

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

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

Destin City Council

Mayor Gary Jarvis
Councilmember 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
Parks/Recreation Director Lisa Firth
Public Services Director Michael Burgess
Community Development Director Louis Zunguze
Tim Whaler, 3TP Ventures
City Land Use Attorney Kimberly Kopp

City Clerk Rey Bailey
Deputy City Manager Webb Warren
Principal Planner Lauren Witt
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; followed by the recitation of the Pledge of Allegiance. Rabbi Shaya Tenenboim of the Chabad of Emerald Coast gave the invocation

AGENDA APPROVAL

Councilmember Marler requested that new agenda item 2D – *Report from Code Compliance and Community Development Departments on Livery Vessels and Short-Term Rentals* – be added on the agenda.

Motion by Councilmember Destin, seconded by Councilmember Menchel, to approve the agenda, adding Agenda Item 2D, passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted “yes”).

1. APPROVAL OF MINUTES

A. Approval of minutes of June 17, 2019 Regular City Council Meeting

Motion by Councilmember Destin, seconded by Councilmember Marler, to approve minutes of June 17, 2019 Regular City Council meeting passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted “yes”).

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

A. Destin Little League Recognition

The Mayor recognized the following little league teams for their accomplishments this year and gave each of the players and coaches a City of Destin pin:

- Destin Little League Girls Softball Team 2019 Machine Pitch District 1 Champions
- Destin Little League Boys Softball Team 2019 Machine Pitch and Coach Pitch District 1 Sectional Champions

B. Updates: Norriego Point Phase III & Joe's Bayou Recreation Area Pearce Barrett, Project Coordinator, FDEP

Mr. Pearce Barrett, FDEP Project Coordinator, provided the following updates on the Norriego Point Restoration and Recreation Project:

➤ Project Status

- ❖ Norriego Point Recreation Facilities Current Design Status – 60%
- ❖ Final Plans and Permits – October 2019
- ❖ Advertise for Bids in October–November 2019 (pending receipt of all permits)
- ❖ Begin Construction of Recreation Facilities – January 2020
- ❖ Finalization of Stabilization – October 2018
- ❖ Dune Vegetation Element – April 2019
- ❖ Recreational Facilities Finalize Construction – July 2020
- ❖ Norriego Point Current Engineer's Opinion of Probable Construction Costs – 60% design

<u>DESCRIPTION</u>	<u>TOTAL COSTS</u>
▪ General Items (Mobilization, Gen. Cond., Survey/QA and QC)	\$245,600
▪ Demo/Site Prep	\$71,400
▪ Temp. Construction Access Road	\$51,700
▪ Utilities	\$202,000
▪ Landscape/Erosion Control	\$27,300
▪ Restroom & Pavilion (showers, water fountains, ramps)	\$505,000
▪ Signage, fencing, kiosks	\$17,000
▪ Boardwalk (harbor, beach & Shelter access, entry way, benches)	\$1,612,000
▪ Dune Crossovers (3)	\$320,000
▪ Boardwalk lighting (optional)	<u>\$80,000</u>
TOTAL	\$3,132,000

➤ Norriego Point 60% Plan

- ❖ Changes made since 30% based on comments from City Council, Recreation Committee and City staff

- Roadway on southern end of the project is not included in the project in terms of funding
- Roadway has been designed and will be included in the permitting documents
- Recreational Components
 - Pavilion
 - Restrooms
 - Showers
 - Drinking Fountains
 - Environmental Educational Signage
 - Multi-use Trail (Boardwalk)
 - Bike Racks
 - Vehicle parking along access road adjacent to park (Note: Construction of this road is not funded through the NRDA Deepwater Horizon Early Restoration Funds)
 - Build temporary construction roadway as part of the project on top of what could be permanent roadway
 - It will be a limestone base. It will be the City's lime rock if City is unable to build full asphalt road
 - Additional components: Dune Crossovers (3) and emergency vehicle access
 - Dune crossovers not originally part of the project. They were added during the design to not destroy the dune
 - Intended for at least one crossover to be ADA accessible but later determined it was not feasible
 - They feel they meet ADA requirements by providing ADA facilities and beach access in the boardwalk area

DISCUSSION:

Councilmember Marler inquired as to the Hurricane ratings for the restroom facility; to which Mr. Barrett replied about 155 mph.

Councilmember Overdier asked who will pay to build the temporary construction road.

Mr. Barrett stated that the money was originally proposed to come out of the development order for the Pointe One property located adjacent to the park.

Councilmember Braden asked if the US Corps of Engineers is requiring the City to open the northernmost embankment for boat parking.

The City Manager replied it was a suggestion made by FDEP that they open up that embankment for boats to potentially bring passengers into the point. According to Bureau Chief for Land Administration for FDEP, the new sand that was placed on Norriego Point could be

considered State sovereign land. The City is currently exploring whether they would need to lease the land from them or if they have rights to the uses that are allowed on that land.

Mr. Barrett stated that he cannot speak to this issue at this time. It is coming out of the Department of State Lands. However, it would not affect this current project.

Councilmember Ramswell noted there was quite a bit of concern within the community when restrooms were subsequently added at some point after the initial application has been done; and that the addition of a family restroom facility is quite disturbing to her knowing full well that people were already upset with the inclusion of the restrooms to begin with. She asked whose decision it was to add a family restroom facility.

Mr. Barrett explained that when the 30% drawing was completed, it was determined by different entities that a restroom expansion is necessary to handle the number of people a park that size could generate through boat traffic from the harborside and people coming in from the inlet side.

Councilmember Ramswell asked if they have had any discussions with the property owner about the construction of the permanent road.

The City Manager replied they have not made much progress in that regard; however, it was his understanding that the construction roadway will be put in at FDEP's expense.

According to Mr. Barrett, the construction road estimated at \$50,000 is a necessary road and would be put in at FDEP's expense. He continued that unless the permanent road is built on top of it immediately, he would suggest stock-piling the lime rocks somewhere and using it when the time comes rather than leaving them there to be covered over with sand if they wait too long.

The Land Use Attorney noted that the permanent road is a required condition of the owner's final development order as a public benefit.

Councilmember Destin suggests they pursue funding for the permanent road using City funds to prevent the degradation of that road.

Mr. Barrett noted that the cost estimate for the permanent road including sidewalks and landscaping is approximately \$350,000.

Councilmember Destin moved to approve the Norriego Point Restoration and Recreation Project 60% plan and instruct City staff to invite the Bureau Chief for the Land Management Division of FDEP to attend a future Council meeting to discuss the issue regarding the potential for a transit stop dock requested to be included in the plan. Councilmember Menchel provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted "yes").

Next, Mr. Barrett addressed the Joe's Bayou Recreation Area and Mattie Kelly Park and Nature Walk Improvements Project. He reported that the project has been approved and the money has been released and they are now moving forward with the project. He then provided a brief summary as well as the overall plan for the project.

Project Description

- This project which is to enhance recreational opportunities in the Joe's Bayou Recreation Area and Mattie Kelly Park and Nature Walk is being implemented by the FDEP FL Trustee in coordination with the City of Destin and the Choctawhatchee Basin Alliance
- For Joe's Bayou the project would include construction and improvements to:
 - ❖ Boating (power and paddle-craft) access
 - ❖ Restroom facilities
 - ❖ Fishing pier
 - ❖ Walking trails and sidewalks
 - ❖ Site work at former Cemex Plant site
 - ❖ Repair/Replacement to retaining wall at Cemex Plant site
 - ❖ Stormwater pond restoration with littoral planting and aeration
 - ❖ Saltmarsh and upland restoration
 - ❖ Parking improvements and expansion
 - ❖ Interpretive educational signage
 - ❖ Lighting improvements
 - ❖ Living shoreline
 - ❖ Landscaping/irrigation/benches/trash receptacles
- For Mattie Kelly Park Improvements
 - ❖ Wetland enhancements
 - ❖ Construction of additional parking
 - ❖ Additional boardwalk
 - ❖ Improvements to drainage and stormwater management
- Project Budget: Total - \$11,453,700
- Anticipated Schedule
 - ❖ Release request for Statement of Qualifications – October 2019
 - ❖ Receipt and shortlist of professional firms – November 2019
 - ❖ Notification of shortlisted firms – December 2019
 - ❖ Presentation and selection of professional design firm – January 2020
 - ❖ Negotiation and execution of contract with selected design firm - February 2020
 - ❖ Notice to Proceed – March 2020
 - ❖ Planning and public presentations – April thru May 2020
 - ❖ Engineering, permitting, preparation of final construction documents – June 2020 thru June 2021
 - ❖ Release for bids – July 2021
 - ❖ Start of construction – November 2021
 - ❖ Complete construction – April 2023

DISCUSSION:

Councilmember Ramswell noted that a lot of people have requested that this park be dog-friendly or pet-friendly. She asked if this request is being considered for this park.

Mr. Barrett stated that the purpose of the planning meetings is to receive and explore ideas such as this before they start the planning process.

Councilmember Ramswell inquired as to the likelihood of the boat ramp being kept open.

Mr. Barrett stated that ideally, they would need to shut it down; however, if the boat ramp cannot be shutdown permanently because it is a very popular boat ramp or if it cannot be shut down for a specific period of time, they could probably schedule the construction around the period when the boat ramp can be shutdown. They could also consider making a portion of the boat ramp to remain open during the construction period.

C. Future Land Use Map (FLUM) in Crystal Beach Area Mr. Karl Seekamp, Sovereign Isle

Mr. Karl Seekamp, resident of Sovereign Isle, stated that previous presentations from staff to correct the Future Land Use Map to match the Zoning Map failed to address the concerns in his residential neighborhoods with regards to the proposed re-zoning of a parcel being referred to as Area 15 from ROI-TD to Commercial General. He pointed out that the proposed changes countered the Comprehensive Plan Objective 1-1.2., *"Protecting existing stable single-family residential areas from adverse impacts by new development. These areas include historically residential neighborhoods in mixed-use designation. Ensure that any new development or re-development provides smooth transition in land use."* He also pointed out that both Emerald Breeze and Sovereign Isle residential neighborhoods are immediately abutting next to Area 15, and there would not be a smooth transition in land use.

Mr. Seekamp also noted that the proposed change would violate Comprehensive Plan Objective 1-1.3, *"Amendments to the Future Land Use Map shall consider the established pattern of land use and shall continue to promote stable residential areas. It shall consider the need, protect and preserve the quality of Destin residential areas. Commercial in-fill and re-development shall be regulated to avoid negative impacts on established residential neighborhoods."*

Mr. Seekamp also highlighted that the proposed change is inconsistent with Comprehensive Plan Policy 1-3.6.4, *"Identification of land use and zoning inconsistencies. Undeveloped lands located in a zoning district that are inconsistent with the approved Future Land Use Map designation for that property shall be rezoned to the least intensive district appropriate to that land use designation."* He continued that the proposed rezoning of the parcel to Commercial General counters this policy.

Mr. Seekamp offered the following recommendations:

Correct the Future Land Use Map making it:

- Compatible with existing neighboring development and zoning
- Consistent with the comprehensive plan
- Consistent with needs and desires of residents

Councilmember Ramswell asked if the neighborhoods have come to a consensus about this issue and residents are generally in the same line of thinking.

According to Mr. Seekamp, he cannot speak for everyone in the neighborhoods except for the 153 people who signed the petition that they did not support the proposed Commercial General rezoning of Area 15.

The Land Use Attorney noted they have met with Mr. Seekamp and a few of the other residents and they are working on a draft ordinance that makes some changes to the Commercial General zoning addressing some of the concerns of the residents; and that the majority of these residents seemed to be pleased with the direction the City is currently undertaking. This ordinance would be brought to the LPA for recommendations and then to the City Council for approval next month.

D. Report from Code Compliance and Community Development Departments on Livery Vessels and Short-Term Rentals

Code Compliance Manager Joey Forgione provided the following data on livery vessels and short-term rentals:

Livery Vessel Registration

- 17 companies
 - ❖ Registration fee increased from \$75 to \$100
 - ❖ Total: \$41,800 (increased of \$9,150 from the previous year)

Short-Term Rental (STR)

- Phone calls related to STR – approximately 300 per week
- Parking citations issued from October 1, 2018 to date - 1,160
- Trash can warnings and citations – 121
- Noise complaints – 7
- Sign violations – 50
- Miscellaneous investigations (beach complaints/commercial events) – 120
- Rental inspections (Parking/Advertising/Misc. Violations) – 646
- Total # of registered short-term rental properties
 - ❖ 2018 – 876
 - ❖ 2019 – approved to date – 591
 - ❖ 2019 in process – 256
- 108 Notices of Violation issued for non-registered properties
 - ❖ 84 have not registered for 2019
 - ❖ 13 registered in 2017, but not in 2018 and 2019
 - ❖ 11 have never registered
- A second round of 100 Notices of Violation going out to non-registered properties
- Total number of cases from October 1, 2018 to September 30, 2019 – 4,243
- Total number of calls for service from October 1, 2018 to August 9, 2019 – approximately 5,502 (approximately 3,300 were short-term rental related)

Community Development Director Louis Zunguze noted that short-term rental owners are not happy with the fee increases; however, short-term rental is one of the most high intensity

and high maintenance of all the uses in the City with respect to the demands it puts on the full range of resources the City provides; and that it is important that it contributes to its welfare. He feels the schedule of fees approved by the Council is reasonable and it is commensurate with the type of services the Code Compliance Department provides.

Councilmember Overdier stated that he fully supports the efforts of the Code Compliance Department. They are trying very hard to enforce the short-term rental regulation and correct everything that is wrong with short-term rentals. This requires additional resources and additional funding, which justifies raising the short-term rental registration fees from \$200 to \$500.

Councilmember Ramswell stated that she agrees completely with Councilmember Overdier; adding that she spent a couple of hours online checking short-term rental and vacation rental registration fees being charged by other municipalities, and Destin ranked in the bottom quarter of what she had found.

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

Mr. Galen Alsop, a property owner at the Village of Crystal Beach, stated that short-term rental is not a multi-million dollar business for everybody; adding that he operated at a \$17,000 loss last year alone. It is becoming a significant challenge for him to maintain his property each time the City increases fees and taxes. He stated that he supports the City's position but some of the rules are unclear. He had called the City several times in the past and received different answers to his questions each time. He stated that he is one of the owners who try to abide by all the rules and want to make Destin a place people want to come to vacation as a family. They are willing to work with the City, but it seems they are on the opposite side of the fence when they hear comments from the City about short-term rentals.

Ms. Patti Brown, a Destin resident, stated that she sent an email to the Council with a picture of a recycling box for beach goods that are discarded primarily during weekends. She continued that PAWS at Fort Walton Beach is really struggling and is barely able to pay their electric bills. She asked for the City to support putting these boxes out and providing some assistance to PAWS by donating the items to their thrift stores. There are some scouts and a lot of high school students that need community service hours that would be willing to volunteer their time monitoring and collecting these boxes.

Ms. Brown also noted there have been some lives lost on the Gulf Coast this year from drowning. There are people that come to visit their beaches that do not know how to swim; or they do not understand the flag system, or they do not take the time to read it and take the necessary precaution. She stated that they need to think of a way to catch people's attention and get this information across to them. A good example is an interesting slogan written on stickers and posted everywhere at Maui that reads, "*When in doubt, don't go out.*" She suggests doing something like this to get the message across to people.

The Mayor stated that he had been working with the City's Public Information Manager Catherine Card on ways to better educate the people on this issue and publishing the information on the City's Facebook page. He asked Ms. Brown to share her ideas with Ms. Card.

Councilmember Menchel suggests the Short-Term Rental Task Force championing this issue and getting all the short-term rental homes to include a copy of the sheet of paper that illustrate the flag system in the registration packet for their guests.

Mr. Ken Wampler, a Destin resident, stated that he wishes to clarify some of the comments made by some members of the Council regarding about the fee increases for short-term rental registrations. He stated that the comment that short-term rental owners were against the fee increase because it was not previously discussed at a Council meeting was inaccurate. The exact nature of the complaint was that the proposed fee increase was not included in the fee schedule and was nowhere to be found. He also stated that the comment that short-term rental owners would never agree to a fee change was also inaccurate because in 2017, they worked with City staff on increasing the registration fee to \$200. He feels it is outrageous to now increase the fee by 250 percent. He also noted that the Business Tax Receipt Equity Committee that was previously appointed by the Council recommended a lot of changes to the fee schedule. They have also added some severe penalties and some strong language in the code to assist the Code Compliance Department in taking actions against the offending parties. None of their recommendations was ever adopted. He recommends adjusting all the fees across the board and not just for short-term rentals; adding that there are more good rental operators than bad, and so raising the fees to punish the good operators is unfair.

Ms. Patti Brown noted that as a member of the Short-Term Rental Task Force, she conducted a lot of research and contacted the Code Enforcement department at various resort areas in Florida as well as in other states about their fee schedule. She learned there are a lot of differences in fee schedules. Some municipalities are charging additional fees for such things as initial registration, renewals, inspections and business licenses. She noted that she lives on Shirah Street where there are more bad rental agents than good rental agents. The Code Compliance Department is doing a good job enforcing the code, but they still have a lot of work to do and need additional manpower to do it. She added that a notice of violations was issued to 108 short-term rental houses in Destin for not registering in the City, and there are a hundred more houses currently being investigated.

Next, Mr. Ken Wampler expressed support for the ordinance regulating parking for outdoor dining. He stated that most of the restaurants in the harbor with outdoor seating do not have sufficient parking. He suggests they approach this issue the same way they approach the occupancy restrictions to include the grandfathering aspect.

Ms. Cary Harbarger, a Destin resident, noted that the old Cemex Plant tested positive for fly ash in 2014. She asked if the City is aware of it and requested an update.

According to the City Manager, the facility passed the two required environmental testing that were performed but they would try to get an answer to that question.

Ms. Harbarger also reported that some of the people that live on part of Sibert Avenue have an easement that comes almost to their front door. She asked the City to find why such as easement was obtained and whether it is needed, and maybe considering abandoning it.

Ms. Marcie Bell addressed the livery vessel and short-term rental registration fees. She stated that the current fee of \$100 per year for livery vessels when divided by 12 months is barely the value of a meal. On the other hand, the short-term rental registration fee of \$500 per year or \$41.67 per month barely equates to the price for a full tank of gas for a medium size vehicle, while the earning potential for rental properties is skyrocketing. She suggests they figure out a way to collect fees from condominiums.

4. CITY MANAGER REPORTS

A. Membership appointments Destin Youth Council

The City Manager requested that the Council appoint 5 students to the Destin Youth Council.

Motion by Councilmember Ramswell, seconded by Councilmember Overdier, to appoint the following students to the Destin Youth Council passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted "yes").

- **Katherine O'Leary**
- **Michael O'Leary**
- **Cooper Stanford**
- **Alexandra Rodriguez**
- **Elizabeth Wasson**

B. Update: Municipal Software Project

The Deputy City Manager Webb Warren and Community Development Director Louis Zunguze provided the following update:

- **Energov** – the Deputy City Manager, IT Manager, Public Services Director and Community Development Director jointly reviewed the quote from Tyler Technologies for the Energov solution. The quote was then signed by the City Manager and a purchase order has been requested. The exact start date has not been formally memorialized by Tyler's Technology's implementation team, but all involved have a continued expectation of a late 2019 formal start date
- **Document Scanning** – Destin's IT staff and the Community Development Department staff are defining the data standards to be expected in the final deliverables and memorializing those standards into a scanning contract. This effort will ensure that Destin will be provided the product with the best metadata and compatibility for the Energov product. The scanning contract is expected to be executed as soon as possible
- **Development Review Processes and Work Flow Critical Paths** - The Community Development staff has set up and chairs the Interdepartmental Development Software Task Force Team comprised of Community Development, Code Compliance, Public Services, Clerk's Office and IT staff to review and streamline all development review processes, application forms and work flow project critical paths, in preparation of the Energov software implementation process

- GIS Interface – The Deputy City Manager, IT Manager and GIS Manager met with the Tyler Technologies team to work on details concerning the GIS implementation portion of the project. Staff analyzed Energov’s spatial data model and requirements for the project. Staff is using this information to prepare Destin’s spatial data for the project. Some challenges have been identified with the shared property appraiser’s parcel data, but those issues are being mitigated by staff
- Interlocal Collaboration – The Deputy City Manager met with Okaloosa County’s Information Technology Director to leverage the City’s strategic partnership to enhance their GIS and technological capabilities for the project. The meeting reinforced their ongoing partnership and commitment to sharing data between the property appraiser, Okaloosa County GIS and the City of Destin

C. Annual Transportation Concurrency Analysis

Mr. Tim Whaler, the City’s project consultant, provided the following presentation of the 2018 Annual Transportation Concurrency Analysis:

- The Comprehensive Plan establishes the Multimodal Transportation District (MMTD) to replace the traditional concurrency requirements governing available road capacity and automobile trip making with a system that assesses concurrency based on pedestrian-oriented site design and multimodal infrastructure development
- Road capacity projects and multimodal improvements required to accommodate the development allowed for in the future land use map are outlined in the transportation element of the comprehensive plan and funded through the multimodal impact fee

The Concurrency Analysis and Policy

- The Annual Transportation Concurrency Analysis (ATCA) and Biennial Report are monitoring tools designed to:
 - ❖ Document existing conditions for development review
 - ❖ Monitor the MMTD
 - ❖ Help prioritize transportation projects as part of the annual capital improvement program (CIP) assessment

Deliverables

- Collect traffic counts
- Report trends and conditions
- Revise transportation model
- Update development committed trips tracking database

Traffic Counts

- Data collection period targets 2nd week in July
- Counts not taken on US Hwy 98 due to construction activity

- 3 turning movement counts
- 27 mid-block counts
- 5 pedestrian counts

Trends

- Increasing volumes in Old Destin and Crystal Beach
- Decreasing volumes in Town Center/Main Street area
- US Hwy 98 construction impacting movements east of Airport Road

Capacity in the MMTD

- Monitoring Maximum Service Volume (MSV)
 - ❖ US Hwy 98 - LOS-E
 - ❖ Collectors - LOS-D
- In prior years, the MSV for US Hwy 98 was determined by synchro using the Highway Capacity Manual (HCM) signalized intersection
- This year MSV for US Hwy 98 based on 2018 FDOT Quality/Level of Service Handbook Tables
- Commons Drive, including all segments between Airport Road and Matthew Boulevard, is operating at a failing level of service based

MMTD Monitoring

- Comp Plan Policy 2-1.3.25 establishes the monitoring threshold for the MMTD

Model

- Updated
 - ❖ Roadway geometry changes
 - ❖ Traffic count data
 - ❖ Signal timings
- Transportation model to serve as basis for planning including development review and CIP prioritization

Nest Steps: Change Monitoring Procedures?

- Policy 2-1.3.27: Refine or Revise Methodology. The City may elect to refine or revise this methodology based on experience gleaned through implementation of these procedures:
 - ❖ Data collection
 - Time of year
 - Length of counts
 - Locations

- ❖ Monitoring thresholds
 - Level of service
 - Methodology
- ❖ Concurrency determination

Next Steps: Change Policies

- Model the future transportation network (Comp. Plan Map 2-1) with future growth from FLUM designations
- Revise FLUM and/or future roadway network to balance growth with capacity as part of the evaluation and appraisal process
- Update impact fee to mitigate new development

Councilmember Ramswell pointed out that the 2017 data shows that US Hwy 98 traffic has slightly decreased, while back street traffic on Azalea, Beach, Calhoun, Commons Drive and Kelly are way up. It proves a point that everyone is getting off US Hwy 98 trying to find other avenues of travel throughout the City. It also explains the problems they are seeing along Commons Drive. She continued that even with the significant increase in back street traffic, the level of service on US Hwy 98 appears stable. While the report shows a level of service “E” for US Hwy 98, FDOT previously reported a level of service “F” for this road.

Mr. Whaler explained it was a continuation of what was previously in place. He stated that before the City switched to a Multi-Modal Transportation District (MMTD), the level of service for the roadway was established as level of service “D”; and that it was just continued in the monitoring report. He continued there was absolutely no increases in traffic on the connector network. According to some of the City’s older comprehensive plan, the effort was to increase that connectivity within the collector roadway network as an alternative to adding capacity on US Hwy 98 through the harbor district. It was the strategy that was established way back in time, and it continues to be the case in future transportation network in the comprehensive plan.

Councilmember Ramswell noted there is a map in the comprehensive plan that shows a potential road coming off Azalea Road and Benning Drive, which is under consideration. She asked if that road is still part of the plan; and if not, why is that map still in existence.

Mr. Whaler stated that he has not seen the map Councilmember Ramswell was referencing; adding that the only map they are using for long-range planning is the map that was adopted in the comprehensive plan and which is currently being shown on the screen. This map includes the crosstown connector and the connection coming to the west as well as the segment of Mattie Kelly Blvd and the 98 Palms extension.

Mr. Zunguze stated they would go through the current comprehensive plan through their Evaluation and Appraisal Report (EAR) process which is about to start and make sure they have the most current information.

Councilmember Menchel pointed out that this document validates something they have been discussing for quite some time; that is the multi-modal process having some impact on development. He stated that when multi-modal was brought about in 2005, it took away the

concurrency in terms of development. He then inquired as to the definition of two-way link traffic.

Mr. Whaler explained that a two-way link traffic means combining the volumes for east bound and west bound traffic and coming up with one number.

Councilmember Menchel asked City staff to bring back some ideas on policy changes and methodology at a future Council meeting for discussion.

Councilmember Braden asked who is responsible for making sure the Annual Transportation Concurrency Analysis is conducted.

Mr. Zunguze replied it is his responsibility to make sure this annual analysis is conducted through the direction of the City Manager.

Councilmember Ramswell asked staff to provide a comparison of FDOT's analysis versus City staff's analysis going forward.

D. Request for Direction from City Council Regarding Preparation of an Ordinance Regulating Outdoor Dining/Parking

Councilmember Destin moved to direct staff to prepare an ordinance which incorporates Option 2, to establish minimum parking standards for outdoor dining areas to be added to Article 8.06.00 of the City's Land Development Code; seconded by Councilmember Overdier.

Councilmember Ramswell pointed out that Option 2 is one parking space for every 200 square feet of outdoor dining space; but the norm for inside parking space is one space per 100 feet of dining space.

According to the Mayor, the requirement is different for each type of restaurant. Most restaurants in the South Harbor district are seated dining and not fast food.

Mr. Zunguze stated that they are trying to avoid the confusion they get into between fine dining and other kinds of dining by simply giving one standard for parking space per square footage for outdoor dining.

Councilmember Marler recommends they include the actual definition for "Outdoor Dining."

The Mayor called for a vote on the motion, which passes 6-1 (Council members Morgan, Destin, Marler, Overdier, Menchel, and Braden voted "yes"; Councilmember Ramswell voted "no").

E. Request for Direction from City Council on Change of Use Ordinance and Invocation of Pending Ordinance Doctrine

According to the Land Use Attorney, they are trying to create an ordinance to address changes of use within the City; and that one thing they want to add is that if there is a project that is not in compliance with the existing development order for a property, the owner will not be able to get any other permits on that property.

Mr. Zunguze stated that given the size of the City, a new development is going to be primarily generated through redevelopment opportunities. Additionally, existing developments are required to be consistent with any existing development orders. There is a need for a citywide change of use development review process that will address any use of a building or land that changes or proposes to change the nature or intensity of its current use. They want to provide a smooth process to capture the changes of use that are taking place to ensure all requirements are being met and to mitigate the impacts on the surrounding properties.

Councilmember Destin moved to direct staff to prepare Ordinance 19-16-LC to add a new section to the Land Development Code establishing a change of use regulatory process in accordance with the staff report as presented. Further, pursuant to *Smith v. City of Clearwater*, 383 So. 2d 681 (Fla. 2d DCA 1980) a “zoning in progress” is hereby announced as to the referenced Land Development Code amendments regulating changes of use within the City, thereby invoking the Pending Ordinance Doctrine. Consideration of all application for development approval including any application for development order, development order amendment, building permit, or zoning approval, which is received by the City after the date hereof, and which may be affected by the referenced Code amendments, shall be compliant with such Code amendment. Councilmember Overdier provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted “yes”).

F. Request for Direction from City Council Regarding Consolidation of ROI zoning districts and Zoning/FLUM Changes to Areas 4 & 5

Mr. Zunguze stated they are prepared to move forward with consolidation of ROI zoning districts and Zoning Map and Future Land Use Map changes to Areas 4 and 5. They have also looked at the potential for reducing the number of classifications that could potentially go into those areas and create one ROI zoning district.

Councilmember Ramswell moved to direct staff to prepare a Zoning Map amendment to rezone Areas 4 & 5 to ROI-GD, amend the Land Development Code to consolidate ROI-VR AND ROI-GD, and amend the Future Land Use Map and Zoning Map to change all parcels zoned ROI-VR to ROI-GD, seconded by Councilmember Braden. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted “yes”).

G. Request for Direction from City Council to Prepare an Ordinance Addressing Consistency of Zoning and Future Land Use Map Area 7

Mr. Zunguze noted that the zoning of Area 7 is currently not consistent with the land use classification in the Future Land Use Map. The Destin United Methodist Church’s property is currently split-zoned with the majority of the property zone Institutional, and the east end of the

parking lot zoned Commercial General. After meeting with the administrator of the Church, it was decided that the east end of the parking lot should be rezoned to match the remainder of the property.

Councilmember Overdier moved to direct staff to prepare Zoning Map and Future Land Use Map amendments for the northernmost parcel of Area #7 (as explained in the staff report) to be changed to Institutional and prepare a Zoning Map amendment for the remainder of Area #7 (as explained in the staff report) to be rezoned to Institutional; seconded by Councilmember Menchel. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted "yes").

H. Request from Property Owner re: Crystal Sands Beach Access

Principal Planner Lauren Witt presented the item to Council. She stated that the representative for the Crystal Sands Condominium is requesting to relocate the 60' easement currently located between the two Crystal Sands buildings, to the east side of the property directly adjacent to the existing 40' public beach access and submit a deviation to their development order application in order to construct a swimming pool and other amenities at that location and provide them additional connectivity between the two parking lots. However, since their original development order from 1993 specifically includes that easement as a condition for the public's access to the beach, staff would need direction from the City Council.

Councilmember Braden stated this seemed to be a win/win situation for both parties.

The Mayor stated this request makes a lot of sense as long as they could achieve the legal document that change the easement agreement the City had with the original owner of the property.

Mr. Dennis Chavez, the architect for the project, noted that the letter from the Crystal Sands Homeowners Association's attorney stated that when they reviewed the records they found out that the 60' easement was actually a 20' easement. At some point, the 20' easement switched to a 60' easement and they are not sure when it happened. However, they are willing to honor the 60' easement. Part of the project is the restoration to the beach as well as relocating the center public easement to the east and adding it to the other 40' easement. It does not go all the way to the top because they have parking on that side. They are calling this project a continuity project for Crystal Beach; but they do not have continuity currently because they have the public using their pool and leaving trash and traversing in the middle of the property. This project would allow interconnectivity to alleviate some of the traffic on Old Hwy 98. The proposal is to provide the City with 100' contiguous beach front.

Councilmember Morgan recommends directing the Land Use Attorney to conduct due diligence to make sure the proposed 100' public access easement is absolutely legally accessible to the public and will never get shutdown.

Councilmember Ramswell asked if the bath house on the access point as shown in the plan was built by the City.

Mr. Chavez noted that bathhouse is not yet built. When they reviewed the architectural program, they determined they do not have enough restrooms for a commercial pool, and so part of the plan was to build a new restroom facility which will be located directly north of the pool. He added that if their request is granted, they will hire a civil engineer to handle the stormwater issue and then they will produce architectural drawings for that bathhouse.

Councilmember Morgan moved to direct the Land Use Attorney to conduct due diligence to make sure the 60' beach access easement when added to the existing 40-foot beach access easement are absolutely legally accessible to the public; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted "yes").

I. Public Recycling, Station at Public Services

Public Services Michael Burgess provided the following presentation relating to the City of Destin recycling issues:

- The 4 R's of Environmental Stewardship
 - ❖ Reduce – eliminate waste by purchasing items that require minimal packaging
 - ❖ Re-use – Many items around the home can be used over and over
 - ❖ Repurpose – Get creative and find other uses for otherwise discarded items
 - ❖ Recycle – Submit qualified items to the curb for pickup
- City of Destin Public Access Recycling
 - ❖ Three locations
 - City Hall
 - City Hall Annex
 - Maintenance Facility (Commons Drive)
 - ❖ Dumpster Style
 - 4 or 8 yd. cans within semi-secured enclosures
 - ❖ Area Signage
 - "No Dumping"
 - Waste Management's "Items Not Allowed" poster
 - Locks installed – combination locks installed at City Hall and Annex
- Items not fit for recycling
 - ❖ Plastic bags
 - Shopping bags and trash bags
 - Other loose sheet-type plastics (sheet films tarps, bubble wrap...)
 - ❖ Non-recyclable plastics
 - Hoses
 - Hangers
 - Extension cords
 - Toys
 - Pool floats
 - Styrofoam items

- ❖ Bulk items
 - Mattresses
 - Carpet
 - Large appliances
- ❖ Certain papers
 - Paper towels
 - Napkins
 - Cups and tissues
 - Dirty/greasy cardboard
- ❖ Electronics
 - TV
 - Small appliances
 - Batteries
- ❖ Food and drink
- ❖ Yard waste and wood
 - Grass clippings
 - Tree trimmings
 - Dirt
- ❖ Automotive items
 - Tires
 - Parts
 - Scrap metal
 - Car batteries
- ❖ Trash – normal household garbage
- Problems at Destin public facilities
 - ❖ Repeated contamination
 - ❖ Dumping outside of the enclosures
 - ❖ Dumping inside of the enclosures
- What we have done so far...
 - ❖ Install signage
 - ❖ Education via social media
 - ❖ One-on-one education
 - ❖ Added security – installed combination locks
- Effects of contamination
 - ❖ City does not pay for recycling, pickup at these locations per existing contract
 - ❖ Waste Management pays for refused loads at cycler
 - ❖ Waste Management's "War on Contamination"
 - ❖ Good recycling efforts spoiled by the few
- Recommendations and direction
 - ❖ Time restrictions – October thru March? – 6am to 3pm ?
 - ❖ Regulatory change – Ordinance change to require recycling at commercial locations and multi-family facilities
 - ❖ Reduce allowable items
 - Only aluminum
 - Cardboard (special dumpster)
 - ❖ Removal - Remove dumpster at the Maintenance Facility

Councilmember Destin moved to direct staff to coordinate with Waste Management to remove the recycling receptacle on commons Drive and come back with an idea which public facility to place the recycling receptacle; seconded by Councilmember Overdier.

Councilmember Ramswell stated she is not in favor of removing the dumpsters because people want to recycle.

Motion passed 6-1 (Council members Morgan, Destin, Marler, Overdier, Menchel, and Braden voted "yes"; Councilmember Ramswell voted "no").

J. Request for Direction from City Council to build Pickleball Courts

Councilmember Morgan stated he is against the construction of outdoor pickle board courts because it would not be used year-round. The youth that they recognized today do not have access to a batting cage at the little league park. The cost for a batting cage is approximately \$30,000. He suggests purchasing a batting cage in lieu of constructing a pickle ball court.

Motion to spend \$30,000 on a batting cage for the Little League Park, in lieu of the \$40,000 for a Pickle Ball Court, and bring back a budget amendment; seconded by Councilmember Destin. Motion passed 5-2 (Council members Morgan, Destin, Overdier, Menchel, and Braden voted "yes"; Council members Marler and Ramswell voted "no").

K. Half-Cent Sales Tax: Project Selection Process.

The City Manager noted that during the budget workshop on August 12th, Council discussed potential options for determining how to allocate proceeds from the half-cent sales tax revenues. It seemed the majority of Council was in favor of tasking one of the existing City committees, particularly the Public Works/Safety Committee, to perform this task.

Councilmember Menchel moved to assign the task to the Public Works/Safety Committee; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted "yes").

L. Potential Expansion of the Tourism Development Tax Subcounty Special Taxing District

According to the City Attorney, per previous direction from the City Council, he and the Land Use Attorney contacted the Okaloosa County attorney with regards to this issue, and that the County attorney confirmed that the Board of County Commissioners had expressed interest in expanding the Tourism Development Tax subcounty special taxing district to include the entire County. He also stated that the memo he provided to the Council lays out the potential effects this will have to the City of Destin and its residents.

It was the consensus of the Council to invite the County Administrator John Hofstad, County Commissioner Kelly Windes and the County Attorney to a future Council meeting to address this issue.

City Attorney to request further interpretation of Florida Statute Section 125.0104 from the County.

With regards to the TDC composition as described in the staff report, Councilmember Ramswell asked if the seat which by State statutes could be filled by the County Commission Chair pertain to the undesignated seat. The City Attorney replied affirmatively.

M. Announcements

1. The next Council meeting will be held on Wednesday September 4, 2019.

5. PUBLIC HEARINGS

A. First reading of Ordinance 19-20-LC - Sign Requirements for Short-Term Rentals

The City Attorney read proposed Ordinance 19-20-LC by title, and then presented it to the Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO SIGN REQUIREMENTS FOR SHORT-TERM RENTALS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT OF THE LAND DEVELOPMENT CODE ARTICLE 16 – SIGNS; AMENDING SECTION 16.03.00 – PROHIBITED SIGNS, PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SERVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Ms. Marcie Bell reported having a property across the street from her house with two short-term rental signs. One company left and another company came in. The former left their sign and so no one knows exactly whom to call.

Mr. Ken Wampler expressed support of the ordinance stating it is a step in the right direction.

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

Motion by Councilmember Overdier, seconded by Councilmember Ramswell, to approve Ordinance 19-20-LC on first reading passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted “yes”).

B. Innerlight Engineering Corporation, on behalf of Seaside Acquisition Group, LLC is requesting approval of a Major Deviation to an Existing Development Order and a Major Subdivision identified as “Beach Lofts.” The proposed development consists of 12 lots to be developed into 2-story townhome units. The proposed project is generally located East of Beach Dr, addressed as 130 Lola Circle. The total site area is 1.35 acres, more or less.

The City Attorney sworn in the following individuals for testimony:

Lauren Witt, Principal Planner for the City of Destin
David Smith, Innerlight Engineering Corp.

The Land Use Attorney asked that the entire staff report with all the attachments be entered into the record.

Ms. Witt noted that this application has been approved for all City codes and other agency requirements through the Technical Review Committee process. The project has an existing development order and the proposed deviation will result in the reduction in density.

Councilmember Ramswell noted that the staff report refers to an original development order number 05-33 from 2005; however, the current information showed a new development order number of 18-31-SP. She asked why the original development order from 2005 was being referenced if this is a new development order from last year. She continued it almost appear the original development order, which expired in 2011 based on the information from the file, was being utilized and this application is being presented as a deviation.

Ms. Witt stated that any property that has an existing development order must go through the deviation process. Even though the development order had expired, the new application for deviation must reference the original development order in order to reference the changes between the new proposal and the development order that was approved in 2005.

Councilmember Ramswell asked why the previous development order was even relevant when it already expired.

According to the Land Use Attorney, it is required by the code.

Mr. David Smith from Innerlight Engineering Corp. noted that the infrastructure was constructed per the 2005 development order, and it was approved for 15 units at that time. The current developer wants to reduce the density; and so the application that is before the Council tonight is for a major deviation to reduce the units to 12 units.

Councilmember Ramswell pointed out the information provided in the staff report does not show a rear setback.

Mr. Smith noted that based on the development order, there is a 15-foot rear setback.

Ms. Witt stated that may just be a typographical error in the report. Although there was no rear setback required, they will include the appropriate setback in the report.

Councilmember Ramswell pointed out that the initial development order was approved for 15 units and it looks like some of the foundation were already laid for 15 units. She asked what they plan to do with the extra space since they plan to reduce the number of units to 12.

Mr. Smith stated it was his understanding the previous developer did not move forward with any vertical construction with structural components; and so, the infrastructure

consists of asphalt, curbing, stormwater facility and water and sewer facility. There is no foundation that would have to be modified. They are moving forward with the new foundation based on the 12 units.

Councilmember Marler stated he was familiar with the property. It has been abandoned and misused for a long time. The drain grates were systematically removed or stolen.

Councilmember Destin asked if the initial 15 lots in 2005 were intended to be townhomes or single-family homes.

According to Mr. Smith, they were intended to be condominiums.

The Mayor opened a public hearing to receive comments for or against the proposed project. Having none, the Mayor turned the matter over to the City Council for their consideration.

Motion by Councilmember Ramswell, seconded by Councilmember Menchel, to approve the Major Deviation to an existing development order and major subdivision identified as "Beach Lofts" passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted "yes").

6. *CONSENT AGENDA

- A. 2019 US Police K9 Association National Field Trials
- B. Mayoral Support for the Defense Community Infrastructure Program

Motion by Councilmember Overdier, seconded by Councilmember Ramswell, to approve Consent Agenda items 6A & 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
- B. Councilmember Ramswell

Councilmember Ramswell asked if there was a contingency plan in place for the Norriego Point road, as discussed earlier in the meeting, if they do not come to an agreement with the property owner, and whether it will void their development order. She also asked if having a public discussion about the public use issue that was brought up with FDEP and Trust for Public Land appropriate to discuss in public, or should it be discussed at an executive session.

The City Attorney noted that part of Council's direction was to invite the Bureau Chief for the Land Management Division of FDEP to attend a future Council meeting; and so, it may be more appropriate to discuss this issue at that time.

Councilmember Ramswell asked City staff to bring back a proposed policy for the Joe's Bayou boat ramp hours of operations.

Councilmember Ramswell announced she would bring some suggestions from the Destin High School, Inc. Committee at the next Council meeting on how the City might be able to help in some regard with the Destin High School.

Councilmember Ramswell also announced she recently attended the Florida League of Cities Annual Conference along with Councilmember Overdier. It was a great way to network and learn what other cities are doing.

C. Councilmember Menchel

Councilmember Menchel stated that he previously requested that they invite a representative from the Emerald Grande to attend a Council meeting to discuss the right turn lane from US Hwy 98 into Emerald Grande. They could not come tonight but a representative from Emerald Grande sent a copy of an FDOT District 3 Traffic Operations General Engineering Contract that specifically talked about US Hwy 98 and Stahlman intersection dated March 2019. No one in the City has seen it before. He urged everyone to review the document because it has a lot of useful information about some of the issues they discussed at a previous workshop pertaining to this subject.

According to Councilmember Menchel, the City Manager has confirmed that upon completion of the 3R Project, FDOT will install LED lights on US Hwy 98 from the Marler Bridge to Airport Road.

1. Sheriff's Contract discussion

Councilmember Menchel stated that there is a certain number of deputies patrolling the Destin area, and another group of deputies patrolling the unincorporated area. Captain Nix from the Sheriff's Office had given him a copy of a document with a time frame of January to August 2019, which provided answers to some of his questions.

- *How many times have the Destin deputies the City pays for leave the Destin area to respond to a service call at the unincorporated area of Destin to assist other deputies? 335 times*

Since it was previously reported by the Sheriff's Office that 80 percent of service calls are for tourists, 268 of these calls were tourist related.

- *How many times have the deputies from the unincorporated area of Destin responded to a service call in the Destin area to assist the Destin deputies? 952 times*

Which means 268 of these calls were tourist related.

Councilmember Menchel stated that they need to come up with an alternate funding source for the Sheriff's contract. The 13,000 full-time residents of Destin should not be paying for the Sheriff's contract. They need to find a way to get the TDD to participate.

It was the consensus of the Council to place this item on the next agenda and invite a representative from the Sheriff's Department as well as the TDC Chair and the County Attorney to discuss this issue. And to have the City Attorney discuss the County's interpretation of the TDC budget provision with the County Attorney.

Councilmember Ramswell reiterated her previous statement that in 2015 she worked closely with then State Representative Matt Gaetz on a bill that would give another 10 percent of the TDC funds to public safety and first responders. The bill was worded specifically such that the new 10 percent funding would not supplant existing funds that were being used for public safety and first responders. They added this language specifically knowing that a significant amount of money was already being spent on lifeguards and other public safety related matters on the beach and these funds are not used to supplant pre-existing expenditures on these services.

Councilmember Ramswell will reach out to Representative Matt Gaetz to see if he could attend the meeting.

Captain Nix noted that the TDC currently pays for 4 law enforcement positions – 2 beach positions and 2 marine positions. The total amount is approximately \$585,000 including all the equipment.

- D. Councilmember Overdier
- E. Councilmember Marler

1. Schedule of Fees: Reconsider changes to Livery fees and STR fees

Councilmember Marler stated that it is unfair to raise the livery fees in the middle of a moratorium that is currently in place and before they receive a complete report that is due at end of that moratorium. It is also unfair to use the livery fees to pay for additional code compliance officers when they should be looking at other ways to fund for additional personnel during budget hearings. He also stated that with regards to the short-term rental fees, they should have allowed the Short-Term Rental Task Force to provide their recommendations before raising the fees. He added he would place these items on a future agenda for further discussion.

- F. Councilmember Destin
- G. Councilmember Morgan
- H. Mayor Gary Jarvis
- I. Land Use Attorney
 - 1. Monthly Report of the Technical Review Committee (TRC)

According to the Land Use Attorney, Staff would probably have to bring back some code amendments due to HB-7103 with regards to development applications under the new law that came into effect on July 1st.

- J. City Attorney
 - 1. East Pass administrative litigation – discussion and direction relating to DOAH case number 193356

The City Attorney noted that FDEP and the Army Corps of Engineer are seeking for the City and the County's assistance in the defense of the Army Corps of Engineer's permit modification that was challenged by originally the Sherry's and Donovan's, and then later by an individual named Thomas Brown. This Council would have to move to intervene with the administrative litigation 19-3356. The hearing is coming up in September 10th thru 13th. The Council would have the option to take no action or to intervene at the condition that the County also elects to intervene. The benefit of intervening is to ensure future deposit of sand to be placed on the Destin beaches if they were to prevail in the litigation. If they chose the latter, the Council would need to retain Special Counsel Ken Oertel to litigate the matter for the City. They would also need to retain Taylor Engineering as their expert. Taylor Engineering would again request a \$30,000 fee for their services.

Councilmember Destin moved to intervene jointly with the County in the administrative litigation 19-3356; or take no further action if the County does not intervene. Councilmember Menchel provided a second to the motion. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted "yes").

The City Attorney will inform the City Council of the County's decision at the next Council meeting so they could decide on the next course of action.

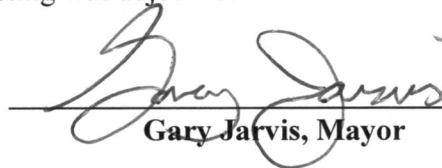
2. Undergrounding Utilities: Discussion

The City Attorney noted that at the last meeting the Council directed him to convey to Gulf Power the phase approach to the undergrounding of their electric utilities. He relayed this information to the City's Special Counsel Schef Wright. He suggested that they bring back an alternative phase approach because the phase approach they suggested, based on his experience, may be prohibitively expensive. Gulf Power in their professional views that as prohibitively expensive. They would at least have another option where they could provide a ballpark figure to the City. The phase approach Gulf Power previously suggested to the City before NextEra acquired Gulf Power is also the approach Schef Wright is recommending to the City as he believes it is more economical. The only thing he added was to begin at the west end of the City and then move east. The other way is to start in the middle and then move east and west.

It was the consensus of the Council to authorize the City Attorney to re-draft the letter to Gulf Power to include the alternative phase approach to undergrounding the utilities.

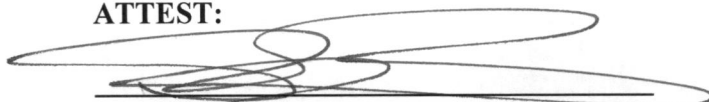
8. PUBLIC COMMENTS

Having no further business at this time, the meeting was adjourned at 10:30 PM.



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk