marler moved to approve minutes of May 15, 2019 Council Strategic Visioning Session; seconded by Councilmember Destin. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

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

A. Proclamation – Parks and Recreation Month

The Mayor read the proclamation designating July 2019 as *Parks and Recreation Month* and then presented it to Deputy Director of Parks and Recreation Department Scott Berish.

- B. Presentation regarding right turn lane(s) into Emerald Grande – Mr. Greg Featherston, Director of Operations at Harborwalk

Mr. Greg Featherston, Director of Operations for the Harborwalk Village, addressed the proposed east bound right-hand turn lane from the Marler Bridge into the Emerald Grande. He stated they have met and discussed this issue with FDOT representatives headed by Mr. Rodney Chamberlain, District Engineer for FDOT. He pointed out that coming from the bridge there is a space between the existing right-hand lane and the edge of the road that is painted off in hash marks; and though it was not intended to be a turn lane, it has been used for that purpose. They have also put up no-parking signs in that area, which the City's Code Compliance Department as well as the Sheriff's Department have tried their best to enforce; resulting in vehicles being towed away from that area. He stated that FDOT proposes to extend that lane all the way to the main entrance to the Harborwalk Village and tying in this extension of the turn lane in to their current project on US Hwy 98. Owners and management of the Harborwalk Village are in favor of that proposal because they believe it would be an enhancement to safety in that area. However, FDOT is still in the process of developing the plans; and that they do not expect these plans to be completed until after the Labor Day Holiday.

Councilmember Menchel asked if owners and management of Harborwalk Village have considered making the main entrance from the traffic light a one-way entrance into the property and then utilizing the west exit as the only exit from the property.

According to Mr. Featherston, this idea has not been discussed. He continued they would want to keep things the way they are because the traffic light at that intersection is critical to people who are exiting the property and want to turn left (west) on US Hwy 98.

Councilmember Menchel inquired as to the purpose of having the first immediate entrance to the property from the base of the bridge.

Mr. Featherston replied the plan is for that entrance way to remain open as it is being utilized by a lot of people coming across the bridge. He added that emergency responders would also want it to remain open for their emergency vehicles.

Councilmember Ramswell asked if there is a plan to install one long right-hand turn lane from the base of the bridge to the main entrance to the Harborwalk Village.

Mr. Featherston replied affirmatively; adding it would include a 4-foot bike lane and 5-foot sidewalk.

Councilmember Ramswell wants to know if the negotiations between FDOT and the owners of the property essentially includes collecting the necessary right-of-way.

According to Mr. Featherston, they are in favor of the plan because they feel it is important to safety at that intersection; however, they would want to review the actual plans once they are completed to determine the impact on the property and what the owners need to do to fulfill their part of the agreement.

Councilmember Ramswell asked if they have considered doing a second deck to the main floor parking area of the facility.

Mr. Featherston noted that the “Baby Grand” project affects that entire parking area.

C. John Fielding, Project Manager for Atkins: Mr. Fielding will present Beach to Benning Drive history and potential next steps for the crosstown connector

Mr. John Fielding, Traffic and Transportation Engineer and Project Manager for Atkins, gave the following presentation regarding the Destin Crosstown Connector project:

- Key dates and timeline
 - ❖ PD&E begins – November 10, 2014
 - ❖ Public workshop – September 15, 2015
 - ❖ TRIP Grant application – April 25, 2016
 - ❖ Public hearing – October 18, 2016
 - ❖ Environmental Impact Report submitted – June 1, 2018
 - ❖ Final construction plans – May 24, 2019
 - ❖ Project construction – Fiscal Year 2021
- Project development and environmental (PD&E) study
 - ❖ Project purpose and need
 - The objective of the Destin Cross Town Connector is to provide an alternative to US Hwy 98 for motorized traffic while increasing transportation options by creating an intermodal network by focusing on bicycle, pedestrian and transit service as well as vehicular transportation
 - The Build alternative considered during the study include several different intersection and side street connection concepts, some of which were not carried forward into the PD&E Study based on an initial screening and review by the City of Destin
 - The preferred alternative for the connector will be two lanes in each direction separated by a median. In the future when the traffic warrants, the roadway will be widened to four lanes into the median. The outside curb locations and pedestrian features will be set and will not require modifications in the future
 - ❖ Traffic analysis
 - There is an inherent uncertainty associated with traffic growth projections. For this reason, it is recommended that the City monitors the operations of the connector facility and reevaluates the capacity of the five-year growth period, and again at the ten-year growth period to determine if additional capacity is needed
 - Currently, Airport Road is the only piece of the connector path which is four-lane. As such, it is recommended that the City evaluates four-laning the segment from Benning Drive to Beach Drive concurrently to reconstructing the segment of Legion Dive between Beach Drive and Airport Road to a four-lane road
 - ❖ Environmental impacts
 - Physical

- Societal
- Environmental

- Project design (What has been designed)
 - ❖ A two-lane roadway with an 11-foot travel lane in each direction and a 7-foot bicycle lane and a 10-foot multi-use path on either side
 - ❖ Round-a-bout on the east end of Beach Drive and a 4-way stop on the west end of Benning Drive
- Project funding
 - ❖ Transportation Regional Incentive Program (TRIP) Grant - \$5.5 million for Fiscal Year 2021 – 2022
 - ❖ Grant tied to construction of the roadways and some rights-of-way acquisition
 - ❖ Funds not tied to the nature of the road being built or specific lane assignment (two lane road vs. four-lane road)
 - ❖ The project intent from the TRIP application submitted in 2016 states: “To construct a roadway connecting the west end of Legion Drive with the east end of Azalea Drive

Councilmember Ramswell asked if the rendering of the two-lane road that is being shown on the screen is the same as the rendering contained in the existing PD&E Study; to which Mr. Fielding replied affirmatively.

Councilmember Ramswell noted that the 90% plans show a 30-foot median between the two directional lanes; which would allow for two additional 11-foot lanes and an 8-foot median to separate the 4 lanes.

Mr. Fielding explained that the 30-foot median is currently being used to separate the flow of traffic as well as for enhancement purposes. The City will be able to do something on the interior if they ever decide to do so in the future including four-laning that road.

Mr. Menchel noted that Section B – *Proposed Improvements* in the Environmental Impact Report which FDOT provided to the Council states that “consent plans are provided in Appendix A.” He stated that he reviewed the entire document and could not find Appendix A.

Mr. Fielding will review the document and provide a copy of Appendix A.

The Mayor asked when the 90% construction plan was approved by the City Council.

According to Mr. Fielding, the 90% construction plans have not been approved by the City Council; adding that Atkins has provided a final set of construction plans to the City’s Public Works Department in May 2019. He also added that the City is not obligated to do anything with those plans.

Councilmember Menchel asked how the final construction plans differ from the 90% construction plans dated May 2017.

Mr. Fielding replied he would not be able to address all the changes from the 90% construction plans to the 100% construction plans at this time; however, there had been some changes regarding the intersections on either end of the project throughout the life of the project.

Councilmember Ramswell requested that a copy of the 100% construction plans dated May 2019 be provided to the Council.

Councilmember Morgan inquired about an amendment to the plans made a few years back where the round-a-bout at the intersection on Benning Drive was changed to a 4-way stop.

According to Mr. Fielding, he conducted the traffic analysis and provide some quality control reviews of the plans, but he is not the engineer of record for the plans. He explained that part of the reasons the round-a-bout was changed into a more traditional 4-way stop at that intersection was due to the grade and the significant impact of the footprint of the round-a-bout to properties in that area especially with the northwest property which is located well below the level of the intersection.

Councilmember Ramswell asked if the typical section of the road that was shown tonight is the same as the what was in the original PD&E document that was the phase 1 build.

Mr. Fielding replied that it is very similar; adding that the only difference is changing a 5-foot bike lane to a 7-foot bike lane.

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

Ms. Karen Lugo, a short-term rental owner in Destin, addressed her short-term rental parking concerns. She stated that short-term rental owners have been waiting for instructions on the 5-year grandfathering process, and that notices began showing up on the websites indicating there would be additional requirements for parking. She stated there is a parking configuration diagram that became a requirement at some point during the grandfathering process. It prohibits short-term rentals from parking more than two cars back and front of their property in tandem, and that each parking space must measure 22 feet. This came as a surprise to all because this requirement has never been imposed before or at least during the past several years. It is not in the Title 6, Chapter 13 licensing requirements for short-term rentals. She further stated that in many cases, they have a number of parking spaces that do not match the number of bedrooms. For instance, her neighbor's property has 7 bedrooms; and that according to the new instruction, they could only park two cars on their driveway. With this new requirement, short-term rental owners would fall under one of the following 3 categories:

- Short-term rental owners that would comply with this requirement per instructions from their property manager because they were asked to swear to an affidavit this year, unlike any other years, that they are complying
- Short-term rental owners that believe this requirement should not apply to them at all, so they fill the forms out according to historical parking
- Short-term rental owners who will not comply with this new instruction because they had applied for stickers prior to the adoption of the short-term rental ordinance

Also, according to Ms. Lugo, short-term rental owners need to know exactly what the City expects; and that those whose homes were built prior to this new requirement should be able to use their driveways the way they see fit.

Councilmember Braden asked who originated the requirements that only two cars can be parked on the driveway one behind the other and the measurement for the parking spaces.

According to the Land Use Attorney, this requirement has been in the existing code for a while. However, the parking requirements are different depending on when the short-term rental property was constructed. She also noted that the Council passed an ordinance within the last couple of years that applies to anything built after the adoption of that ordinance, whereby these houses are required to have one parking space per bedroom. Homes that were built prior to this ordinance are those which Ms. Lugo was referring to because the previous Land Development Code provisions still apply.

Ms. Carrie Harbarger, a Destin resident, spoke of the Destin Crosstown Connector. She stated that it is a very convoluted project and very confusing to a lot of people. More and more information about it seems to surface during each meeting when it is discussed. She urged the Council to deny this project or move it to another location.

Mr. Jim Wood, a Destin resident, stated that there have been a lot of false information being put out about the crosstown connector. He continued that he supports the crosstown connector because he believes it is important to the City. He believes it should be constructed with two lanes with four lanes of right-of-way. He also noted that the next TPO meeting is scheduled for July 18th. He urged the Council to resolve this issue prior to that meeting so he could defend this project, as a member of the citizens committee, at that meeting.

Mr. Lockwood Wernet, a Destin resident and member of the Destin Chamber of Commerce Board, noted that the City has policies in their comprehensive plan that encourage the City to build the crosstown connector, specifically acquiring the rights-of-way between Beach and Benning drives. He continued that it is not an alternative road to US Hwy 98. The connector will help improve the traffic flow through the community. He added that with regards to this Council's concern about the connector becoming a 4-lane road, there is a solution in the proposed solution to keep it to 2-lane road. He urged the Council to move forward with the project.

Councilmember Braden commented that the desire of the present Council is to keep the connector at two lanes; however, future Council may decide to make it a 4-lane road and there is nothing anybody can do about it.

Councilmember Morgan pointed out that with the way funding goes, the soonest a future Council could convert the connector to a 4-lane road is 2042; adding they should not concern themselves with what future Council might do, they should continue working hard to put good people on the Council.

Mr. Shane Moody, president and CEO of the Destin Chamber of Commerce, noted that the Chamber is in favor of the completion of the crosstown connector. He pointed out that during the past few months, the City approved the development of 88 town home units near Airport Road and 240 apartment units near Main Street, both of which are located at the center of the crosstown connector traffic corridor. There would be a total of 328 residential units, and

with an average of 1.5 cars per unit, there would be 492 additional cars that would be in this traffic corridor. He also pointed out that the Destin United Methodist Church, a property that is less than a quarter mile south of the final part of the connector, may sell its property to the proposed Destin Charter High School. If the school were to hit its projected student count, it would add approximately 125 cars into the middle of this traffic corridor twice a day – during the morning drop off and the afternoon pick up of students. Without completion of the connector, these additional cars would be on Mountain Drive, Seaview, Legion Drive, Kelly Street, and any other road that goes east and west. Residents on these roads would have more traffic than they ever had before. He added they should also consider the new residential unit development at Indian Bayou, which is also located at the center of this traffic corridor. He urged the Council to move forward with the crosstown connector project to accommodate the unavoidable traffic that would be added to this area due to these new developments.

Ms. Rebecca McFarland, a Destin resident, presented a copy of a petition to build the crosstown connector to the Council. She informed the Council that the petition was signed by 79 residents of Seaview, Sea Oats, Mountain Drive, Azalea Drive and Legion Drive; and that only 3 people have declined to sign the petition. She continued that she was only able to obtain 79 signatures out of a possible 155 residents of those areas because she did not have time to send a letter out to everybody prior to this meeting. She also stated there have been a lot of false information being circulated around. They are not interested in having a 4-lane road. They would settle for a 2-lane crosstown connector.

Mr. Ken Wampler, a Destin resident, spoke in favor of the crosstown connector. He pointed out that the underlying message they received from the County and FDOT was that the crosstown connector is a City road. They can keep it at two lanes if that is their decision. He stated that each section has been done individually; and so, issues related to the US Hwy 98 and Stahlman Avenue intersection should not stop the progress of the crosstown connector. He further stated that they already have the funding for the connector and that there are other entities that are vying for that money. He urged the Council to approve the proposed resolution to move forward with the project.

Mr. Gary Tadlock, a Destin resident, stated that the East Pass badly needs dredging and the West Destin beaches need sand. He continued they had the opportunity to get it when the dredge boat was here for the Norriego Point project; however, it did not have the right equipment to dredge the East Pass. They missed another opportunity towards the end of last year due to bad weather. He also stated that the City's dredge permit is currently being challenged, and that it is of utmost importance for the City to prevail in this challenge. He urged the City to move quickly and to do whatever is necessary to give the City Attorney all the resources he needs to overcome this challenge.

Mr. Tadlock also noted that the County held a workshop on June 20th where an engineering firm gave a report on the condition of the West Destin beaches. According to the report, there are some things that need to be done on the beaches. They could be looking at a restoration, which would include engineering and permitting; and that it could take 3 to 5 years for it to happen. He added that the dredging that is coming up this Fall is probably the last opportunity they would have in the next 3 to 5 years to get some sand on the West Destin beaches.

Ms. Stephanie Hart, a Destin resident, addressed the need for more lighting between Commons Drive and Twin Lakes. The speaker was asked to submit information to the City Manager identifying the specific sections of the road that require additional lighting.

Mr. John Kerr, a Destin resident, noted that the location to which the previous speaker was referring was in the area in front of Quail Ridge Subdivision where motorists are continually driving 50 to 60 miles per hour. The speed trap that used to be at that location is gone and there has never been a police presence to slow people down. The speaker also complained about the Timberview Helicopters flying over the neighborhoods a hundred times a day making a loud noise. He also reported that the helicopters tend to fly very close to the fireworks during the 4th of July fireworks display, and that he has a video recording of one helicopter getting hit by the fireworks.

The Mayor commented that some of these issues have been brought up at the County Aviation meeting, and that the County Commissioners had made it clear to the administration and the National Parks and Services that changes are forthcoming.

Ms. Marcie Bell noted that she attended the County Aviation meeting. She stated that the person that runs the helicopter operation was quite belligerent, and that the only reason he changed his flight pattern was because the National Park Service got involved. He is now flying in other places instead of staying in commercial corridors. She is encouraging anyone who encounters a problem with the helicopters to get with the aviation group at Okaloosa County to get the problem resolved.

4. CITY MANAGER REPORTS

A. Crosstown Connector: Council requested information (Follow-up to Agenda Item 2C)

At this time, Mr. John Fielding issued a correction to his earlier statement by stating that the only set of plans the City has at this time is the 90% construction plans that were submitted to the City in May 2017; and that the updated plans have not been turned in because of pending stormwater permits.

The City Manager noted that during the June 17, 2019 meeting, Council directed staff to pursue the viability of keeping the crosstown connector from Main Street to Stahlman Avenue a two-lane facility without jeopardizing any associated funding for the project. Staff has conferred with FDOT, TPO and Atkins Engineering representatives to see if it is possible to limit the crosstown connector to two lanes without jeopardizing the project funding. It is staff's understanding both all these organizations concurred that the Destin City Council has the authority to omit the crosstown connector roadway to two lanes and is under no obligation to expend it to four lanes in the future. The Council can limit the crosstown connector to a two-lane facility without jeopardizing the funding commitment in place for rights-of-way acquisition and construction. If they were to change the TRIP Grant application acquiring the rights-of-way for just two lanes, they would have to start over and spend more money with the design because the two-lane road is currently designed on the four-lane footprint.

Councilmember Overier moved to approve Resolution 19-10 and move forward with completing the Beach to Benning section of the Crosstown connector project; seconded by Councilmember Marler.

Councilmember Morgan stated that since the City Council has the ability to put charter amendments in front of the voters, they should be able to make a charter amendment to keep the crosstown connector road at two lanes. This would appease the concern of some members of this Council about a future Council changing these plans and committing to a 4-lane road.

According to the City Attorney, this would be more of a comprehensive plan issue, and so they would have to go through a comprehensive plan amendment process.

The Land Use Attorney noted they are in the middle of the Evaluation and Appraisal Process with the comprehensive plan and they would be sending amendments to the State in the January/February timeframe; adding there are provisions on the crosstown connector that would probably have to be amended.

Councilmember Morgan noted they have previously purchased 3 town homes by a unanimous vote of Council for this project and now they are considering abandoning it. However, it is this Council's decision to make, and he just ask that they decide now because residents of Sandalwood, Legion Drive and Mountain Drive deserve a quick resolution of this issue.

According to Councilmember Braden, he just wants to make sure there are only two lanes that would go through these roads; but they have purchased enough property to 4-lane it. He also noted that FDOT has rated the level of service for US Hwy 98 as an "F"; and so, the level of service for a four-lane crosstown connector would also be an "F."

Councilmember Ramswell stated she likes the idea of a 2-lane crosstown connector; but what has been presented to the Council overtime is a plan that lays the foundation for a 4-lane system. Every document they receive, including the TRIP application that was used to obtain their federal and State funding, refers to a 4-lane road. She also pointed out that the Environmental Impact Report and PD&E refer to the crosstown connector as a major collector road and not as a local road. The FDOT design manual defines a "collector" road as "major county road," "major urban and suburban street" or "major traffic generators." Their definition of a "local" road is "low average traffic volume," "short trip links" or "minor urban and suburban subdivision streets." She added that she agrees with Councilmember Braden that the level of service at US Hwy 98 is an "F" and there is nothing this City can do to change the traffic flow on US HWY 98 except to bring back some ideas that could create an impact like synchronizing the lights or changing the traffic patterns.

Councilmember Menchel stated that he had repeatedly asked for a "blueprint" for the entire crosstown connector, from Stahlman Avenue to Danny Wuerffel Way, but neither FDOT nor the City Could provide it. He also finds it unbelievable that no one could produce a master plan for this road. He also stated that he reviewed a lot of documents that he received from the Clerk's Office and determined that some of the historical documents showed other Council members voting "no" on different segments of the crosstown connector. He further stated that the thing that bothered him the most was the plethora of misinformation that have been distributed. They provided question to FDOT ahead of their visit to the City, but they came to the Council meeting with no materials available and were not able to respond to many of their questions or contradicted themselves when answering some of the questions.

Councilmember Destin noted that the motion on the floor to approve the plan as submitted and bind themselves in a resolution that states it shall stay a two-lane means nothing

because in his view, resolutions are worthless from a binding standpoint because a future Council can easily change them. He added that an ordinance is also not binding because future Council can change it. The only way to ensure the crosstown connector will stay a 2-lane road is to redesign it and resubmit it with the rights-of-way necessary for a 2-lane road.

Councilmember Destin offered a substitute motion for City staff to take no further action on the current design of the crosstown connector and to start an RFQ to commence the redesign process submitting only the requisite right-of-way for a two-lane road; seconded by Councilmember Ramswell.

Councilmember Menchel stated that if they choose to get rid of the property they have already obtained for the crosstown connector, they could sell them at fair market value and use that money to purchase more beach front property, parking and beach access which they desperately need; adding that both residents and tourists would benefit from it.

The Mayor called for a vote on the motion, which passes 4-3 (Council members Destin, Menchel, Ramswell and Braden voted “yes”; Council members Morgan, Marler and Overdier voted “no”).

Councilmember Morgan asked the City Manager to inform the residents of Sandalwood of the City’s decision regarding this issue.

B. Stahlman Avenue/US Hwy 98 Intersection Improvements

The City Manager noted that during the June 24, 2019 Council workshop, Council directed staff to bring back potential ways to expedite improvements to the intersection of Stahlman Avenue and US Hwy 98. Possible suggestions include making a recommendation to the County Commission to move the project priority up on the TPO’s list and request assistance for funding. Another is to request a traffic operations analysis to be done at that intersection in advance of the PD&E Study that is already scheduled by FDOT. The purpose of which is to offer the City some suggested ways to improve the intersection before the PD&E Study is completed.

Councilmember Overdier moved to direct staff to have a Traffic Operations Analysis conducted for alternate improvements to the Stahlman/US Hwy 98 intersection for a cost not to exceed \$50,000; seconded by Councilmember Destin.

Councilmember Ramswell suggests “dead-ending” a portion of Zerbe road be added to the list of recommended improvement options for the Stahlman / US Hwy 98 intersection.

Councilmember Menchel asked staff to contact the County and FDOT and discuss the possibility of increasing the “green time” for the traffic signal at Stahlman/US 98 intersection to improve traffic flow in that area and to rectify the conflict between pedestrians and vehicles at that intersection by not allowing the pedestrian crosswalk light and traffic light to turn green at the same time.

Councilmember Morgan suggests the City Clerk drafts a resolution requesting the County’s assistance in moving the project up on the TPO’s project priorities list.

The City Manager pointed out that one of staff's recommended motions included a recommendation for the Mayor to send a letter to the County asking for their assistance in moving this project up on the Okaloosa-Walton County TPO's project priorities.

Councilmember Overdier amended his motion to direct staff to have a Traffic Operations Analysis conducted for alternate improvements to the Stahlman/US Hwy 98 intersection for a cost not to exceed \$50,000; and to direct the Mayor to send a letter to the County asking for their assistance in moving this project up on the Okaloosa-Walton County TPO's project priorities. Councilmember Destin provided a second to the motion, which passes 6-1 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

C. Change of Use Regulation and Process

According to Community Development Director Louis Zunguze, this is merely a "housekeeping item" which involves a change in the ordinance. Primarily, they see development from a re-development standpoint; with properties changing uses, some intensifying uses on existing property, or addition of uses to existing uses. They do not have a clear path to facilitate that process. He would like to work with the Land Use Attorney in coming up with an ordinance that would clarify that process for staff and making it a much smoother process for the citizens.

Councilmember Destin moved to instruct the Community Development Director to work with the City's Land Use Attorney in drafting a change of use criteria requirements and process in the form of an ordinance for Council consideration; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

D. Outdoor Dining Parking Regulation

Mr. Zunguze pointed out that the way they currently calculate parking especially for restaurants does not include outdoor dining areas. In addition, through the multi-modal transportation district, they discourage off-site parking areas with the hope of encouraging more vibrancy and walkability in these districts especially the Old Destin area. They have an ongoing deficit as far as parking is concern when it comes to outdoor dining. He could come back with an ordinance that addresses simply the outdoor dining; but it is important that they address parking in that whole area in a much more comprehensive fashion.

Councilmember Overdier moved to direct staff to address the outdoor parking issues along with other parking issues and bring it back in the form of an ordinance for City Council consideration; seconded by Councilmember Ramswell.

Councilmember Morgan asked if they could include increasing parking requirements for pontoon boats and Jet Skis from two parking spots to three.

Mr. Zunguze stated they would look at it further and bring back suggestion on the best approach to take.

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

E. Announcements:

- 1) Construction drawings for the Capt. Royal Melvin Heritage Park sent to Council via email
- 2) Independence Day Fireworks: July 4th, 9:00 p.m. – East Pass
- 3) City facilities will be closed July 4th
- 4) Mr. Webb Warren will be Acting City Manager from July 2nd through July 7th
- 5) Budget Workshop scheduled for Monday, July 8th, beginning at 5:30 PM
- 6) Bike Parade for children at the Morgan Sports Center on Tuesday, July 2nd, beginning at 5:00 PM

5. PUBLIC HEARINGS

The City Attorney announced that Ordinance 19-02-LC and Ordinance 19-03-PC are companion ordinances. Ordinance 19-02-LC amends the Zoning Map and Ordinance 19-03-PC amends the Future Land Use Map. He asked the applicant, Mr. Curtis Gwin if he has any objections to holding one quasi-judicial for both ordinances. Mr. Gwin has no objection.

He asked the Land Use Attorney if she has any objections on behalf of staff. The Land Use Attorney has no objection.

A. Second reading of Ordinance 19-02-LC – Zoning Map Amendment

The City Attorney read proposed Ordinance 19-02-LC by title, and then presented it to the City Council on second 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.

The City Attorney sworn in the following individuals for testimony:

Mr. Curtis Gwin
Mr. Louis Zunguze

At this time, the City Attorney asked if any members of the Council had any ex-parte communications with any party or non-party to this matter to disclose those communications at this time.

Councilmember Menchel stated that he has had communications with Okaloosa County Airports Director Tracy Stage regarding this matter. Mr. Stage and some members of the LPA discussed this matter with the Local Planning Agency. There were also emails from Mr. Stage to the City on March 1, 2019 and April 15, 2019 regarding the technical memorandum. He spoke with Mr. Stage on what he had presented to the Local Planning Agency.

Councilmember Marler noted that he has spoken with Mr. Gwin about this subject several months ago to get an idea on what they wanted to do.

Councilmember Morgan stated that he had a brief phone conversation with Mr. Gwin on this subject; and, about one of the pastors at a nearby church on adjoining the property that is being discussed tonight.

Councilmember Ramswell disclosed having a brief general discussion about this subject with Mr. Gwin.

Councilmember Menchel stated that he had questioned Mr. Gwin about a traffic count after he gave his presentation; and that Mr. Gwin emailed that information to him at his City address.

The City Attorney asked Councilmember Menchel to provide that information to the City Clerk.

The Land Use Attorney noted that since the first reading the comprehensive plan amendment has gone to the Florida Department of Opportunity as required by Florida Statutes, and that there were no comments received from the State.

Mr. Zunguze stated that the applicant, Indian Bayou Properties, is requesting 75.08 acres be rezoned from Recreation (REC) to Low-Density Residential – Village (LDR-V) and the Future Land use changed from REC to LDR.

Mr. Curtis Gwin stated he has nothing to add to the statement he made at first reading of this ordinance; other than to announce he had contacted the airport, as previously requested by the City Attorney, to inform them this subject is on the agenda tonight. He has also discussed this subject with Pastor Caleb of the Immanuel Anglican Church, and that they are very excited about this project.

Councilmember Ramswell noted that the comprehensive plan has a Map 2.1 that discusses future needed motor vehicle transportation improvements. It also shows a road that goes from Indian Trail along the side perimeter of the airport and then connects to Two Trees Road. She asked if this is being considered as a future project.

Mr. Gwin explained that when the airport traffic control tower was permitted, the airport was required to put a conservation easement on about 30 or 40 acres of wetlands and woodlands. He learned about it from the Northwest Florida Regional Water Management District. He added that one of the things that are prohibited in that conservation easement is any sort of road.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance. Hearing none, the Mayor closed the public hearing and turned the matter over to the City Council for discussion and consideration.

Councilmember Menchel moved to approve Ordinance 19-02-LC on second reading; and that the Technical Response Memorandum the airport provided be stipulated in the development order. Councilmember Ramswell provided a second to the motion.

Councilmember Morgan asked if with this stipulation, whether each individual home that is built would be required to go through the Technical Review Committee for each development order application.

According to the City Attorney, the airport has produced a report as to certain standards each home would have to include to reach a certain level of noise abatement.

Councilmember Menchel asked that each building permit includes a copy of the Technical Response Memorandum from the airport.

Mr. Zunguze stated, it would be part of their review process as they go through development applications.

Mr. Gwin explained that all they are trying to do is get their property rezoned from REC to LDR. They have to meet some FAA requirements or airport requirements that are currently in the Land Development Code, and which they are already working with the airport. One of the Land Development Code requirements is within the noise zoned there is a restriction that is filed with every deed that falls within that noise abatement area. He also pointed out that the airport did not submit a similar memorandum when Destin Oaks was built, which is a development that was even closer to the airport property line than what is currently being proposed. He added it would not be proper for the Council to stipulate that the applicant would have to adhere to something an outside entity requires in order to get a development order.

The Land Use Attorney advises the Council not bind staff to the airport's Technical Review Memorandum because all of it would be part of staff reviewing the noise issues and any incompatibility that may or may not be created by the proximity to the airport during the development order review process. And to include that memorandum as part of the motion would be telling staff they cannot exercise any judgement on how to address the issues from the planning perspective.

Councilmember Menchel stated that he accepts the Land Use Attorney's advice; but he just want everyone to know the memorandum was produced by Okaloosa County. It was presented to and approved by the Local Planning Agency; but that the FAA and airport's presentation to the Local Planning Agency was not provided to the Council.

Councilmember Menchel amended his motion to approve Ordinance 19-02-LC on second reading; 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 19-03-PC – Future Land Use Map Amendment

The City Attorney read proposed Ordinance 19-03-PC by title, and then presented it to the City Council on second reading.

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.

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

Ms. Marcie Bell, a Destin resident, noted she was in attendance at the LPA meeting when the airport tried to give the presentation; however, it was cut short when an LPA member pointed out it was not the appropriate time and place for the presentation. She stated that a copy of the presentation should have been provided to the Council.

Councilmember Menchel moved to approve Ordinance 19-03-PC on second reading; seconded by Councilmember Ramswell. and direct staff to forward the ordinance to the State Department of Economic Opportunity passed 7-0.

- C. Second reading of Ordinance 19-09-LC – Amends the official zoning map as reference in the Land Development Code, Section 7.12.01(A)2 zoning maps to match the assigned land use designation of the Future Land Use Map of the Comprehensive Plan

The City Attorney read proposed Ordinance 19-09-LC by title, and then presented it to the Council members on second 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 DESIGNATIONS GENERALLY LISTED AND DEPICTED IN ATTACHED EXHIBIT A, TO MATCH THE ASSIGNED LAND USE DESIGNATION OF THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; 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.

Mr. Zunguze explained that the purpose of this ordinance is to align the Zoning Map in the Land Development Code with the Future Land Use Map in the Comprehensive Plan. They removed areas 4, 5, 7 and 15 as previously requested by Council. Those areas would be subject for discussion at a future workshop.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance. Hearing none, the Mayor closed the public hearing and turned the matter over to the City Council for discussion and consideration.

Councilmember Overdier moved to approve Ordinance 19-09-LC on second reading; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

6. CONSENT AGENDA

- A. Reimbursement to Councilmember Skip Overdier for expenses incurred while attending the Florida League of Cities Legislative Policy Committee Meeting in Orlando, Florida from June 13-14, 2019

- B. Request for Council approval to purchase fresh air circulating system for the Destin Library
- C. Request for Council approval to repair the City street sweeper

Motion by Councilmember Destin, seconded by Councilmember Menchel, to approve Consent Agenda items 6A and 6B, and pull item 6C for discussion, passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

There were some discussions regarding the City’s street sweeper under Consent Agenda item 6C.

Public Services Director Michael Burgess would like to revise the recommended motion to read “Council approves the repair of the primary engine of the street sweeper in an amount not to exceed \$35,000.”

Councilmember Marler moved to approve the repair of the primary engine of the Street Sweeper in an amount not to exceed \$35,000; seconded by Councilmember Ramswell.

Councilmember Braden asked if they have received an estimated repair costs for the street sweeper.

Mr. Burgess replied the street sweeper is currently at the repair facility in Pensacola, and they did receive a quote of about \$35,000 to repair the motor.

Councilmember Braden asked how much it would cost to fix the rest of the damaged on the vehicle.

According to Mr. Burgess, they have not been able to assess the rear engine that operates the vacuum and brush system. Once the primary engine is repaired, they could move the vehicle to Mobile, Alabama for further damage assessment.

Councilmember Braden asked if the investigation on the entire incident which caused the damage to the sweeper been finalized.

The City Manager stated that it has been finalized, and that they have implemented some changes to make sure such an incident does not happen again and hold people accountable for their action.

Motion 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

1. Royal Melvin Park

Councilmember Braden moved that they put construction of the park for bid once the 100% plan is complete; seconded by Councilmember Menchel.

The City Manager stated they have not received final approval for funding for the construction of the park from the US Treasury; adding there is a potential risk that anything the City spends at this time may not be reimbursed until they receive the official approval from US Treasury.

Councilmember Braden asked how much it would cost to put the construction of the park out for bid.

The City Manager replied they only need to pay for the advertising cost. He also stated that the plans are at 100%, but the Council has not voted to approve them. He would be bringing it back for the official approval by the Council.

Councilmember Braden withdrew his motion and asked staff to place Council's approval of the 100% construction plan for the Capt. Royal Melvin Park on the next Council meeting agenda.

Councilmember Braden inquired as to the status of development of the old Cemex Plant property that they purchased.

According to the City Manager, they have submitted the plan to FDEP to combine that parcel with three other parcels to make one large recreation area. He has heard nothing but positive comments from FDEP about the City getting that funding of about \$12 to \$14 million. He stated that he would follow up to inquire as to the exact timeline to receive the funding.

Councilmember Braden wants to know the reason the airport presentation was stopped at the LPA meeting.

The Land Use Attorney noted it was requested by one of the LPA members not to receive the entire presentation because the impacts from the airport is going to be reviewed by staff. It was a future land use map amendment and a rezoning, and that level of detail has not been reviewed by staff.

B. Councilmember Ramswell

Councilmember Ramswell requests they put up some "No Texting" signs in various places in the City, per recommendation from the Public Works/Safety Committee, since it recently became law in Florida. She also asked the City to reach out to FDOT regarding the proposed signage on Marler Bridge warning east bound motorists of the traffic light at the foot of the bridge. She continued it is an urgent matter to prevent more fatalities on that bridge.

C. Councilmember Menchel

Councilmember Menchel asked staff to start looking into the helicopter issue to determine if there is anything the City can do to regulate it or address any safety violations.

Councilmember Menchel requested that any agenda items that have excel spreadsheets, to make sure all columns fit on one page.

Councilmember Menchel asked staff to help ensure the feasibility study for the project to redesign Harbor Blvd and the Stahlman Intersection improvements from 2021 to 2020 be brought up at the next TPO meeting.

- D. Councilmember Overdier
- E. Councilmember Marler

Councilmember Marler moved to allow paid holiday for City staff for Friday, July 5th; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

- F. Councilmember Destin

Councilmember Destin requested the City staff and Land Use Attorney to draft a letter to the County addressing the myriad of problems on the western side of the Marler Bridge – i.e., trash, unlicensed vending – and requesting code enforcement action.

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

1. Update on concluded litigation (BI, Inc. vs. City of Destin)

The Land Use Attorney noted that the intervenor in the case between BI, Inc. vs. City of Destin, which is the Destin Fishing Fleet, filed an objection making some allegations of fraud and tried to keep the litigation going, which resulted in the judge allowing another hearing. The hearing on the intervenor’s motion was held last Thursday. The judge once again agreed with the City and the plaintiff that the lawsuit is over, and therefore also agreed that the court no longer has jurisdiction on this matter.

- J. City Attorney

1. Update on East Pass administrative litigation

The City Attorney announced there is a final hearing set for July 29-31; and that they are staying the course at this point per this Council’s direction. They are in the discovery phase of the litigation, with two more depositions to be taken and they will be done with the bulk of the case. He also stated that the case involving the Army Corps of Engineers’ permit was dismissed; however, a new challenger emerged, and that this new challenger can circumvent some of the notice issues presented to the Sherry’s and Donovan.

8. PUBLIC COMMENTS

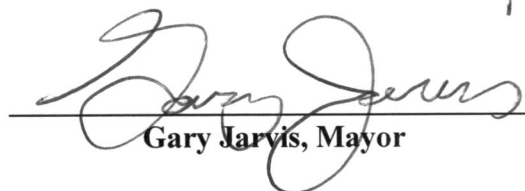
Ms. Becky McFarland expressed her disappointed with the Council members that voted to take no further action on the crosstown connector. She also stated that this decision will affect a lot of people. She also stated she is very confused about the action taken by Council tonight and that she is not sure at this point if the crosstown connector road will ever be built.

Councilmember Destin explained that the current proposal for the crosstown connector has enough rights-of-way for a 4-lane road. Council has instructed staff to redesign what could

be adopted and built to only have enough rights-of-way for a 2-lane road and then they would resubmit for funding.

Ms. Marcie Bell noted there is a dangerous situation happening underneath the Destin bridge on the west end of the bridge. She was informed by a woman who goes down there twice a week that she found several needles while she was down there. One of the needles was still attached to a syringe. The syringe was buried underground, and the needle was sticking up and anyone who is down in that area could have stepped on that needle.

Having no further business at this time, the meeting was adjourned at 9:25 PM.



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk

