

**REGULAR MEETING
DESTIN CITY COUNCIL
JANUARY 21, 2020
ANNEX COUNCIL CHAMBERS
6:00 PM**

*****Core Value of the Month - Professionalism*****

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL *(Matters not specifically listed on the agenda may be added and acted upon with a super-majority vote of the Council members present and eligible to vote on the matter)*

1. APPROVAL OF MINUTES

A. Approval of minutes of November 4, 2019 Regular City Council Meeting

2. PROCLAMATIONS / RECOGNITIONS / **SPECIAL PRESENTATIONS / ANNOUNCEMENTS (No public comments)

A. Parks and Recreation Committee-Presentation of Fiscal Year 2019 Accomplishments and Fiscal Year 2020 Work Plans-Ms.Teresa Hebert, Board Chair

B. Destin Community Event Center Project - Mr. Jay Patel, NashBuilt, Inc. COO

3. PUBLIC COMMENTS ON AGENDA ITEMS THAT ARE NOT PUBLIC HEARINGS AND ANY OTHER MATTERS NOT ON THE AGENDA (All agenda items other than those under Number 5)

(Note: Individual speakers will be limited to 3 minutes. At the discretion of the Mayor, this 3 minute allowance may be adjusted depending on the level of business coming before the City Council)

4. CITY MANAGER REPORTS

A. Staff and City Land Use Attorney Update on Eglin Property

B. Request to Approve Consultant for Building Height Analysis

C. Airport Road Guardrail Design, authorization to execute task order

D. Stahlman Avenue Intersection Assessment, authorization to execute task order

E. Development Review System Software - Update

F. The City is partnering with the United States Army Corps of Engineers to conduct a Harbor Capacity Study for the Harbor and Choctawhatchee Bay areas.

G. Announcements

5. PUBLIC HEARINGS

- A. First reading of Ordinance 20-01-PC - Amending Chapter 6 of the City of Destin's Comprehensive Plan, "Coastal Management Element", providing updates to the Coastal Management Element pursuant to State law.

6. *CONSENT AGENDA (No public comments)

- A. Valentine's Day 8k Request
- B. Draft Minutes of Standing Committee/Board Meetings

7. COMMENTS/PRESENTATIONS FROM MAYOR, COUNCIL, LAND USE ATTORNEY AND CITY ATTORNEY (No public comments)

- A. Councilmember Braden
- B. Councilmember Ramswell
- C. Councilmember Menchel
 - 1) Okaloosa County Sheriff's Office "increased" traffic enforcement on Airport Road
 - 2) Adopting a resolution specifying that the City Council meeting agenda is to be published by Thursday, prior to the meeting to which it pertains
- D. Councilmember Overdier
- E. Councilmember Marler
 - 1) Revisit discussion on building parking garages
- F. Councilmember Destin
- G. Councilmember Morgan
 - 1) Food for Thought Lease Agreement
- H. Mayor Gary Jarvis
- I. Land Use Attorney
 - 1) Pointe Mezzanine mediation set for February 5th, 2020.
 - 2) Briefing on proposed legislation (SB 1128/HB 1011), dealing with Short-Term Rentals
- J. City Attorney
 - 1) Update to Destin Election and request for direction
 - 2) Memorandum of Understanding Between City of Destin and Okaloosa County regarding City FDEP Permit # 0288799-003-JC

8. ADJOURN

All items listed under Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and may be considered separately.

****To be placed on the Agenda under scheduled presentations, citizens must contact the City Manager or City Clerk's office one (1) week prior to the scheduled City Council Meeting by completing a Speakers Request Form and providing any accompanying documentation as requested in the form's instructions.**

***** Any invocation that is offered before the official start of the City Council meeting shall be the voluntary offering of a private person, to and for the benefit of the City Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council, or the City staff, and the City is not allowed by law to endorse the religious beliefs or views of this, or any other speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered. A person may exit the City Council Chambers and return upon completion of the opening invocation if a person does not wish to participate in or witness the opening invocation.**

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she may need a record of the proceedings, and for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. FS 286.0105.

Persons with disabilities who require assistance to participate in City meetings are requested to notify the City Clerk's Office at (850) 837-4242 in advance. Hearing Impaired: TTY: 711. Assistance also available through Human Resources, Title VI Coordinator, at (850) 837-4242.

Personas con discapacidades que necesitan asistencia o personas que necesiten ayuda con un idioma para participar en las reuniones de la ciudad, deberán notificar la oficina de la Secretaria Municipal al (850) 837-4242 antes de la reunión. Discapacidad auditiva: TTY: 711 (Solicitar Espanol CA). La ayuda tambien está disponible por Recursos Humanos, Coordinador del Título VI, al (850) 837-4242.

Note: Persons who wish to provide public comments on agenda items are requested to fill out a blue speaker card and submit it to the City Clerk at the start of the meeting.

Persons who wish to provide public comments on any other matters not on the agenda are requested to fill out a yellow speaker card and submit it to the City Clerk at the start of the meeting.

All regularly scheduled city council meetings will be streamed live via the city's YouTube channel, www.youtube.com/CityofDestin. Past council meetings can also be viewed here.

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**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
NOVEMBER 4, 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 Skip Overdier
Councilmember Rodney Braden
Councilmember Chatham Morgan

Destin City Staff

City Manager Lance Johnson
Public Info Officer Catherine Card
Code Compliance Manager Joey Forgione
Community Dev Department Louis Zunguze
Public Services Director Michael Burgess
City Land Use Attorney Kimberly Kopp

City Clerk Rey Bailey
Deputy City Manager Webb Warren
Engineering Assistant II Joe Bodi
Parks/Recreation Director Lisa Firth
City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM. Pastor Todd Walker of the Destin Church of Christ gave the invocation; followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

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

1. APPROVAL OF MINUTES

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

Councilmember Marler moved for approval of August 19, 2019 Regular City Council meeting minutes; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

2. PROCLAMATIONS / RECOGNITIONS / SPECIAL PRESENTATIONS / ANNOUNCEMENTS

A. Waste Management/Ronnie Bell Recycling services update for the City of Destin

Mr. Ronnie Bell of Waste Management, Inc. announced that Okaloosa County has entered into a recycling contract with Emerald Coast Utility Authority (ECUA) in Pensacola effective November 1, 2019. It also allowed Destin's and several other local municipalities' recyclables to be delivered to the ECUA facility. He also stated that the new contract does not include any change in cost for customers in Destin. Before the new contract took effect, Destin's recycled items has temporarily been taken to the RePower South recycling facility in Montgomery, Alabama. He added that glass recycling has been an issue but ECUA has an outlet for it and continues to accept it.

B. Updates: Norriego Point Phase III Pearce Barrett, Project Coordinator, FDEP

Mr. Pearce Barrett provided a brief update of the 90 percent plan for the Norriego Point Recreation Enhancement Project and requested some guidance on how to proceed with the plan. He asked whether the City wants to keep the lighting along the boardwalk; noting that both City staff and the City's Parks and Recreation Committee are in favor of it. There is also lighting proposed for the restroom and the pavilion for security maintenance purposes, as well as three dune crossovers. He continued that they could keep all these items in the base bid, or they could make them alternates. There are mandatory facilities such as the boardwalk, restrooms, and the pavilion; and others are optional. If the cost is too high for the base bid, they could ask for additional money from the trustee implementation group to help cover most of cost for these items. He pointed out that the current cost based on the 90% plan is between \$800,000 to \$1 million over the original estimated cost or the budget for the park facility. He asked whether the City will be able to provide additional money to help cover some of the costs if they want all of these items. He continued that once they have all the permits, they will move forward to the 100 percent plan and put the project out to bid; adding that the bidding process could take 2 to 3 months, with construction is estimated at 12 months.

Mr. Barrett also noted that they would build a temporary construction road made of lime rock; and that they could leave the lime rock down if the City plans to proceed with the roadway soon after the park is completed. He stated that temporary road should only stay down for a short period of time before it receives a permanent coating of asphalt; otherwise, it will be overwhelmed with sand creating other problems. They could also put in the contract to remove the lime rock and stockpile it somewhere to be used later on by the City.

Councilmember Ramswell asked why the dune walkovers were being presented as an option. She thought they were part of the conceptual plan and have always been part of the project.

Mr. Barrett explained the dune crossovers have been in the project the entire time; but they are not a specific item. They are making them part of the boardwalk system to protect the dunes.

Councilmember Ramswell pointed out there is currently no electricity on Norriego Point. She expressed concern over putting a transformer above ground when they know the Point is subject to major weather pattern.

According to Mr. Barrett, they must have a transformer for the lighting and the lift station at the restroom. But it would be placed at the end of the current parking area and not way out on the point.

Councilmember Ramswell also noted that the turtles follow the light and that there have some nests at least down on the east side of the Point. She asked how they plan to prevent the light from attracting and confusing these turtles.

Mr. Barrett stated that FWC does not currently consider Norriego Point as a turtle-nesting beach; however, they plan to use an FWC-approved turtle lighting that would not attract the turtles toward the light and confuse them.

Councilmember Ramswell noted that Council had previously discussed the temporary construction road, but no direction had been given to staff.

According to the City Manager, that topic is on the agenda for discussion at the upcoming Council Visioning Session.

Councilmember Destin moved to instruct the FDEP to include in the plan the lighting for the boardwalk, the dune crossovers, electronic lights in the bathroom, and to leave the temporary construction road in place upon completion of the construction. Councilmember Overdier provided a second to the motion.

Councilmember Overdier noted they are already \$800,000 to \$1 million over the original budget estimate for the project. He asked if the City would be forced to cover this amount if they approve the motion adding all the other amenities and the trustee implementation group denies the request for additional funds.

According to Mr. Barrett, the City has no obligation to pay more money for the project. If the trustee implementation group disapproves the request for additional funding, they would simply drop some of the additional items and rebid the project, unless the City agrees to cover a portion of the funding.

Councilmember Menchel asked if additional funding is denied whether downsizing is an option, such as reducing the size of the bathroom.

Mr. Barrett explained that reducing the scope is always an option for any project; however, it would require additional design.

Councilmember Ramswell pointed out that one of the conditions of the development order being approved was the construction of the permanent road as a public benefit. She asked how it will affect the development order if the City decides to build the permanent road.

According to the Community Development Director, there is a development order exemption application in place for the project, and they would need to determine how it would impact the road issues.

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

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

Ms. Carrie Harbarger, a Destin resident, commented on the old CEMEX Plant property that was purchased by the City. She stated that fly ash is dangerous, and the CEMEX Plant was one of the largest producers of fly ash, which is used to strengthen the concrete. The standard report did not indicate there was any chemical tests that have ever been done to this property. She urged the Council to address this issue and conduct additional tests to make sure the property is clean and safe.

Councilmember Ramswell asked what steps are involved in this process.

According to the City Manager, though he was not previously directly involved in the process, it was his understanding they have met all the environmental requirements which is a prerequisite for purchasing the property. He continued he would need to confer with the new City Engineer to determine what additional steps they need to take and come back to Council with his response.

4. CITY MANAGER REPORTS

A. Census Outreach Update

The City’s Public Information Manager Catherine Card provided the following update:

On October 21st, Ms. Nisha L. Barron, Partnership Specialist with the U.S. Census Bureau out of the Atlanta Regional Census Center, gave a presentation to Council asking the City of Destin to partner with the U.S. Census Bureau in raising awareness and increasing participation in the 2020 Census. She and Ms. Barron are currently in communication and gathering information to put together marketing materials to promote and encourage the community to participate. The City plans to utilize all social media platforms to market the 2020 Census and post to the City’s website. In addition, a 15 second public service announcement will be produced so staff members can relay the 2020 Census information to their patrons who contact City facilities. She has also secured key partnerships with the Okaloosa County Sheriff’s Office, the Destin Chamber of Commerce and Destin Water Users to promote the U.S. Census on their social media platforms. Destin Water Users will also include information about the 2020 Census on their billing. Mr. Jim Wood has contacted several community partners from the public, private and faith-based organization. A contact data sheet will be put together to share 2020 Census information, and the City of Destin’s strategic partners will also be included.

B. Hwy 98 Irrigation System Update

The City Manager noted that on October 27th City council meeting, the Council requested an update on the status of the irrigation system that services the medians on US Hwy 98, between the Marler Bridge and Airport Road, as well as the irrigation system on Mountain Drive. He stated there are currently two pumps on US Hwy 98 that are operational but are turned off because of the 3R project. The rest of the pumps are currently inoperable. The pump system on Mountain Drive is working, but there is damage to the system itself. They could perform a temporary maintenance on the system, which would cost approximately \$5,000; but it would require a complete overhaul of the system to make it is functioning properly.

Public Services Director Michael Burgess noted that the City's irrigation contractor, Gulf Coast Environmental, is putting together a quote for the City.

Councilmember Ramswell suggests putting a process in place to have someone conduct a regular inspection of the irrigation system to identify those parts that are broken or inoperable to hold people accountable, if necessary, and avoid any major problems from occurring.

The City Manager noted that as part of the contract for the median right-of-way, the contractor performs monthly inspections of the systems. In the most recent version of the contract, the inspector will be accompanied by a staff member to verify what is being written down during the inspection. He added that inspections have not been conducted in a while because of the 3R project.

Councilmember Menchel wants to know how FDOT was able to identify \$1.61 million for the landscaping restoration when the landscaping plans have not been created.

Mr. Burgess explained that FDOT created the landscaping restoration project in that amount and that the TPO has programmed it into their future budget.

Councilmember Braden would like to see a copy of the landscaping plans, from Marler Bridge to Airport Road, once they become available.

C. Development Review System Software Update

Deputy City Manager Webb Warren announced that the Energov Project has officially began last week. Representatives from the Community Development Department, City Manager's Office, IT, Finance, Clerks and Code Compliance departments have worked closely with the Energov Project Manager for 3 straight days to learn the system and the result was very positive. According to the Project Manager and Implementation Manager, this group was one of the most prepared groups that they have ever encountered.

D. Paid Parking Update: Existing Lots and Proposed Lots in Crystal Beach and Gulf Shore Drive Areas.

Deputy City Manager Webb Warren and Finance Director Bragg Farmer provided the following presentation:

- Paid Parking Transaction Count
 - ❖ 2017
 - Marler Parking Lot – 3178
 - Community Center Parking Lot – 0
 - Zerbe Parking Lot – 0
 - ❖ 2018
 - Marler Parking Lot – 6900
 - Community Center Parking Lot – 4348
 - Zerbe Parking Lot – 7192
 - ❖ 2019
 - Marler Parking Lot – 4785
 - Community Center Parking Lot – 8730
 - Zerbe Parking Lot – 7123
- Parking Net Revenue
 - ❖ 2018 – \$41,321
 - ❖ 2019 – \$70,774
 - ❖ Total: \$112,095
- Proposals from Parking RFP
 - ❖ 4 proposals received
 - ❖ 2 proposals for lot entrance/exist rails
 - Orbility 128,614
 - Gorrie Regan and Asso. \$332,204 (TIBA Equipment)
\$484, 659 + 6% per trans
(ZIP by Equipment)
\$214,338 + 660/month
(Hectronic Equipment)
- 2 proposals proposed to Operate the lots:
 - ❖ Premium Parking – 50/50 revenue sharing + additional fees for credit card usage
 - ❖ Florida Parking Co. – Year 1-4 25/75 or until expense is recouped yeas 5 5050
- Why Create Short-Term Paid Parking in Beach Areas?
 - ❖ Maximize availability for beach goers to have parking spaces to access beach parks
 - ❖ Minimize long-term parking overflow from residential rentals consuming beach parking spaces
 - ❖ Create dedicated revenue stream for parking improvements
- Proposed Parking Areas in Destin
 - ❖ Crystal Beach – Scenic 98 Drive (East) – Parallel Parking – 13 spaces
 - ❖ Crystal Beach – Scenic 98 Drive (Central) – Parallel Parking – 24 spaces
 - ❖ Crystal Beach – Scenic 98 Drive (West) – Parallel Parking – 22 spaces
 - ❖ Gulf Shore Drive – Parallel Parking – 70 spaces
- Paid Parking Spaces
 - ❖ Marler Street
 - Capacity – 175

- Proposed Beach Areas – Crystal Beach
 - Capacity – 65
 - ❖ Community Center
 - Capacity – 83
 - Proposed Beach Areas – Holiday Isle
 - Capacity – 70
 - ❖ Zerbe
 - Capacity – 91
 - ❖ Peer Cities – Beach Parking Prices
 - Deerfield Beach, Florida
 - \$3.00/hour, Monday-Friday
 - \$4.00/hour – Weekends
 - Panama City Beach, FL
 - \$5.00 /24 hours
 - Hollywood, Florida
 - \$2.00-\$4.00/hour
 - Gulf Shores, AL
 - \$5.00/4 hours-or-\$10/day
 - ❖ Miami Beach, Florida
 - \$2.00/hour
 - ❖ Clearwater, Florida - \$3.00/hour
- Proposed Actions
 - ❖ Staff's Recommendation
 - Continue to use the current paid parking app on all current lots and convert parking spaces in Crystal Beach and on Guff Shore Drive to paid parking at \$5.00 for 5 hours
 - Additional Cost – Minimal-new signage and striping
 - Net Revenue - \$150,000-\$175,000
 - Convert the 3 current lots to an entrance/exit rail system and use the paid parking app for the 2 proposed parking areas
 - Additional Cost – \$128,614 - \$484,659 +
 - Net Revenue - \$150,000-\$175,000
 - Contract with one of the parking management companies for all parking systems
 - Additional Cost – 25%/ 75% to 50% / 50% sharing
 - Net Revenue - \$37,000-\$75,000
 - Have staff research additional parking app systems to find the best parking app that will best meet the needs of the City
 - Additional Cost – Unknown
 - Net Revenue - \$150,000 - \$175,000
- Resident Passes - Options
 - ❖ Tie in residential passes to existing Henderson Beach Pass system
 - Combined beach pass would be good for Henderson and Paid Beach Parking
 - Full time residents would be eligible and affixed to vehicle
 - Simple roll out

❖ Passport System

- Available but must be managed by City staff

Councilmember Morgan stated that he would like to implement the resident passes but not in the harbor district. The City permitted several huge restaurants and other businesses in the harbor district with inadequate parking and with no parking available for their employees on their property. As a result, the City parking lots have turned into employee parking lots. He continued that the City should not be in the business of subsidizing irresponsible businesses. He added he would not support implementing paid parking in the harbor district, but he would support having time limits on paid parking in other parts of the City.

Councilmember Braden expressed that having paid parking at Crystal Beach is subsidizing parking for short-term rentals.

Councilmember Marler noted that when the boardwalk was built in 2008, various easements were provided by business owners. The City promised to provide extra parking for these businesses. He also stated that the City was going by the existing code at the time they permitted the businesses on the harbor. He recommends building parking garages on properties they already own and working with the harbor businesses to come up with adequate solutions to their problems.

Councilmember Ramswell asked why Restaurant Row was not incorporated into the study.

According to Mr. Warren, they plan to bring that back at a separate time because they need some clarifications on some of the public parking spaces at that area.

Councilmember Morgan stated that their beach situation is so terrible that tourists and residents alike are fed up with it; and that he feels the paid parking system will just be adding insults to injury.

Councilmember Ramswell moved to direct the City Manager to continue with the current paid parking app system in City parking lots and add the parking in Crystal Beach and Gulf Shore drive as short-term parking with the rate of \$5.00 per 5 hours, and with no parking from dusk to dawn; and that they also provide passes to residents; seconded by Councilmember Braden.

Council members Menchel and Marler both feel that prohibiting parking from dusk to dawn is unenforceable as no Code Compliance officers are on duty during those times.

The City Manager noted that discussions regarding extending the hours for the Code Compliance Department is on the agenda for the upcoming Council Visioning Session. He also stated that the City has always has a no parking overnight policy at their parks; and that the Sheriff's Office recommends they keep it that way because seeing cars parked in these parks after dark gives them a reason to ask individuals to leave the park at that point.

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

E. Airport Road Update

According to Mr. Burgess, the FDOT District Secretary Gainer is asking for a letter and a resolution from the City requesting termination of the current Local Agency Program (LAP) Agreement; and that draft copies of both documents have been provided to the Council for their consideration.

Councilmember Overdier moved for approval of Resolution 19-28 and authorize the Mayor to sign the letter requesting the termination of the current design Local Agency Program Agreement; seconded by Councilmember Destin.

Councilmember Menchel noted that Public Works/Safety Committee has been discussing this project for nearly 6 years. As the committee’s chairman, he went before the Council nearly 2 years ago and recommended the installation of temporary guardrails because of all the wrecks and injuries that had taken place at this section of Airport Road and his recommendation was unanimously approved. At the time, City staff informed him installing the temporary guardrails would compromise the grant. He then contacted FDOT and was able to obtain in writing that the City could install the guardrails without compromising the grant. However, in August this year, the City sent a letter to FDOT telling them they were unable to complete this project. City staff then reported that FDOT has agreed to handle this project. However, the letter they received from FDOT regarding this subject did not even identify the project correctly; furthermore, the letter states that this project is currently not on their agenda and not budgeted. Therefore, they have no idea when FDOT will go forward with this project.

Councilmember Menchel offered a substitute motion to move forward with installing temporary guardrails on Airport Road, as a temporary measure until FDOT decides to move forward with the project; seconded by Councilmember Destin.

Councilmember Braden suggests they specify location of the guardrails; adding it should be place in the middle to keep cars from crossing the median, and in the north curve to keep people from hitting the airport.

Councilmember Menchel amended his substitute motion to move forward with installing a temporary guardrail on Airport Road, placing it in the median and in the north curve, as a temporary measure until FDOT decides to move forward with the project; seconded by Councilmember Destin.

The Mayor recommends they determine the cost for the guardrail before they adopt such a motion.

The City Manager offered to bring back a cost estimate for the guardrail.

Councilmember Menchel noted they previously offered several suggestions for funding the guardrail including reaching out to the County to see if they would agree to partner with the City because there have been so many damages done to the airport which is County property.

Councilmember Ramswell noted there have been many accidents, some of them fatal, that had occurred on that curve; and that over the years they have made it clear they wanted something done to improve safety on that road.

Councilmember Marler opined that the guardrail is more of a hazard and could result in more serious accidents or fatalities. He stated that most of the accidents on that curve were caused by people over speeding.

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

Councilmember Morgan stated that he would like to make the recommended motion to turn the project over to FDOT.

Councilmember Morgan moved for approval of Resolution 19-28 and authorize the Mayor to sign the letter requesting the termination of the current design Local Agency Program Agreement; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

F. Little League Batting Cage Update

Parks and Recreation Director Lisa Firth noted that the City Engineer is currently working with the Little League on the design for the batting cage at Threadgill Park; adding they would like for the cages to be built in time for the March Little League season.

G. FAA/Drones Coordination

Program Information Manager Catherine Card announced that City staff is in communication with Mr. Richard Henry, FAA Safety Team Program Manager. Staff is reviewing the government and public operations information that has been provided by Mr. Henry. She has also been gathering public information material from the FAA to help create awareness for operation of drones within the City limits of Destin. Staff is working to ensure that any public information on drones is consistent with FAA’s public information and regulations. City staff is coordinating with the FAA to establish a schedule for them to host a public town hall meeting as well as meet with law enforcement, code compliance officers and elected officials to discuss drone safety and reporting as well as create public awareness of drone safety for the community and visitors. As soon as the FAA makes a firm commitment on a travel schedule, staff will bring back a firm schedule for any town hall or public safety meetings.

H. Enhanced Public Records Policy

Councilmember Destin expressed his full support of the policy. He stated that to ensure full compliance with Chapter 119, Florida Statutes and increase efficiency, the City has recently undergone an extensive process involving the digitization of its records. This resolution furthers the City's goals of transparency and efficiency by strengthening and consolidating its public records, records retention and records disposition policies into a single document.

Councilmember Overdier moved for approval of Resolution 19-27 and adopt the enhanced public records, records retention, and records disposition policy attached to Resolution 19-27, exhibit "A"; seconded by Councilmember Destin. Motion passed 6-1 (Council members Morgan, Destin, Marler, Overdier, Ramswell and Braden voted "yes"; Councilmember Menchel voted "no").

I. Code Compliance Yearly Update

Code Compliance Manager Joey Forgione provided the following Code Compliance 2019 statistical review and analyses:

- Total Code Files and Activities
 - ❖ 2018
 - Code Files – 2586
 - Code Activities – 4640
 - ❖ 2019
 - Code Files – 4665
 - Code Activities – 6693
- Code Statistics
 - ❖ Registrations – 1894 – 38%
 - ❖ Cases – 2746 – 62%
- Registrations – Total: 1894
 - ❖ Short-Term Rentals – 1010 – 53%
 - ❖ Livery Vessels – 450 – 24%
 - ❖ Long-Term Rentals – 393 – 21%
 - ❖ Beach Vendor – 41 – 2%
- Code Compliance Statistics
 - ❖ Notices of Violation – 302
 - ❖ Notices of Hearing – 81
 - ❖ Orders Imposing Fine/Lien – 6
 - ❖ Compliance Rate – 98.01%
- Code Citations – 169
 - ❖ Warnings – 163
 - ❖ Monetary – 6
 - ❖ Compliance Rate – 96.45%
- Parking Violations by Location
 - ❖ South of Hwy 98 – 1310 – 85%
 - ❖ North of Hwy 98/Residential – 240 – 15%

- Parking Violations – 1550
 - ❖ Short-Term Rentals – 1117 – 71%
 - ❖ Beach Access – 207 – 13%
 - ❖ Residential – 240 – 16%
 - ❖ Warnings Issued – 1536 – 99%
 - ❖ Parking Citations – 14 – 1%
 - ❖ Compliance Rate – 99%
- Trash Violations – 243
 - ❖ South of Hwy 98 – 200 – 82%
 - ❖ North of Hwy 98 – 43 – 18%
- Noise Violations – 33
 - ❖ South of Hwy 98 – 14 – 43%
 - ❖ North of Hwy 98 – 10 – 30%
 - ❖ Short-Term Rentals – 9 – 27%
- Stop Works – 198
 - ❖ South of Hwy 98 – 112 – 57%
 - ❖ North of Hwy 98 – 86 – 43%
- Sign Complaints – 553
 - ❖ Signs Collected – 235 – 42%
 - ❖ Miscellaneous Sign Violations – 213 – 39%
 - ❖ STR Sign Violations – 105 – 19%
- Sheriff's Office – 908 Reported Violations
 - ❖ Noise violations – south of Hwy 98 – 308 – 35%
 - ❖ Noise violations – north of Hwy 98 – 125 – 14%
 - ❖ Noise violations – STR – 206 – 23%
 - ❖ Parking violations – south of Hwy 98 – 100 – 11%
 - ❖ Parking violations – north of Hwy 98 – 86 – 10%
 - ❖ Parking violations – STR – 63 – 7%
- Beach Vendor Registrations
 - ❖ 31 businesses / 41 locations
- Beach Compliance – 513
 - ❖ Residents/Visitor complaints about vendors – 200 – 39%
 - ❖ Violation of 20 feet warnings – 130 – 25%
 - ❖ Parking violations – 91 – 18%
 - ❖ Glass on beach warnings – 18
 - ❖ Dogs on beach warnings – 20 – 4%
 - ❖ Soliciting on beach warnings – 17 – 3%
 - ❖ No vendor permit citations – 5 – 2%
 - ❖ Removal of sea oats warning – 10 – 2%
 - ❖ Fire on beach warnings – 10 – 2%
 - ❖ Violation of 20 feet citations – 6 – 1%
 - ❖ Violation of wheeled vehicle citations – 6 – 1%
- Beach Citations – 15
 - ❖ Warnings – 10
 - ❖ Monetary – 5
 - ❖ Compliance Rate – 50%

- Challenges
 - ❖ Beach Management Ordinance - 20' Mean High Water Line
 - ❖ Ropes and Permanent Signage
 - ❖ Violations of Beach Management Ordinance
 - ❖ Lack of education of guests, property owners, management companies and beach vendors
- Recommendations
 - ❖ 20' from water's edge
 - ❖ Limit ropes
 - ❖ No permanent signage allowed
 - ❖ Violations of Beach Management Ordinance needs to go to property owners
 - ❖ More education of guests by management and Code Compliance
 - ❖ More education of management companies, property owners and beach vendors
- Livery Vessels Registration
 - ❖ Vessels in Okaloosa County
 - Total Registered – 18,924
 - Destin Livery Jet Skis – 225
 - Destin Livery Pontoons – 225
- Business Tax Receipts in Harbor Area
 - ❖ Livery Vessels – 20 – 3%
 - ❖ All Other Businesses – 680 – 97%
- Livery Vessels by Type
 - ❖ 2018
 - 18 – businesses
 - 245 – pontoons
 - 169 – Jet Skis
 - Registration Fees - \$28,500
 - ❖ 2019
 - 20 – businesses
 - 225 – pontoons
 - 225 – Jet Skis
 - Registration Fees - \$30,125
- Harbor Waterways – Total Activities – 1029
 - ❖ Report of sewage – 3
 - ❖ Noise complaints – 5
 - ❖ Commercial activity from residential properties – 8
 - ❖ Abandoned Vessels – 4
 - ❖ Transient boat slips violations – 10
 - ❖ Dog warnings at Norriego Point – 26
 - ❖ Parking violations – 165
 - ❖ Idle speed zone warnings – 275
 - ❖ Livery vessel inspections – 90
 - ❖ No BTR citations – 48
 - ❖ No BTR second citation – 17
 - ❖ Warnings for no registration – 88

- ❖ Fine for operating without registration – 1
- Challenges
 - ❖ Identify cars parked in spaces belongs to a business
 - Mark each parking space for which business on property
 - Mark each parking for which businesses shared parking agreements
 - ❖ Moving targets
 - Do not have the statutory powers to pull over vessels
 - ❖ Vessels rentals from outside of City's jurisdiction coming into Destin waterways
 - ❖ Privately owned vessels coming into waterways
 - ❖ Capt. Vessels rentals do not register
 - ❖ Manpower
- Items Noted for Next Season
 - ❖ Follow through with:
 - Quality of submittal
 - Quality of review
 - Review all businesses on property for total count
 - ❖ Engineer/Scale parking drawings submitted from property owner
 - ❖ Engineer fuel plans
 - ❖ Signs marked for parking spaces with times (all businesses)
 - ❖ Register captained pontoons
 - ❖ Not allow storage of excess inventory on property
- Short-Term Rentals
 - ❖ Grandfathering applications
 - Issued – 202
 - Modified Issued – 36
 - Pending Approval – 15
 - Denied – 2
 - Refunded – 9
 - ❖ STR Registrations
 - Currently – 1010
 - Notices of Violations – 46
 - Projected – 1056
 - ❖ Rental Registrations
 - Short-Term – 1010 – 72%
 - Long-Term – 393 – 28%
 - ❖ STR Notices of Violations Compliance Rate – 98.72%
 - Notice of Violations – 156
 - Voluntary Compliance – 153
 - Daily Fine/Lien – 3
 - ❖ STR Parking Enforcement – 1117
 - Warnings Issued – 1103 – 99%
 - Citations – 14 – 1%
 - Compliance Rate – 99%
 - ❖ STR Activities – 2340
 - Events 10 – 0%

- Parking citations – 14 – 1%
 - Parking warnings – 1103 – 47%
 - Sign inspections – 867 – 37%
 - Trash violations – 182
 - Notice of violation – 154 – 7 %
- ❖ Sheriff's Office STR Complaints – 269
 - Noise violations – 206 – 77%
 - Parking violations – 63 – 23%
- Challenges
 - ❖ After hours emergency contacts
 - ❖ Excess trash
 - ❖ Turnover days trash
- Recommendations
 - ❖ Number for emergency contact only/should be answered 24/7
 - ❖ Explore properties to acquire more cans by floor or bedrooms
 - ❖ Require properties to have special trash pick-up on turnover days
- Department Challenges
 - ❖ Identifying unregistered STRs
 - ❖ Decal ID for each property
 - ❖ Lost decals
 - ❖ Tracking events
 - ❖ Identify change of ownership/management
 - ❖ Parking violations
- Recommendations
 - ❖ Continue search through websites
 - ❖ Each decal has registration number assigned to property
 - ❖ Fee of \$25 for replacement decal
 - ❖ Evening and weekend shift can assist in tracking events
 - ❖ Search property appraisers, track sign and website changes
 - ❖ More education of guests by management and Code Compliance
- Department Challenges/Needs
 - ❖ One vehicle is over 15 years old
 - ❖ Manpower
 - Evening coverage
 - Weekend coverage
 - Shift rotation
 - ❖ Rank structure
 - ❖ Clarify of code
 - ❖ Complaints
- Recommendations
 - ❖ Flush out vehicles 15 years or older
 - ❖ Must show professionalism
 - ❖ Change Code Compliance hours of operation
 - Day shift change 6 AM TO 3 PM or 7 AM to 4 PM
 - Evening shift – 2 PM to 11 PM or 3 PM to 12 AM
 - ❖ Evening shift will cover weekends – 2 PM to 11 PM
 - ❖ Shift rotations every 3 months

- ❖ Senior Code Compliance Officer will report to Code Compliance Director/Chief
- ❖ Create divisions (Registration Division and Operations Division)
- ❖ Follow recommendations for all registrations

Councilmember Menchel recommends they explore the possibility of having a Code Compliance officer working past midnight; stating that a lot of violations occur after the midnight hours.

Councilmember Overdier noted that the situation at Crystal Beach is very much out of control as he witnessed this past summer when he rode along on the beach with a Code Compliance officer. One visitor complained to him about spending a lot of money renting a home but unable to find a place to go on the beach; with all the chairs, umbrellas, chains and ropes set up on the beach. He added that visitors will stop coming to Destin if this situation does not change.

Councilmember Overdier move to instruct the City Manager to direct the Code Compliance Department to work with the Land Use Attorney to develop some solutions to the challenges and implement the recommendations that have been identified. Councilmember Menchel provided a second to the motion.

Councilmember Marler stated that for the safety of their Code Compliance officers who are unarmed, they should consider reactivating their radio frequency so they could immediately notify the Sheriff's Office in case of an emergency.

According to Mr. Forgione, the Sheriff's Office is going into a new system. They will engage them on this issue once the new system has been activated. In the meantime, a Code Compliance officer working the evening shift will not go into a house without an escort from a Sheriff's deputy.

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

J. Announcements:

The City Manager made the following announcements:

- Offices closed Monday November 11th in observance of Veteran's Day.
- Visioning Session: Thursday November 7th, 2019 at the Destin Community Center
- Roadway Redesign Project: Staff requested cost estimates from our interested continuing services Engineering contractors. This information will be brought back to council for direction at the next available meeting after securing the information.
- He would like to use 3 days' vacation the week of Thanksgiving.

5. PUBLIC HEARINGS

- A. Second reading of Ordinance 19-11-CC - Amends the Election Day for the City of Destin

The City Attorney read proposed Ordinance 19-11-CC by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO ELECTION DAY; PROVIDING FOR AUTHORITY; PROVIDING FOR THE AMENDMENT OF THE CODE OF ORDINANCES CHAPTER 9 ELECTIONS BY AMENDING SECTION 9-4 ELECTION DAY; PROVIDING THE ELECTION DAY FOR COUNCIL MEMBERS AND MAYOR TO BE HELD ON THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY OF NOVEMBER IN EACH EVEN-NUMBERED YEAR; PROVIDING FOR REAFFIRMATION OF THE CANDIDATE QUALIFYING DATES PROSCRIBED BY THE CODE OF ORDINANCES CHAPTER 9 ELECTIONS, SECTION 9-8 CANDIDATE QUALIFYING DATES; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

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

Councilmember Destin moved for approval of Ordinance 19-11-CC on second reading; seconded by Councilmember Ramswell. Motion passed 6-1 (Council members Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”; Councilmember Morgan voted “no”).

- B. First reading of Ordinance 19-32-LC - Relating to changes to the Zoning Map, which changes the zoning of two parcels from Institutional (INST) and Medium Density Residential Village (MDRV) to Residential, Office Institutional Village Residential (ROIVR).

The City Attorney read proposed Ordinance 19-32-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 THE PROPERTIES DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM INSTITUTIONAL (INST) AND MEDIUM DENSITY RESIDENTIAL-VILLAGE (MDR-V) TO RESIDENTIAL, OFFICE AND INSTITUTIONAL-VILLAGE RESIDENTIAL (ROI-VR); 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 Mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the Mayor closed the public hearing portion of this item and turned the matter over to the City Council for discussion and consideration.

Motion by Councilmember Braden, seconded by Councilmember Ramswell, to approve Ordinance 19-32-LC on first reading passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

C. First reading of Ordinance 19-33-LC Relating to changes in the Zoning Map, which changes the zoning of one parcel from Residential, Office, Institutional-General Development (ROI-GD) and Medium Density Residential-Village (MDR-V) to Residential, Office Institutional-Village Residential (ROI-VR).

The City Attorney read proposed Ordinance 19-33-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 THE PARCEL DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM RESIDENTIAL, OFFICE AND INSTITUTIONAL-GENERAL DEVELOPMENT (ROI-GD) AND MEDIUM DENSITY RESIDENTIAL- VILLAGE (MDR-V) TO RESIDENTIAL, OFFICE AND INSTITUTIONAL-VILLAGE RESIDENTIAL (ROI-VR); 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 Mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the Mayor closed the public hearing portion of this item and turned the matter over to the City Council for discussion and consideration.

Motion by Councilmember Marler, seconded by Councilmember Overdier, to approve Ordinance 19-33-LC on first reading passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

D. Kimley-Horn, on behalf of Kahuna Property, LLC is requesting approval of a Major Development Order and Major Subdivision identified as “The Charles.” The proposed development consists of 192 multifamily units. The proposed project is generally located east of Big Kahuna’s Water Park, and west of Airport Road, addressed as 1021 U.S. Highway 98. The total site area is 11.54 acres, more or less.

The City Attorney sworn in the following individuals for testimony:

Louis Zunguze, Community Development Director
Joe Bodi, Engineering Assistant II
Cameron Snipes – Project Engineer
Chip Dillard – Project Developer

Parke Lammerts – Project Developer

Mr. Cameron Snipes, project engineer, presented the project, stating that it is a 192 multi-family unit subdivision. It is approximately an 8-acre project. They will be dedicating an 80-foot right-of-way with roadway to the City of Destin as part of this project. The project was rezoned approximately 12-16 months ago.

Councilmember Ramswell stated it is hard for her to believe the Mattie Kelly Road they are putting will not impact US Hwy 98 as indicated by the Traffic Concurrency Study.

Mr. Snipes noted they are working with FDOT and City staff on this matter. There is a right-turn lane that will be added as part of this project, which goes along with the level of service standard that deals with the traffic.

Councilmember Ramswell asked if it is customary to do a traffic study before and another one after development.

According to Mr. Zunguze, there are phases of their review that require that process to verify every assertion they are making.

Councilmember Braden asked if they are still planning on putting a retail store on the 1.17-acre lot in the section in front on Hwy 98.

Mr. Chip Dillard, project developer, stated it is still the plan, but it is not part of this development order.

Councilmember Ramswell asked that for the front section that could be developed whether the density is already utilized for the main complex.

Mr. Zunguze noted that when Council approved the rezoning of this parcel, they held the total zoning for the 11-acre parcel to 192 units; therefore, that front section cannot be used for residential development. It would have to be for some other allowable use.

At this time the Mayor asked if any member of the public wishes to comment on the proposed development. Hearing none, the Mayor turned the matter over to the City Council for their consideration.

Councilmember Ramswell moved for approval of the Major Development Order and Major Subdivision identified as “The Charles”; seconded by Councilmember Braden. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

6. *CONSENT AGENDA

A. Membership Appointment Destin Youth Council

Motion by Councilmember Destin, seconded by Councilmember Marler, to approve Consent Agenda item 6A, 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 (No public comments)

A. Councilmember Braden

Councilmember Braden requested an update on the undergrounding of utilities on US Hwy 98.

Councilmember Destin noted there is public meeting with Gulf Power scheduled for November 19th, beginning at 1:30 PM at City Hall, and this is one of the topics that will be discussed.

Councilmember Braden wants to know the reason they are cutting down large Crepe Myrtle trees on US Hwy 98 and a large grapefruit tree at the Old Campground.

Mr. Burgess stated there have been repeated requests to trim those trees located in front of Crackel Barrel. The Deputy Director of Public Services decided to go ahead and cut them down, which is against City policy. It has been addressed. They have put in new processes to make sure it never happens again. The grapefruit tree was cut down for safety reason. There were some concerns for pedestrian and bicycle safety as fruits were being dropped on the sidewalk.

Councilmember Braden requested an update on the hiring of a grant writer for the City.

The City Manager stated that the job description has been written and they plan to advertise the position this week.

Councilmember Braden noted they have previously discussed moving the Engineering Division from Public Services Department to the Community Development Department. He would like to know if there is a consensus of the Council with regards to this matter.

The City Manager stated they have just hired a City Engineer within the past 4 weeks. He is currently weighing all the facts to determine if it would be a good idea to move that position under the Community Development Department; adding he would need some time to do some logistical planning and discuss this matter with the department directors that will be impacted by this move.

Councilmember Braden moved to place the Engineering Division under the Community Development Department; seconded by Councilmember Menchel.

Councilmember Ramswell asked for Mr. Zunguze’s opinion on the matter.

Mr. Zunguze noted that when he started work as the City's Community Development Director, one of the things he and the City Manager discussed is the best operational configurations of the department; and that one of the things that were identified was placing the City Engineer Division under the Community Development Department. He continued that the key core functions of the development review are planning and zoning services, building services, and engineering services. To ensure optimum efficiency in terms of timeliness of decision making and delivery of service and streamlining processes, it would be necessary to put all these services under one management.

Councilmember Marler stated this is strictly a City Manager decision; and that he should be given enough time to make that decision.

Councilmember Menchel recommends giving the City Manager by the end of the year to do the logistical planning; adding they should include a date certain to avoid talking about this issue repeatedly.

Councilmember Destin stated if they go forward with the move, they would be putting additional responsibility on Mr. Zunguze. He recommends amending the motion to include a parameter that gives the City Attorney and City Manager the ability to pay Mr. Zunguze more money.

Councilmember Braden offered an amended motion to place the Engineering Division under the Community Development Department and to give the City Manager 30 days to do the logistical planning; and to include a parameter that gives the City Attorney and City Manager the ability to pay Mr. Zunguze more money for this added responsibility. Councilmember Menchel provided a second to the motion.

Councilmember Ramswell noted that salary increase for department heads is a City Manager decision according to their City Charter.

The City Attorney stated that the motion does not mandate a salary increase; it merely gives the City Manager the ability to consider it.

Councilmember Morgan would like to see a formal agenda item on this matter and not give the City Manager a time constraint to decide.

Councilmember Braden stated that if things are not accomplished within 30 days, he would expect the City Manager to come back and request additional time, which would surely be granted.

Councilmember Morgan stated they should at least approve a motion to set aside the order of the day before voting on this issue.

Motion by Councilmember Destin, seconded by Councilmember Menchel to set aside the order of the day and vote on the issue at hand passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

The Mayor called for a vote on Councilmember Braden's motion, which passes 5-2 (Council members Destin, Overdier, Menchel, Ramswell and Braden voted "yes"; Council members Morgan and Marler voted "no").

Next, Councilmember Braden requested an update on the Heritage Park.

The Land Use Attorney stated that she is working on the language that was discussed at the previous meeting with the US Treasury, and that the City Manager has directed the new City Engineer to work on the scope of services for the RFP package.

B. Councilmember Ramswell

Councilmember Ramswell requested that the possibility of forming a Beach Committee made up of vendors, residents, code compliance officer, a Council member and the Land Use Attorney be placed on the next Council meeting agenda for discussion.

C. Councilmember Menchel

Councilmember Menchel asked staff to notify FDOT that the blinking yellow/red light at the US Hwy 98 and Triumph Road serves no real purpose and needs to be turned off.

Councilmember Menchel inquired as to the status of the generator contract.

Mr. Burgess noted there is a bid opening for the generator contract this coming Thursday, November 7th.

Councilmember Menchel inquired as to the extent of the damage to the City Hall generator which is currently under repair.

Mr. Burgess explained that the generator is monitored remotely by RONCO. It threw some trouble codes and it was determined that the head gasket had blown, and coolant has gotten into the engine.

Councilmember Menchel asked if they have anything in place whereby somebody from staff verifies that the required work in any of their contracts is actually being accomplished.

Mr. Burgess replied they have processes in place for verification of the work being completed, such as for the sidewalk installation, before they would pay an invoice. They have staff members that accompany the contractors, and they also have staff members that do independent audits and inspections. Once a work is finished, the Deputy Public Services Director approves payment of the invoice by placing his initials on it indicating he has physically verified that the work has been done.

- D. Councilmember Overdier**
- E. Councilmember Marler**
- F. Councilmember Destin**
- G. Councilmember Morgan**

H. Mayor Gary Jarvis

Mayor Jarvis noted that it is daylight savings time and it gets dark early. He asked staff to make sure the lights in the dog park are lit as soon as it gets dark.

I. Land Use Attorney

The Land Use Attorney stated they have a significant number of Bert Harris claims. The Mayor suggested they hold a special Council meeting instead of the regular Council meeting to discuss settlement for these cases. She asked if the Council is amenable to scheduling that meeting on December 9th.

It was the consensus of the Council to schedule a Special City Council meeting on Monday, December 9, 2019, to discuss all the Bert J. Harris cases

J. City Attorney

8. PUBLIC COMMENTS

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

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 21, 2020

TYPE OF AGENDA ITEM: Special Presentation

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Lisa Firth, Parks & Rec Director

DATE: January 9, 2020

SUBJECT: Parks and Recreation Committee-Presentation of Fiscal Year 2019 Accomplishments and Fiscal Year 2020 Work Plans-Ms. Teresa Hebert, Board Chair

I. BACKGROUND: The Parks & Recreation Committee are submitting their FY-2019 Annual Report (Attachment A) and FY-2020 Work Plans (Attachment B).

II. DISCUSSION: The Parks and Recreation Committee prepares annual reports and annual workplans for the Council annually.

A. Link to Strategic Goals / Objectives: Goal 4A: Improve and enhance the City's library, parks, and recreational services.

High Quality of Life and Safety for Families/ Preservation of Heritage & Environment.

B. Effect on Budget (EOB): None.

C. Level of Service (LOS): The Committee's activities during the previous year and those planned for the current year are intended to increase the LOS provided to the community.

III. CONCLUSION: The Parks and Recreation Committee would like to thank the Council for their continued support of City Parks and Recreation Programs.

IV. RECOMMENDED MOTION: I move that the City Council approve the Parks and Recreation Committee's FY-2019 Annual report and FY-2020 Work plans.

Attachments:

1. P&R Workplan Facility Inspections
2. P&R Workplan 2 Maintain Tree City
USA Status
3. ParksCommitteeAnnualReportFY19



City of Destin

FY 2020 Work Plan

Strategic Priority:

High Quality of Life and Safety for Families

Strategic Goal:

Maintain High Level of Safety and Security for Our Residents, Businesses, and Visitors.

Organizational Objective:

Public Safety: Maintain Safe Parks for Our Residents, Businesses, and Visitors.

Performance Objective:

Complete Annual Safety Inspection for All Parks.

Measurable Outcome(s):

Outcomes	Fiscal Year	
	2019	2020
Conduct at least one Annual Inspection for each Park and Beach Access.	100%	GOAL 100%
Correct Level 1 Safety Deficiencies within allotted time.	100%	GOAL 100%

Action Plan:

Task	Resource Needs (persons/organization)	When Complete
1. Inspect Parks & Beach Accesses		
2. Report findings to Parks & Recreation Staff		
3. Monitor Corrective Action Status		

Process Improvement:

PDCA

Stakeholders:

Internal	External
• Council	• Residents
• City Manager	• Visitors
• Risk Management/Insurance	• Business
• Parks & Rec. Department Staff	•

Process Owner: *Parks & Recreation Committee*



City of Destin

FY 2020 Work Plan

Strategic Priority:

High Quality of Life and Safety for Families

Strategic Goal:

Enhance and Preserve Heritage and Environment

Organizational Objective:

Implement "green" sustainable concepts supporting environment and quality of life.

Performance Objective:

Maintain Tree City U.S.A Status

Measurable Outcome(s):

Outcomes	Fiscal Year	
	2019	2020
Plant at least 5 new trees	Complete	
Hold public Arbor Day Ceremony	Complete	
Maintain Tree City USA status	Maintained	GOAL Maintain

Action Plan:

Task	Resource Needs (persons/organization)	When Complete
1. An Arbor Day Observance and Proclamation		

Process Improvement:

PDCA

Stakeholders:

Internal	External
• Council	• Residents
• City Manager	• Visitors
• Parks & Rec. Director and Deputy Director	• Business
• Parks & Rec. Department Staff	• Arbor Day Association

Process Owner: *Parks & Recreation Committee*

PARKS & RECREATION COMMITTEE ANNUAL REPORT

During FY2019, the Parks and Recreation Committee completed the following:

ARBOR DAY CEREMONY

- The City's annual Arbor Day ceremony was held April 26, 2019 at the Nancy Weidenhamer Dog Park. Mayor Gary Jarvis presided with Councilman Skip Overdier in attendance. The city celebrated the planting of a Southern Magnolia (*Magnolia grandiflora*) in the small dog park. Committee member Myra Williams gave a short presentation and children from Noah's Ark preschool participated in this high profile event. The parks team also planted another magnolia tree in the large dog park at the same time.

PARK INSPECTIONS

- All parks and beach trails were inspected by committee members in FY19 and the findings were reported to the Department Director and Parks Supervisor in a late winter meeting of the committee. The majority of items of concern that were identified have been corrected.

"WELCOME TO DESTIN" SIGN BEAUTIFICATION PROJECT

- The committee worked with Allen French of the Destin-based Trees on the Coast and staff to shepherd along a proposal to beautify the popular "Welcome to Destin, The World's Luckiest Fishing Village" sign by the Marler Bridge on Eglin Air Force Base property. The proposal would enhance the attractiveness of the sign with landscaping and the planting of trees.

CIVIC INVOLVEMENT

- Committee members were active in a variety of local annual civic events including Fall Fest, Founder's Day, the Christmas Tree Lighting Ceremony, the Pinfish Tournament, and the Christmas Outdoor Decorating contest.

ANNUAL CHRISTMAS PARADE

- The committee constructed and entered a float celebrating the Nancy Weidenhamer Dog Park into the annual Christmas parade.

SPEAKER'S FORM
City of Destin Council Meeting

In an effort to better serve the community, the City Council requests that items or requests to be presented before Council be provided to the City Clerk by noon Tuesday of the week prior to the meeting. **Any related materials that you wish to distribute to Council in support of your item must be submitted at that time as well.** This will give Council adequate time to review your request and make any necessary inquiries. In addition, the staff may need to contact you in response to your topic of concern or in response to action directed by the Council.

As you complete the form below, please note that **certain fields marked by * are required.** Late or incomplete forms, particularly where required information is omitted, will be deferred by Council to a future meeting pending receipt of all information.

The City appreciates your cooperation and adherence to these guidelines.

***** PLEASE PRINT *****

DATE OF REQUEST: January 13th 2020 ***COUNCIL MEETING DATE:** January ²¹22nd 2020

***NAME:** PADP team - Rick Kosuback/Jay Patel/Dave McPhearson ***PHONE #:** (850) 393-1780

ADDRESS: 6919 Pensacola Blvd Suite 200 - Pensacola, FL 32505 **EMAIL:** Jay@NashBuiltInc.com

***TOPIC/ISSUE** Unsolicited Proposal for a City of Destin Community Event Center Project

***HAVE YOU SPOKEN WITH CITY STAFF ABOUT THIS ISSUE? If so, who and when?**

Just briefly to Mayor Garvis

***DESIRED ACTION BY COUNCIL?**

Upon the P3 powerpoint presentation, discussion with Q&A to seek if the City Council members have further interest in consideration to move such proposal forward

PRESENTATION MATERIALS ATTACHED?: YES Yes NO **# OF PAGES** 34

PENSACOLA ARENA
DEVELOPMENT PARTNERS (PADP)



Perkins&Will



CITY OF DESTIN, FLORIDA **COMMUNITY EVENTS CENTER PROJECT**

JANUARY 22, 2020

City of Destin Community Events Center)

PRIMARY DEVELOPMENT TEAM



Developer/Financier

One of the world's largest P3 developers with over 200 public-private partnerships successfully completed across the globe.

Primary Contact

Jed Freedlander

Sr. Vice President, Development



Co-Developer

North America's leader in event center development having completed over a fifteen multi-use event centers and community recreation facilities in the U.S.

Primary Contact

Rick Kozuback

President and CEO

Jay Patel

COO Nashbuilt



Design Builder

One of the nation's largest construction management firms primarily serving the Civic/Municipal and Education building sectors, frequently as part of P3 development teams.

Primary Contact

Roger Baum

*Vice President,
Public-Private Partnerships*

Perkins&Will

Lead Architect

Leading architectural firm specializing in Events Centers, Sports and Recreation Facilities. Staff of over 2,500 professionals including more than 1,000 LEED Accredited.

Primary Contact

Don Dethlefs

*Global Sports, Recreation and
Entertainment Practice Leader*



Parking Consultant/Developer

SPS is recognized as one of the premier parking consultants and developers of parking structures in the U.S.

Primary Contact

Greg Darden

Director of Business Development

- **80,000 SF FIELD HOUSE** (Multi-use Sports Tourism Venue)
- **60,000 SF TWIN ICE FACILITY** (Hockey, Figure and Ice Skating tournament venue)
- Possible Destin Sports Hall of Fame,
- Replaces current Community Center, meeting rooms and offices
- **PEDESTRIAN PLAZA**
- **PARKING** (TBD)
- **OPTIONAL HOTEL** (125 – 150 Rooms)
- Approximately 10 acre site required

City of Destin Community Events Center

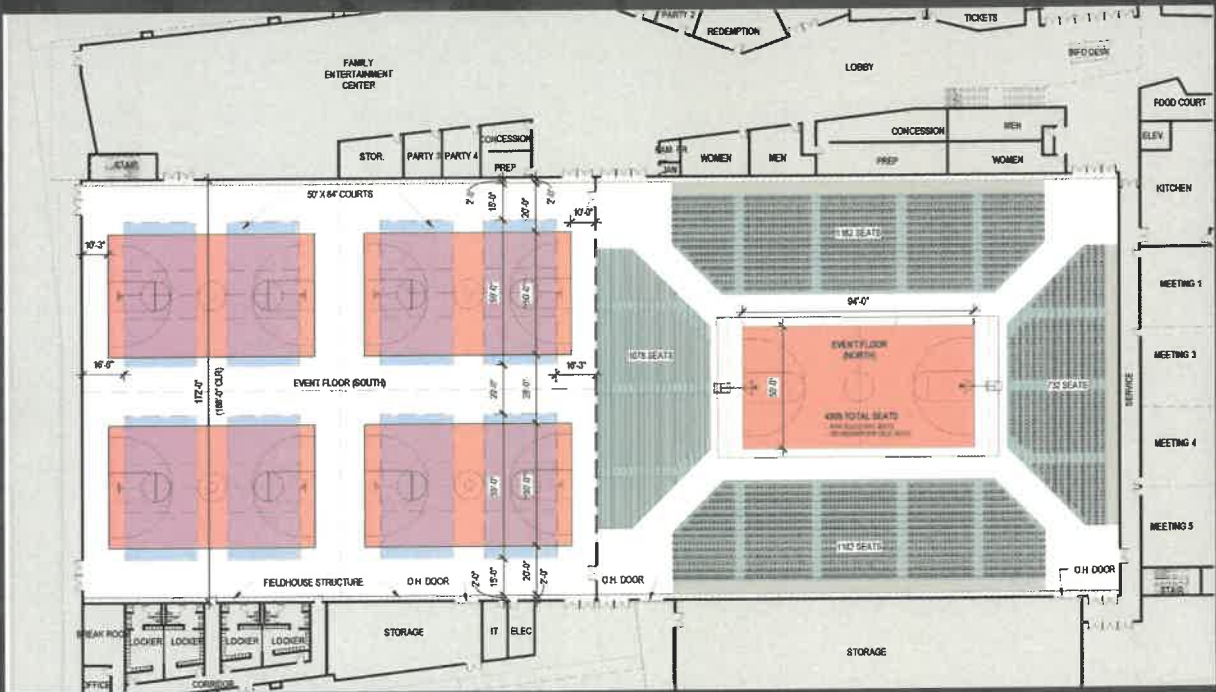
FIELD HOUSE EXAMPLES

Rocky Mount, North Carolina



FIELD HOUSE EXAMPLES

Floor Plan



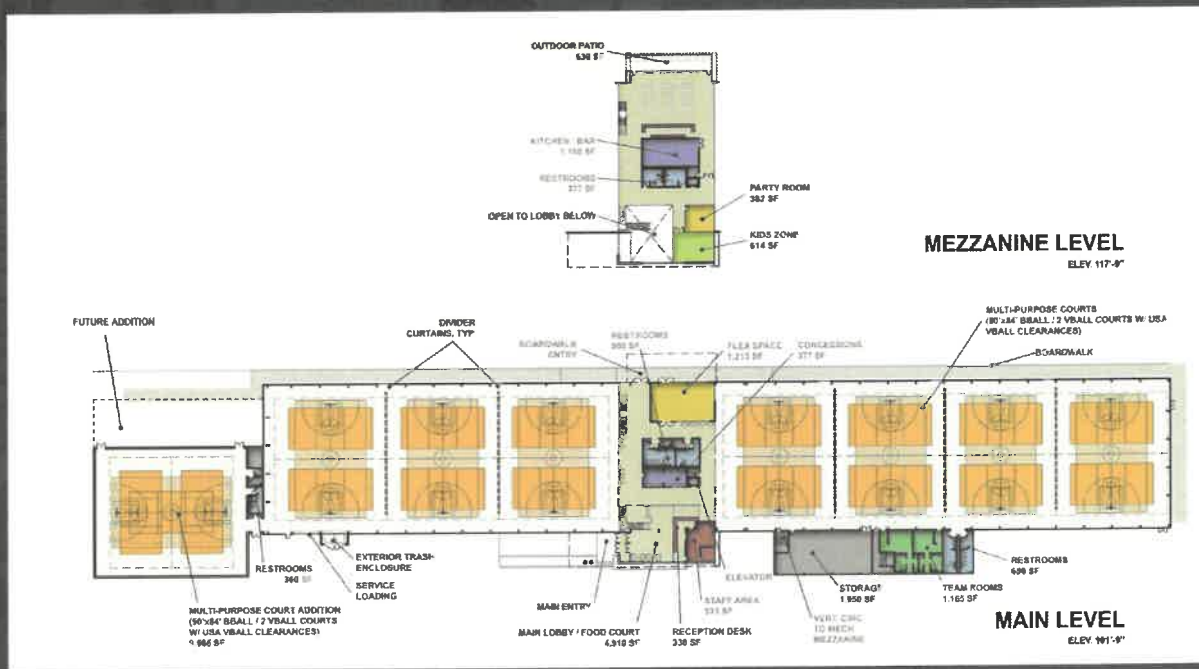
City of Destin Community Events Center

FIELD HOUSE EXAMPLES

UW Health Sports Factory,
Rockford, Illinois



Floor Plan UW Health Sports Factory, Rockford, Illinois



City of Destin Community Events Center

FIELD HOUSE EXAMPLES

Williston Area Recreation Center
Williston, North Dakota



Floor Plan
Williston Area Recreation Center



City of Destin Community Events Center

FIELD HOUSE EXAMPLES

Jacksonville Sports Center
Jacksonville, Florida



Floor Plan
Jacksonville Sports Center



City of Destin Community Events Center

FIELD HOUSE EXAMPLES

Anderson Auto Group Field House
Bullhead City, Arizona



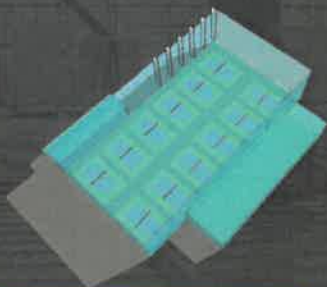
City of Destin Community Events Center

FIELD HOUSE EXAMPLES

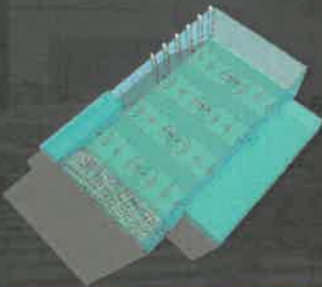
Actual Interior Layout
Anderson Auto Group Field House



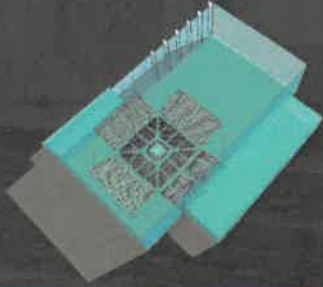
MULTI-USE FIELD HOUSE LAYOUTS



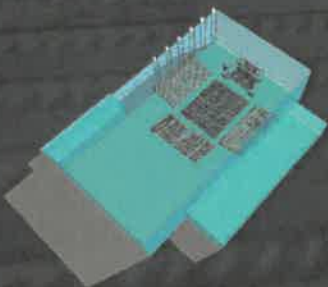
Volleyball Courts



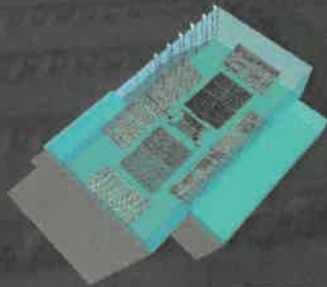
Basketball Courts



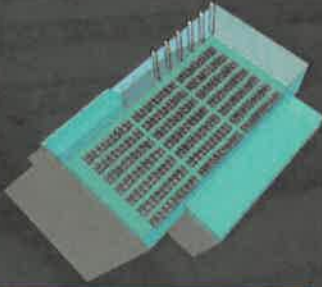
Boxing Arena



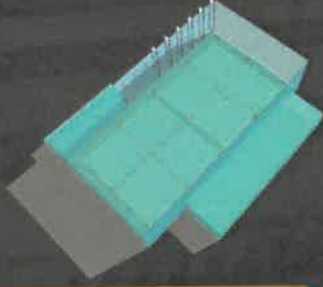
Stage - Side Layout



Stage - Center Layout



Trade Show



Conference Rooms

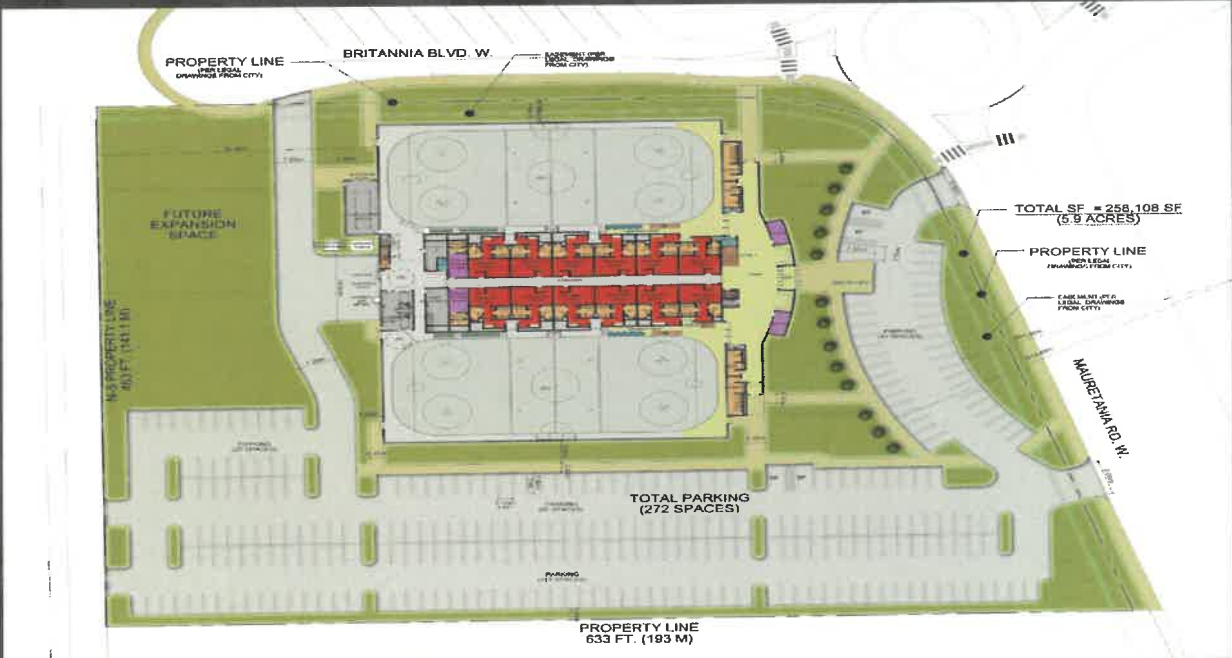
City of Destin Community Events Center

TWIN ICE RINK EXAMPLES

City of Lethbridge
Lethbridge, Alberta Canada



Floor Plan
City of Lethbridge, Alberta



City of Destin Community Events Center

TWIN ICE RINK EXAMPLES

City of Spruce Grove Events Center and Hotel Conference Center
Spruce Grove, Alberta Canada



TWIN ICE RINK EXAMPLES

City of Destin Community Events Center

City of Spruce Grove Events Center
Grand Entrance



City of Destin Community Events Center

TWIN ICE RINK EXAMPLES

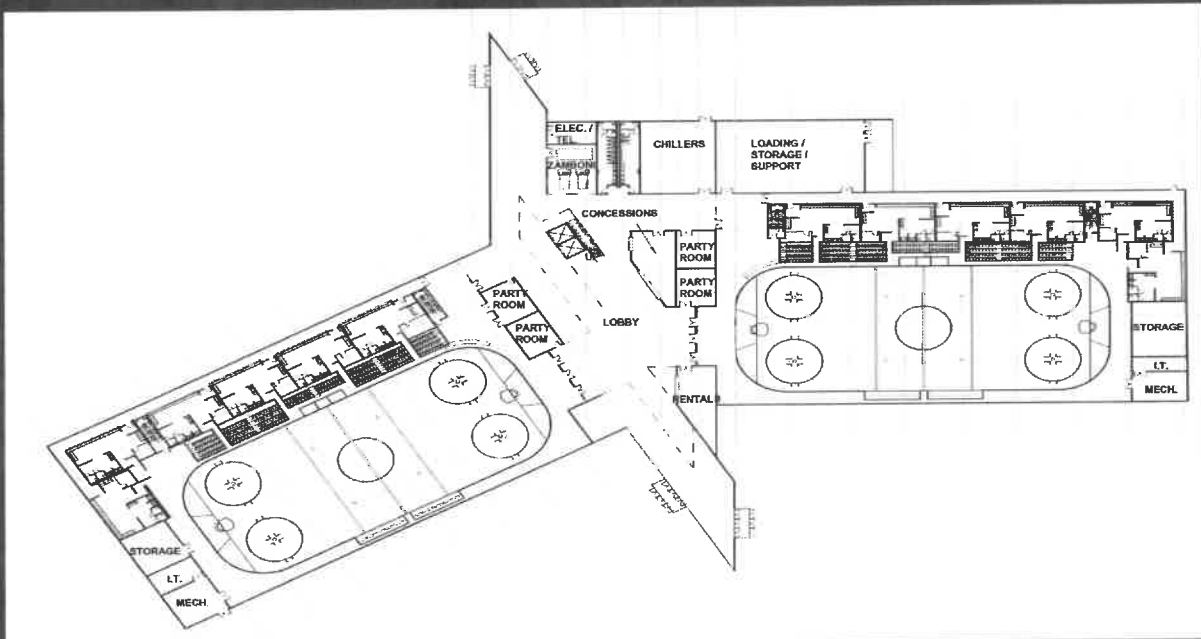
Idaho Falls Ice Arena
Idaho Falls, Idaho



City of Destin Community Events Center

TWIN ICE RINK EXAMPLES

Floor Plan
Idaho Falls, Idaho Ice Arena



City of Destin Community Events Center

TWIN ICE RINK EXAMPLES

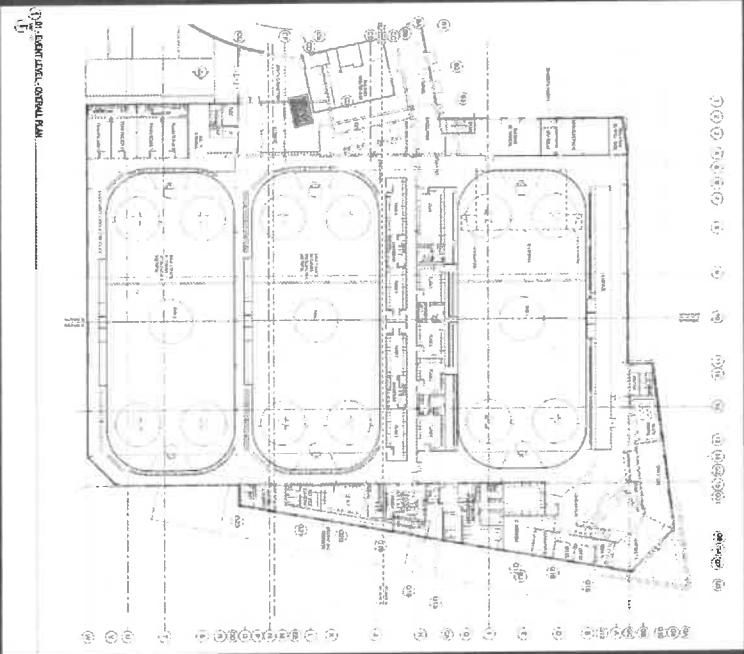
Nexus Center
Utica, New York



City of Destin Community Events Center

TWIN ICE RINK EXAMPLES

Floor Plan
Nexus Center, Utica, New York



City of Destin Community Events Center

TWIN ICE RINK EXAMPLES

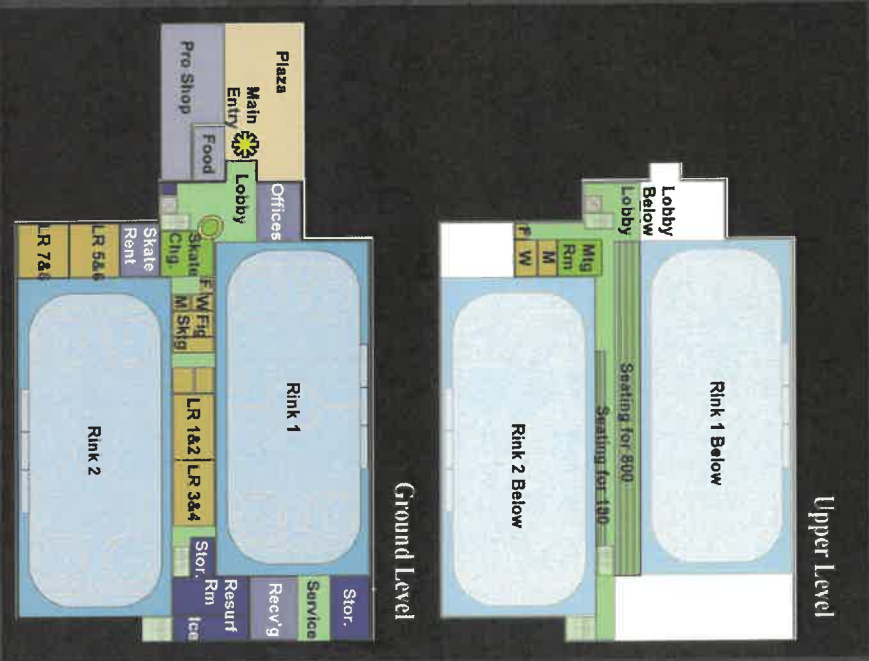
Ice Haus
Greeley, Colorado



TWIN ICE RINK EXAMPLES

City of Destin Community Events Center

Floor Plan
Ice Haus, Greeley, Colorado



City of Destin Community Events Center

TWIN ICE RINK EXAMPLES

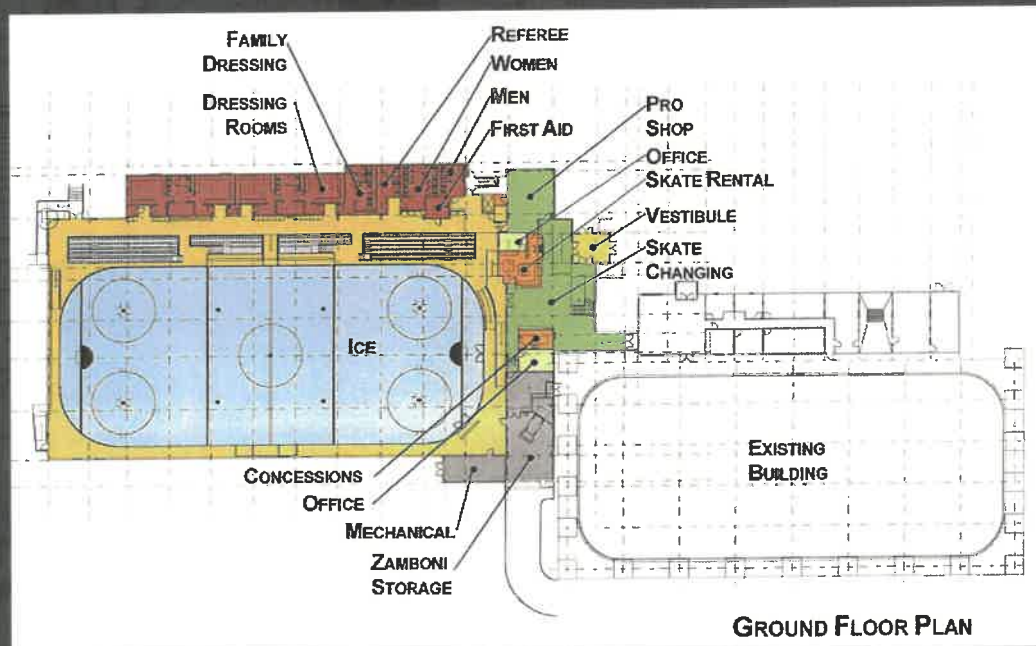
Steven C. West Ice Arena
Breckenridge, Colorado



TWIN ICE RINK EXAMPLES

Floor Plan

Steven C. West Ice Arena, Breckenridge, Colorado



City of Destin Community Events Center

FIELD HOUSE EXAMPLES

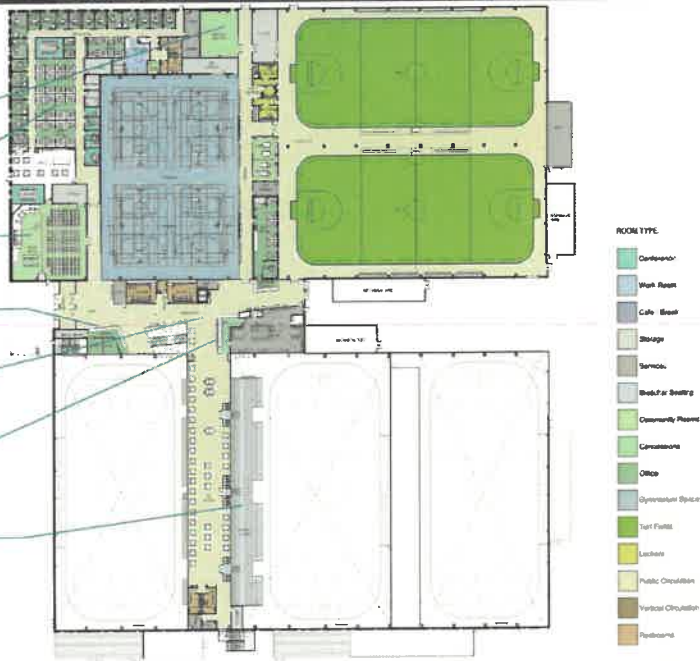
SSPRD Recreation Complex
Littleton, Colorado



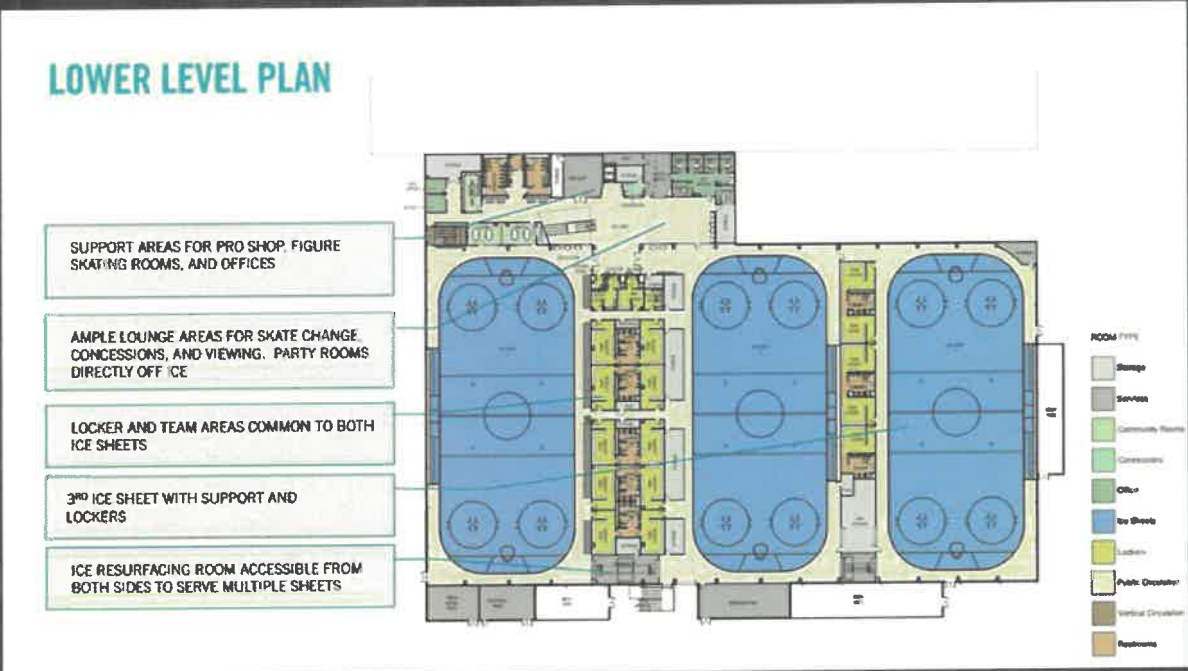
Floor Plan
Littleton, Colorado

ENTRY LEVEL PLAN

- FITNESS AND DRYLAND TRAINING AREAS
- OFF-ICE SUITE ON THE MAIN LEVEL
- BOARD MEETING ROOM LOCATED NEAR THE FRONT ENTRY, RENTAL POTENTIAL
- MAIN ENTRY WITH CENTRAL POINT OF CONTROL
- MAIN LEVEL ACCESS TO ICE VIEWING, GYMNASIUM AND FIELDHOUSE
- CENTRALLY LOCATED RESTAURANT WITH VIEWING TO FIELDHOUSE, GYM & ICE BELOW
- OPEN SPECTATOR VIEWING AND TOP-LOADED ACCESS TO FIXED SEATING



Floor Plan
SSPRD Recreation Complex, Littleton, Colorado



City of Destin Community Events Center

CONCEPTUAL SITE PLANS

Phase 2:
Bay Center New Commercial Development



EXAMPLE ELEVATIONS & COST ESTIMATES



MULTI-USE FIELD HOUSE
\$17M-\$25M



MULTI-USE ARENA
\$48M-\$65M

PROJECTED ECONOMIC IMPACT:FIELD HOUSE

- **DIRECT:** \$24,843,000 - \$28,454,000 / YEAR
- **INDIRECT & INDUCED:** \$12,951,000 - \$14,835,000 / YEAR
- **TOTAL NEW JOBS LOCALLY:** 450 – 520
- **70,000 ADDITIONAL ROOM NIGHTS**

Source: Crossroads Study: Pensacola, Florida – February, 2016 and updated
February, 2018
100,000 square foot field house facility.

REPRESENTATIVE ECONOMIC IMPACT: ARENA

- **DIRECT: \$7,400,000 / YEAR**
- **INDIRECT & INDUCED: \$5,600,000 / YEAR**
- **TOTAL NEW JOBS LOCALLY: 250**

Source: Hunden Strategic Partners: Racine, Wisconsin - August 2016
4,300 seat events center only. NBA G-League tenant.

- **DIRECT, INDIRECT & INDUCED: \$13,000,000 / YEAR**
- **TOTAL NEW JOBS LOCALLY: 265**

Source: Texas Economic Development Corporation: Allen, Texas - 2015*
6,500 seat arena/events center and community ice rink.

*After 5 years of operation

- Approval of basic concept, P3 model and Pre-Development Agreement between Parties
- Basic programming exercise with stakeholders includes site identification
- Feasibility and Economic Impact Study
- Development of Triumph Gulf Coast, Inc. Trust Fund Application
- Delivery of Study to Council.
- Notice to Proceed: Method of Procurement
- Complete site plans and design.
- Establish a guaranteed price and schedule for construction.
- Structure and secure financing package.
- Negotiate and structure final lease, hotel and property development agreements.
- Nominate public-private board to oversee project.
- Obtain required governmental approvals for project.

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 21, 2020

TYPE OF AGENDA ITEM: City Manager Report

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Kimberly Kopp, Land Use Attorney
Louis Zunguze, Community Development Director

DATE: January 15, 2020

SUBJECT: Staff and City Land Use Attorney Update on Eglin Property

I. BACKGROUND: On Monday, January 6th, the City Council directed the City Land Use Attorney and Staff to provide the City Council with additional information and options relating to obtaining a potential interest or license on the Northwest beach property under the East Pass bridge.

II. DISCUSSION: On Monday, January 6th, the City Council directed the City Land Use Attorney and Staff to provide the City Council with additional information and options relating to obtaining a potential interest or license on the Northwest beach property under the East Pass bridge.

On Wednesday, January 8, 2020, the City Land Use Attorney received a call from Mr. Michasel Spaits, a Public Affairs officer at Eglin Air Force Base. Mr. Spaits inquired as to the City's discussions at the January 6th Council meeting. Additionally, Mr. Spaits provided the following information to the City Land Use Attorney:

1. Several years ago, Eglin AFB was threatened with enforcement action from the FDEP due to the fact that commercial helicopters were accepting patrons on Eglin property. Eglin responded by posting signage prohibiting commercial vending on its property.
2. Within the past year, Eglin has received numerous complaints from citizens dealing with water taxi issues, as beach goers have been asked by water taxi vendors to stay out of the area because beach goers were interfering with the taxi company's ability to pick up patrons on the upland property and deliver them to

floating structures in the submerged lands area (including Crab Island).

3. In response to the current issues involving the water taxis and resident complaints, Eglin AFB is looking at several options, including but not limited to the following:

4. Okaloosa County is currently under contract with Eglin AFB to remove trash from this location as well as the other Eglin AFB access points on Okaloosa Island. The County does not currently wish to take on any additional roles/responsibilities regarding the maintenance of this area.

* Eglin may consider closing the vehicle parking area and allow access by foot only.

* Eglin may consider entering into an agreement with the National Park Service, which would take over management of the area.

* Eglin may consider establishing the property as a "No Vessels" area, which would be enforced by the County, Coast Guard, and State Fish and Wildlife Conservation Commission.

* Eglin may consider any option offered by the City of Destin. If the City of Destin wishes to have Eglin consider involving the City in any of these options, the City should express interest to Eglin AFB as soon as possible. Should the City express interest, Eglin would then prepare a "Mission Impact Analysis" to be reviewed by a multi-disciplinary board of experts that meets quarterly to review such matters.

Please note that no final decisions have been made by Eglin, and at this point, any and all options are "hypothetical" in nature.

The issue has been discussed by the City Manager, Code Compliance Manager, Community Development Director, Parks/Recreation Director and City Land Use Attorney. At this time, the recommendation is that the City Council:

1. Instruct the Parks & Recreation Committee to explore this opportunity, its benefits and its costs and bring back a recommendation to the Council for consideration.

2. Explore obtaining a license on said property that would allow the City to improve the property with public bathrooms for use by all beach-goers all of which would be contingent upon receiving funding from the Okaloosa County Tourist Development Committee. Further, the City would then maintain the area pursuant to a renewable license agreement. Again, any proposal by the City would involve review by Eglin AFB pursuant to their process which would

involve negotiations and which would require eventual formal approval by both Eglin AFB the TDC and the City of Destin.

It is believed that a license agreement would be less cost-prohibitive than a long-term lease with Eglin AFB, as Eglin would require fair market value for any lease of the property.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB): No funds are currently budgeted for this project.

Funding for capital improvements and the annual operations and maintenance costs is contingent upon approval of the Tourist Development Committee (TDC) and the Okaloosa Board of County Commissioners (OBCC) during their next budget cycle. Applications for the next TDC/OBCC budget cycle are due in April, 2020 and are for funding in fiscal year 2021 beginning in October, 2020.

C. Level of Service (LOS):

III. CONCLUSION: Meeting the maintenance expectation of this added responsibility would be more attainable in fiscal year 2021 and then only with the financial support of TDC/OBCC or another ongoing funding source.

IV. RECOMMENDED MOTION: I move that the Parks & Recreation Committee explore this opportunity, its benefits and its costs and bring back a recommendation to the Council for consideration.

Or

I move to direct staff and the City Land Use Attorney to negotiate a license with Eglin AFB, to request funding for public restroom facilities and annual operating expenses from the Okaloosa County TDC, and to bring back any formal proposed agreements to the City Council for consideration and final approval.

Or

I move to direct staff to take no further action at this time.

Attachments:
None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 21, 2020

TYPE OF AGENDA ITEM: Action Item

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Kimberly Kopp, Land Use Attorney
Louis Zunguze, Community Development Director

DATE: January 15, 2019

SUBJECT: Request to Approve Consultant for Building Height Analysis

I. BACKGROUND: At a prior Council meeting, the City Land Use Attorney was directed to locate a planning consultant to perform a building height analysis within the City to determine whether or not the Comprehensive Plan amendments adopted in 2018, which lowered certain building heights within the City, could have an economically beneficial effect on property values within the City.

II. DISCUSSION: Please see attached proposal from consultant.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION: I move to approve the proposal from Fisher Planning & Development Consultants, dated January 15, 2020 not to exceed \$18,000 payable from the City's fund-balance, authorize staff to make the required budget amendments, and authorize Fisher Planning & Development Consultants to commence work pursuant to the time table set forth therein.

Attachments:

1. Fisher Height Proposal

January 15, 2020

Proposal for Professional Planning Services: Efficacy of Building Height Regulations within Future Land Use Categories and Zoning Districts in the City of Destin, Florida

Development patterns within communities change through time, and often, community leaders seek to understand whether current policies and regulations promote or hinder desired goals and community objectives.

One of the most visible realizations of this is through the outcomes of a city's development pattern and density/intensity allocation through building height restrictions and allowances.

Fisher Planning and Development Services (Fisher PDS) proposes to provide the professional planning services needed to complete a study on the efficacy of building height regulations within Future Land Use Categories and Zoning Districts in the City of Destin, Florida as described below:

1. **Site Inventory and Analysis**- Fisher PDS will visit the City of Destin to inventory and gain understanding on the current development patterns within the City with respect to building layout, height/ density arrangement, and noticeable affect these patterns of development have on the community landscape. This will include meeting with City Staff and City designated stakeholders to understand opportunities and constraints with the historical and current development patterns. (25 hours anticipated)
2. **Review of Historical and Current Entitlement Documents**- Fisher PDS will review these documents provided by the City to understand how decisions about building height restricts and allowances have been made in the past, catalog entitlements and development orders that remain in effect but have not yet been built, as well as identifications of entitlements that have expired. (20 hours anticipated)
3. **Comprehensive Plan and Land Development Code Inventory and Analysis**- Fisher PDS will review these documents provided by the City to understand how the policies and regulations implement building height restrictions throughout the City. (20 hours anticipated)
4. **Case Study Analysis of Alternatives** - Fisher PDS will review how other local governments have implemented building height regulations and how these cases may lend in helping the City of Destin discern opportunities and remedies to any constraints. (20 hours anticipated)

5. **Report and Recommendations-** Following the information gathering phases identified in 1-4 above, Fisher PDS will prepare a report of the findings and provide recommendations to City Council. This may include one presentation to the Local Planning Agency and one presentation to City Council if the City desires. (25 hours anticipated)

Total hours anticipated: 110

Fixed Fee: Not to exceed \$16,500*

Reimbursable Travel Costs: Not to exceed \$500 per travel required (one to three travel stays anticipated)

*If additional work efforts are requested by the City, Fisher PDS will clarify these with the City in writing, and, execute a change order as needed prior to billing for additional work efforts not identified in Tasks 1-5 above.

A proposed schedule is listed below.

1. **Site Inventory and Analysis:** completed by February 14, 2020
2. **Review of Documents Analysis:** February 28, 2020
3. **Case Study Analysis of Alternatives:** March 13, 2020
4. **Report and Recommendations:** April 10, 2020

By signing below, Fisher PDS agrees to perform the services as identified in Tasks 1-5 above. Fisher PDS will invoice as each Task is completed. By signing below, the City of Destin agrees to compensate Fisher PDS upon completion of each Task based on the above Fixed Fee, with payment due within 20 days of invoicing.

April Fisher, President, Fisher PDS

Date

Gary Jarvis, Mayor, City of Destin

Date

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 21, 2020

TYPE OF AGENDA ITEM: City Manager Report

TO: City Council

THRU: Lance Johnson, City Manager
Bragg Farmer, Finance Director

FROM: Michael Burgess, Public Services Director

DATE: 01/10/2020

SUBJECT: Airport Road Guardrail Design, authorization to execute task order

I. BACKGROUND: At their December 2 meeting, City Council authorized the City Manager to negotiate a task order with Volkert Engineering to design two guardrail systems on Airport Road. The motion also included a recommended funding source to be provided and returned to Council for their approval. On January 8, 2020 the City Manager and staff met with Volkert to discuss the scope of the task order.

II. DISCUSSION: Volkert will provide the following project elements:

Task 1. Surveying Services & Subsurface Utility Engineering.

Task 2. Construction Plans for two guardrail systems (both preliminary & final.)

Meetings. Kick-Off Meeting (occurred on January 8, 2020), Preliminary Plan Review Meeting & Final Plan Review Meeting

See Atch1 for a the detailed list of work tasks.

A. Link to Strategic Goals / Objectives: Improved Mobility and Connectivity, 3B4-Airport Road Safety Improvements

B. Effect on Budget (EOB): The fee proposal for design services is \$32,184. Funding for this project can be taken from Transportation Impact Fees if Council so desires. A breakout of hourly rates and man-hours has been provided as an attachment.

C. Level of Service (LOS): The installation of temporary guardrails systems will prevent vehicles from exiting the road in advance of a longer-term

solution that will be designed and constructed by the Florida Department of Transportation.

III. CONCLUSION: This authorization would allow the City Manager to issue a Notice to Proceed. The attached scope and fee proposal identifies a series of tasks and associated deliverables that the City will receive and subsequently provide to the installation contractor.

IV. RECOMMENDED MOTION: I move to authorize the City Manager to execute a task order with Volkert Engineering for the design of Airport Road guardrails systems in an amount not to exceed \$32,184 to be taken from Transportation Impact Fees and to make any required budget amendments.

Attachments:

1. Atch1: Airport Rd Guardrail Design

**Volkert, Inc.**

215 Fairpoint Drive
Suite B
Gulf Breeze, FL 32561

Office 850.512.8935
volkert@volkert.com

www.volkert.com

December 10, 2019

Mr. Michael Burgess
Director
City of Destin
Public Services Department
4200 Indian Bayou Boulevard
Destin, Fl. 32541

Re: City of Destin- Airport Road Guardrail Design Project

Dear Mr. Burgess-

As requested, Volkert is pleased to provide the following scope and fee proposal for the design of a Guardrail for the Airport Road curve in Destin, Fl. Volkert understands that the City of Destin would like to have the guardrail installed along the northside of the eastbound to southbound and northbound to westbound lanes within the curve. The maximum that the project area will extend will be to Mattie M. Kelley Boulevard to the west and Quail Circle to the south along the Airport Road Right-of-way. The design will be developed in accordance with FDOT standards.

Task 1- Survey/SUE-

- Volkert will obtain a Location and Topographic Survey of the project area to determine existing conditions
- The existing utilities within the project area will be marked prior to surveying
- Volkert will obtain SUE for the proposed Guardrail location to confirm there are no conflicts

Task 2- Construction Plans-

- Volkert will perform a site assessment to review existing conditions
- Volkert will provide a preliminary and final plan for review by the city
- Preliminary and Final Engineers Construction Estimates
- QA/QC Reviews

Meetings- Volkert will attend the following meetings:

- o Kick-off Meeting
- o Preliminary Plan review meeting
- o Final Plan review meeting

Office Locations:

Birmingham, Foley, Mobile, Montgomery, Alabama • Chipley, Ft. Myers, Gainesville, Orlando, Pensacola, Panama City, Tampa, Florida • Atlanta, Georgia • Collinsville, Wheaton, Illinois • Baton Rouge, New Orleans, Shreveport, Slidell, Louisiana • Jackson, Mississippi • Raleigh, Wilmington, North Carolina • Harrisburg, Pennsylvania • Chattanooga, Nashville, Tennessee • Austin, Dallas-Ft. Worth, Houston, Texas • Alexandria, Chesapeake, Virginia • Washington, D.C.





Volkert, Inc.

215 Fairpoint Drive
Suite B
Gulf Breeze, FL 32561

Office 850.512.8935
volkert@volkert.com

www.volkert.com

Deliverables:

- Location and Topographic Survey
- SUE Report
- Preliminary Plans
- Preliminary Engineers Construction Estimate
- Signed and Sealed Final Plans
- Final Engineers Construction Estimate

Total Lump Sum Fee- \$32,184.00

Schedule- An acceptable schedule to both parties will be established after project scope and fee proposal.

Sincerely,

Mike Warnke, P.E.
NWF Lead / Assistant Vice President
Volkert, Inc.

Office Locations:

Birmingham, Foley, Mobile, Montgomery, Alabama • Chipley, Ft. Myers, Gainesville, Orlando, Pensacola, Panama City, Tampa, Florida • Atlanta, Georgia • Collinsville, Wheaton, Illinois • Baton Rouge, New Orleans, Shreveport, Slidell, Louisiana Jackson, Mississippi • Raleigh, Wilmington, North Carolina • Harrisburg, Pennsylvania • Chattanooga, Nashville, Tennessee Austin, Dallas-Ft. Worth, Houston, Texas • Alexandria, Chesapeake, Virginia • Washington, D.C.



**Manhour Estimate for Professional Services
City of Destin- Airport Road Guardrail**

Task 1- Survey / Sue	Principle	Supervisor	Project Manager	Staff 2 Prof.	Staff 1 Prof.	Senior Designer	Designer/C AD Tech
1 Coordination	0	0	2	6	0	0	0
Total	0	0	2	6	0	0	0

Task 2- Construction Plans	Principle	Supervisor	Project Manager	Staff 2 Prof.	Staff 1 Prof.	Senior Designer	Designer/C AD Tech
1 Site Assessment	0	0	6	10	6	0	0
2 Preliminary Plan Development including preliminary cost estimate	0	0	4	10	10	0	30
3 Final Plan Development including final cost estimate	0	0	4	12	12	0	32
4 QA/QC	0	4	4	0	0	0	0
Total	0	4	14	32	28	0	62

Task 3- Meetings	Principle	Supervisor	Project Manager	Staff 2 Prof.	Staff 1 Prof.	Senior Designer	Designer/C AD Tech
1 Kick-off Meeting	0	0	3	4	0	0	0
2 Preliminary Plan Review Meeting	0	0	3	4	0	0	0
3 Final Plan Review Meeting	0	0	3	4	0	0	0
Total	0	0	9	12	0	0	0

Cost Estimate for Basic Services
City of Destin- Airport Road Guardrail

Task 1- Data Collection	Rate	Manhour	Cost
Principal	\$271.00	0	\$0.00
Supervisor	\$251.00	0	\$0.00
Project Manager	\$214.00	2	\$428.00
Staff 2 Professional	\$177.00	6	\$1,062.00
Staff 1 Professional	\$113.00	0	\$0.00
Senior Designer	\$146.00	0	\$0.00
CAD Tech	\$118.00	0	\$0.00
Total Direct Labor			\$1,490.00
Other Services			
Survey / SUE			\$6,500.00
Total Task 1 Estimate			\$7,990.00

LS

Task 2- Data Analysis	Rate	Manhour	Cost
Principal	\$271.00	0	\$0.00
Supervisor	\$251.00	4	\$1,004.00
Project Manager	\$214.00	14	\$2,996.00
Staff 2 Professional	\$177.00	32	\$5,664.00
Staff 1 Professional	\$113.00	28	\$3,164.00
Senior Designer	\$146.00	0	\$0.00
CAD Tech	\$118.00	62	\$7,316.00
Total Direct Labor			\$20,144.00
Other Services			
Total Task 2 Estimate			\$20,144.00

LS

Task 3- Meetings	Rate	Manhour	Cost
Principal	\$271.00	0	\$0.00
Supervisor	\$251.00	0	\$0.00
Project Manager	\$214.00	9	\$1,926.00
Staff 2 Professional	\$177.00	12	\$2,124.00
Staff 1 Professional	\$113.00	0	\$0.00
Senior Designer	\$146.00	0	\$0.00
Designer/CAD Tech	\$120.00	0	\$0.00
Total Direct Labor			\$4,050.00
Other Services			
Task 4 Estimate			\$4,050.00

LS

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 21, 2020

TYPE OF AGENDA ITEM: City Manager Report

TO: City Council

THRU: Lance Johnson, City Manager
Bragg Farmer, Finance Director

FROM: Michael Burgess, Public Services Director

DATE: 01/10/2020

SUBJECT: Stahlman Avenue Intersection Assessment, authorization to execute task order

I. BACKGROUND: City Council has requested that an assessment of the Stahlman Avenue/US98 intersection and immediate areas be evaluated for the purposes of improving the flow of vehicular traffic whilst promoting pedestrian safety. On January 8 2020, the City Manager and staff met with Volkert Engineering to discuss this project and finalize a task order/scope of work within the limits of funding established.

II. DISCUSSION: The meeting with Volkert produced a scope of work that has been attached to this agenda item (Exhibit A.) It is summarized in the following 5 task items.

Task 0. Project Kick-Off Meeting and On-going Project Management.

Task 1. Existing Conditions Assessment (traffic counts, accident data, corridor studies, other traffic analyses, etc.)

Task 2. Alternatives Analyses (consultant will develop at least three alternatives from Task 1 and/or from a possible *public meeting, cost estimates, and performance analyses for the alternatives.)

Task 3. Alternatives Presentation Meeting with City Council. A presentation will be scheduled to present the findings of the assessment and discuss with Council with merits and challenges of each.

Task 4. Final Report (project background, existing conditions, alternatives

development, public outreach and preferred alternative selection process, etc.)

Optional Task. *A local concerns meeting to be scheduled with Destin residents, business owners and other stakeholders. Volkert would both advertise and publicize this event.

A. Link to Strategic Goals / Objectives: Goal #3, Improved Mobility and Connectivity

Objective 3A, Implement multiple innovative methods of transportation throughout the City

B. Effect on Budget (EOB): The scope of work fee proposal for this project is \$49,772. A breakout of rates and man-hours is provided.

An optional Local Concerns meeting will be an additional \$14,924. The project fee proposal with the Public Meeting is \$64,696.

The budget for this project was previously capped as not to exceed \$50,000.

Funding for this project will be taken from Transportation Impact Fees.

C. Level of Service (LOS): In the future, as subsequent studies of this intersection and the 98 corridor are considered by other agencies (TPO, FDOT, etc.), the City of Destin will have a cache of vetted design concepts and/or operational recommendations to provide.

In the present, if alternative timing programs are identified that may provide for improved traffic flow, the City will be better equipped when approaching the County Traffic Engineer in a request to alter existing timings.

III. CONCLUSION: Authorization of one of the two recommended motions below will allow the City Manager to issue a Notice to Proceed for this project.

IV. RECOMMENDED MOTION: I move that the City Manager be authorized to execute a Task Order with Volkert Engineering to provide an assessment of the Stahlman Avenue/US 98 intersection and adjacent areas consistent with the base scope of work provided in an amount not to exceed \$49,772 to be taken from Transportation Impact Fees and to make any necessary budget amendments.

Alternative Motion: I move that the City Manager be authorized to execute a Task Order with Volkert Engineering to provide an assessment of the Stahlman Avenue/US 98 intersection and adjacent areas consistent with the base scope of work provided to include the Local Concerns meeting in an amount not to exceed \$64,696 to be taken from Transportation Impact Fees and to make any necessary budget amendments.

Attachments:

1. Exhibit A: Stahlman Ave. Scope of Work



Volkert, Inc.

215 Fairpoint Drive
Suite B
Gulf Breeze, FL 32561

Office 850.512.8935
volkert@volkert.com

www.volkert.com

January 9, 2020

Mr. Michael Burgess
Director
City of Destin
Public Services Department
4200 Indian Bayou Boulevard
Destin, Fl. 32541

Re: City of Destin- Stahlman Avenue Traffic Assessment Project

Dear Mr. Burgess-

As requested, Volkert is pleased to provide the following scope and fee proposal for the Stahlman Avenue Traffic Assessment Project. Volkert understands that the City of Destin would like us to perform a Traffic Assessment of the existing Highway 98 and Stahlman Avenue intersection in accordance with the included scope of work.

Scope of Work- See included Exhibit A- City of Destin Stahlman Avenue Traffic Assessment Scope of Work

Fees: See included Manhour Breakdown

Base Services: \$49,772.00

Optional Services- \$14,924.00(Local Concerns Meeting)

Total with Optional Services- \$64,696.00

Schedule- An acceptable schedule to both parties will be established after project scope and fee proposal accepted and NTP provided.

Sincerely,

Mike Warnke, P.E.
NWF Lead / Assistant Vice President
Volkert, Inc.

Office Locations:

Birmingham, Foley, Mobile, Montgomery, Alabama • Chipley, Ft. Myers, Gainesville, Orlando, Pensacola, Panama City, Tampa, Florida • Atlanta, Georgia • Collinsville, Wheaton, Illinois • Baton Rouge, New Orleans, Shreveport, Slidell, Louisiana • Jackson, Mississippi • Raleigh, Wilmington, North Carolina • Harrisburg, Pennsylvania • Chattanooga, Nashville, Tennessee • Austin, Dallas-Ft. Worth, Houston, Texas • Alexandria, Chesapeake, Virginia • Washington, D.C.



Exhibit A
City of Destin
Stahlman Avenue Traffic Assessment Scope of Work

PROJECT BACKGROUND AND DESCRIPTION

The City of Destin (CITY) would like to conduct an intersection evaluation of US98 at Stahlman Avenue. US98 serves as the primary east-west corridor through the City of Destin from the Marler Bridge on its west end to the Okaloosa-Walton County line on its east. Traffic congestion and the popularity of this area with tourists have resulted in several vehicular accidents each year to include vehicular accidents with pedestrians. Ultimately, the City would like an assessment and evaluation of this area for the purposes of improving traffic flow through this intersection, that currently runs a split-phase timing, as well as promoting pedestrian safety within this portion of Destin's Harbor District.

Key elements to be considered in this intersection evaluation/study include:

- Conduct a signal timing assessment to confirm that current timings represent the most efficient available; if not, suggest re-timing programs to better move traffic through the intersection;
- Review documented trip generation compared to experienced changes in traffic, based on previous counts and any new counts proposed by the CONSULTANT and/or provided by the CITY;
- Identify at least 3 build alternatives to address possible short-, medium-term improvements and long-term improvements based on existing needs/deficiencies;
- Improvements based on a projected build-out of the FDOT's 3R project;
- Evaluate the need for Zerbe Avenue to connect to Stahlman Avenue on its east end, suggest alternatives;
- Evaluate current utility locations/conflicts and potential ROW acquisitions options as appropriate for each improvement alternative.

The primary geographic scope of the study area is limited to the US98-Stahlman Avenue and Stahlman Avenue-Zerbe Street intersections. The traffic analyses shall include current year (2020) and possible future year (TBD) in both AM and PM peak hours.

SCOPE OF WORK

TASK 0 – Project Kick-Off and Ongoing Project Management

- a. This task includes time for general project management activities, project coordination, and client communication.
- b. A Technical Group will be established to oversee, review and provide feedback during the study. This group will include CONSULTANT staff and, at a minimum, the Destin's Public Services Director and City Engineer.

TASK 1 – Existing Conditions Assessment

- a. Assemble available background traffic count data from FDOT and Okaloosa County.
- b. Assemble available crash/incident data from FDOT, Florida Highway Patrol and the Okaloosa County Sheriff's Department.
- c. CONSULTANT will compile available and relevant existing reports and studies. These reports and studies shall include, but not be limited to, recent FDOT and Okaloosa County corridor studies, adjacent intersection studies, FDOT 3R plan drawings, and nearby traffic impact studies, as available.

- d. CONSULTANT will document crash history, highway rights-of-way, truck turning radii from all approaches, and environmental constraints, as available.
- e. CONSULTANT will evaluate existing traffic conditions and document the intersection performance including level-of-service, delays and volume/capacity (v/c) ratio.

TASK 2 – Alternatives Analysis

- a. CONSULTANT will prepare at least three build alternatives to address the issues identified in the Public meeting, if proposed, and from information available/developed from TASK 1. Alternatives will include immediately implementable options, plus possible medium-term and long-term recommendations for the study area. Alternatives will be line drawings executed in AutoCAD and typical sections over orthophotos and available online resource mapping, as appropriate. Possible alternatives may include any, or a combination of:
 - i. No-Build
 - ii. Re-timing of the existing signals
 - iii. New/Revised Pavement Markings
 - iv. New/Revised Street Lighting
 - v. Realignment of Stahlman Avenue to facilitate eight-phase signal operation
 - vi. Extension of the dedicated right-hand turn lane on Stahlman
 - vii. Implementation of No-Right-on-Red Rules/Protected right-hand-turn
 - viii. Elimination of Zerbe Street/Stahlman Avenue Intersection
- b. CONSULTANT will develop planning level cost estimates based on the three alternatives to include design, construction cost, Right-of-Way and/or Easement Acquisitions, etc.
- c. CONSULTANT will evaluate the performance of three alternatives plus no-build to the criteria developed in the Purpose and Need Statement, the impacts to resources identified in TASK 2, traffic performance, qualitative safety comparisons to pedestrians, bicyclists, and motorists, and estimated costs. The alternatives will be compiled into one Alternative Evaluation Matrix.

TASK 3 – Alternatives Presentation Meeting

- a. The alternatives developed in the previous task will be compiled into a public presentation. This alternatives presentation will take place at the City Office during a regularly scheduled or Special City Council Meeting, at which time the project background, existing conditions and Purpose and Need will be briefly reviewed, and the merits of each alternative discussed. The purpose of the meeting will be for the City Council to identify and potentially select a locally preferred alternative.
- b. Meeting: Alternatives Presentation Meeting as part of the City Council's agenda. City shall assist in coordinating meeting logistics.
- c. Deliverable: Alternative presentation slides, meeting materials for review by the Technical Group.

TASK 4 – Final Report

- a. CONSULTANT will develop a final report that compiles the project background, existing conditions, alternatives development, public outreach, if proposed, and preferred alternative selection process. The draft scoping report will be submitted to the Technical Group for review and comment, followed by revisions and a final report .
- b. Deliverable: Draft Final Report for review; Final Report

OPTIONAL TASK 1 – Local Concerns Meeting

- a. CONSULTANT will coordinate a public meeting to document the local and regional interpretation of concerns regarding the study intersection. CONSULTANT will prepare a brief presentation to highlight key results of the existing conditions assessment, and residents, business owners, and local and regional officials will be given the opportunity to express their experience with the intersection and project area. CONSULTANT will work with the City in appropriately advertising and publicizing the meeting. The format of the meeting is not yet determined, but this type of meeting is best performed interactively with maximum input from participants, rather than a meeting directed by the CONSULTANT. It is proposed that the meeting will be held at the Destin City Hall Annex (4100 Indian Bayou Trail). CONSULTANT will prepare appropriate meeting materials from the information gathered in Task 2. CONSULTANT will work with the Technical Group in developing a draft Purpose and Need Statement for discussion during the meeting. Following this meeting, CONSULTANT will prepare meeting notes documenting the discussion and a purpose and need statement to guide the direction and success criteria of the project.
- b. Meeting: Public Meeting with CONSULTANT, Local Officials, City Staff and General Public. City shall assist in coordinating meeting logistics.
- c. Deliverable: Public Meeting materials and notes

**Manhour Estimate for Professional Services
City of Destin- Stahlman Avenue Traffic Assesment**

Task 0- Project Kick Off / Project Management	Principle	Supervisor	Project Manager	Staff 2 Prof.	Staff 1 Prof.	Senior Designer	Designer/C AD Tech
1 Kickoff Meeting and Project Mangement	0	0	12	4	0	0	0
Total	0	0	12	4	0	0	0

Task 1- Existing Conditions Assesment	Principle	Supervisor	Project Manager	Staff 2 Prof.	Staff 1 Prof.	Senior Designer	Designer/C AD Tech
1 Compile and review Background Traffic Count Data	0	0	0	2	4	0	0
2 Compile and review existing Crash / Incident Data	0	0	0	2	4	0	0
4 Compile and Review existing data to include Studies and Plans	0	0	0	2	4	0	0
5 Document Crash History, R/W, Radii and Environmental Contraints	0	0	0	3	11	0	0
4 Evaluate Traffic Conditions and document intersection LOS, Delays and V/C Ratio	0	0	0	5	21	0	0
5 Q/C	0	0	3	0	0	0	0
Total	0	0	3	14	44	0	0

Task 2- Alternative Analysis	Principle	Supervisor	Project Manager	Staff 2 Prof.	Staff 1 Prof.	Senior Designer	Designer/C AD Tech
1 Development of 3 Build Alternatives	0	0	4	24	10	0	24
2 Build Alternatives Cost Esimates	0	0	4	8	8	0	0
3 Build Alternatives Perfomance Evaluation	0	0	0	16	56	0	0
Total	0	0	8	48	74	0	24

Task 3- Alternatives Presentation Meeting	Principle	Supervisor	Project Manager	Staff 2 Prof.	Staff 1 Prof.	Senior Designer	Designer/C AD Tech
1 Develop, Prepare for and Attend City Council meeting to Present Alternatives	0	0	4	20	0	0	0
Total	0	0	4	20	0	0	0

Task 4- Final Report	Principle	Supervisor	Project Manager	Staff 2 Prof.	Staff 1 Prof.	Senior Designer	Designer/C AD Tech
1 Develop, Prepare and Provide Draft Final Report for review	0	0	0	12	48	0	0
2 Final Report after Alternatives Presentation Meeting	0	0	0	6	24	0	0
3 QC	0	0	6	0	0	0	0
Total	0	0	6	18	72	0	0

Optional Task 1- Local Concerns Meeting	Principle	Supervisor	Project Manager	Staff 2 Prof.	Staff 1 Prof.	Senior Designer	Designer/C AD Tech
1 Coordinate and Attend Local Concerns Meeting	0	0	4	20	4	0	0
2 Develop Draft Purpose and Need Statement	0	0	4	8	8	0	0
3 Document and provide meeting material, notes, etc.- CDCS	0	0	0	0	0	0	0
Total	0	0	8	28	12	0	0

Cost Estimate for Basic Services
City of Destin- Stahlman Avenue Traffic Assessment

Task 0- Project Kickoff and Project Management	Rate	Manhour	Cost
Principle	\$271.00	0	\$0.00
Supervisor	\$251.00	0	\$0.00
Project Manager	\$214.00	12	\$2,568.00
Staff 2 Professional	\$177.00	4	\$708.00
Staff 1 Professional	\$113.00	0	\$0.00
Senior Designer	\$146.00	0	\$0.00
CAD Tech	\$118.00	0	\$0.00
Total Direct Labor			\$3,276.00
Other Services			
			\$0.00
Total Task 0 Estimate			\$3,276.00

LS

Task 1- Traffic and Safety Data Collection	Rate	Manhour	Cost
Principle	\$271.00	0	\$0.00
Supervisor	\$251.00	0	\$0.00
Project Manager	\$214.00	3	\$642.00
Staff 2 Professional	\$177.00	14	\$2,478.00
Staff 1 Professional	\$113.00	44	\$4,972.00
Senior Designer	\$146.00	0	\$0.00
CAD Tech	\$118.00	0	\$0.00
Total Direct Labor			\$8,092.00
Other Services			
Total Task 1 Estimate			\$8,092.00

LS

Task 2- Alternative Analysis	Rate	Manhour	Cost
Principle	\$271.00	0	\$0.00
Supervisor	\$251.00	0	\$0.00
Project Manager	\$214.00	8	\$1,712.00
Staff 2 Professional	\$177.00	48	\$8,496.00
Staff 1 Professional	\$113.00	74	\$8,362.00
Senior Designer	\$146.00	0	\$0.00
CAD Tech	\$118.00	24	\$2,832.00
Total Direct Labor			\$21,402.00
Other Services			
Total Task 2 Estimate			\$21,402.00

LS

Task 3- Alternatives Presentation Meeting	Rate	Manhour	Cost
Principle	\$271.00	0	\$0.00
Supervisor	\$251.00	0	\$0.00
Project Manager	\$214.00	4	\$856.00
Staff 2 Professional	\$177.00	20	\$3,540.00
Staff 1 Professional	\$113.00	0	\$0.00
Senior Designer	\$146.00	0	\$0.00
CAD Tech	\$118.00	0	\$0.00
Total Direct Labor			\$4,396.00
Other Services			
Total Task 3 Estimate			\$4,396.00

LS

Task 4- Final Report	Rate	Manhour	Cost
Principle	\$271.00	0	\$0.00
Supervisor	\$251.00	0	\$0.00
Project Manager	\$214.00	6	\$1,284.00
Staff 2 Professional	\$177.00	18	\$3,186.00
Staff 1 Professional	\$113.00	72	\$8,136.00
Senior Designer	\$146.00	0	\$0.00
CAD Tech	\$118.00	0	\$0.00
Total Direct Labor			\$12,606.00
Other Services			
Total Task 4 Estimate			\$12,606.00

LS

Optional Task 1- Local Concerns Meeting	Rate	Manhour	Cost
Principle	\$271.00	0	\$0.00
Supervisor	\$251.00	0	\$0.00
Project Manager	\$214.00	8	\$1,712.00
Staff 2 Professional	\$177.00	28	\$4,956.00
Staff 1 Professional	\$113.00	12	\$1,356.00
Senior Designer	\$146.00	0	\$0.00
CAD Tech	\$118.00	0	\$0.00
Total Direct Labor			\$8,024.00
Other Services			
CDCS			\$6,900.00
Total Task 2 Estimate			\$14,924.00

LS

Total Base Services \$49,772.00
Total Optional Services \$14,924.00

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 21, 2020

TYPE OF AGENDA ITEM: City Manager Report

TO: City Council

THRU: Matthew Pace, IT Manager
Michael Burgess, Public Services Director
Joey Forgione, Code Compliance Manager
Louis Zunguze, Community Development Director
Lance Johnson, City Manager

FROM: Webb Warren, Deputy City Manager

DATE: 1/13/2019

SUBJECT: Development Review System Software - Update

I. BACKGROUND: On August 5th, 2019, Council requested that staff provide an update on the Municipal Software Project at each council meeting .

II. DISCUSSION: In January, the following items of significance have occurred.

1.) EnerGov Software Implementation Team

The last scheduled EnerGov Sessions took place January 14th - 16th These sessions continued with the hands-on training with the EnerGov system that is running on City of Destin servers. The system will continue to evolve as City staff and EnerGov consultants collaborate together to develop the system according to industry-wide best practices and existing processes within the City of Destin.

The departments continue to refine processes and work towards EnerGov milestones. All of the Community Development departments have exhibited great support and progress.

2.) Development Review Processes & Work Flow Critical Paths

The Interdepartmental Development Software Task Force Team comprised of

Community Development, Code Compliance, Public Services, Clerk's Office and I.T. answers to these questionnaires will provide the information necessary to create work processes within the future software package The EnerGov project team returned to the City of Destin on December 10-12 and January 14-16 for additional project sessions with staff.

Staff continues the effort of reviewing and streamlining all development review processes, application forms and work flow project critical paths, in preparation of the EnerGov Software implementation process. The task force team continues to meet weekly.

Staff is preparing to move forward on other additional software components that will assist in the development review process.

3.) Scanning

In January, staff received our first batch of scanned files from VRC. Staff is pleased with the work product and will work to incorporate the data into our operations.

- A. **Link to Strategic Goals / Objectives:** Service Excellence
- B. **Effect on Budget (EOB):** Items are budgeted for
- C. **Level of Service (LOS):** Increased Level of Service

III. CONCLUSION: City of Destin staff continues to work hard in preparation for the Energov Project. Staff had very productive sessions with Energov staff on Dec 10-12 and January 14-16 and will continue to provide updates to the Council as the project progresses. This will be a challenging project for staff. As with all major technology projects, there will be some unexpected challenges we will have to work through. Staff is prepared to move forward and have a target date for substantial completion of this phase of the community development portion of Energov in January 2021.

IV. RECOMMENDED MOTION: None needed

Attachments:
None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 21, 2020

TYPE OF AGENDA ITEM: City Manager Report

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

DATE: 01/10/2020

SUBJECT: The City is partnering with the United States Army Corps of Engineers to conduct a Harbor Capacity Study for the Harbor and Choctawhatchee Bay areas.

I. BACKGROUND: The City is partnering with the United States Army Corps of Engineers to conduct a Harbor Capacity Study for the Harbor and Choctawhatchee Bay areas.

II. DISCUSSION: Below is an update provided by the Army Corps of Engineers:

- Congress has released appropriation funds.
- Funds must trickle down from the Main Army Corps Branch to the Districts and subsequent business lines.
- In the interim, the City needs to establish a Harbor Capacity Study Steering Committee (made up of stakeholders) to aid staff in preparation of the Harbor Study Questionnaire.

City staff has been coordinating with the Army Corps of Engineers to prepare a Survey that will be used for data collection and analysis during the Capacity Study. The Steering Committee, once established, will work to finalize the survey so that it can be released in time to begin the execution of the study.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION: Staff recommends that the Council establish a Steering Committee for the Study.

The committee should be composed of representatives from the following stakeholder entities:

- Marina Owners
- Marine Focused Business Owners
- Recreational Business Owners
- Harbor Businesses/Services
- Service Members from Other Boards (i.e. Harbor CRA, Harbor and Waterways Board)
- Members of the Public

The committee should be limited to seven (7) members.

IV. RECOMMENDED MOTION: I move that the City Council form a Harbor Capacity Study Steering Committee.

Attachments:
None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 21, 2020**TYPE OF AGENDA ITEM:** Public Hearing

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

DATE: January 15, 2020

SUBJECT: First reading of Ordinance 20-01-PC - Amending Chapter 6 of the City of Destin's Comprehensive Plan, "Coastal Management Element", providing updates to the Coastal Management Element pursuant to State law.

I. BACKGROUND:

Every seven (7) years, the City is required to undertake an Evaluation and Appraisal (EAR) review of its Comprehensive Plan. In addition, the City is also required to update its Comprehensive Plan consistent with required State mandates.

The Evaluation and Appraisal (EAR) was presented to the Local Planning Agency during a workshop on December 12, 2019. The presentation outlined actions taken to date by the City to implement and support current Coastal Management Policies, and lists new, revised, or additional policy changes per state requirements. The proposed Ordinance 20-01-PC was presented to the Local Planning Agency for consideration on January 9, 2020.

II. DISCUSSION:**Timeline of the EAR Process:**

- February 14, 2019 – City submitted Letter of Notification to the State Department of Economic Opportunity (DEO)
- September – December 2019 – City Staff commenced review of current Coastal Management Element
- December 12, 2019 – Coastal Management Element Workshop with LPA
- January 9, 2020 – EAR documents brought before LPA for recommendation
- January 21, 2020 – LPA recommendations brought before City Council for consideration (First Reading)

- February 19, 2020 – City Council recommendation and resolution sent to the State Department of Economic Opportunity (DEO) for review
- State review period is 60 days, after which any State suggested changes or comments will be considered at the Second Reading

City Staff conducted a review of the Coastal Management Element per requirements of Section 163.3178, F.S. The review consisted of two parts:

- Evaluation and Appraisal of the Coastal Management Element
 - An evaluation of the City's current Coastal Management Policies
 - Update per new Florida State Statutes
 - A review of new Florida State Statutes to be included in the City's Coastal Management Element.

LPA REVIEW: Proposed Ordinance 20-01-PC was reviewed by the City's Local Planning Agency (LPA) during a Public Hearing held on January 9, 2019. At the conclusion of the Public Hearing the LPA recommended that the City Council approve the proposed Evaluation and Appraisal and State Mandated changes to the Coastal Management Element of the City's Comprehensive Plan by adopting proposed ordinance 20-01-PC.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION:

The proposed Ordinance 20-01-PC is a result of the Evaluation, Appraisal, and Review (EAR) of the Coastal Management Element of the City's Comprehensive Plan, that includes the State mandated policy update, pursuant to the requirements of Chapter 163.3191, F.S.

IV. RECOMMENDED MOTION:

I move that the City Council approve proposed ordinance 20-01-PC and direct Staff to forward the EAR report and the Ordinance to the State Department of Economic Opportunity (DEO).

Attachments:

1. Coastal Element Ordinance 20-01-PC
2. EAR_REPORT _ COASTAL MGT
2020
3. EAR Transmittal Resolution

ORDINANCE NO. 20-01-PC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING CHAPTER 6 OF THE CITY OF DESTIN'S COMPREHENSIVE PLAN, "COASTAL MANAGEMENT ELEMENT"; PROVIDING UPDATES TO THE COASTAL MANAGEMENT ELEMENT PURSUANT TO STATE LAW; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

SECTION 1. AUTHORITY.

The authority for the enactment of this Ordinance is Section 1.01 of the City Charter; Chapter 163, Part II, *Florida Statutes*; Sections 166.021 and 166.041, *Florida Statutes*.

SECTION 2. FINDINGS OF FACT.

Whereas, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

Whereas, pursuant to the requirements of section 163.3164, et seq., Florida Statutes, the Community Planning Act, (hereinafter "Community Planning Act") the City of Destin has adopted and has in effect a Comprehensive Plan; and

Whereas, section 163.3191, Florida Statutes, requires local governments to perform an evaluation and appraisal of its Comprehensive Plan every seven years; and

Whereas, the City Council of the City of Destin is required by law to perform a current evaluation and appraisal of its Comprehensive Plan; and

Whereas, the City Council of the City of Destin has determined that section 163.3178, Florida Statutes, requires that certain updates be made to the Coastal Element of the City of Destin's Comprehensive Plan to address sea level rise and development in coastal and flood-prone areas; and

Whereas, the City Council has determined that it is necessary to adopt this ordinance in order to promote safety for the general welfare of City residents, as well as prevent hazards to persons, property, and vehicles traveling the City's highways, roads and streets; and

Whereas, the City's beaches attract people and families who travel from near and far to enjoy the coastal environment, breathe the fresh air, exercise, play or relax on the sand or in the water, and engage in other recreational activities; and

Whereas, tourism is a major contributor to the economic health of the City overall and the City desires to support the tourism industry while also seeking to improve the quality of life of City residents; and

Whereas, tourists and residents alike enjoy the City's pristine beaches, fertile fishing areas, and critical environmental habitats; and

Whereas, the City Council seeks to make the City of Destin a livable, healthy, economically robust community with safe, convenient access to roadways and parking; and

Whereas, the City Council, to ensure the City's orderly growth and development, finds it prudent to amend its Comprehensive Plan to respond to the needs and conditions within the City; and

Whereas, the Comprehensive Plan affects the City as a whole, which affects the general health, natural beauty, public safety, smart growth, and the welfare and wellbeing of City residents; and

Whereas, the public hearings required to be held by Florida Statute were appropriately noticed and held by the Local Planning Agency and City Council; and

Whereas, the City has prepared a supporting document that has been reviewed and accepted by the Local Planning Agency and the City Council for these amendments; and

Whereas, the City Council of the City of Destin has determined that the proposed amendments to the Comprehensive Plan would best serve the health, safety and welfare of citizens of the City of Destin.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA that this Ordinance is hereby adopted in conformance with Chapter 163, *Florida Statutes* and provides an effective date and repeals all provisions of Ordinances or Resolutions in conflict herewith.

NOTE: Language in all sections of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol * represents sections of the Comprehensive Plan that have been skipped and remain unchanged.**

SECTION 3: TITLE.

These comprehensive plan amendments are referred to as "Chapter 6 – Coastal Element - of the City of Destin's Comprehensive Plan – Goals, Objectives and Policies: 2020".

SECTION 4: JURISDICTION.

The lands subject to this Ordinance shall include all areas within the corporate limits of the City of Destin, Florida.

SECTION 5: INTENT.

The intent of this Ordinance is to provide orderly growth management for the City of Destin. This Ordinance provides public policy mechanisms for growth management in order to

serve the visitors, residents and property owners of Destin and maintain and improve the quality of life for all citizens of the City. The City Council of Destin finds that the goals, objectives, policies and regulations included herein are a necessary and proper means for planning and regulating the development and use of land in the City and for otherwise protecting and promoting the public health, safety, and general welfare of its citizens. The Coastal Management Element addresses how the City of Destin (City) protects and enhances the coastal assets of the City. The emphasis is on achieving a balance between economic growth opportunities, access to coastal amenities, and preservation and enhancement of coastal resources. In pursuit of these goals, the City considers planning that would restrict development activities that would damage or destroy coastal resources while simultaneously protecting human life and limiting public expenditures in areas that are subject to destruction by natural disasters. This Ordinance shall be construed broadly to accomplish its stated purposes and objectives.

SECTION 6. ADOPTION OF THE AMENDMENTS TO CHAPTER 6, COASTAL MANAGEMENT ELEMENT:

CHAPTER 6: - COASTAL MANAGEMENT ELEMENT

~~**Editor's note**—Ord. No. 12-13-PC, § 6(Exh. A), adopted November 3, 2014, amended chapter 6 in its entirety to read as herein set out. Former chapter 6, pertained to similar subject matter. See Table of Amendments for complete derivation.~~

~~(Reference 163.3177(6)(d), FS)~~

~~**Introduction.** The Coastal Management Element focuses the City of Destin's (City's) resources to protect and enhance the coastal assets of the City. The emphasis is on achieving a balance between continuing growth, access to coastal amenities and preservation and enhancement of coastal resources.~~

~~This Element is supported by the Coastal Resources Data, Inventory, and Analysis (DIA) required pursuant to § 163.3177(6)(g) and § 163.3178, FS, and is based upon the data and analysis requirements pursuant to § 163.3177(6)(g) FS.~~

~~This element, as all others, is organized around a hierarchical series of topical Goals, Objectives, and Policies (GOPs). The Goals are broad and general, the objectives are specific and measurable, and policies provide legislative and administrative guidance on how to conduct or achieve the goals and objectives.~~

~~The major topics of this element include:~~

- ~~• Coastal Resource Protection.~~
- ~~• Coastal Waters Adverse Impact Mitigation.~~
- ~~• Coastal Shorelines.~~
- ~~• Shoreline Use and Public Access Prioritization.~~

- ~~Land Use Controls and Construction Standards for Protecting the Natural Shoreline and Beach/Dune System.~~
- ~~Coastal High Hazard Area Hazard Mitigation.~~
- ~~Coastal High Hazard Area Public Infrastructure Subsidy Limitations.~~
- ~~Coastal High Hazard Area Avoidance of Population Concentrations.~~
- ~~Hurricane Evacuations.~~
- ~~Post Disaster Redevelopment.~~
- ~~Access to Public Beach and Shoreline.~~
- ~~Historic Resource Protection.~~
- ~~Public Facility Level of Service Standards.~~
- ~~Intergovernmental Coordination within Coastal Area.~~
- ~~Continuing Evaluation of Coastal management Element Effectiveness.~~

(Reference section 163.3177(6)(g), F.S. (2019))

The Coastal Management Element addresses how the City of Destin (City) protects and enhances the coastal assets of the City. The emphasis is on achieving a balance between economic growth opportunities, access to coastal amenities, and preservation and enhancement of coastal resources. In pursuit of these goals, the City considers planning that would restrict development activities that would damage or destroy coastal resources while simultaneously protecting human life and limiting public expenditures in areas that are subject to destruction by natural disasters.

This element, as all others, is organized around a hierarchical series of topical goals, objectives, and policies (GOPS). The goals are broad and general, the objectives are specific and measurable, and the policies provide legislative and administrative guidance on how to conduct or achieve the goals and objectives.

Pursuant to section 163.3178(2). each coastal management element required by section 163.3177(6)(g) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain

(a) A land use and inventory map of existing coastal uses, wildlife habitat, wetland and other vegetative communities, undeveloped areas, areas subject to coastal flooding, public access routes to beach and shore resources, historic preservation areas, and other areas of special concern to local government.

(b) An analysis of the environment, socioeconomic, and fiscal impact of development and redevelopment proposed in the future land use plan, with required infrastructure to support this development or redevelopment, on the natural and historical resources of the coast and the plans and principles to be used to control development and redevelopment to eliminate or mitigate the adverse impacts on coastal wetlands; living marine resources; barrier islands, including beach and dune systems; unique wildlife habitat; historical and archaeological sites; and fragile coastal resources.

(c) An analysis of the effects of existing drainage systems and the impact of point source and nonpoint source pollution on estuarine water quality and the plans and principles, including existing state and regional regulatory programs, which shall be used to maintain or upgrade water quality while maintaining sufficient quantities of water flow.

GOAL 6-1: COASTAL MANAGEMENT. RESTRICT DEVELOPMENT ACTIVITIES THAT WOULD DAMAGE OR DESTROY COASTAL RESOURCES, PROTECT HUMAN LIFE AND LIMIT PUBLIC EXPENDITURES IN AREAS SUBJECT TO DESTRUCTION BY NATURAL DISASTERS.

OBJECTIVE 6-1.1: PROTECT COASTAL RESOURCES, WETLANDS, ESTUARIES, LIVING MARINE RESOURCES, AND WILDLIFE HABITATS.

Coastal resources, wetlands, water resources, living marine resources, coastal barrier and wildlife habitats, and other natural resources shall be protected, conserved, and enhanced through implementation of the following policies:

Policy 6-1.1.1: Conserve Through Land Acquisition. The City shall annually evaluate opportunities to acquire coastal lands and wetlands through state and/or federal conservation land acquisition grant programs. The City has initiated a Beach Acquisition Program and intends to purchase beachfront properties to provide additional recreational opportunities for both citizens and tourists.

Policy 6-1.1.2: Protect Living Marine Resources, Coastal Wetlands, and Seagrass Beds. Development shall not cause degradation of coastal wetland habitats and seagrass beds. The City shall accomplish this through implementation of site design and stormwater management facilities that prevent runoff from lowering water quality within Choctawhatchee Bay, Destin Harbor, the City's bayous, or the Gulf of Mexico below the minimum conditions necessary to maintain State classifications as established in Chapter 62-302, F.A.C. Commercially operated marinas with in-water vessel storage shall be prohibited along Choctawhatchee Bay from Cobb's Point eastward to Indian Bayou. When evaluating sites for public boat launching facilities, the City will give highest priority to shoreline areas designated by the State Division of Aquaculture as prohibited for shellfish harvesting. Only after the City has determined that no sites are viable for public boat launch facilities within prohibited shellfish harvesting areas, shall consideration of other shoreline areas be considered.

Policy 6-1.1.3: Protect Coastal and Estuarine Environmental Quality and the Shoreline. The City shall not approve a development order until it has evaluated the

potential impact identified by the applicant and other public entities having jurisdiction over the impacted resources. The applicant shall bear the burden of demonstrating that adverse impacts on natural resources of the coastal area will be prevented and that all applicable State and/or federal regulatory measures shall be or have been satisfied. The development review process shall involve all local, regional, State, and federal entities with jurisdictional authority. All development shall:

- A. Protect fish and wildlife habitat.
- B. Prevent degradation of water quality and estuaries.
- C. Manage surface water run-off.
- D. Protect living marine resources.
- E. Reduce exposure to natural hazards.
- F. Ensure adequate public access.
- G. Preserve White Sands.

Policy 6-1.1.4: Restrict Development in Wetlands. Wetland jurisdictional determinations shall be consistent with those of the Florida Department of Environmental Protection (FDEP) and the U.S. Army Corps of Engineers (USACE).

Policy 6-1.1.5: Protect Estuarine Wetlands. No development shall be allowed to fill wetlands connected to Choctawhatchee Bay, the Gulf of Mexico, or any of the City's bayous unless such development complies with state wetland protection standards and necessary permits are obtained from the respective agency.

Policy 6-1.1.6: Reduce Commercial Land Use Impacts to Choctawhatchee Bay. Water-dependent commercial land uses shall be oriented toward Destin Harbor and shoreline areas of Choctawhatchee Bay south of Joe's Bayou where shellfish harvesting is prohibited.

Policy 6-1.1.7: Minimize Impacts of Outdoor Lighting in Coastal Areas. Outdoor lighting along Gulf shoreline areas shall not adversely impact sea turtle nesting habitat during nesting season. The City shall continue to enforce the outdoor ~~Outdoor~~ lighting standards for the marine turtle conservation zone ordinance, which controls the use of outdoor lighting for development adjacent to Gulf shoreline areas.

Policy 6-1.1.8: Enforce the Gulf Shoreline Protection Zone. Within the Gulf Shoreline Protection Zone established under Policy 5-1.5.7, land shall be retained in its natural state except for permitted minor structures approved by the City and FDEP. Where minor structures are permitted by the FDEP or for beach access facilities, only the minimum amount of land necessary to accommodate and access the structures may be constructed upon but shall not exceed more than 10% of the land area within the Gulf Shoreline Protection Zone, whichever is less. For narrow parcels or lots used for beach access facilities or emergency access (i.e., dune crossovers), the affected land area within the Gulf Shoreline Protection Zone can exceed more than 10% of the land area within the Gulf Shoreline Protection Zone but the impacted area shall not exceed a width of 20 feet. All remaining lands within the Zone shall be preserved in natural

vegetation. The City's seriously eroding coastal areas may be temporarily or permanently armored pursuant to conditions set forth in the City's Land Development Code which include:

- A permit for such armoring has been issued by FDEP, and any other applicable Federal and local requirements have been satisfied, or
- If such armoring is authorized by the City's adoption of an emergency resolution pursuant to FS § 161.085(3), and any other applicable Federal, State and local requirements have been satisfied.

Policy 6-1.1.9: Support the Artificial Reef Program. The City shall continue to support artificial reef programs sponsored by the State and County that create habitat for aquatic species ~~and/or~~ protect Gulf beaches from soil erosion. The City shall continue to monitor the activities of Okaloosa County as the County coordinates with the ~~U.S. Army~~ USACE, the U.S. Fish and Wildlife Service (USFWS), and the FDEP to provide inspection services for artificial reef materials and ensure that such materials are suitable for use as artificial habitats in the Gulf and Bay.

Policy 6-1.1.10: Protect Norriego Point. The City shall continue its efforts to preserve and protect Norriego Point, a peninsula separating Destin Harbor from East Pass. Appropriate portions of Norriego Point under public ownership shall be preserved as a bird rookery. The City will take all necessary measures to preserve and restore Norriego Point as outlined in the most current management plans approved by the City Council. Efforts will include coordination with the FDEP and U.S. Army Corps of Engineers. The City will continue to monitor the condition of the point and notify both agencies whenever erosion or other activities threaten the Point. The City shall continue to request that spoils materials from dredging East Pass be used to renourish and replenish Norriego Point.

Policy 6-1.1.11: Enforce the Bay Shoreline Protection Zone. Within the Bay Shoreline Protection Zone established under Policy 5-1.5.6, the land shall consist of preserved native vegetation, including canopy, understory, and ground cover. No more than 40% of the area within the zone may be used for accessory uses or structures or impervious surfaces.

OBJECTIVE 6-1.2: REDUCE ADVERSE IMPACTS TO WATER QUALITY IN COASTAL WATERS. The City shall reduce adverse impacts to water quality within Destin Harbor, Choctawhatchee Bay, the Gulf of Mexico, and adjacent bayous through implementation of the following activities:

Policy 6-1.2.1: Implement Stormwater System Improvements. Continue refinement and implementation of the Stormwater Master Plan for the City. The City shall incorporate recommended improvements annually into its Five-Year Schedule of Capital Improvements. When prioritizing stormwater improvements for available funding, the City shall take into consideration those improvements that contribute to reducing the volume of stormwater runoff entering coastal waters.

Policy 6-1.2.2: Prohibit Stormwater Run-off into Coastal Waters. Channeling run-off directly into coastal water bodies shall be prohibited.

Policy 6-1.2.3: Protect Water Quality within Destin Harbor. Upland development impacting coastal resources and water quality within Destin Harbor shall be required to provide stormwater improvements and site design that ensures post-development runoff volume and water quality of receiving waters entering Destin Harbor meets or exceeds minimum standards established by the FDEP and Northwest Florida Water Management District (NFWFMD). For water-dependent development proposed over water within Destin Harbor, the City will continue to administer its Net Positive Environmental Benefit (NPEB) Program to assess such development a fee to support funding of infrastructure improvements that benefit or enhance water quality within Destin Harbor. Water-dependent development for purposes of this policy include marinas, boating facilities, construction supporting commercial or sport fishing, construction supporting marine activities, passenger ferries, boardwalks, and recreation-related activities. Net positive environmental benefits are the gains in environmental quality or other ecological properties attained by remediation or ecological restoration, less the environmental harm caused by those actions. The NPEB contribution shall be computed as 25% of the cost for construction occurring waterward from the mean high-water line. The NPEB fee shall only be assessed for those construction projects receiving necessary permits or exemption documentation from the Florida Department of Environmental Protection. Fees collected by the City shall be earmarked to a water quality improvement fund used only to pay for infrastructure improvements or ecological projects benefiting water quality or ecology within Destin Harbor. In lieu of payment of a fee used for water quality infrastructure improvements, the City may grant fee credit for stormwater improvements or other similar environmental projects implemented by property owners or developers if such improvement or project enhances or benefits water quality or the ecologic conditions within Destin Harbor above minimum standards established by the City and DEP.

Policy 6-1.2.4: Protect Bayous. To minimize potential future adverse impacts to the City's bayous, principal land uses located adjacent to these waters shall be limited to those supporting single family residential or conservation or recreation activities and their ancillary uses. The Future Land Use Map (FLUM) shall support such uses adjacent to the City's bayous.

Policy 6-1.2.5: Fund Stormwater Management System-related Capital Improvements. The City shall continue to fund stormwater system improvements through the Capital Improvements Program (CIP).

Policy 6-1.2.6: Monitoring Federal Standards. The City, in coordination with Destin Water Users (DWU), will monitor new and evolving EPA requirements pertaining to stormwater runoff and treatment.

Policy 6-1.2.7: Require Pump-out Facilities. ~~The City shall explore opportunities for a pump-out program.~~ The City encourages Clean Marina programs by reducing impact fees (i.e., Net Positive Environmental Benefit (NPEB) for private marinas that provide pump out facilities.

OBJECTIVE 6-1.3: PROTECT AND ENHANCE COASTAL SHORELINES. Coastal shorelines shall be protected and enhanced through the following programs or activities:

Policy 6-1.3.1: Reduce Shoreline Erosion Through the Land Development Code.

The City shall continue to enforce its Shoreline Protection Ordinance. No native vegetation shall be removed from the coastal or wetland shoreline without a duly authorized permit from the city and state agencies, as applicable. Development along the shoreline shall revegetate, stabilize, and enhance damaged vegetative shorelines by planting native vegetation which:

- A. Contributes to fish and wildlife habitat, marine productivity and water quality.
- B. Offers protection from erosion and flooding.
- C. Contributes to the natural soil building process.

~~See also Policy 5-1.5.7 (Gulf Shoreline Protection Zone) of the Conservation Element.~~

Policy 6-1.3.2: Control Boat Launching Locations. The City shall prohibit boat launching from various rights-of-way that are not designated as public boat ramps and restrict the creation of random water access points.

Policy 6-1.3.3: Preserve Coastal Vegetation. No vegetation shall be removed unless the applicant agrees to a mitigation plan to ensure that revegetation occurs. Appropriate federal and/or state agencies having jurisdiction shall approve the mitigation plan and establish the appropriate revegetation ratio. Hardening of the shoreline with bulkheads or other similar devices shall not be allowed without proper permits.

Policy 6-1.3.4: Support Coastal Revegetation Programs. The City shall continue to support programs administered by the FDEP, the University of Florida Institute of Food and Agricultural Science (IFAS), and the Choctawhatchee Basin Alliance (CBA) to plant coastal vegetation and sea oats along shoreline beaches. ~~The City shall also annually evaluate available state grant funds to assist revegetation activities along the City's shoreline.~~

Policy 6-1.3.5: Support Beach Re-nourishment Programs. The City shall continue to support the FDEP's Beach Erosion Control Plan. The City shall ~~annually~~ evaluate available grant funds administered by the FDEP for beach restoration and re-nourishment. ~~(Language that duplicated 6-1.4.5 was removed.)~~

Policy 6-1.3.6: Support Artificial Reef Programs. The City will continue to support State programs to create near-shore artificial reefs that reduce shoreline erosion.

Policy 6-1.3.7: Manage Impact of Coastal Development on Tidal Patterns. No development shall produce changes in the tidal flushing and circulation patterns unless all agencies having jurisdiction grant clearance and the applicant has submitted hydrographic information sufficient to clearly demonstrate that no adverse environmental impacts shall be occasioned by the proposed changes in tidal flushing and circulation patterns. No alteration in tidal flow shall be permitted that causes stagnation or siltation.

Policy 6-1.3.8: Prevent Erosion Impacts Generated by Motorized Watercraft.

Where the City experiences shoreline erosion from wave impacts generated by watercraft operating within near shore areas and within bayous, coordination will occur with the State Office of Waterway Management (SOWM) regarding establishment of no wake zones, watercraft speed limits, or boating restrictions within the affected shoreline areas. For areas where existing boating restrictions are posted, the City will coordinate with SOWM ~~State Office of Waterway Management~~ regarding increased enforcement activities.

Policy 6-1.3.9: Coordinate Sand Deposits at Norriego Point. The City shall continue to coordinate with the USACE regarding depositing sands dredged from East Pass onto Norriego Point.

Policy 6-1.3.10: Pursue Beach Re-nourishment and Stabilization. The City shall continue to pursue beach re-nourishment and stabilization along its entire boundary with the Gulf of Mexico.

OBJECTIVE 6-1.4: PRIORITIZE SHORELINE USES AND PROVIDE PUBLIC ACCESS TO SHORELINE. Within shoreline protection areas, the City shall promote land uses and development that are compatible with the protection of shorelines and their associated dune or coastal wetland systems.

Policy 6-1.4.1: Criteria for Prioritizing Shoreline Uses and Public Shoreline Access. In reviewing applications for shoreline development, first priority shall be directed to the following shoreline uses:

- A. Non-structural shoreline protection uses such as native shoreline revegetation programs.
- B. Approved water-dependent shoreline uses such as pile supported access ways and duly permitted dock facilities and commercial marinas. All such facilities shall satisfy all provisions of the City's land development regulations and obtain requisite permits from all environmental permitting agencies prior to obtaining City approval. Proposed marinas shall not be approved unless the applicant demonstrates that the marina site is consistent with the City's conservation and coastal management policies. Such uses must comply with all relevant criteria in this Comprehensive Plan. Priority shall be directed to water dependent uses that are available for public use.
- C. Non-water dependent uses.

Second priority shall be directed toward water-related uses such as:

- A. Parking facilities for shoreline access located outside wetlands and dune systems.
- B. Residential structures that comply with the building code for structures within the coastal building zone.
- C. Recreational facilities that comply with applicable codes.

Policy 6-1.4.2: Provide Public Shoreline Access. Development along the Gulf of Mexico shoreline shall use site design that discourages pedestrian access across dune systems and shall reduce pedestrian impacts to coastal vegetation by providing narrow accessways between land uses and beach areas. The design and type of accessway or boardwalk shall use best management practices promoted by the FDEP.

Policy 6-1.4.3: Apply Site Design Promoting Coastal Community Character. Development occurring along the Gulf of Mexico, Choctawhatchee Bay, or the City's bayous shall apply site design that provides breezeways, promotes scenic corridors, and allows view of coastal water from adjacent properties or roadways separated from the shoreline. Building orientation, scale, mass, and architecture shall promote scenic vistas and open space connections from the beachfront side of a property to its boundaries abutting adjacent public streets.

Policy 6-1.4.4: Implement Beach Access Point Level of Service Standards. The Land Development Code (LDC) shall include criteria for evaluating new development for compliance with the City's beach access point level of service standard. The LDC shall also include development incentives to encourage new development occurring along shoreline areas to dedicate easements or to donate land for use as public accessways leading to shoreline areas along the Gulf and Choctawhatchee Bay.

Policy 6-1.4.5: Coordinate with Tourist Development Council and Board of County Commissioners. ~~14 Prior to the next EAR, The City shall request~~ coordinate with the Okaloosa County Tourist Development Council (TDC) and the Okaloosa County Board of County Commissioners to participate in a joint study with the City to prepare a beach access plan to identify potential locations for access points, establish minimum design standards for beach access facilities, and determine annual funding sources for maintenance of existing access facilities and installation of new facilities. Furthermore, the City shall request the Okaloosa County TDC and the Okaloosa County Board of County Commissioners to dedicate annual funding to construct new and maintain existing beach access facilities.

Policy 6-1.4.6: Public Access Inventory. The City will maintain and keep an inventory of public beach access facilities.

OBJECTIVE 6-1.5: LAND USE CONTROLS AND CONSTRUCTION STANDARDS FOR PROTECTING THE NATURAL SHORELINE AND THE BEACH/DUNE SYSTEM. Shoreline areas shall be protected by prohibiting construction of manmade structures along publicly owned beaches, excepting beach access structures compliant with construction standards of the FDEP. In addition, water dependent structures such as lifeguard stands or those related to beach re-nourishment (as approved by the FDEP) may be constructed if such structures meet the construction standards of federal and state agencies having jurisdiction. Any such construction activity must include measures to restore the beach and vegetation pursuant to a plan approved by the federal and ~~and/or~~ state agencies having appropriate jurisdiction. No vegetation shall be removed unless the applicant agrees to a mitigation plan to ensure that revegetation occurs. Appropriate federal and ~~and/or~~ state

agencies having jurisdiction shall approve the mitigation plan and establish the appropriate revegetation ratio.

Policy 6-1.5.1: Enforce Development Restrictions Seaward of the Coastal Construction Control Line (CCCL). The City shall coordinate the development review process by forwarding all applications for construction seaward of the ~~Coastal Construction Control Line~~ CCCL to FDEP for jurisdictional action. Following such action, any construction permitted by the State shall comply with best management principles and practices for respective activities and shall receive permits from all other public agencies having jurisdiction.

Policy 6-1.5.2: Support Natural Shoreline and Beach/Dune Stabilization. Shoreline development and access shall continue to be restricted in order to preserve the shoreline. Rigid shoreline protection structures are not permitted except for those structures approved by FDEP or the USACE ~~U.S. Corps of Engineers~~. When beach re-nourishment projects are needed, the dune system should be restored, as necessary, using natural, indigenous vegetation.

Policy 6-1.5.3: Enforce Restrictions on Operation of Vehicles on Beaches. The City shall continue to enforce restrictions that prohibit any motorized vehicle upon or over the City's incorporated portion of the beach adjacent to the Gulf of Mexico, excepting mechanical beach cleaning equipment, public safety and emergency vehicles, and vehicles permitted by the FDEP.

Policy 6-1.5.4: Restore Beach and Dune Systems. The City shall continue to coordinate with the FDEP ~~Florida Department of Environmental Protection~~ to require beach and dune system restoration where development is proposed on the adjacent upland to the primary dune system and where breaches are caused in any portion of a dune system. Furthermore, beach and dune system restoration shall be incorporated into the landscape plan required for new development. The property owner is required to maintain and restore beach and dune systems, including all coastal vegetation, occurring within the parcel or lot consistent with the landscape plan. The LDC shall require dune and beach restoration plans as part of the landscape standards.

Policy 6-1.5.5: Enforce Marina Siting Criteria and Construction Standards. The City shall continue to enforce its regulations for marina siting in accordance with the FDEP and USACE, ~~Northwest Florida Coast Resource Management Plan~~.

Policy 6-1.5.6: Enforce Federal Emergency Management Agency (FEMA) Construction Standards. The City shall continue to enforce FEMA construction standards for development that occurs within the 100-year floodplain or flood prone designated areas. The City's floodplain management standards exceed the minimum standards set by the National Flood Insurance Program (NFIP) as well as the Florida Building Code (FBC). The two-foot freeboard requirements apply to all structures in "A" zones where elevation is required by the FBC. Property located in the "V" zones are treated differently as they oftentimes have areas below the Base Flood Elevation (BFE) used only for parking, access and storage as allowed in 40 CFR 60.3, the LDC and the FBC.

Policy 6-1.5.7: Protect Wildcat Mountain. The City shall prohibit the removal of sand from Wildcat Mountain to retain and preserve the dune system, except for the allowance of minor grading and filling necessary to accommodate development occurring thereon.

OBJECTIVE 6-1.6: MITIGATE HAZARDS IN THE COASTAL HIGH HAZARD AREAS (CHHA). Development shall occur in a manner that minimizes danger to life and property occasioned by hurricane events. The LDC shall continue to include performance standards regulating development activities to minimize threat to life and property occasioned by hurricane events by ensuring that any development order approved by the City is coordinated with the Okaloosa County Hurricane Evacuation Plan and applicable regional or State hurricane evacuation plans. The City shall designate as necessary, an adaptation action area for low-lying coastal zones experiencing coastal flooding due to extreme high tides and storm surge and are vulnerable to the impacts of rising sea level. ~~The City shall eliminate uses that are inconsistent with interagency hazard mitigation reports deemed appropriate by the City.~~ This objective shall be measured through implementation of the following Policies.

Policy 6-1.6.1: CHHA Defined. As defined in § 163.3178(2)(h) FS Coastal Management, The Coastal High-Hazard Area (CHHA) is the area below the elevation of the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

Policy 6-1.6.2: Hazard Mitigation Management. The City shall continue to participate in the County's technical coordinating committee in preparing the hazard mitigation component of the Comprehensive Emergency Management Plan. Updates of the Plan shall identify specific actions that may be implemented to reduce exposure to natural hazards.

In addition, the City shall enforce more restrictive land use controls within the CHHA than in areas outside of the CHHA, including but not limited to:

- A. Not allowing increases in maximum density as identified in the Future Land Use Map.
- B. Performance criteria within the LDC shall mandate that all development and redevelopment within the CHHA comply with the following regulatory techniques for hazard mitigation:
 1. State and local regulations establish CCCL ~~coastal construction control lines~~, as well as applicable state and local construction codes regulating construction activity in coastal areas.
 2. Surface water management improvements that mitigate against loss of flood plain and comply with adopted surface water management level of service standards for drainage cited in the Public Facilities Element.
 3. Publicly funded infrastructure shall not be built within the CHHA unless the facility is for the protection of public health and safety, creation of open space, implementation of beach restoration or shoreline erosion protection programs.

4. Land use controls shall ensure that wetlands are preserved and protected from the adverse impacts of development.
 5. Dune and beach system restoration including ongoing maintenance of coastal vegetation.
- C. A multi-agency site plan review process shall be initiated to ensure that all proposed development or redevelopment having adverse impacts on water quality, wetlands, shoreline stabilization, natural habitats, fish or wildlife, hurricane evacuation, or other coastal resources, shall be coordinated with County, State, federal, or regional agencies having jurisdiction. A primary function of this review process shall be to effectively reconcile hazard mitigation issues prior to issuance of any development orders.

Policy 6-1.6.3: Implement General Hazard Mitigation. The LDC shall restrict the density/intensity of development within the high hazard area as denoted on the Future Land Use Map Series. Furthermore, the state and local coastal construction control lines shall be enforced. Performance criteria shall stipulate the need to reduce exposure of human life and property to natural hazards.

Policy 6-1.6.4: Hazard Mitigation and Redevelopment. In the event ~~of that Destin faces~~ a major disaster or ~~if~~ included in a Presidential Disaster Declaration, the City shall implement the adopted Post Disaster Redevelopment Plan and the interagency hazard mitigation report when adopting a redevelopment plan for the affected areas. Interagency hazard mitigation report shall mean the recommendations of a team of federal, state, regional, or local officials addressing measures that reduce the potential for future flood losses and which is prepared in response to a major disaster or a Presidential Disaster Declaration. The City will amend its local mitigation plan or implement a new program in order to reduce risks of natural disaster and ensure compliance with Federal, State, or regional regulations, imposed on the receipt of Federal monies under the Robert T. Stafford Disaster Assistance and Relief Act. ~~Public Law 93-388.~~

Policy 6-1.6.5: Coastal Population Densities and Hurricane Evacuation. ~~Prior to the next EAR,~~ The City of Destin shall amend the LDC to include administrative procedures ensuring that any development order approved by the City complies with the Okaloosa County Hurricane Evacuation Plan and applicable regional or State hurricane evacuation plans.

Policy 6-1.6.6: Hurricane Evacuation and Roadway Improvements. The City shall promote, to the extent possible, improvements to the critical roadway segments identified in the Statewide Regional Evacuation Study for northwest Florida, delineated in the Tri-State Hurricane Evacuation Study, USACE, 1997 (reference Appendix C of the Study). Promotion of roadway improvements shall be accomplished through the City's participation with the Okaloosa-Walton Transportation Planning Organization (OWTPO) and the Florida Department of Transportation (FDOT).

OBJECTIVE 6-1.7: LIMIT PUBLIC SUBSIDY OF DEVELOPMENT IN THE CHHA. The City shall limit public expenditures that subsidize private development

permitted in the CHHA, including high velocity storm surge areas. However, public funds for improved public facilities, such as improvements to roads, potable water, wastewater, or drainage included in the Capital Improvements Element, and water dependent structures, such as beach accessways, piers, and beach renourishment activities, may be permitted where approved by state and/or federal agencies having jurisdiction, and where required to implement the goals, objectives, and policies of the Comprehensive Plan.

Policy 6-1.7.1: Existing Infrastructure in the CHHA. ~~Within two years of Plan adoption, The City shall establish a list of infrastructure facilities located in the CHHA that could be relocated, mitigated or replaced should state funding become available for such activities. Infrastructure is defined as roads, bridges, sanitary sewer facilities, and potable water facilities. The City maintains a list of critical facilities under its NIFP and Community Rating System (CRS) programs. Infrastructure is defined as roads, bridges, sanitary sewer facilities, and potable water facilities. The list of critical facilities also includes, schools, public safety buildings, municipal buildings, and healthcare facilities. The City shall give priority for relocating, mitigating, or replacing infrastructure facilities to the facilities located in the high velocity storm surge areas.~~

Policy 6-1.7.2: Future Infrastructure in the CHHA. The City shall continue to allow infrastructure facilities to be constructed within the CHHA provided that the facilities are necessary to serve the existing ~~and/or~~ future population, and such infrastructure facilities are constructed in a manner that minimizes the impacts from storm events.

Policy 6-1.7.3: Prohibit Septic Tanks in the CHHA. The City shall not approve development that proposes installation of new septic tanks within the CHHA.

Policy 6-1.7.4: Public Expenditures in the CHHA. Public funds shall be expended in the CHHA only in developments: that comply with residential densities adopted in this plan that will produce no adverse effects to the surrounding land uses or the environment without approved mitigation plans; and/or, that would further open up the waterfront to public access.

Policy 6-1.7.5: ADAPTION ACTION AREA DESIGNATION. The City will identify areas for which land elevations are below, at or near mean high water, which have a hydrologic connection to coastal waters, or which are designated as evacuation zones for storm surge.

OBJECTIVE 6-1.8: AVOID POPULATION CONCENTRATIONS IN CHHA. The City shall direct population concentrations away from CHHA by not increasing the density of residential development and redevelopment within the CHHA above that allowed by the City's FLUM. The City's FLUM mandates maximum density thresholds for properties within the CHHA. The density threshold varies with the severity of environmental constraints of each site and the proximity of the site to the shoreline. The intent of the

density allocation is to direct population concentrations away from CHHA to the greatest extent consistent with the State Comprehensive Plan private property rights goal and related policies [~~Reference Ch. 187.201(16)(a and b), FS~~].

Policy 6-1.8.1: Restrict Development in CHHA. The City shall continue to allow development within the CHHA; however, the City shall direct population concentrations, including nonresidential development, away from these areas. Residential development and/or redevelopment in the CHHA shall not exceed the residential densities shown on the FLUM ~~Future Land Use Map~~ for that property.

Policy 6-1.8.2: Enforce CHHA Construction Standards. Within the CHHA, the City shall allow no new permanent residential structures, which do not meet the construction standards required by the FDEP if the construction is seaward of the CCCL or by the FEMA construction standards if located within applicable flood zones.

OBJECTIVE 6-1.9: COORDINATE HURRICANE EVACUATIONS. The City shall coordinate with State, regional, and county agencies ~~Okaloosa County and Walton County~~ in evaluation of major evacuation routes and determining where operational improvements can be made to maintain or reduce hurricane evacuation times. ~~through the implementation of the following policies:~~

~~**Policy 6-1.9.1: Utilize Emergency Management Plans.** Through the City's emergency management department, the City shall manage its local emergency plan and utilize the recommendations provided in the latest revision of the Okaloosa County Emergency Management Plan (CEMP). The Northwest Florida Hurricane Evacuation Study (July 1999) should also be consulted where information is still current.~~

Policy 6-1.9.1: Utilize Emergency Management Plans. The Division of Emergency Management will be responsible for preparing regional hurricane evacuation plans. In the event of a natural disaster, the City shall respond to the instruction and guidance of the Okaloosa County Emergency Management office. The City shall also periodically review the hurricane evacuation plan and will update and revise such plans based upon data from the Statewide Regional Evacuation Study for northwest Florida.

Policy 6-1.9.2: Coordinate Hurricane Evacuation Logistical Support. To prevent congestion on roads and overcrowding at evacuation centers, the City shall coordinate with Okaloosa County in disseminating information concerning the need for residents to evacuate at various hurricane threat levels. ~~The City shall coordinate with the County and the Okaloosa County Emergency Management Director in assisting implementation of the County's campaign to educate the general citizenry regarding emergency preparedness plans, including specific citizen directives.~~

Policy 6-1.9.3: Plan for Future Coordination with the County in Emergency Preparedness. ~~To provide for safe and efficient evacuation of the residents of Destin, in the event of a hurricane, The City shall coordinate with Okaloosa County in annually updating the County's Comprehensive Emergency Management Plan. The City shall coordinate with the County in updating hurricane evacuation center assignments as well~~

as other policy formulation surrounding land use and emergency preparedness. ~~This update shall enable the County and incorporated municipalities to plan for future population densities that will neither adversely impact the efficiency of the evacuation plan nor increase evacuation times. The City shall also coordinate with the County in updating hurricane evacuation shelter assignments as well as other policy formulation surrounding land use and emergency preparedness.~~

Policy 6-1.9.4: Designate Hurricane Evacuation Routes. The City designates Harbor Boulevard/Emerald Coast Parkway and Mid-Bay Bridge as the primary evacuation routes out of Destin as part of its Hurricane Evacuation Plan.

Policy 6-1.9.5: Coordinate Re-Entry Following a Hurricane Evacuation. The City shall coordinate with Walton County and Okaloosa County Emergency Management Services to coordinate efficient and safe re-entry into the City following a mandatory evacuation. ~~The City's adopted Post-Disaster Redevelopment Plan shall be used as its established program addressing re-entry into the City when destruction and damage to buildings and infrastructure have occurred due to a storm event that resulted in evacuation.~~

Policy 6-1.9.6: Improve Hurricane Evacuation Time. The City shall continue to support programs that reduce evacuation time through improved warning and evacuation notification systems. To improve hurricane evacuation time, the City has almost completed ~~shall plan~~ the construction of an alternative east/west roadway parallel to and north of Harbor Boulevard/Emerald Coast Parkway. The City shall incorporate this new roadway into its hurricane evacuation plans as an alternative route to Harbor Boulevard/Emerald Coast Parkway in the event an accident, traffic congestion, or flooding limits or prevents use of the highway along any portion from Danny Wuerffel Way to Calhoun Ave. The City shall also coordinate with FDOT regarding available funding ~~FDOT funds~~ to support construction of an alternative east-west evacuation route for Harbor Boulevard/Emerald Coast Parkway.

Policy 6-1.9.7: Evaluate Hurricane Evacuation Clearance Times. The City shall ~~annually~~ perform a hurricane clearance time analysis as part of the City's ~~annual~~ transportation concurrency review using pre-impact and best practices outlined in the National Hurricane Program. ~~As part of the clearance time analysis, the transportation model shall determine when traffic conditions result in unreasonable clearance times. The City shall coordinate the clearance time analysis with the Okaloosa County Emergency Management Division to access modifications for timing of evacuation notices.~~

Policy 6-1.9.8: Hurricane Evacuation Carrying Capacity Study. Continue to monitor and evaluate the carrying capacity of all evacuation routes within the City. Based on the findings of the carrying capacity study, the City shall identify transportation improvement needs, hurricane preparedness actions, or land use controls to assure timely evacuation of the entire City prior to hurricane landfall. ~~As evacuation routes are also used by residents and visitors within Walton County and Okaloosa County, the City shall request participation from Walton County and Okaloosa County~~

~~in the preparation of a carrying capacity study for Harbor Boulevard/Emerald Coast Parkway and other evacuation routes leading from coastal areas to the mainland.~~

OBJECTIVE 6-1.10: POST-DISASTER REDEVELOPMENT. The City maintains a post-disaster redevelopment plan which is coordinated with Okaloosa County's post-disaster redevelopment plan. All redevelopment activities after a hurricane storm event must comply with this redevelopment plan and according to the goals, objectives, and policies of the Comprehensive Plan.

Policy 6-1.10.1: Recovery Operations and Post-Disaster Redevelopment. The City shall continue coordination with Okaloosa County to modifying the Comprehensive Emergency Management Plan ~~when necessary~~ to address changes that may result from growth and development anticipated within the Comprehensive Plan. The Post-Disaster Redevelopment Plan shall include strategies for post-disaster recovery operations, including the management of redevelopment and reconstruction within the City and the CHHA. The management plan, at minimum, should provide a basis for considering the following activities during times of natural disaster:

- A. Ensuring a means to restore economic activity, including the tourist industry and water-related businesses.
- B. Establishing a framework for deciding whether to implement a temporary moratorium on building activity as may be required for public safety.
- C. Developing procedures for reviewing and deciding upon emergency building permits.
- D. Coordinating with State and Federal officials to prepare disaster assistance applications.
- E. Analyzing and recommending to the City Council hazard mitigation options, including reconstruction or relocation of damaged public facilities.
- F. Developing a redevelopment plan.
- G. Recommending amendments to the Comprehensive Emergency Management Plan and other appropriate policies and procedures.

Policy 6-1.10.2: Coordinate Amendments to the Redevelopment Plan. The City shall coordinate any amendments to its Post-Disaster Redevelopment Plan with the Okaloosa County Emergency Management Office for compliance with the Comprehensive Emergency Management Plan.

Policy 6-1.10.3: Repair and Cleanup. In planning post-disaster redevelopment activities, factors to be considered to protect the public health and safety shall include:

- A. Repairs to potable water, wastewater and power facilities.
- B. Removal of debris.
- C. Stabilization or removal of structures in a perilous condition.
- D. Minimal repairs to make structures habitable.

These considerations shall receive first priority in determining the appropriateness of emergency building permits. Long-term redevelopment activities shall be postponed until the Recovery Task Force has coordinated immediate repair and cleanup operations.

Policy 6-1.10.4: Manage Unexpected Redevelopment Activities. The City shall manage unanticipated future redevelopment activities necessitated by hurricane events or other natural disasters through this Plan and adopted land development regulations. Immediate recovery actions needed to protect the public health and safety shall take priority in permitting decisions following hurricane storm events or other natural disasters. Recovery actions to reconstruct housing and services for year-round residents and the local workforce shall take priority over reconstruction of structures supporting seasonal and tourist population.

Policy 6-1.10.5: Redevelopment Compliance Codes and Plans. If rebuilt, structures that suffer damage in excess of 50% of their appraised value shall be rebuilt in accordance with all current and applicable land use and building code requirements upon adoption of the LDC.

Policy 6-1.10.6: Review Building Facilities. The City shall establish a process for reviewing available alternatives for managing damaged public facilities following a hurricane event, including coordination with Destin Water Users, Inc. The procedures shall evaluate future options for such facilities, including, but not limited to, abandonment, repair in place, relocation, and reconstruction with structural modifications. The City shall consider these options based on the following considerations:

- A. Cost to construct.
- B. Cost to maintain.
- C. Recurring damages.
- D. Impacts on land use.
- E. Impacts on the environment.
- F. Public sector.
- G. Repair to any public facilities that shall be deemed historic structures according to the inventory of the National Register of Historic Places shall be guided by the U.S. Secretary of the Interior's Guidelines for Rehabilitation until such time as the City adopts other guidelines and standards for the repair of historic structures.
- H. Other relevant factors.

Policy 6-1.10.7: Maintain a Disaster Assistance Contingency Fund. The City shall maintain a contingency fund to cover the City's required match for disaster assistance grants.

Policy 6-1.10.8: Limit Redevelopment of Nonconforming Structures. If a nonconforming structure is substantially damaged (based on the definition in Chapter

161, FS) or abandoned, it shall be rebuilt only to the extent that complies with the current Future Land Use designation, and, density, and intensity for the affected property.

Policy 6-1.10.9: Participate in the National Flood Insurance Program. The City shall continue its participation in the National Flood Insurance Program.

Policy 6-1.10.10: Help Improve the National Flood Insurance Program. The City shall continue to identify inappropriate Flood Insurance Rate Map (FIRM) and Coastal Barrier Resource Systems (CBRS) map designations within the City and work with the appropriate federal agency to provide the correct map designations.

OBJECTIVE 6-1.11: MAINTAIN ACCESS TO PUBLIC BEACH AND SHORELINE.

The City shall maintain land use policies that promote continuance of the existing shoreline access and water dependent and related activities described in the Coastal Management Element data inventory and analysis. Beaches shall remain unobstructed and, to the extent lawful, no barriers shall be erected which prevent pedestrian access along the shoreline, subject to reasonable regulations, such as closing times, access, and use.

Policy 6-1.11.1: Maintain Public Beach Access. The City shall continue to maintain all designated public beach access points.

Policy 6-1.11.2: Publicly Funded Gulf Front Development Must Provide Beach Access. Publicly funded projects that improve, change or in some way support shorefront development shall provide for public access to the shoreline, as well as the necessary support facilities and services, such as boardwalks, beach/dune walkovers, parking lots, restrooms and refuge collection.

Policy 6-1.11.3: Consider Scenic View in Site Plans. Waterfront development shall include design measures that provide, enhance and preserve scenic views of the water for the general public from public rights-of-way. Structures along the shoreline shall be designed to prevent walling off of waterfront views. The LDC shall regulate building location, intensity, and design to protect or enhance scenic views. The site plan and building criteria within the LDC shall require new development to demonstrate that views of adjacent water bodies will be preserved.

Policy 6-1.11.4: Enhance Waterfront Access¹. ~~Prior to the next EAR, The City has developed cost comparative metrics for several potential beach front property acquisitions. The City shall conduct a study to identify additional shoreline access opportunities and assess the cost-benefit of each; and amend the LDC to include procedures and substantive provisions that protect and ensure public access to the priority shoreline areas.~~

Policy 6-1.11.5: Coordinate with Okaloosa County. ~~The City shall coordinate Coordinate all beach access planning, funding, and implementation with Okaloosa County, when necessary, in recognition that the County's Tourist Development Council and other components of the County's budget to fund various aspects of beach maintenance and enhancement. The City and County should be encouraged to~~

~~coordinate more fully in public access projects to encourage county participation in funding.~~

OBJECTIVE 6-1.12: PROTECT HISTORIC RESOURCES LOCATED IN COASTAL AREAS. The City shall ensure protection of historic resources within coastal areas and shall ensure that there shall be no loss of historic resources on City owned property. The City shall coordinate with the appropriate agencies in the protection, preservation or sensitive reuse of historic and/or archeological resources. ~~The LDC shall ensure that historic resources on public and private property within coastal areas shall be protected, preserved, or reused in a manner sensitive to the historic properties of the site and/or structure.~~

Policy 6-1.12.1: Promote Identification of Historic, Archaeological, and Cultural Resources. ~~Ensure that all municipal actions encourage and promote the preservation of the City's historic resources. To this end.~~ The City shall continue to support efforts to identify historic sites and register them with the appropriate agencies. The City shall coordinate with the State Division of Historic Resources, local historical groups, and others ~~in continuing~~ to identify, document and preserve the City's historical, archaeological, and cultural resources.

Policy 6-1.12.2: Performance Standards for Protecting Sites of Historic or Archaeological Significance. The City shall establish historic overlay districts and guidelines, as necessary, to establish controls for safe construction practices and for retaining the character of development within said districts. The LDC shall include provisions to address adverse impacts to historic or archaeological sites of significance created by development or redevelopment of the site.

OBJECTIVE 6-1.13: MAINTAIN PUBLIC FACILITY LEVEL OF SERVICE STANDARDS IN COASTAL AREAS. The City shall allow no development in the coastal area unless the established level of service standard is maintained, and infrastructure needs are fulfilled in compliance with the City's Concurrency Management System within the Capital Improvements Element.

Policy 6-1.13.1: Maintain Level of Service Standards within Coastal Areas. The entire jurisdictional area of Destin is a coastal area. The level of service standards shall be those established within other elements of the Comprehensive Plan.

Policy 6-1.13.2: Maintain Beach Re-nourishment Standards. Any future proposed beach re-nourishment project shall follow best management practices and shall secure the required permits from all federal and state agencies having jurisdiction, including the FDEP.

Policy 6-1.13.3: Coordinate Infrastructure Availability and Timing. Future development shall be directed to those areas where public facilities are available concurrent with the impacts of the development or redevelopment. Development and redevelopment shall occur only at the densities proposed by the future land use plan, consistent with coastal resource protection and safe evacuation. The City shall ensure that funds for future needed infrastructure improvements are phased to coincide with

demands generated by development or redevelopment. To ensure appropriate timing and staging, no development order shall be granted until a plan is submitted by the developer or applicant to the City which demonstrates that all required infrastructure shall be in place and available for use by the development concurrent with the impacts of development. The infrastructure shall be designed in a manner consistent with the existing and projected future demands generated by development projected in the future land use element. The infrastructure shall also be consistent with applicable local, regional and state coastal resource protection policies.

OBJECTIVE 6-1.14: MAINTAIN INTERGOVERNMENTAL COORDINATION WITHIN THE COASTAL AREA. The City shall maintain an intergovernmental coordination mechanism to manage coastal resources within the jurisdiction of more than one local government or public agency. The City shall assist other agencies in implementing appropriate portions of existing multi-jurisdictional resource planning and management plans addressing the coastal area, including management of surface water runoffs, impacts of development on coastal waters and living marine resources.

Policy 6-1.14.1: Intergovernmental Coordination for the Coastal Area. The City shall coordinate with Okaloosa County, Walton County, and appropriate regional, state, and federal agencies in managing coastal resources. Management activities shall include, but not be limited to, the following:

- A. The City shall coordinate the following coastal resource management issues that transcend jurisdictional lines with Okaloosa County, Walton County (when appropriate), and the ~~Northwest Florida Water Management District~~ (NWFMD):
 - 1. Forums and technical review concerning emergency preparedness and hurricane evacuation issues and update of the Comprehensive Emergency Management Plan, including hurricane evacuation plans.
 - 2. Technical review and in formulation of policies concerning the Harbor Boulevard/Emerald Coast Parkway and Mid-Bay Bridge corridors, including stormwater management policies. This activity shall also be coordinated with the FDOT.
 - 3. Public access issues including issues surrounding maintenance and improvements.
 - 4. Issues surrounding conservation of the shoreline of the Gulf and Bay. This activity shall also be coordinated with the USACE and the FDEP as appropriate.
 - 5. The inclusion of the appropriate regulatory agencies having planning jurisdiction over coastal areas in the City's efforts at providing enhanced public access to the beaches.
- B. The City shall establish a multi-agency development review process to coordinate intergovernmental and resource management issues surrounding proposed development and redevelopment. The City shall also incorporate procedures in the LDC to ensure that all issues surrounding development impacting wetlands or other

resources under federal and/or state jurisdiction are managed based on timely coordination, exchange of information, and appropriate follow up by the City and all agencies having jurisdiction. The City shall require the applicant to get jurisdictional determinations from all appropriate agencies prior to the issuance of development orders or building permits for all sites within the City. The City shall coordinate with the U.S. Coast Guard, U.S. Fish and Wildlife Service, the USACE, FDEP, NFWMD, the ~~Emerald Coast~~ West Florida Regional Planning Council (ECRC), and other federal, state, and regional agencies as may be appropriate in managing the following activities:

1. The City shall coordinate all development and resource conservation measures impacting the waters of the Gulf and Choctawhatchee Bay with the above cited agencies as well as other applicable public agencies. These activities shall include, but not be limited to, review of proposed development potentially impacting natural resources, including development petitions for docks, shoreline stabilization, dredging, or other alteration of natural resources under Federal or State jurisdiction.
 2. All applications for development activity impacting waters of the State or other lands under the jurisdiction of the State shall be coordinated with agencies having appropriate jurisdiction.
 3. The City shall coordinate with technical staff within FDEP and NFWMD to ensure implementation of sound principles and practices of coastal resource management during the development review process as well as in the formulation of policies impacting coastal resource management.
 4. The City shall coordinate with the NFWMD, FDEP, as well as other appropriate State agencies in matters surrounding stormwater management, drainage, water quality and quantity, and consumptive use permitting.
- C. The City shall coordinate on a continuing basis with the ~~ECRC~~ WFRPC in preparing the Comprehensive Plan and amendments to ensure consistency with the ~~ECRC~~ WFRPC Comprehensive Plan. In addition, the City shall coordinate other planning issues of regional significance with the ~~ECRC~~ WFRPC. The City shall forward copies of development proposals within the coastal area to public agencies having jurisdiction in the management of potentially impacted natural resources.

OBJECTIVE 6-1.15: CONTINUE EVALUATION OF COASTAL MANAGEMENT ELEMENT EFFECTIVENESS. The City shall use the following policies as criteria in evaluating the effectiveness of the Coastal Management Element:

Policy 6-1.15.1: Review the Impact of Changing Conditions on Coastal Management Policy. The City shall monitor and evaluate significant changes in the characteristics of natural coastal resources. Policy implications of such changes shall be examined, and corrective measures shall be pursued. Coastal management policies shall be refined as needed to remain responsive to evolving problems and issues.

Policy 6-1.15.2: Schedule, Budget, and Implement Programmed Activities. The timely scheduling, programming, budgeting and implementation of programmed coastal

management activities identified in this Element shall be evidence of the City's effectiveness in carrying out a systematic program for implementing coastal management goals, objectives, and policies.

Policy 6-1.15.3: Coordinate with Public and Private Sectors. While continually implementing and evaluating the Coastal Management Element, the City shall maintain a process of intergovernmental coordination as well as coordination with private sector groups interested in coastal management policy and programs. The effectiveness of this approach shall be evaluated by the success of coordination mechanisms in resolving coastal management problems and issues.

Policy 6-1.15.4: Monitor Achievement of Coastal Management Goals. The effectiveness of the Coastal Management Element shall be measured by the City's success in achieving coastal management goals, objectives, and policies. The City's coastal management goals, objectives, and policies are supported in the City LDC. The City continues to monitor the achievement of the coastal management objectives through land use changes, density classification, and flood plain management strategies. In addition, The Coastal Management Element incorporates a systematic planning process to identify coastal management problems, and issues, and implement corrective actions.

OBJECTIVE 6-1.16: PRESERVE RECREATIONAL AND COMMERCIAL WORKING WATERFRONTS. The City shall encourage shoreline development of those land uses which are dependent on or related to access to the water.

Policy 6-1.16.1. Encourage Shoreline Development Related to Water Access. The City shall preserve recreational and commercial waterfronts through proper land use planning, the public acquisition of land for parks and open space and shall continue to provide the siting of water dependent and water-related uses through the zoning guidelines of appropriate land use districts.

OBJECTIVE 6-1.17: REDUCE RISK IN COASTAL AREAS. The City recognizes the risk of being impacted by damaging winds and flooding increases for those properties located closer to shorelines and low-lying coastal areas. To ensure that future development occurs in a manner that minimizes risk, the City will implement principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise.

Policy 6-1.17.1: Reduce Flood Risk. In order to reduce flood risk from, or associated with, high-tide events, storm surge, flash floods, stormwater runoff, and the impacts related to sea-level rise, the City will continue to promote the use of the development and redevelopment principles, strategies and engineering solutions contained in the Florida Building Code and the Land Development Regulations

Policy 6-1.17-2: Development and Redevelopment Standards in Coastal Areas. The City shall continue to ensure development and redevelopment utilize the best available data on minimum floor elevation, including FEMA flood zones.

Policy 6-1.17-3: Reduce Flood Damage in Coastal Areas. The City shall, through implementation of all Land Development Regulations, continue to ensure that all new buildings or structures meet, or exceed, the flood resistant construction requirements of the Florida Building Code and Federal Flood Plain Management regulations including flood proofing and storm surge.

Policy 6-1.17-4: Participation in the National Flood Insurance Program. Participate in the National Flood Insurance Program in conformance with Public Law 92-288 and the Community Rating System Program.

SECTION 7: TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.

The City Manager or her appointed designee is hereby designated to sign a letter transmitting the adopted comprehensive plan amendment to the State Planning Agency, in accordance with the Community Planning Act.

SECTION 8: INCORPORATION INTO COMPREHENSIVE PLAN.

Upon the effective date of the comprehensive plan amendment adopted by this Ordinance, said amendment shall be incorporated into the City of Destin Comprehensive Plan and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

All prior inconsistent ordinances and resolutions adopted by the City of Destin City Council, or parts of ordinances or resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

SECTION 9: SEVERABILITY.

If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 10: EFFECTIVE DATE.

The comprehensive plan amendment shall not become effective until 31 days after the State Planning agency notifies the City that the plan amendment package transmitted by the City

is complete, except however, if the plan amendment is timely challenged, this Ordinance shall not become effective until the date a final order is issued by the State Land Planning Agency, or the date that the Administration Commission enters a final order determining the adopted plan amendment is in compliance. No development orders, development permits, or land use dependent on this amendment may be issued or commenced before it has become effective. After and from the effective date of this amendment, the comprehensive plan amendment set forth herein shall amend the City of Destin's Comprehensive Plan and shall become a part of that plan and the amendment shall have the legal status of the City of Destin's Comprehensive Plan, as amended.

ADOPTED THIS ____ DAY OF _____ 2020.

BY: _____
Gary Jarvis, Mayor

ATTEST:

Lance Johnson, City Manager

The form and legal sufficiency of the foregoing
has been reviewed and approved by the City Land Use
Attorney for the City of Destin, only.

Rey Bailey, City Clerk

Kimberly R. Kopp, City Land Use Attorney

First Reading: February 3, 2020

Second Reading: _____

EVALUATION AND APPRAISAL REPORT COASTAL MANAGEMENT ELEMENT COMPREHENSIVE PLAN



THE CITY OF DESTIN
4100 Indian Bayou Trail
Destin, Florida 32541
(850) 837-4242

January 16, 2020

**EVALUATION AND APPRIASAL REPORT
COASTAL MANAGEMENT ELEMENT
COMPREHENSIVE PLAN**

CITY COUNCIL

Gary Jarvis – Mayor
Prebble Ramswell – Council Member
Rodney Braden – Council Member
Parker Destin – Council Member
Steven Menchel – Council Member
Cyron Marler – Council Member
Chatham Morgan – Council Member
Skip Overdrier – Council Member

PREPARED BY:

Community Development Department
A Louis Zunguze, Director

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3TP VENTURES

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INTRODUCTION

The City of Destin periodically reviews its Comprehensive Plan, pursuant to Section 163.3191, Florida Statutes, to ensure that it appropriately reflects current and anticipated conditions, embodies a community vision, targets major issues that the City must address in the short and long term, complies with state statutes and rules, and is consistent with state and regional policy plans. This review culminates in the preparation of an Evaluation Appraisal Report (EAR).

The EAR for the Coastal Management Element of the City's Comprehensive Plan was prepared by the City's Community Development Department. The review process began in September 2019. A workshop was hosted by the Local Planning Agency (LPA) on December 12, 2019, to review and appraise the Coastal Management Element policies relative to state legislative requirements. The review and appraisal were brought before the LPA for consideration on January 9, 2020, and for final approval before City Council, January 21, 2020.

COMMUNITY PROFILE

The City of Destin is located in northwest Florida on the Gulf of Mexico between Fort Walton Beach and Panama City. Historically known as a fishing village, the City has become a major tourist destination. Located in Okaloosa County, the City's land area spans approximately 7.7 square miles, or 4,894 acres. Highway US 98 is the major east/west transportation corridor in the City providing connectivity to neighboring communities in Santa Rosa and Walton counties, as well as further east to Panama City in Bay County. The primary north-south corridor traversing Choctawhatchee Bay is County Road 293, also known as the Mid-Bay Bridge.

The City, which was originally chartered as a municipality in 1984, operates under a Council-Manager form of government. For Fiscal Year 2020, the City had 96 total employees that provide a multitude of municipal services, including an exceptional library. In addition to the library, major community facilities in the City include the Destin Community Center, Morgan Sports Complex, one public school, one golf course, a municipal boat ramp, and ten parks, including Henderson Beach State Park. Additionally, the Destin-Ft. Walton Beach Airport, a general aviation public-use facility, is located within city limits.

The City of Destin is one of nine municipalities in Okaloosa County. In 2018, the estimated population of the City was 14,077 (permanent residents) and its population density was 1,600.

EAR PURPOSE STATEMENT

Chapter 163.3191, FS, requires local governments to prepare an EAR of their adopted Comprehensive Plan every seven years. The purpose of the EAR is to evaluate the Plan's progress in addressing major growth and development-related issues, identify changed conditions since the time the Plan was last updated, and determine if amendments to the Plan are needed to address the identified major issues and changes.

Specifically, the purpose of the EAR is to:

- Identify major issues for the City;
- Review past actions of the City government in implementing the Plan since the last EAR;
- Assess the degree to which Plan objectives have been achieved;
- Assess both successes and shortcomings of the Plan;
- Identify ways that the Plan should be changed;
- Respond to changing conditions and trends affecting the City;
- Respond to the need for new data;
- Respond to changes in state requirements regarding growth management and development;
- Respond to changes in regional plans; and
- Ensure effective intergovernmental coordination.

PUBLIC PARTICIPATION

The Local Planning Agency (LPA) held an advertised workshop on December 12, 2019 to receive public input and make recommended changes and updates to the Coastal Management Element of the City's Comprehensive Plan.

On January 9, 2020, the LPA held an advertised, formal public hearing to make recommendation to the City Council regarding proposed Ordinance 20-01-PC: Evaluation and Appraisal Review of the Coastal Management Element.

Proposed Ordinance 20-01-PC was presented to City Council at an advertised, formal public hearing on January 21, 2020 for consideration and approval (first reading).

EVALUATION AND APPRAISAL: COASTAL MANAGEMENT ELEMENT

GOAL 6-1: COASTAL MANAGEMENT. RESTRICT DEVELOPMENT ACTIVITIES THAT WOULD DAMAGE OR DESTROY COASTAL RESOURCES, PROTECT HUMAN LIFE AND LIMIT PUBLIC EXPENDITURES IN AREAS SUBJECT TO DESTRUCTION BY NATURAL DISASTERS.

OBJECTIVE 6-1.1: PROTECT COASTAL RESOURCES, WETLANDS, ESTUARIES, LIVING MARINE RESOURCES, AND WILDLIFE HABITATS. Coastal resources, wetlands, water resources, living marine resources, coastal barrier and wildlife habitats, and other natural resources shall be protected, conserved, and enhanced through implementation of the following policies:

Policy 6-1.1.1: Conserve Through Land Acquisition. The City shall annually evaluate opportunities to acquire coastal lands and wetlands through state and/or federal conservation land acquisition grant programs.

The City has initiated a Beach Acquisition Program. This program, utilizing a combination of City funds and grants from community partners and state and federal programs, is intended to purchase beachfront properties (some of which are currently developed) to provide additional recreational opportunities for both citizens and tourists. The City continues to evaluate opportunities to acquire or establish bayfront parks through state and federal programs. Three recent acquisitions include, the 3.9-acre Cemex plant to expand the Joe's Bayou Recreational Area, the new 3.4-acre Captain Leonard Destin Park and the Norriego Point park projects.

OBJECTIVE 6-1.2: REDUCE ADVERSE IMPACTS TO WATER QUALITY IN COASTAL WATERS. The City shall reduce adverse impacts to water quality within Destin Harbor, Choctawhatchee Bay, the Gulf of Mexico, and adjacent bayous through implementation of the following activities:

Policy 6-1.2.7: Require Pump-out Facilities. The City shall explore opportunities for a pump-out program.

The City encourages Clean Marina programs by reducing impact fees (i.e., Net Positive Environmental Benefit (NPEB)) for private marinas that provide pump out facilities.

OBJECTIVE 6-1.3: PROTECT AND ENHANCE COASTAL SHORELINES. Coastal shorelines shall be protected and enhanced through the following programs or activities:

Policy 6-1.3.4: Support Coastal Revegetation Programs. The City shall continue to support programs administered by the FDEP to plant coastal vegetation and sea oats along shoreline beaches. The City shall also annually evaluate available state grant funds to assist revegetation activities along the City's shoreline.

The City provides funding to the Choctawhatchee Basin Alliance (CBA) to support coastal vegetation propagation, planting and related educational programs. The City has also taken remedial action to stabilize the coastal dune system and restore coastal vegetative habitat found along Norriego Point. The restoration metrics include:

- 115,000 cubic yards of sand, adding approximately 7 acres of land area
- 117,995 Sea Oat (*Uniola paniculata*) plants
- 18,916 Panic grass (*Panicum sp.*) plants

- 12,077 Beach Elder (*Iva imbricata*) plants
- 12,077 Railroad Vine (*Ipomoea pes-caprae*) plants
- 12,077 Sea Purslane (*Sesuvium portulacastrum*) plants

To further protect the City's coastal dunes, City Staff plans to propose an Ordinance, early 2020, that establishes penalties for the destruction of dune vegetation.

Policy 6-1.3.5: Support Beach Re-nourishment Programs. The City shall continue to support the FDEP's Beach Erosion Control Plan. The City shall annually evaluate available grant funds administered by the FDEP for beach restoration and re-nourishment. (Language that duplicated 6-1.4.5 was removed.)

The City has an Army Corp of Engineers (ACOE) dredging permit that may be used to re-nourish beachfront, however due to pending litigation, any potential action associated with the permit has been delayed. In addition, the City partners with the Okaloosa County Tourist Development Council, providing a portion of the City's bed tax revenue for beach nourishment projects.

OBJECTIVE 6-1.4: PRIORITIZE SHORELINE USES AND PROVIDE PUBLIC ACCESS TO SHORELINE. Within shoreline protection areas, the City shall promote land uses and development that are compatible with the protection of shorelines and their associated dune or coastal wetland systems.

Policy 6-1.4.4: Implement Beach Access Point Level of Service Standards. The LDC shall include criteria for evaluating new development for compliance with the City's beach access point level of service standard. The LDC shall also include development incentives to encourage new development occurring along shoreline areas to dedicate easements or to donate land for use as public accessways leading to shoreline areas along the Gulf and Choctawhatchee Bay.

The City has 5 beach parks and 8 beach trail points within the City limits. Contingent on available funds and need, the City shall provide beach and dune walkovers on any public rights-of-way or easements which provide public access to the beach or shoreline (Article 11.02.00.B). The City has dedicated RESTORE Act and Triumph funding to renovate existing park infrastructure for the Captain Leonard Destin Park. In 2015, the Trust for Public Land purchased the 3.42-acre property at 101 Calhoun Avenue with Natural Resource Damage Assessment (NRDA) early restoration funds with a vision to create more public space and provide public access to the shoreline, while preserving the history of the Destin community. Upon completion, the Trust for Public Land will donate the park to the City along with operations and maintenance funds for 10 years. The City's rezoning of waterfront property in Bay Estates, to Recreational will provide additional public access to the Choctawhatchee Bay shoreline areas. The City recently purchased a 3.9-acre waterfront parcel to expand the existing Joe's Bayou Recreational Area. The City continues to pursue grant and federal funding to develop this area into a public waterfront recreational area.

The City of Destin provided \$2.3 million in matching funds, as part of a 2008 Florida Forever grant to acquire a 0.77-acre waterfront parcel for Royal Melvin Park. The park will be the City's gateway to the harbor with a pedestrian walkway to Destin's waterfront amenities. It will have a nature observation area, plaza for public events, transient boat slips, canoe/kayak launch areas and interpretive signage. This project will preserve a park on Destin's historical working waterfront.

Policy 6-1.4.5: Coordinate with TDC and Board of County Commissioners. ¹ Prior to the next EAR, the City shall request the Okaloosa County TDC and the Okaloosa County Board of County Commissioners to participate in a joint-study with the City to prepare a beach access plan to identify potential locations for access points, establish minimum design standards for beach access facilities, and determine annual funding sources for maintenance of existing access facilities and installation of new facilities. Furthermore, the City shall request the Okaloosa County TDC and the Okaloosa County Board of County Commissioners to dedicate annual funding to construct new and maintain existing beach access facilities.

The City of Destin is investing \$2 million dollars towards its public beach initiative. This is a top priority for the City to sustain our long-term economic vitality and deliver upon our beach brand. The City is working with the Tourist Development Council (TDC) which has earmarked \$6.5 million towards the initiative. The City is currently working with the Emerald Coast Conventions & Visitors Bureau to obtain tourism information. In addition, City Staff is working with the University of West Florida's Haas Center, to create a questionnaire/survey related to beach access to send to our visitors (through property management companies) which will aide in our efforts to provide more detailed information that will be crucial in seeking additional funding to purchase waterfront property. Several appraisals have been secured for beachfront properties within the City's Crystal Beach area. Beach front property to be purchased by the City of Destin is dependent upon funding from local, state, and federal partners.

OBJECTIVE 6-1.5: LAND USE CONTROLS AND CONSTRUCTION STANDARDS FOR PROTECTING THE NATURAL SHORELINE AND THE BEACH/DUNE SYSTEM. Shoreline areas shall be protected by prohibiting construction of manmade structures along publicly owned beaches, excepting beach access structures compliant with construction standards of the FDEP. In addition, water dependent structures such as lifeguard stands or those related to beach re-nourishment (as approved by the FDEP) may be constructed if such structures meet the construction standards of federal and state agencies having jurisdiction. Any such construction activity must include measures to restore the beach and vegetation pursuant to a plan approved by the federal and/or state agencies having appropriate jurisdiction. No vegetation shall be removed unless the applicant agrees to a mitigation plan to ensure that revegetation occurs. Appropriate federal and/or state agencies having jurisdiction shall approve the mitigation plan and establish the appropriate revegetation ratio.

Policy 6-1.5.6: Enforce Federal Emergency Management Agency (FEMA) Construction Standards. The City shall continue to enforce FEMA construction standards for development that occurs within the 100-year floodplain or flood prone designated areas.

The City of Destin's Floodplain Management Standards now exceed the minimums of the National Flood Insurance Program (NFIP). City standards require for new homes to be elevated at least 1 foot above the crown of the highest adjacent road. A two-foot free board requirement was adopted by City Council in 2018. The two-foot freeboard requirements apply to all structures in "A" zones where elevation is required by Florida Building Code. Property located in the "V" zones are treated differently as they oftentimes have areas below the Base Flood Elevation (BFE) used only for parking, access and storage as allowed in 40 CFR 60.3, the City Land Development Code (LDC) and the Florida Building Code.

OBJECTIVE 6-1.6: MITIGATE HAZARDS IN THE COASTAL HIGH HAZARD AREAS (CHHA). Development shall occur in a manner that minimizes danger to life and property occasioned by hurricane events. The LDC shall continue to include performance standards regulating development activities to minimize threat to life and property occasioned by hurricane events by ensuring that any development order approved by the City is coordinated with the Okaloosa County Hurricane

Policy 6-1.6.5: Coastal Population Densities and Hurricane Evacuation. Prior to the next EAR, the City of Destin shall amend the LDC to include administrative procedures ensuring that any development order approved by the City complies with the Okaloosa County Hurricane Evacuation Plan and applicable regional or State hurricane evacuation plans.

The City's Land Development Code (Article 2.27.00; 13.00.00, LDC) includes administrative procedures for intergovernmental review of developments proposed within the City limit, to ensure consistency with the Okaloosa County Hurricane Evacuation Plan. In addition, the City's Future Land Use Map and LDC encourage low population densities in coastal high hazard areas.

Policy 6-1.6.6: Hurricane Evacuation and Roadway Improvements. The City shall promote, to the extent possible, improvements to the critical roadway segments delineated in the Tri-State Hurricane Evacuation Study, USACE, 1997 (reference Appendix C of the Study). Promotion of roadway improvements shall be accomplished through the City's participation with the Okaloosa-Walton Transportation Planning Organization (OWTPO) and the Florida Department of Transportation.

The City of Destin is a participating member of the Okaloosa-Walton Transportation Planning Organization (OWTPO). Highway 98 and the Mid-Bay Bridge serve as the only means of exiting Destin. Highway 98 is currently being widened to accommodate additional travel lanes. The Mid-Bay Bridge remains two-lanes and is a chokepoint during evacuations.

OBJECTIVE 6-1.7: LIMIT PUBLIC SUBSIDY OF DEVELOPMENT IN THE CHHA. The City shall limit public expenditures that subsidize private development permitted in the CHHA, including high velocity storm surge areas. However, public funds for improved public facilities, such as improvements to roads, potable water, wastewater, or drainage included in the Capital Improvements Element, and water dependent structures, such as beach accessways, piers, and beach re-nourishment activities, may be permitted where approved by state and/or federal agencies having jurisdiction, and where required to implement the goals, objectives, and policies of the Comprehensive Plan.

Policy 6-1.7.1: Existing Infrastructure in the CHHA. Within two years of Plan adoption, The City shall establish a list of infrastructure facilities located in the CHHA that could be relocated, mitigated or replaced should state funding become available for such activities. Infrastructure is defined as roads, bridges, sanitary sewer facilities, and potable water facilities. The City shall give priority for relocating, mitigating, or replacing infrastructure facilities to the facilities located in the high velocity storm surge areas.

The City maintains a list of Critical Facilities under its National Flood Insurance Program (NFIP) and Community Rating System (CRS) program. The list was last updated in 2018, to include; schools, public safety buildings, municipal, and healthcare facilities.

OBJECTIVE 6-1.9: COORDINATE HURRICANE EVACUATIONS. The City shall coordinate with Okaloosa County and Walton County in hurricane evacuation through the implementation of the following policies:

Policy 6-1.9.1: Utilize Emergency Management Plans. Through the City's emergency management department, the City shall manage its local emergency plan and utilize the recommendations provided in the latest revision of the Okaloosa County Emergency Management Plan (CEMP). The Northwest Florida Hurricane Evacuation Study (July 1999) should also be consulted where information is still current.

Updated Policy per FS 163.3178(2)(d) - The State Division of Emergency Management will be responsible for preparing regional hurricane evacuation plans. In the event of a natural disaster, the City shall respond to the instruction and guidance of the Okaloosa County Emergency Management office. The City shall periodically review the hurricane evacuation plan and will update and revise such plans based upon data from the Statewide Regional Evacuation Study for northwest Florida.

Policy 6-1.9.6: Improve Hurricane Evacuation Time. The City shall continue to support programs that reduce evacuation time through improved warning and evacuation notification systems. To improve hurricane evacuation time, the City shall plan the construction of an alternative east-west roadway parallel to and north of Harbor Boulevard/Emerald Coast Parkway. The City shall incorporate this new roadway into its hurricane evacuation plans as an alternative route to Harbor Boulevard/Emerald Coast Parkway in the event an accident, traffic congestion, or flooding limits or prevents use of the highway along any portion from Danny Wuerffel Way to Calhoun Ave. The City shall also coordinate with FDOT regarding available FDOT funds to support construction of a alternative east-west evacuation route for Harbor Boulevard/Emerald Coast Parkway.

The City has redesigned its alternative east -west corridor (Cross Town Connector) to be consistent with land use densities. The proposed route will serve as an alternative roadway to reduce congestion along Highway 98 in the event of a mandatory evacuation. The project design will be provided to City Council early in 2020.

Policy 6-1.9.7: Evaluate Hurricane Evacuation Clearance Times. The City shall annually perform a hurricane clearance time analysis as part of the City's annual transportation concurrency review. As part of the clearance time analysis, the transportation model shall determine when traffic conditions result in unreasonable clearance times. The City shall coordinate the clearance time analysis with the Okaloosa County Emergency Management Division to access modifications for timing of evacuation notices.

The City conducts, each year a Transportation Concurrency Analysis and produces a report. The concurrency report details levels of service for various collector streets and roads within the City limits to better inform hurricane evacuation clearance times.

OBJECTIVE 6-1.11: MAINTAIN ACCESS TO PUBLIC BEACH AND SHORELINE. The City shall maintain land use policies that promote continuance of the existing shoreline access and water dependent and related activities described in the Coastal Management Element data inventory and analysis. Beaches shall remain unobstructed and, to the extent lawful, no barriers shall be erected which prevent pedestrian access along the shoreline, subject to reasonable regulations, such as closing times, access, and use.

Policy 6-1.11.4: Enhance Waterfront Access ¹. Prior to the next EAR, the City shall conduct a study to identify additional shoreline access opportunities and assess the cost-benefit of each; and amend the LDC to include procedures and substantive provisions that protect and ensure public access to the priority shoreline areas.

The City has developed cost comparative metrics for several potential beach property acquisitions. Contingent on available funds and need, the City shall provide beach and dune walkovers on any public rights-of-way or easements which provide public access to the beach or shoreline (Article 11.02.00.B). The City has dedicated RESTORE Act funding to renovate existing park infrastructure and to purchase bayfront property for the Captain Leonard Destin Park. In addition, the City's proposed rezoning of waterfront property in Bay Estates, to Recreational will provide additional public access to shoreline areas.

In addition, the City of Destin continues to work with the FDEP to utilize RESTORE Act funding in the stabilization and future development of recreational opportunities in the Norriego Point recreational area. The project focus is the restoration and stabilization of the dune system on Norriego Point, while enhancing recreational waterfront public access.

OBJECTIVE 6-1.14: MAINTAIN INTERGOVERNMENTAL COORDINATION WITHIN THE COASTAL AREA. The City shall maintain an intergovernmental coordination mechanism to manage coastal resources within the jurisdiction of more than one local government or public agency. The City shall assist other agencies in implementing appropriate portions of existing multi-jurisdictional resource planning and management plans addressing the coastal area, including management of surface water runoffs, impacts of development on coastal waters and living marine resources.

Policy 6-1.14.1: Intergovernmental Coordination for the Coastal Area. The City shall coordinate with Okaloosa County, Walton County, and appropriate regional, state, and federal agencies in managing coastal resources. Management activities shall include, but not be limited to, the following:

- A. The City shall coordinate the following coastal resource management issues that transcend jurisdictional lines with Okaloosa County, Walton County (when appropriate), and the Northwest Florida Water Management District (NWFMD):
 - 1. Forums and technical review concerning emergency preparedness and hurricane evacuation issues and update of the Comprehensive Emergency Management Plan, including hurricane evacuation plans.
 - 2. Technical review and in formulation of policies concerning the Harbor Boulevard/Emerald Coast Parkway and Mid-Bay Bridge corridors, including stormwater management policies. This activity shall also be coordinated with the FDOT.
 - 3. Public access issues including issues surrounding maintenance and improvements.
 - 4. Issues surrounding conservation of the shoreline of the Gulf and Bay. This activity shall also be coordinated with the USACE and the FDEP as appropriate.
 - 5. The inclusion of the appropriate regulatory agencies having planning jurisdiction over coastal areas in the City's efforts at providing enhanced public access to the beaches.

The City of Destin and Okaloosa County have an Interlocal Agreement, effective July 2002, establishing a unified concurrency methodology for evaluating traffic impacts within the established Unified Transportation Concurrency Management System (UTCMS) area. The Interlocal Technical Review Committee (ITRC) is responsible for reviewing and implementing the UTCMS, in addition to reviewing emergency preparedness and hurricane evacuation issues.

Article 11, Coastal Management and Conservation of the City's Land Development Code establishes protections for both the Gulf and Bay Shoreline Protection Zones. All activities within the established zones are coordinated with the USACE and FEDP as appropriate.

The City of Destin continues to work with the FDEP to utilize RESTORE Act funding to provide enhanced public access. Future development of recreational opportunities in the Norriego Point recreational area will focus on the restoration and stabilization of the dune system on Norriego Point, while enhancing public access to the recreational waterfront.

B. The City shall establish a multi-agency development review process to coordinate intergovernmental and resource management issues surrounding proposed development and redevelopment. The City shall also incorporate procedures in the LDC to ensure that all issues surrounding development impacting wetlands or other resources under federal and/or state jurisdiction are managed based on timely coordination, exchange of information, and appropriate follow up by the City and all agencies having jurisdiction. The City shall require the applicant to get jurisdictional determinations from all appropriate agencies prior to the issuance of development orders or building permits for all sites within the City. The City shall coordinate with the U.S. Coast Guard, U.S. Fish and Wildlife Service, the USACE, FDEP, NFWFMD, the West Florida Regional Planning Council (WFRPC), and other federal, state, and regional agencies as may be appropriate in managing the following activities:

1. The City shall coordinate all development and resource conservation measures impacting the waters of the Gulf and Choctawhatchee Bay with the above cited agencies as well as other applicable public agencies. These activities shall include, but not be limited to, review of proposed development potentially impacting natural resources, including development petitions for docks, shoreline stabilization, dredging, or other alteration of natural resources under Federal or State jurisdiction.
2. All applications for development activity impacting waters of the State or other lands under the jurisdiction of the State shall be coordinated with agencies having appropriate jurisdiction.
3. The City shall coordinate with technical staff within FDEP and NFWFMD to ensure implementation of sound principles and practices of coastal resource management during the development review process as well as in the formulation of policies impacting coastal resource management.
4. The City shall coordinate with the NFWFMD, FDEP, as well as other appropriate State agencies in matters surrounding stormwater management, drainage, water quality and quantity, and consumptive use permitting.

The City continues to coordinate all development and resource conservation measures impacting the Gulf or Choctawhatchee Bay with local, state and federal agencies, as necessary. The City's Technical Review Committee (TRC), is made up of both internal and outside agencies (i.e., County government, utilities). The TRC is tasked with reviewing all proposed development and redevelopment within the City. Any development proposed near environmentally sensitive lands or State jurisdictional areas is required to have the necessary state and federal permitting, in addition to meeting City land development requirements.

C. The City shall coordinate on a continuing basis with the WFRPC in preparing the Comprehensive Plan and amendments to ensure consistency with the WFRPC Comprehensive Plan. In addition, the City shall coordinate other planning issues of regional significance with the WFRPC. The City shall forward copies of development proposals within the coastal area to public agencies having jurisdiction in the management of potentially impacted natural resources.

The City continues to coordinate with public agencies having jurisdiction in the management of potentially impacted natural resources, in addition to consulting with the Emerald Coast Regional Council (ECRC), formerly the West Florida Regional Planning Council (WFRPC) to ensure consistency with regional planning efforts.

OBJECTIVE 6-1.15: CONTINUE EVALUATION OF COASTAL MANAGEMENT ELEMENT EFFECTIVENESS. The City shall use the following policies as criteria in evaluating the effectiveness of the Coastal Management Element:

Policy 6-1.15.4: Monitor Achievement of Coastal Management Goals. The effectiveness of the Coastal Management Element shall be measured by the City's success in achieving coastal management goals, objectives, and policies. The Coastal Management Element incorporates a systematic planning process to identify coastal management problems and issues and implement corrective actions.

The City's coastal management goals, objectives, and policies are supported in the City Land Development Code and Comprehensive Plan (Article 11, LDC; Chapter 6, Comprehensive Plan). The Coastal Management Element outlines the planning process to identify coastal management issues, through required intergovernmental coordination at the local, state, and federal level. The City continues to monitor the achievement of the coastal management objectives through land use changes, density classification, and flood plain management.

ORDINANCE 20-01-PC: COASTAL MANAGEMENT ELEMENT

ORDINANCE NO. 20-01-PC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING CHAPTER 6 OF THE CITY OF DESTIN'S COMPREHENSIVE PLAN, "COASTAL MANAGEMENT ELEMENT"; PROVIDING UPDATES TO THE COASTAL MANAGEMENT ELEMENT PURSUANT TO STATE LAW; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

SECTION 1. AUTHORITY.

The authority for the enactment of this Ordinance is Section 1.01 of the City Charter; Chapter 163, Part II, *Florida Statutes*; Sections 166.021 and 166.041, *Florida Statutes*.

SECTION 2. FINDINGS OF FACT.

Whereas, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

Whereas, pursuant to the requirements of section 163.3164, et seq., Florida Statutes, the Community Planning Act, (hereinafter "Community Planning Act") the City of Destin has adopted and has in effect a Comprehensive Plan; and

Whereas, section 163.3191, Florida Statutes, requires local governments to perform an evaluation and appraisal of its Comprehensive Plan every seven years; and

Whereas, the City Council of the City of Destin is required by law to perform a current evaluation and appraisal of its Comprehensive Plan; and

Whereas, the City Council of the City of Destin has determined that section 163.3178, Florida Statutes, requires that certain updates be made to the Coastal Element of the City of Destin's Comprehensive Plan to address sea level rise and development in coastal and flood-prone areas; and

Whereas, the City Council has determined that it is necessary to adopt this ordinance in order to promote safety for the general welfare of City residents, as well as prevent hazards to persons, property, and vehicles traveling the City's highways, roads and streets; and

Whereas, the City's beaches attract people and families who travel from near and far to enjoy the coastal environment, breathe the fresh air, exercise, play or relax on the sand or in the water, and engage in other recreational activities; and

Whereas, tourism is a major contributor to the economic health of the City overall and the City desires to support the tourism industry while also seeking to improve the quality of life of City residents; and

Whereas, tourists and residents alike enjoy the City’s pristine beaches, fertile fishing areas, and critical environmental habitats; and

Whereas, the City Council seeks to make the City of Destin a livable, healthy, economically robust community with safe, convenient access to roadways and parking; and

Whereas, the City Council, to ensure the City’s orderly growth and development, finds it prudent to amend its Comprehensive Plan to respond to the needs and conditions within the City; and

Whereas, the Comprehensive Plan affects the City as a whole, which affects the general health, natural beauty, public safety, smart growth, and the welfare and wellbeing of City residents; and

Whereas, the public hearings required to be held by Florida Statute were appropriately noticed and held by the Local Planning Agency and City Council; and

Whereas, the City has prepared a supporting document that has been reviewed and accepted by the Local Planning Agency and the City Council for these amendments; and

Whereas, the City Council of the City of Destin has determined that the proposed amendments to the Comprehensive Plan would best serve the health, safety and welfare of citizens of the City of Destin.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA that this Ordinance is hereby adopted in conformance with Chapter 163, *Florida Statutes* and provides an effective date and repeals all provisions of Ordinances or Resolutions in conflict herewith.

NOTE: Language in all sections of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol * represents sections of the Comprehensive Plan that have been skipped and remain unchanged.**

SECTION 3: TITLE.

These comprehensive plan amendments are referred to as “Chapter 6 – Coastal Element - of the City of Destin's Comprehensive Plan – Goals, Objectives and Policies: 2020”.

SECTION 4: JURISDICTION.

The lands subject to this Ordinance shall include all areas within the corporate limits of the City of Destin, Florida.

SECTION 5: INTENT.

The intent of this Ordinance is to provide orderly growth management for the City of Destin. This Ordinance provides public policy mechanisms for growth management in order to serve the visitors, residents and property owners of Destin and maintain and improve the quality

of life for all citizens of the City. The City Council of Destin finds that the goals, objectives, policies and regulations included herein are a necessary and proper means for planning and regulating the development and use of land in the City and for otherwise protecting and promoting the public health, safety, and general welfare of its citizens. The Coastal Management Element addresses how the City of Destin (City) protects and enhances the coastal assets of the City. The emphasis is on achieving a balance between economic growth opportunities, access to coastal amenities, and preservation and enhancement of coastal resources. In pursuit of these goals, the City considers planning that would restrict development activities that would damage or destroy coastal resources while simultaneously protecting human life and limiting public expenditures in areas that are subject to destruction by natural disasters. This Ordinance shall be construed broadly to accomplish its stated purposes and objectives.

SECTION 6. ADOPTION OF THE AMENDMENTS TO CHAPTER 6, COASTAL MANAGEMENT ELEMENT:

CHAPTER 6: - COASTAL MANAGEMENT ELEMENT

Editor's note—Ord. No. 12-13-PC, § 6(Exh. A), adopted November 3, 2014, amended chapter 6 in its entirety to read as herein set out. Former chapter 6, pertained to similar subject matter. See Table of Amendments for complete derivation.

(Reference 163.3177(6)(d), FS)

Introduction. The Coastal Management Element focuses the City of Destin's (City's) resources to protect and enhance the coastal assets of the City. The emphasis is on achieving a balance between continuing growth, access to coastal amenities and preservation and enhancement of coastal resources.

This Element is supported by the Coastal Resources Data, Inventory, and Analysis (DIA) required pursuant to § 163.3177(6)(g) and § 163.3178, FS, and is based upon the data and analysis requirements pursuant to § 163.3177(6)(g) FS.

This element, as all others, is organized around a hierarchical series of topical Goals, Objectives, and Policies (GOPS). The Goals are broad and general, the objectives are specific and measurable, and policies provide legislative and administrative guidance on how to conduct or achieve the goals and objectives.

The major topics of this element include:

- Coastal Resource Protection.
- Coastal Waters Adverse Impact Mitigation.
- Coastal Shorelines.
- Shoreline Use and Public Access Prioritization.

- ~~Land Use Controls and Construction Standards for Protecting the Natural Shoreline and Beach/Dune System.~~
- ~~Coastal High Hazard Area Hazard Mitigation.~~
- ~~Coastal High Hazard Area Public Infrastructure Subsidy Limitations.~~
- ~~Coastal High Hazard Area Avoidance of Population Concentrations.~~
- ~~Hurricane Evacuations.~~
- ~~Post Disaster Redevelopment.~~
- ~~Access to Public Beach and Shoreline.~~
- ~~Historic Resource Protection.~~
- ~~Public Facility Level of Service Standards.~~
- ~~Intergovernmental Coordination within Coastal Area.~~
- ~~Continuing Evaluation of Coastal management Element Effectiveness.~~

(Reference section 163.3177(6)(g), F.S. (2019))

The Coastal Management Element addresses how the City of Destin (City) protects and enhances the coastal assets of the City. The emphasis is on achieving a balance between economic growth opportunities, access to coastal amenities, and preservation and enhancement of coastal resources. In pursuit of these goals, the City considers planning that would restrict development activities that would damage or destroy coastal resources while simultaneously protecting human life and limiting public expenditures in areas that are subject to destruction by natural disasters.

This element, as all others, is organized around a hierarchical series of topical goals, objectives, and policies (GOPS). The goals are broad and general, the objectives are specific and measurable, and the policies provide legislative and administrative guidance on how to conduct or achieve the goals and objectives.

Pursuant to section 163.3178(2). each coastal management element required by section 163.3177(6)(g) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain

(a) A land use and inventory map of existing coastal uses, wildlife habitat, wetland and other vegetative communities, undeveloped areas, areas subject to coastal flooding, public access routes to beach and shore resources, historic preservation areas, and other areas of special concern to local government.

(b) An analysis of the environment, socioeconomic, and fiscal impact of development and redevelopment proposed in the future land use plan, with required infrastructure to support this development or redevelopment, on the natural and historical resources of the coast and the plans and principles to be used to control development and redevelopment to eliminate or mitigate the adverse impacts on coastal wetlands; living marine resources; barrier islands, including beach and dune systems; unique wildlife habitat; historical and archaeological sites; and fragile coastal resources.

(c) An analysis of the effects of existing drainage systems and the impact of point source and nonpoint source pollution on estuarine water quality and the plans and principles, including existing state and regional regulatory programs, which shall be used to maintain or upgrade water quality while maintaining sufficient quantities of water flow.

GOAL 6-1: COASTAL MANAGEMENT. RESTRICT DEVELOPMENT ACTIVITIES THAT WOULD DAMAGE OR DESTROY COASTAL RESOURCES, PROTECT HUMAN LIFE AND LIMIT PUBLIC EXPENDITURES IN AREAS SUBJECT TO DESTRUCTION BY NATURAL DISASTERS.

OBJECTIVE 6-1.1: PROTECT COASTAL RESOURCES, WETLANDS, ESTUARIES, LIVING MARINE RESOURCES, AND WILDLIFE HABITATS. Coastal resources, wetlands, water resources, living marine resources, coastal barrier and wildlife habitats, and other natural resources shall be protected, conserved, and enhanced through implementation of the following policies:

Policy 6-1.1.1: Conserve Through Land Acquisition. The City shall annually evaluate opportunities to acquire coastal lands and wetlands through state and/or federal conservation land acquisition grant programs. The City has initiated a Beach Acquisition Program and intends to purchase beachfront properties to provide additional recreational opportunities for both citizens and tourists.

Policy 6-1.1.2: Protect Living Marine Resources, Coastal Wetlands, and Seagrass Beds. Development shall not cause degradation of coastal wetland habitats and seagrass beds. The City shall accomplish this through implementation of site design and stormwater management facilities that prevent runoff from lowering water quality within Choctawhatchee Bay, Destin Harbor, the City's bayous, or the Gulf of Mexico below the minimum conditions necessary to maintain State classifications as established in Chapter 62-302, F.A.C. Commercially operated marinas with in-water vessel storage shall be prohibited along Choctawhatchee Bay from Cobb's Point eastward to Indian Bayou. When evaluating sites for public boat launching facilities, the City will give highest priority to shoreline areas designated by the State Division of Aquaculture as prohibited for shellfish harvesting. Only after the City has determined that no sites are viable for public boat launch facilities within prohibited shellfish harvesting areas, shall consideration of other shoreline areas be considered.

Policy 6-1.1.3: Protect Coastal and Estuarine Environmental Quality and the Shoreline. The City shall not approve a development order until it has evaluated the

potential impact identified by the applicant and other public entities having jurisdiction over the impacted resources. The applicant shall bear the burden of demonstrating that adverse impacts on natural resources of the coastal area will be prevented and that all applicable State and/or federal regulatory measures shall be or have been satisfied. The development review process shall involve all local, regional, State, and federal entities with jurisdictional authority. All development shall:

- A. Protect fish and wildlife habitat.
- B. Prevent degradation of water quality and estuaries.
- C. Manage surface water run-off.
- D. Protect living marine resources.
- E. Reduce exposure to natural hazards.
- F. Ensure adequate public access.
- G. Preserve White Sands.

Policy 6-1.1.4: Restrict Development in Wetlands. Wetland jurisdictional determinations shall be consistent with those of the Florida Department of Environmental Protection (FDEP) and the U.S. Army Corps of Engineers (USACE).

Policy 6-1.1.5: Protect Estuarine Wetlands. No development shall be allowed to fill wetlands connected to Choctawhatchee Bay, the Gulf of Mexico, or any of the City's bayous unless such development complies with state wetland protection standards and necessary permits are obtained from the respective agency.

Policy 6-1.1.6: Reduce Commercial Land Use Impacts to Choctawhatchee Bay. Water-dependent commercial land uses shall be oriented toward Destin Harbor and shoreline areas of Choctawhatchee Bay south of Joe's Bayou where shellfish harvesting is prohibited.

Policy 6-1.1.7: Minimize Impacts of Outdoor Lighting in Coastal Areas. Outdoor lighting along Gulf shoreline areas shall not adversely impact sea turtle nesting habitat during nesting season. The City shall continue to enforce the outdoor ~~Outdoor~~ lighting standards for the marine turtle conservation zone ordinance, which controls the use of outdoor lighting for development adjacent to Gulf shoreline areas.

Policy 6-1.1.8: Enforce the Gulf Shoreline Protection Zone. Within the Gulf Shoreline Protection Zone established under Policy 5-1.5.7, land shall be retained in its natural state except for permitted minor structures approved by the City and FDEP. Where minor structures are permitted by the FDEP or for beach access facilities, only the minimum amount of land necessary to accommodate and access the structures may be constructed upon but shall not exceed more than 10% of the land area within the Gulf Shoreline Protection Zone, whichever is less. For narrow parcels or lots used for beach access facilities or emergency access (i.e., dune crossovers), the affected land area within the Gulf Shoreline Protection Zone can exceed more than 10% of the land area within the Gulf Shoreline Protection Zone but the impacted area shall not exceed a width of 20 feet. All remaining lands within the Zone shall be preserved in natural vegetation. The City's

seriously eroding coastal areas may be temporarily or permanently armored pursuant to conditions set forth in the City's Land Development Code which include:

- A permit for such armoring has been issued by FDEP, and any other applicable Federal and local requirements have been satisfied, or
- If such armoring is authorized by the City's adoption of an emergency resolution pursuant to FS § 161.085(3), and any other applicable Federal, State and local requirements have been satisfied.

Policy 6-1.1.9: Support the Artificial Reef Program. The City shall continue to support artificial reef programs sponsored by the State and County that create habitat for aquatic species and/or protect Gulf beaches from soil erosion. The City shall continue to monitor the activities of Okaloosa County as the County coordinates with the ~~U.S. Army~~ USACE, the U.S. Fish and Wildlife Service (USFWS), and the FDEP to provide inspection services for artificial reef materials and ensure that such materials are suitable for use as artificial habitats in the Gulf and Bay.

Policy 6-1.1.10: Protect Norriego Point. The City shall continue its efforts to preserve and protect Norriego Point, a peninsula separating Destin Harbor from East Pass. Appropriate portions of Norriego Point under public ownership shall be preserved as a bird rookery. The City will take all necessary measures to preserve and restore Norriego Point as outlined in the most current management plans approved by the City Council. Efforts will include coordination with the FDEP and U.S. Army Corps of Engineers. The City will continue to monitor the condition of the point and notify both agencies whenever erosion or other activities threaten the Point. The City shall continue to request that spoils materials from dredging East Pass be used to renourish and replenish Norriego Point.

Policy 6-1.1.11: Enforce the Bay Shoreline Protection Zone. Within the Bay Shoreline Protection Zone established under Policy 5-1.5.6, the land shall consist of preserved native vegetation, including canopy, understory, and ground cover. No more than 40% of the area within the zone may be used for accessory uses or structures or impervious surfaces.

OBJECTIVE 6-1.2: REDUCE ADVERSE IMPACTS TO WATER QUALITY IN COASTAL WATERS. The City shall reduce adverse impacts to water quality within Destin Harbor, Choctawhatchee Bay, the Gulf of Mexico, and adjacent bayous through implementation of the following activities:

Policy 6-1.2.1: Implement Stormwater System Improvements. Continue refinement and implementation of the Stormwater Master Plan for the City. The City shall incorporate recommended improvements annually into its Five-Year Schedule of Capital Improvements. When prioritizing stormwater improvements for available funding, the City shall take into consideration those improvements that contribute to reducing the volume of stormwater runoff entering coastal waters.

Policy 6-1.2.2: Prohibit Stormwater Run-off into Coastal Waters. Channeling run-off directly into coastal water bodies shall be prohibited.

Policy 6-1.2.3: Protect Water Quality within Destin Harbor. Upland development impacting coastal resources and water quality within Destin Harbor shall be required to provide stormwater improvements and site design that ensures post-development runoff volume and water quality of receiving waters entering Destin Harbor meets or exceeds minimum standards established by the FDEP and Northwest Florida Water Management District (NFWFMD). For water-dependent development proposed over water within Destin Harbor, the City will continue to administer its Net Positive Environmental Benefit (NPEB) Program to assess such development a fee to support funding of infrastructure improvements that benefit or enhance water quality within Destin Harbor. Water-dependent development for purposes of this policy include marinas, boating facilities, construction supporting commercial or sport fishing, construction supporting marine activities, passenger ferries, boardwalks, and recreation-related activities. Net positive environmental benefits are the gains in environmental quality or other ecological properties attained by remediation or ecological restoration, less the environmental harm caused by those actions. The NPEB contribution shall be computed as 25% of the cost for construction occurring waterward from the mean high-water line. The NPEB fee shall only be assessed for those construction projects receiving necessary permits or exemption documentation from the Florida Department of Environmental Protection. Fees collected by the City shall be earmarked to a water quality improvement fund used only to pay for infrastructure improvements or ecological projects benefiting water quality or ecology within Destin Harbor. In lieu of payment of a fee used for water quality infrastructure improvements, the City may grant fee credit for stormwater improvements or other similar environmental projects implemented by property owners or developers if such improvement or project enhances or benefits water quality or the ecologic conditions within Destin Harbor above minimum standards established by the City and DEP.

Policy 6-1.2.4: Protect Bayous. To minimize potential future adverse impacts to the City's bayous, principal land uses located adjacent to these waters shall be limited to those supporting single family residential or conservation or recreation activities and their ancillary uses. The Future Land Use Map (FLUM) shall support such uses adjacent to the City's bayous.

Policy 6-1.2.5: Fund Stormwater Management System-related Capital Improvements. The City shall continue to fund stormwater system improvements through the Capital Improvements Program (CIP).

Policy 6-1.2.6: Monitoring Federal Standards. The City, in coordination with Destin Water Users (DWU), will monitor new and evolving EPA requirements pertaining to stormwater runoff and treatment.

Policy 6-1.2.7: Require Pump-out Facilities. ~~The City shall explore opportunities for a pump-out program.~~ The City encourages Clean Marina programs by reducing impact fees (i.e., Net Positive Environmental Benefit (NPEB) for private marinas that provide pump out facilities.

OBJECTIVE 6-1.3: PROTECT AND ENHANCE COASTAL SHORELINES. Coastal shorelines shall be protected and enhanced through the following programs or activities:

Policy 6-1.3.1: Reduce Shoreline Erosion Through the Land Development Code. The City shall continue to enforce its Shoreline Protection Ordinance. No native vegetation shall be removed from the coastal or wetland shoreline without a duly authorized permit from the city and state agencies, as applicable. Development along the shoreline shall revegetate, stabilize, and enhance damaged vegetative shorelines by planting native vegetation which:

- A. Contributes to fish and wildlife habitat, marine productivity and water quality.
- B. Offers protection from erosion and flooding.
- C. Contributes to the natural soil building process.

~~See also Policy 5-1.5.7 (Gulf Shoreline Protection Zone) of the Conservation Element.~~

Policy 6-1.3.2: Control Boat Launching Locations. The City shall prohibit boat launching from various rights-of-way that are not designated as public boat ramps and restrict the creation of random water access points.

Policy 6-1.3.3: Preserve Coastal Vegetation. No vegetation shall be removed unless the applicant agrees to a mitigation plan to ensure that revegetation occurs. Appropriate federal and/or state agencies having jurisdiction shall approve the mitigation plan and establish the appropriate revegetation ratio. Hardening of the shoreline with bulkheads or other similar devices shall not be allowed without proper permits.

Policy 6-1.3.4: Support Coastal Revegetation Programs. The City shall continue to support programs administered by the FDEP, the University of Florida Institute of Food and Agricultural Science (IFAS), and the Choctawhatchee Basin Alliance (CBA) to plant coastal vegetation and sea oats along shoreline beaches. ~~The City shall also annually evaluate available state grant funds to assist revegetation activities along the City's shoreline.~~

Policy 6-1.3.5: Support Beach Re-nourishment Programs. The City shall continue to support the FDEP's Beach Erosion Control Plan. The City shall ~~annually~~ evaluate available grant funds administered by the FDEP for beach restoration and re-nourishment. ~~(Language that duplicated 6-1.4.5 was removed.)~~

Policy 6-1.3.6: Support Artificial Reef Programs. The City will continue to support State programs to create near-shore artificial reefs that reduce shoreline erosion.

Policy 6-1.3.7: Manage Impact of Coastal Development on Tidal Patterns. No development shall produce changes in the tidal flushing and circulation patterns unless all agencies having jurisdiction grant clearance and the applicant has submitted hydrographic information sufficient to clearly demonstrate that no adverse environmental impacts shall be occasioned by the proposed changes in tidal flushing and circulation patterns. No alteration in tidal flow shall be permitted that causes stagnation or siltation.

Policy 6-1.3.8: Prevent Erosion Impacts Generated by Motorized Watercraft. Where the City experiences shoreline erosion from wave impacts generated by watercraft operating within near shore areas and within bayous, coordination will occur with the

State Office of Waterway Management (SOWM) regarding establishment of no wake zones, watercraft speed limits, or boating restrictions within the affected shoreline areas. For areas where existing boating restrictions are posted, the City will coordinate with ~~SOWM State Office of Waterway Management~~ regarding increased enforcement activities.

Policy 6-1.3.9: Coordinate Sand Deposits at Norriego Point. The City shall continue to coordinate with the USACE regarding depositing sands dredged from East Pass onto Norriego Point.

Policy 6-1.3.10: Pursue Beach Re-nourishment and Stabilization. The City shall continue to pursue beach re-nourishment and stabilization along its entire boundary with the Gulf of Mexico.

OBJECTIVE 6-1.4: PRIORITIZE SHORELINE USES AND PROVIDE PUBLIC ACCESS TO SHORELINE. Within shoreline protection areas, the City shall promote land uses and development that are compatible with the protection of shorelines and their associated dune or coastal wetland systems.

Policy 6-1.4.1: Criteria for Prioritizing Shoreline Uses and Public Shoreline Access. In reviewing applications for shoreline development, first priority shall be directed to the following shoreline uses:

- A. Non-structural shoreline protection uses such as native shoreline revegetation programs.
- B. Approved water-dependent shoreline uses such as pile supported access ways and duly permitted dock facilities and commercial marinas. All such facilities shall satisfy all provisions of the City's land development regulations and obtain requisite permits from all environmental permitting agencies prior to obtaining City approval. Proposed marinas shall not be approved unless the applicant demonstrates that the marina site is consistent with the City's conservation and coastal management policies. Such uses must comply with all relevant criteria in this Comprehensive Plan. Priority shall be directed to water dependent uses that are available for public use.
- C. Non-water dependent uses.

Second priority shall be directed toward water-related uses such as:

- A. Parking facilities for shoreline access located outside wetlands and dune systems.
- B. Residential structures that comply with the building code for structures within the coastal building zone.
- C. Recreational facilities that comply with applicable codes.

Policy 6-1.4.2: Provide Public Shoreline Access. Development along the Gulf of Mexico shoreline shall use site design that discourages pedestrian access across dune systems and shall reduce pedestrian impacts to coastal vegetation by providing narrow accessways between land uses and beach areas. The design and type of accessway or boardwalk shall use best management practices promoted by the FDEP.

Policy 6-1.4.3: Apply Site Design Promoting Coastal Community Character. Development occurring along the Gulf of Mexico, Choctawhatchee Bay, or the City's bayous shall apply site design that provides breezeways, promotes scenic corridors, and allows view of coastal water from adjacent properties or roadways separated from the shoreline. Building orientation, scale, mass, and architecture shall promote scenic vistas and open space connections from the beachfront side of a property to its boundaries abutting adjacent public streets.

Policy 6-1.4.4: Implement Beach Access Point Level of Service Standards. The Land Development Code (LDC) shall include criteria for evaluating new development for compliance with the City's beach access point level of service standard. The LDC shall also include development incentives to encourage new development occurring along shoreline areas to dedicate easements or to donate land for use as public accessways leading to shoreline areas along the Gulf and Choctawhatchee Bay.

Policy 6-1.4.5: Coordinate with Tourist Development Council and Board of County Commissioners. ~~14 Prior to the next EAR, The City shall request~~ coordinate with the Okaloosa County Tourist Development Council (TDC) and the Okaloosa County Board of County Commissioners to participate in a joint study with the City to prepare a beach access plan to identify potential locations for access points, establish minimum design standards for beach access facilities, and determine annual funding sources for maintenance of existing access facilities and installation of new facilities. Furthermore, the City shall request the Okaloosa County TDC and the Okaloosa County Board of County Commissioners to dedicate annual funding to construct new and maintain existing beach access facilities.

Policy 6-1.4.6: Public Access Inventory. The City will maintain and keep an inventory of public beach access facilities.

OBJECTIVE 6-1.5: LAND USE CONTROLS AND CONSTRUCTION STANDARDS FOR PROTECTING THE NATURAL SHORELINE AND THE BEACH/DUNE SYSTEM. Shoreline areas shall be protected by prohibiting construction of manmade structures along publicly owned beaches, excepting beach access structures compliant with construction standards of the FDEP. In addition, water dependent structures such as lifeguard stands or those related to beach re-nourishment (as approved by the FDEP) may be constructed if such structures meet the construction standards of federal and state agencies having jurisdiction. Any such construction activity must include measures to restore the beach and vegetation pursuant to a plan approved by the federal and ~~and/or~~ state agencies having appropriate jurisdiction. No vegetation shall be removed unless the applicant agrees to a mitigation plan to ensure that revegetation occurs. Appropriate federal and ~~and/or~~ state agencies having jurisdiction shall approve the mitigation plan and establish the appropriate revegetation ratio.

Policy 6-1.5.1: Enforce Development Restrictions Seaward of the Coastal Construction Control Line (CCCL). The City shall coordinate the development review process by forwarding all applications for construction seaward of the ~~Coastal Construction Control Line~~ CCCL to FDEP for jurisdictional action. Following such action, any construction permitted by the State shall comply with best management

principles and practices for respective activities and shall receive permits from all other public agencies having jurisdiction.

Policy 6-1.5.2: Support Natural Shoreline and Beach/Dune Stabilization. Shoreline development and access shall continue to be restricted in order to preserve the shoreline. Rigid shoreline protection structures are not permitted except for those structures approved by FDEP or the USACE U.S. Corps of Engineers. When beach re-nourishment projects are needed, the dune system should be restored, as necessary, using natural, indigenous vegetation.

Policy 6-1.5.3: Enforce Restrictions on Operation of Vehicles on Beaches. The City shall continue to enforce restrictions that prohibit any motorized vehicle upon or over the City's incorporated portion of the beach adjacent to the Gulf of Mexico, excepting mechanical beach cleaning equipment, public safety and emergency vehicles, and vehicles permitted by the FDEP.

Policy 6-1.5.4: Restore Beach and Dune Systems. The City shall continue to coordinate with the FDEP Florida Department of Environmental Protection to require beach and dune system restoration where development is proposed on the adjacent upland to the primary dune system and where breaches are caused in any portion of a dune system. Furthermore, beach and dune system restoration shall be incorporated into the landscape plan required for new development. The property owner is required to maintain and restore beach and dune systems, including all coastal vegetation, occurring within the parcel or lot consistent with the landscape plan. The LDC shall require dune and beach restoration plans as part of the landscape standards.

Policy 6-1.5.5: Enforce Marina Siting Criteria and Construction Standards. The City shall continue to enforce its regulations for marina siting in accordance with the FDEP and USACE. Northwest Florida Coast Resource Management Plan.

Policy 6-1.5.6: Enforce Federal Emergency Management Agency (FEMA) Construction Standards. The City shall continue to enforce FEMA construction standards for development that occurs within the 100-year floodplain or flood prone designated areas. The City's floodplain management standards exceed the minimum standards set by the National Flood Insurance Program (NFIP) as well as the Florida Building Code (FBC). The two-foot freeboard requirements apply to all structures in "A" zones where elevation is required by the FBC. Property located in the "V" zones are treated differently as they oftentimes have areas below the Base Flood Elevation (BFE) used only for parking, access and storage as allowed in 40 CFR 60.3, the LDC and the FBC.

Policy 6-1.5.7: Protect Wildcat Mountain. The City shall prohibit the removal of sand from Wildcat Mountain to retain and preserve the dune system, except for the allowance of minor grading and filling necessary to accommodate development occurring thereon.

OBJECTIVE 6-1.6: MITIGATE HAZARDS IN THE COASTAL HIGH HAZARD AREAS (CHHA). Development shall occur in a manner that minimizes danger to life and property occasioned by hurricane events. The LDC shall continue to include performance

standards regulating development activities to minimize threat to life and property occasioned by hurricane events by ensuring that any development order approved by the City is coordinated with the Okaloosa County Hurricane Evacuation Plan and applicable regional or State hurricane evacuation plans. The City shall designate as necessary, an adaptation action area for low-lying coastal zones experiencing coastal flooding due to extreme high tides and storm surge and are vulnerable to the impacts of rising sea level. ~~The City shall eliminate uses that are inconsistent with interagency hazard mitigation reports deemed appropriate by the City.~~ This objective shall be measured through implementation of the following Policies.

Policy 6-1.6.1: CHHA Defined. As defined in § 163.3178(2)(h) FS Coastal Management, The Coastal High-Hazard Area (CHHA) is the area below the elevation of the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

Policy 6-1.6.2: Hazard Mitigation Management. The City shall continue to participate in the County's technical coordinating committee in preparing the hazard mitigation component of the Comprehensive Emergency Management Plan. Updates of the Plan shall identify specific actions that may be implemented to reduce exposure to natural hazards.

In addition, the City shall enforce more restrictive land use controls within the CHHA than in areas outside of the CHHA, including but not limited to:

- A. Not allowing increases in maximum density as identified in the Future Land Use Map.
- B. Performance criteria within the LDC shall mandate that all development and redevelopment within the CHHA comply with the following regulatory techniques for hazard mitigation:
 - 1. State and local regulations establish CCCL ~~coastal construction control lines~~, as well as applicable state and local construction codes regulating construction activity in coastal areas.
 - 2. Surface water management improvements that mitigate against loss of flood plain and comply with adopted surface water management level of service standards for drainage cited in the Public Facilities Element.
 - 3. Publicly funded infrastructure shall not be built within the CHHA unless the facility is for the protection of public health and safety, creation of open space, implementation of beach restoration or shoreline erosion protection programs.
 - 4. Land use controls shall ensure that wetlands are preserved and protected from the adverse impacts of development.
 - 5. Dune and beach system restoration including ongoing maintenance of coastal vegetation.
- C. A multi-agency site plan review process shall be initiated to ensure that all proposed development or redevelopment having adverse impacts on water quality, wetlands, shoreline stabilization, natural habitats, fish or wildlife, hurricane evacuation, or other coastal resources, shall be coordinated with County, State, federal, or regional

agencies having jurisdiction. A primary function of this review process shall be to effectively reconcile hazard mitigation issues prior to issuance of any development orders.

Policy 6-1.6.3: Implement General Hazard Mitigation. The LDC shall restrict the density/intensity of development within the high hazard area as denoted on the Future Land Use Map Series. Furthermore, the state and local coastal construction control lines shall be enforced. Performance criteria shall stipulate the need to reduce exposure of human life and property to natural hazards.

Policy 6-1.6.4: Hazard Mitigation and Redevelopment. In the event ~~of that Destin~~ faces a major disaster or ~~if~~ included in a Presidential Disaster Declaration, the City shall implement the adopted Post Disaster Redevelopment Plan and the interagency hazard mitigation report when adopting a redevelopment plan for the affected areas. Interagency hazard mitigation report shall mean the recommendations of a team of federal, state, regional, or local officials addressing measures that reduce the potential for future flood losses and which is prepared in response to a major disaster or a Presidential Disaster Declaration. The City will amend its local mitigation plan or implement a new program in order to reduce risks of natural disaster and ensure compliance with Federal, State, or regional regulations, imposed on the receipt of Federal monies under the Robert T. Stafford Disaster Assistance and Relief Act. ~~Public Law 93-388.~~

Policy 6-1.6.5: Coastal Population Densities and Hurricane Evacuation. ~~Prior to the next EAR,~~ The City of Destin shall amend the LDC to include administrative procedures ensuring that any development order approved by the City complies with the Okaloosa County Hurricane Evacuation Plan and applicable regional or State hurricane evacuation plans.

Policy 6-1.6.6: Hurricane Evacuation and Roadway Improvements. The City shall promote, to the extent possible, improvements to the critical roadway segments identified in the Statewide Regional Evacuation Study for northwest Florida, delineated in the Tri-State Hurricane Evacuation Study, USACE, 1997 (reference Appendix C of the Study). Promotion of roadway improvements shall be accomplished through the City's participation with the Okaloosa-Walton Transportation Planning Organization (OWTPO) and the Florida Department of Transportation (FDOT).

OBJECTIVE 6-1.7: LIMIT PUBLIC SUBSIDY OF DEVELOPMENT IN THE CHHA. The City shall limit public expenditures that subsidize private development permitted in the CHHA, including high velocity storm surge areas. However, public funds for improved public facilities, such as improvements to roads, potable water, wastewater, or drainage included in the Capital Improvements Element, and water dependent structures, such as beach accessways, piers, and beach renourishment activities, may be permitted where approved by state and/or federal agencies having jurisdiction, and where required to implement the goals, objectives, and policies of the Comprehensive Plan.

Policy 6-1.7.1: Existing Infrastructure in the CHHA. ~~Within two years of Plan adoption, The City shall establish a list of infrastructure facilities located in the CHHA that could be relocated, mitigated or replaced should state funding become available for~~

~~such activities. Infrastructure is defined as roads, bridges, sanitary sewer facilities, and potable water facilities. The City maintains a list of critical facilities under its NIFP and Community Rating System (CRS) programs. Infrastructure is defined as roads, bridges, sanitary sewer facilities, and potable water facilities. The list of critical facilities also includes, schools, public safety buildings, municipal buildings, and healthcare facilities. The City shall give priority for relocating, mitigating, or replacing infrastructure facilities to the facilities located in the high velocity storm surge areas.~~

Policy 6-1.7.2: Future Infrastructure in the CHHA. The City shall continue to allow infrastructure facilities to be constructed within the CHHA provided that the facilities are necessary to serve the existing and/or future population, and such infrastructure facilities are constructed in a manner that minimizes the impacts from storm events.

Policy 6-1.7.3: Prohibit Septic Tanks in the CHHA. The City shall not approve development that proposes installation of new septic tanks within the CHHA.

Policy 6-1.7.4: Public Expenditures in the CHHA. Public funds shall be expended in the CHHA only in developments: that comply with residential densities adopted in this plan that will produce no adverse effects to the surrounding land uses or the environment without approved mitigation plans; and/or, that would further open up the waterfront to public access.

Policy 6-1.7.5: ADAPTION ACTION AREA DESIGNATION. The City will identify areas for which land elevations are below, at or near mean high water, which have a hydrologic connection to coastal waters, or which are designated as evacuation zones for storm surge.

OBJECTIVE 6-1.8: AVOID POPULATION CONCENTRATIONS IN CHHA. The City shall direct population concentrations away from CHHA by not increasing the density of residential development and redevelopment within the CHHA above that allowed by the City's FLUM. The City's FLUM mandates maximum density thresholds for properties within the CHHA. The density threshold varies with the severity of environmental constraints of each site and the proximity of the site to the shoreline. The intent of the density allocation is to direct population concentrations away from CHHA to the greatest extent consistent with the State Comprehensive Plan private property rights goal and related policies ~~{Reference Ch. 187.201(16)(a and b), FS}.~~

Policy 6-1.8.1: Restrict Development in CHHA. The City shall continue to allow development within the CHHA; however, the City shall direct population concentrations, including nonresidential development, away from these areas. Residential development and/or redevelopment in the CHHA shall not exceed the residential densities shown on the FLUM ~~Future Land Use Map~~ for that property.

Policy 6-1.8.2: Enforce CHHA Construction Standards. Within the CHHA, the City shall allow no new permanent residential structures, which do not meet the construction

standards required by the FDEP if the construction is seaward of the CCCL or by the FEMA construction standards if located within applicable flood zones.

OBJECTIVE 6-1.9: COORDINATE HURRICANE EVACUATIONS. The City shall coordinate with State, regional, and county agencies Okaloosa County and Walton County in evaluation of major evacuation routes and determining where operational improvements can be made to maintain or reduce hurricane evacuation times. through the implementation of the following policies:

~~**Policy 6-1.9.1: Utilize Emergency Management Plans.** Through the City's emergency management department, the City shall manage its local emergency plan and utilize the recommendations provided in the latest revision of the Okaloosa County Emergency Management Plan (CEMP). The Northwest Florida Hurricane Evacuation Study (July 1999) should also be consulted where information is still current.~~

Policy 6-1.9.1: Utilize Emergency Management Plans. The Division of Emergency Management will be responsible for preparing regional hurricane evacuation plans. In the event of a natural disaster, the City shall respond to the instruction and guidance of the Okaloosa County Emergency Management office. The City shall also periodically review the hurricane evacuation plan and will update and revise such plans based upon data from the Statewide Regional Evacuation Study for northwest Florida.

~~**Policy 6-1.9.2: Coordinate Hurricane Evacuation Logistical Support.** To prevent congestion on roads and overcrowding at evacuation centers, the City shall coordinate with Okaloosa County in disseminating information concerning the need for residents to evacuate at various hurricane threat levels. The City shall coordinate with the County and the Okaloosa County Emergency Management Director in assisting implementation of the County's campaign to educate the general citizenry regarding emergency preparedness plans, including specific citizen directives.~~

~~**Policy 6-1.9.3: Plan for Future Coordination with the County in Emergency Preparedness.** To provide for safe and efficient evacuation of the residents of Destin, in the event of a hurricane, The City shall coordinate with Okaloosa County in annually updating the County's Comprehensive Emergency Management Plan. The City shall coordinate with the County in updating hurricane evacuation center assignments as well as other policy formulation surrounding land use and emergency preparedness. This update shall enable the County and incorporated municipalities to plan for future population densities that will neither adversely impact the efficiency of the evacuation plan nor increase evacuation times. The City shall also coordinate with the County in updating hurricane evacuation shelter assignments as well as other policy formulation surrounding land use and emergency preparedness.~~

Policy 6-1.9.4: Designate Hurricane Evacuation Routes. The City designates Harbor Boulevard/Emerald Coast Parkway and Mid-Bay Bridge as the primary evacuation routes out of Destin as part of its Hurricane Evacuation Plan.

Policy 6-1.9.5: Coordinate Re-Entry Following a Hurricane Evacuation. The City shall coordinate with Walton County and Okaloosa County Emergency Management Services to coordinate efficient and safe re-entry into the City following a mandatory evacuation. ~~The City's adopted Post Disaster Redevelopment Plan shall be used as its established program addressing re-entry into the City when destruction and damage to buildings and infrastructure have occurred due to a storm event that resulted in evacuation.~~

Policy 6-1.9.6: Improve Hurricane Evacuation Time. The City shall continue to support programs that reduce evacuation time through improved warning and evacuation notification systems. To improve hurricane evacuation time, the City has almost completed ~~shall plan~~ the construction of an alternative east/west roadway parallel to and north of Harbor Boulevard/Emerald Coast Parkway. The City shall incorporate this new roadway into its hurricane evacuation plans as an alternative route to Harbor Boulevard/Emerald Coast Parkway in the event an accident, traffic congestion, or flooding limits or prevents use of the highway along any portion from Danny Wuerffel Way to Calhoun Ave. The City shall also coordinate with FDOT regarding available funding ~~FDOT funds~~ to support construction of an alternative east-west evacuation route for Harbor Boulevard/Emerald Coast Parkway.

Policy 6-1.9.7: Evaluate Hurricane Evacuation Clearance Times. The City shall ~~annually~~ perform a hurricane clearance time analysis as part of the City's ~~annual~~ transportation concurrency review using pre-impact and best practices outlined in the National Hurricane Program. ~~As part of the clearance time analysis, the transportation model shall determine when traffic conditions result in unreasonable clearance times. The City shall coordinate the clearance time analysis with the Okaloosa County Emergency Management Division to access modifications for timing of evacuation notices.~~

Policy 6-1.9.8: Hurricane Evacuation Carrying Capacity Study. Continue to monitor and evaluate the carrying capacity of all evacuation routes within the City. Based on the findings of the carrying capacity study, the City shall identify transportation improvement needs, hurricane preparedness actions, or land use controls to assure timely evacuation of the entire City prior to hurricane landfall. ~~As evacuation routes are also used by residents and visitors within Walton County and Okaloosa County, the City shall request participation from Walton County and Okaloosa County in the preparation of a carrying capacity study for Harbor Boulevard/Emerald Coast Parkway and other evacuation routes leading from coastal areas to the mainland.~~

OBJECTIVE 6-1.10: POST-DISASTER REDEVELOPMENT. The City maintains a post-disaster redevelopment plan which is coordinated with Okaloosa County's post-disaster redevelopment plan. All redevelopment activities after a hurricane storm event must comply with this redevelopment plan and according to the goals, objectives, and policies of the Comprehensive Plan.

Policy 6-1.10.1: Recovery Operations and Post-Disaster Redevelopment. The City shall continue coordination with Okaloosa County to modifying the Comprehensive Emergency Management Plan ~~when necessary~~ to address changes that may result from growth and development anticipated within the Comprehensive Plan. The Post-Disaster

Redevelopment Plan shall include strategies for post-disaster recovery operations, including the management of redevelopment and reconstruction within the City and the CHHA. The management plan, at minimum, should provide a basis for considering the following activities during times of natural disaster:

- A. Ensuring a means to restore economic activity, including the tourist industry and water-related businesses.
- B. Establishing a framework for deciding whether to implement a temporary moratorium on building activity as may be required for public safety.
- C. Developing procedures for reviewing and deciding upon emergency building permits.
- D. Coordinating with State and Federal officials to prepare disaster assistance applications.
- E. Analyzing and recommending to the City Council hazard mitigation options, including reconstruction or relocation of damaged public facilities.
- F. Developing a redevelopment plan.
- G. Recommending amendments to the Comprehensive Emergency Management Plan and other appropriate policies and procedures.

Policy 6-1.10.2: Coordinate Amendments to the Redevelopment Plan. The City shall coordinate any amendments to its Post-Disaster Redevelopment Plan with the Okaloosa County Emergency Management Office for compliance with the Comprehensive Emergency Management Plan.

Policy 6-1.10.3: Repair and Cleanup. In planning post-disaster redevelopment activities, factors to be considered to protect the public health and safety shall include:

- A. Repairs to potable water, wastewater and power facilities.
- B. Removal of debris.
- C. Stabilization or removal of structures in a perilous condition.
- D. Minimal repairs to make structures habitable.

These considerations shall receive first priority in determining the appropriateness of emergency building permits. Long-term redevelopment activities shall be postponed until the Recovery Task Force has coordinated immediate repair and cleanup operations.

Policy 6-1.10.4: Manage Unexpected Redevelopment Activities. The City shall manage unanticipated future redevelopment activities necessitated by hurricane events or other natural disasters through this Plan and adopted land development regulations. Immediate recovery actions needed to protect the public health and safety shall take priority in permitting decisions following hurricane storm events or other natural disasters. Recovery actions to reconstruct housing and services for year-round residents and the local workforce shall take priority over reconstruction of structures supporting seasonal and tourist population.

Policy 6-1.10.5: Redevelopment Compliance Codes and Plans. If rebuilt, structures that suffer damage in excess of 50% of their appraised value shall be rebuilt in accordance with all current and applicable land use and building code requirements upon adoption of the LDC.

Policy 6-1.10.6: Review Building Facilities. The City shall establish a process for reviewing available alternatives for managing damaged public facilities following a hurricane event, including coordination with Destin Water Users, Inc. The procedures shall evaluate future options for such facilities, including, but not limited to, abandonment, repair in place, relocation, and reconstruction with structural modifications. The City shall consider these options based on the following considerations:

- A. Cost to construct.
- B. Cost to maintain.
- C. Recurring damages.
- D. Impacts on land use.
- E. Impacts on the environment.
- F. Public sector.
- G. Repair to any public facilities that shall be deemed historic structures according to the inventory of the National Register of Historic Places shall be guided by the U.S. Secretary of the Interior's Guidelines for Rehabilitation until such time as the City adopts other guidelines and standards for the repair of historic structures.
- H. Other relevant factors.

Policy 6-1.10.7: Maintain a Disaster Assistance Contingency Fund. The City shall maintain a contingency fund to cover the City's required match for disaster assistance grants.

Policy 6-1.10.8: Limit Redevelopment of Nonconforming Structures. If a nonconforming structure is substantially damaged (based on the definition in Chapter 161, FS) or abandoned, it shall be rebuilt only to the extent that complies with the current Future Land Use designation, and, density, and intensity for the affected property.

Policy 6-1.10.9: Participate in the National Flood Insurance Program. The City shall continue its participation in the National Flood Insurance Program.

Policy 6-1.10.10: Help Improve the National Flood Insurance Program. The City shall continue to identify inappropriate Flood Insurance Rate Map (FIRM) and Coastal Barrier Resource Systems (CBRS) map designations within the City and work with the appropriate federal agency to provide the correct map designations.

OBJECTIVE 6-1.11: MAINTAIN ACCESS TO PUBLIC BEACH AND SHORELINE. The City shall maintain land use policies that promote continuance of the existing shoreline access and water dependent and related activities described in the Coastal Management Element data inventory and analysis. Beaches shall remain unobstructed and, to the extent

lawful, no barriers shall be erected which prevent pedestrian access along the shoreline, subject to reasonable regulations, such as closing times, access, and use.

Policy 6-1.11.1: Maintain Public Beach Access. The City shall continue to maintain all designated public beach access points.

Policy 6-1.11.2: Publicly Funded Gulf Front Development Must Provide Beach Access. Publicly funded projects that improve, change or in some way support shorefront development shall provide for public access to the shoreline, as well as the necessary support facilities and services, such as boardwalks, beach/dune walkovers, parking lots, restrooms and refuse collection.

Policy 6-1.11.3: Consider Scenic View in Site Plans. Waterfront development shall include design measures that provide, enhance and preserve scenic views of the water for the general public from public rights-of-way. Structures along the shoreline shall be designed to prevent walling off of waterfront views. The LDC shall regulate building location, intensity, and design to protect or enhance scenic views. The site plan and building criteria within the LDC shall require new development to demonstrate that views of adjacent water bodies will be preserved.

Policy 6-1.11.4: Enhance Waterfront Access ¹. ~~□ Prior to the next EAR, The City has developed cost comparative metrics for several potential beach front property acquisitions. The City shall conduct a study to identify additional shoreline access opportunities and assess the cost-benefit of each; and amend the LDC to include procedures and substantive provisions that protect and ensure public access to the priority shoreline areas.~~

Policy 6-1.11.5: Coordinate with Okaloosa County. ~~The City shall coordinate Coordinate all beach access planning, funding, and implementation with Okaloosa County, when necessary. in recognition that the County's Tourist Development Council and other components of the County's budget to fund various aspects of beach maintenance and enhancement. The City and County should be encouraged to coordinate more fully in public access projects to encourage county participation in funding.~~

OBJECTIVE 6-1.12: PROTECT HISTORIC RESOURCES LOCATED IN COASTAL AREAS. The City shall ensure protection of historic resources within coastal areas and shall ensure that there shall be no loss of historic resources on City owned property. The City shall coordinate with the appropriate agencies in the protection, preservation or sensitive reuse of historic and/or archeological resources. ~~The LDC shall ensure that historic resources on public and private property within coastal areas shall be protected, preserved, or reused in a manner sensitive to the historic properties of the site and/or structure.~~

Policy 6-1.12.1: Promote Identification of Historic, Archaeological, and Cultural Resources. ~~Ensure that all municipal actions encourage and promote the preservation of the City's historic resources. To this end, The City shall continue to support efforts to identify historic sites and register them with the appropriate agencies. The City shall coordinate with the State Division of Historic Resources, local historical groups, and~~

others ~~in continuing~~ to identify, document and preserve the City's historical, archaeological, and cultural resources.

Policy 6-1.12.2: Performance Standards for Protecting Sites of Historic or Archaeological Significance. The City shall establish historic overlay districts and guidelines, as necessary, to establish controls for safe construction practices and for retaining the character of development within said districts. The LDC shall include provisions to address adverse impacts to historic or archaeological sites of significance created by development or redevelopment of the site.

OBJECTIVE 6-1.13: MAINTAIN PUBLIC FACILITY LEVEL OF SERVICE STANDARDS IN COASTAL AREAS. The City shall allow no development in the coastal area unless the established level of service standard is maintained, and infrastructure needs are fulfilled in compliance with the City's Concurrency Management System within the Capital Improvements Element.

Policy 6-1.13.1: Maintain Level of Service Standards within Coastal Areas. The entire jurisdictional area of Destin is a coastal area. The level of service standards shall be those established within other elements of the Comprehensive Plan.

Policy 6-1.13.2: Maintain Beach Re-nourishment Standards. Any future proposed beach re-nourishment project shall follow best management practices and shall secure the required permits from all federal and state agencies having jurisdiction, including the FDEP.

Policy 6-1.13.3: Coordinate Infrastructure Availability and Timing. Future development shall be directed to those areas where public facilities are available concurrent with the impacts of the development or redevelopment. Development and redevelopment shall occur only at the densities proposed by the future land use plan, consistent with coastal resource protection and safe evacuation. The City shall ensure that funds for future needed infrastructure improvements are phased to coincide with demands generated by development or redevelopment. To ensure appropriate timing and staging, no development order shall be granted until a plan is submitted by the developer or applicant to the City which demonstrates that all required infrastructure shall be in place and available for use by the development concurrent with the impacts of development. The infrastructure shall be designed in a manner consistent with the existing and projected future demands generated by development projected in the future land use element. The infrastructure shall also be consistent with applicable local, regional and state coastal resource protection policies.

OBJECTIVE 6-1.14: MAINTAIN INTERGOVERNMENTAL COORDINATION WITHIN THE COASTAL AREA. The City shall maintain an intergovernmental coordination mechanism to manage coastal resources within the jurisdiction of more than one local government or public agency. The City shall assist other agencies in implementing appropriate portions of existing multi-jurisdictional resource planning and management plans addressing the coastal area, including management of surface water runoffs, impacts of development on coastal waters and living marine resources.

Policy 6-1.14.1: Intergovernmental Coordination for the Coastal Area. The City shall coordinate with Okaloosa County, Walton County, and appropriate regional, state, and federal agencies in managing coastal resources. Management activities shall include, but not be limited to, the following:

- A. The City shall coordinate the following coastal resource management issues that transcend jurisdictional lines with Okaloosa County, Walton County (when appropriate), and the ~~Northwest Florida Water Management District~~ (NWFMD):
 - 1. Forums and technical review concerning emergency preparedness and hurricane evacuation issues and update of the Comprehensive Emergency Management Plan, including hurricane evacuation plans.
 - 2. Technical review and in formulation of policies concerning the Harbor Boulevard/Emerald Coast Parkway and Mid-Bay Bridge corridors, including stormwater management policies. This activity shall also be coordinated with the FDOT.
 - 3. Public access issues including issues surrounding maintenance and improvements.
 - 4. Issues surrounding conservation of the shoreline of the Gulf and Bay. This activity shall also be coordinated with the USACE and the FDEP as appropriate.
 - 5. The inclusion of the appropriate regulatory agencies having planning jurisdiction over coastal areas in the City's efforts at providing enhanced public access to the beaches.
- B. The City shall establish a multi-agency development review process to coordinate intergovernmental and resource management issues surrounding proposed development and redevelopment. The City shall also incorporate procedures in the LDC to ensure that all issues surrounding development impacting wetlands or other resources under federal and/or state jurisdiction are managed based on timely coordination, exchange of information, and appropriate follow up by the City and all agencies having jurisdiction. The City shall require the applicant to get jurisdictional determinations from all appropriate agencies prior to the issuance of development orders or building permits for all sites within the City. The City shall coordinate with the U.S. Coast Guard, U.S. Fish and Wildlife Service, the USACE, FDEP, NFWMD, the ~~Emerald Coast West Florida Regional Planning Council (ECRC)~~, and other federal, state, and regional agencies as may be appropriate in managing the following activities:
 - 1. The City shall coordinate all development and resource conservation measures impacting the waters of the Gulf and Choctawhatchee Bay with the above cited agencies as well as other applicable public agencies. These activities shall include, but not be limited to, review of proposed development potentially impacting natural resources, including development petitions for docks, shoreline stabilization, dredging, or other alteration of natural resources under Federal or State jurisdiction.

2. All applications for development activity impacting waters of the State or other lands under the jurisdiction of the State shall be coordinated with agencies having appropriate jurisdiction.
 3. The City shall coordinate with technical staff within FDEP and NFWFMD to ensure implementation of sound principles and practices of coastal resource management during the development review process as well as in the formulation of policies impacting coastal resource management.
 4. The City shall coordinate with the NFWFMD, FDEP, as well as other appropriate State agencies in matters surrounding stormwater management, drainage, water quality and quantity, and consumptive use permitting.
- C. The City shall coordinate on a continuing basis with the ECRC ~~WERPC~~ in preparing the Comprehensive Plan and amendments to ensure consistency with the ECRC ~~WERPC~~ Comprehensive Plan. In addition, the City shall coordinate other planning issues of regional significance with the ECRC ~~WERPC~~. The City shall forward copies of development proposals within the coastal area to public agencies having jurisdiction in the management of potentially impacted natural resources.

OBJECTIVE 6-1.15: CONTINUE EVALUATION OF COASTAL MANAGEMENT ELEMENT EFFECTIVENESS. The City shall use the following policies as criteria in evaluating the effectiveness of the Coastal Management Element:

Policy 6-1.15.1: Review the Impact of Changing Conditions on Coastal Management Policy. The City shall monitor and evaluate significant changes in the characteristics of natural coastal resources. Policy implications of such changes shall be examined, and corrective measures shall be pursued. Coastal management policies shall be refined as needed to remain responsive to evolving problems and issues.

Policy 6-1.15.2: Schedule, Budget, and Implement Programmed Activities. The timely scheduling, programming, budgeting and implementation of programmed coastal management activities identified in this Element shall be evidence of the City's effectiveness in carrying out a systematic program for implementing coastal management goals, objectives, and policies.

Policy 6-1.15.3: Coordinate with Public and Private Sectors. While continually implementing and evaluating the Coastal Management Element, the City shall maintain a process of intergovernmental coordination as well as coordination with private sector groups interested in coastal management policy and programs. The effectiveness of this approach shall be evaluated by the success of coordination mechanisms in resolving coastal management problems and issues.

Policy 6-1.15.4: Monitor Achievement of Coastal Management Goals. The effectiveness of the Coastal Management Element shall be measured by the City's success in achieving coastal management goals, objectives, and policies. The City's coastal management goals, objectives, and policies are supported in the City LDC. The City continues to monitor the achievement of the coastal management objectives through land use changes, density classification, and flood plain management strategies. In addition,

The Coastal Management Element incorporates a systematic planning process to identify coastal management problems, ~~and~~ issues, and ~~implement~~ corrective actions.

OBJECTIVE 6-1.16: PRESERVE RECREATIONAL AND COMMERCIAL WORKING WATERFRONTS. The City shall encourage shoreline development of those land uses which are dependent on or related to access to the water.

Policy 6-1.16.1. Encourage Shoreline Development Related to Water Access. The City shall preserve recreational and commercial waterfronts through proper land use planning, the public acquisition of land for parks and open space and shall continue to provide the siting of water dependent and water-related uses through the zoning guidelines of appropriate land use districts.

OBJECTIVE 6-1.17: REDUCE RISK IN COASTAL AREAS. The City recognizes the risk of being impacted by damaging winds and flooding increases for those properties located closer to shorelines and low-lying coastal areas. To ensure that future development occurs in a manner that minimizes risk, the City will implement principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise.

Policy 6-1.17.1: Reduce Flood Risk. In order to reduce flood risk from, or associated with, high-tide events, storm surge, flash floods, stormwater runoff, and the impacts related to sea-level rise, the City will continue to promote the use of the development and redevelopment principles, strategies and engineering solutions contained in the Florida Building Code and the Land Development Regulations

Policy 6-1.17-2: Development and Redevelopment Standards in Coastal Areas. The City shall continue to ensure development and redevelopment utilize the best available data on minimum floor elevation, including FEMA flood zones.

Policy 6-1.17-3: Reduce Flood Damage in Coastal Areas. The City shall, through implementation of all Land Development Regulations, continue to ensure that all new buildings or structures meet, or exceed, the flood resistant construction requirements of the Florida Building Code and Federal Flood Plain Management regulations including flood proofing and storm surge.

Policy 6-1.17-4: Participation in the National Flood Insurance Program. Participate in the National Flood Insurance Program in conformance with Public Law 92-288 and the Community Rating System Program.

SECTION 7: TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.

The City Manager or ~~her~~ appointed designee is hereby designated to sign a letter transmitting the adopted comprehensive plan amendment to the State Planning Agency, in accordance with the Community Planning Act.

SECTION 8: INCORPORATION INTO COMPREHENSIVE PLAN.

Upon the effective date of the comprehensive plan amendment adopted by this Ordinance, said amendment shall be incorporated into the City of Destin Comprehensive Plan and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

All prior inconsistent ordinances and resolutions adopted by the City of Destin City Council, or parts of ordinances or resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

SECTION 9: SEVERABILITY.

If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 10: EFFECTIVE DATE.

The comprehensive plan amendment shall not become effective until 31 days after the State Planning agency notifies the City that the plan amendment package transmitted by the City is complete, except however, if the plan amendment is timely challenged, this Ordinance shall not become effective until the date a final order is issued by the State Land Planning Agency, or the date that the Administration Commission enters a final order determining the adopted plan amendment is in compliance. No development orders, development permits, or land use dependent on this amendment may be issued or commenced before it has become effective. After and from the effective date of this amendment, the comprehensive plan amendment set forth herein shall amend the City of Destin's Comprehensive Plan and shall become a part of that plan and the amendment shall have the legal status of the City of Destin's Comprehensive Plan, as amended.

ADOPTED THIS ____ DAY OF _____ 2020.

BY: _____
Gary Jarvis, Mayor

ATTEST:

Lance Johnson, City Manager

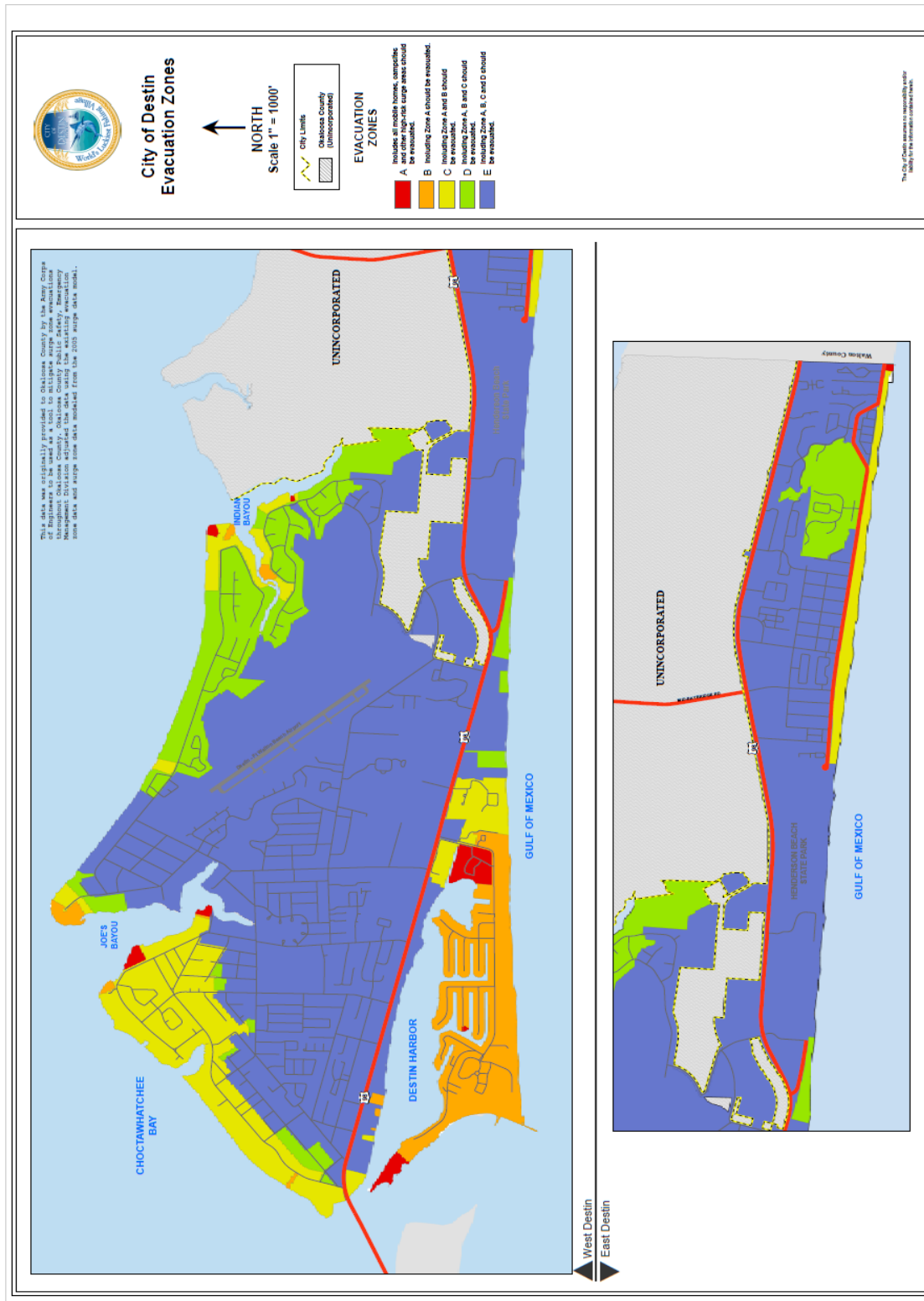
The form and legal sufficiency of the foregoing
has been reviewed and approved by the City Land Use
Attorney for the City of Destin, only.

Rey Bailey, City Clerk

Kimberly R. Kopp, City Land Use Attorney

First Reading: February 3, 2020
Second Reading: _____

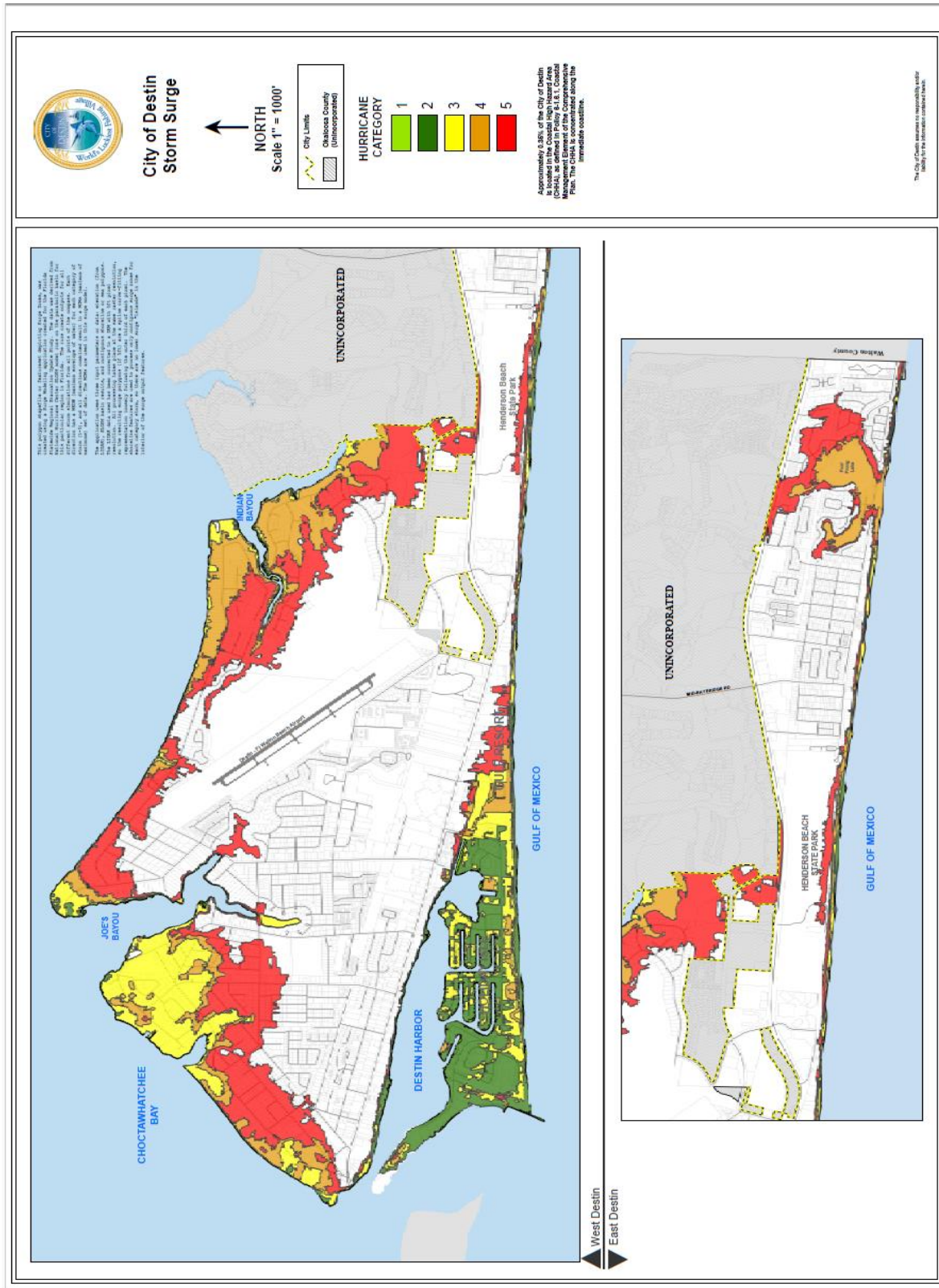
EVACUATION ZONES



FEMA FLOOD ZONES



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RESOLUTION 2020-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AUTHORIZING TRANSMITTAL OF THE 2020 EAR REPORT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR DIRECTIONS TO THE CITY CLERK; AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

Whereas, pursuant to the requirements of section 163.3164, et seq., Florida Statutes, the Community Planning Act, (hereinafter “Community Planning Act”) the City of Destin has adopted and has in effect a Comprehensive Plan; and

Whereas, section 163.3191, Florida Statutes, requires local governments to perform an evaluation and appraisal of its Comprehensive Plan every seven years; and

Whereas, the City Council of the City of Destin is required by law to perform a current evaluation and appraisal of its Comprehensive Plan; and

Whereas, the City Council of the City of Destin has determined that section 163.3178, Florida Statutes, requires that certain updates be made to the Coastal Element of the City of Destin’s Comprehensive Plan to address sea level rise and development in coastal and flood-prone areas; and

Whereas, the City Council has determined that it is necessary to transmit the Evaluation and Appraisal Report to the Department of Economic Opportunity; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DESTIN, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct, and incorporated into this Resolution.

Section 2. Transmittal to Florida Department of Economic Opportunity.

The City Council of the City of Destin hereby transmits the 2020 Evaluation and Appraisal Report of the City’s Comprehensive Plan, attached hereto as Exhibit “A,” to the Florida Department of Economic Opportunity.

Section 3. Directions to City Clerk. This Resolution shall be forwarded to the Department of Economic Opportunity immediately upon adoption by the City Council.

Section 4. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED BY THE CITY OF DESTIN, FLORIDA THIS 21ST DAY OF JANUARY, 2020.

GARY JARVIS, MAYOR

ATTEST:

REY BAILEY, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
CITY OF DESTIN, ONLY:

KIMERLY ROMANO KOPP
CITY LAND USE ATTORNEY

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 21, 2020

TYPE OF AGENDA ITEM: Action Item

TO: City Council

THRU:

FROM:

DATE: December 31, 2019

SUBJECT: Valentine's Day 8k Request

I. BACKGROUND: Northwest Florida Track Club is requesting use of city streets to hold their annual Valentine's Day 8k race on February 8, 2020. The Okaloosa County Sheriff's Office Posse has pledged their support to control the traffic where needed and the race sponsors will also be on hand along other roadways in Indian Bayou Country Club.

II. DISCUSSION:

A. Link to Strategic Goals / Objectives: I. Enhance Quality of Life

I.E. Enhance the City's Recreational Services

B. Effect on Budget (EOB): There is no staff requirement for this request.

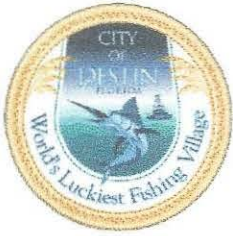
C. Level of Service (LOS): The City of Destin shall not incur any expense or revenue as a result of this request.

III. CONCLUSION: The City Attorney and the Risk Manager have reviewed and approved all related and required documentation. Staff recommends approval for this request.

IV. RECOMMENDED MOTION: I move to approve the Northwest Florida Track Club's request for use of city streets for their annual Valentine's Day 8k race on February 8, 2020.

Attachments:

1. 2020ValentinesRequest



CHECKLIST FOR USE OF PUBLIC FACILITIES OR PROPERTY:

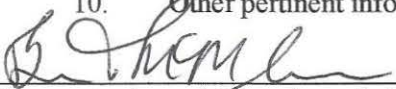
Name of Organization: Northwest Florida Track Club, Inc. (NWFTC)

Type of Event: Valentine's 8K (Running Event)

Date(s) of Event: Feb 8, 2020

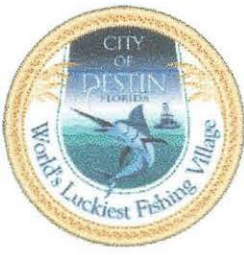
Location of Event: The Track, Airport Rd, Commons Dr, Indian Bayou Subdivision.

- 1.* Certificate of Insurance (Endorsement to the Policy & Acord is required.)
provided: Yes: X *This is required.*
Date on which provided: 12/11/19
- 2.* Hold Harmless (**Signed Original**) provided: Yes: X *This is required.*
Date on which provided: 12/23/19
- 3.** Permission granted from FDOT for use of State roadway (applicable only if using and closing any portion of State Highway 98) Yes _____ No X
Date written permission granted: N/A
- 4.** Local law enforcement services requested: Yes X *This is required.*
Law enforcement officer contacted: Maj Arnold Brown
- 5.** Destin Fire Control District contacted: Yes X *This is required.*
Person contacted: Matt Taylor
- 6.** Okaloosa County Emergency Medical Services contacted:
Person contacted: ~~Stephen Vaughn~~ Patrick Maddux Yes X *This is required*
7. Describe steps being taken to ensure removal of all directional arrows and signage, as well as trash left on City streets upon conclusion of the event: The course will be marked with a flour-type material that will wash off in the rain. The water stop volunteers will pick up any trash left behind by the runners.
8. City Park Permit needed Yes _____ No X If yes, please contact Lisa Firth at Destin Community Center @ 850-654-5184 to make arrangements to reserve the park.
- 9.* Please provide map of race route(s).
10. Other pertinent information: Sunbiz.org Doc #N49948


(Requester's or Acting Agent's Signature)

* **Original Certificate of Insurance and signed Hold Harmless must be provided to the City of Destin to be presented to City Council prior to their approval of the event, as well as a map of the race route.**

** **Provide the City a written acknowledgement/concurrence from the agency.**

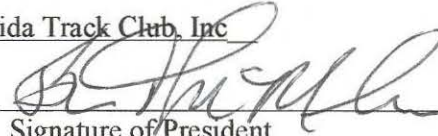


HOLD HARMLESS AGREEMENT

The Northwest Florida Track Club, Inc. agrees to indemnify and hold harmless the City of Destin from any and all liability, defense costs, including attorney fees and all other fees incidental to defense, loss or damage the City of Destin may suffer as a result of claims, demands, costs or judgments against it arising from the Valentine's 8K to be held on February 8, 2020.

In addition, the The Northwest Florida Track Club, Inc. agrees to provide the City of Destin a Certificate of Insurance naming the City as an Additional Insured reflecting general liability coverage of not less than \$1,000,000.00.

The Northwest Florida Track Club, Inc.
(Corporate Name)

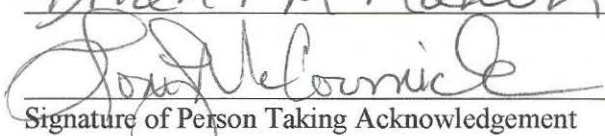

Signature of President

Brian T. McMahon, President
Print name with President next to name

STATE OF FLORIDA
COUNTY OF OKALOOSA

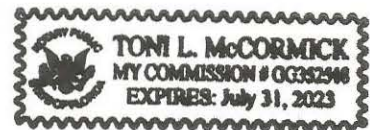
The foregoing instrument was acknowledged before me this 6th day of Dec 20 19 by

Brian T. McMahon


Signature of Person Taking Acknowledgement

Toni L. McCormick
Printed name of Person Taking Acknowledgement

(Seal)



Personally known ✓ or has produced identification _____

Type of Identification produced _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

12/11/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Insurance Management Group 12730 Coldwater Rd Ste 103 Fort Wayne IN 46845	CONTACT NAME: Margaret Mayers PHONE (A/C, No, Ext): (260) 338-2925 E-MAIL ADDRESS: mmayers@insmgt.com FAX (A/C, No): (765) 664-0761
INSURED Road Runners Club of America/2020 and Its Member Clubs 1501 Lee Highway Suite 140 Arlington VA 22209	INSURER(S) AFFORDING COVERAGE INSURER A: National Casualty Company INSURER B: Nationwide Life Insurance Company INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES **CERTIFICATE NUMBER:** 2020 \$2M A.I. **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ Legal Liability to Participant \$2,000,000 GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC ☒ OTHER: Per Event Basis			KRO0000008194200	12/31/2019	12/31/2020	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 5,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Abuse and Molestation \$ 500,000
A	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY			KRO0000008194200	12/31/2019	12/31/2020	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Excess Medical & Accident (\$250 Deductible/Claim)			BAX0000031001200	12/31/2019	12/31/2020	Excess Medical \$10,000 AD & Specific Loss \$2,500

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER IS NAMED AS AN ADDITIONAL INSURED AS RESPECTS THEIR INTEREST IN THE OPERATIONS OF THE NAMED INSURED. DATE OF EVENT(S): 2/08/20 Valentine's 8K INSURED RRCA CLUB/EVENT: Northwest Florida Track Club, Attn: Brian McMahon, PO Box 911, Shalimar, FL 32579 Attached: KRGL56 Processed by VE

CERTIFICATE HOLDER

02/08/20 City of Destin
4200 Indian Bayou Trail

Destin FL 32541

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Serry R. Miller

National Casualty Company

ENDORSEMENT
NO. _____

ATTACHED TO AND FORMING A PART OF POLICY NUMBER	ENDORSEMENT EFFECTIVE DATE (12:01 A.M. STANDARD TIME)	NAMED INSURED	AGENT NO.
KRO 81942-00	12/31/19	Road Runners Club of America and Its Member Clubs	

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED OWNERS AND/OR LESSORS OF PREMISES, SPONSORS OR CO-PROMOTERS

This insurance modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART LIQUOR LIABILITY COVERAGE PART

- A. SECTION II—WHO IS AN INSURED** is amended to include as an additional insured any person(s) or organization(s) of the types indicated by an "x" in any boxes shown below, but only with respect to liability for "bodily injury," "property damage" or "personal and advertising injury" caused, in whole, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

With respect to an additional insured owner and/or lessor of premises, this insurance does not apply to:

- a. An "occurrence" or offense which takes place while you are not a tenant in possession of the subject premises.
- b. "Bodily injury" or "property damage" arising out of:
 - (1) Structural alterations, new construction or demolition operations performed by or on behalf of the owner and/or lessor of premises;
 - (2) Any design defect or structural maintenance of the premises; or
 - (3) Any premises defect.

- B. With respect to the insurance afforded to these additional insureds, the following is added to SECTION III—LIMITS OF INSURANCE:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations; whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

Schedule of Additional Insureds:

- ☒ Owners and/or Lessors of the premises leased, rented or loaned to you
- ☒ Sponsors
- ☒ Co-Promoters
- ☒ Any individual person(s) or organization(s) listed below:

Coaches, Officials and Volunteers are Additional Insureds but only while acting within the scope of their duties of the insured (others by request and endorsement, subject to underwriting approval).



AUTHORIZED REPRESENTATIVE

DATE

From: Arnold Brown [mailto:abrown@sheriff-okaloosa.org]
Sent: Friday, December 20, 2019 2:10 PM
To: Brian M; terry601@aol.com; Mark Natalie
Cc: Charles A. Nix
Subject: RE: Upcoming Race in Destin

Sir, as it relates to this event, the Sheriff's Office has no objection as long as the Posse is available to assist with traffic control and safety. In the event the Posse is not available you will need to contract with our off-duty coordinator to hire deputies.

Major Arnold L. Brown
Investigations Bureau Chief
Okaloosa County Sheriff's Office
50 2nd Street
Shalimar, Florida 32579
Office: 850-609-3032



The Mission of the Okaloosa County Sheriff's Office: "Ensuring fair and equal administration of the law, safeguarding civil liberties and preserving public safety; doing so with professionalism and unity of purpose, while being good stewards of the public's trust."

PLEASE NOTE:

This email may contain Law Enforcement Sensitive or Privileged Information, which is intended only for use by the individual or entity to which the email is addressed. If you have received this email in error, please delete it immediately.

From: Brian M. [mailto:btexpress@cox.net]
Sent: Wednesday, December 18, 2019 9:58 AM
To: 'abrown@sheriff-okaloosa.org'
Subject: FW: Upcoming Runs in Destin

Maj Brown,
The Northwest Florida Track Club is hosting two races in Destin.
See dates and locations below.
Capt Watkins has agreed to support the runs with posse deputies.
I need your "Ok" as part of the permit process.
Please reply to this email or call me with questions.
Brian McMahon
850-5825-5273

From: terry601@aol.com [mailto:terry601@aol.com]
Sent: Friday, December 13, 2019 12:17 PM
To: btexpress@cox.net
Subject: Re: Upcoming Runs in Destin

Will do.
Terry

In a message dated 12/13/2019 12:12:21 PM Central Standard Time, btexpress@cox.net writes:

Thanks, can you let Maj Brown know. City of Destin will only accept his "Ok".
Brian

Sent via the Samsung Galaxy S7, an AT&T 4G LTE smartphone

----- Original message -----

From: terry601@aol.com
Date: 12/13/19 11:22 AM (GMT-06:00)
To: btexpress@cox.net
Cc: mark.natalie@cox.net
Subject: Re: Upcoming Runs in Destin

We are going to support your race.
Terry

In a message dated 12/13/2019 10:08:42 AM Central Standard Time, btexpress@cox.net writes:

Terry/Mark,
The Northwest Florida Track Club will be hosting 2 runs in Destin.
The first is *Valentine's 8K* on Feb 08, 2020 at 9:00 a.m. starting and finishing at The Track, running through Indian Bayou subdivision.
You usually provide 4 deputies.
The second is *Chiropractic Run* for Health on Mar 07, 2020 at 8:00 starting and finishing at Clement Taylor Park, running along Calhoun & Cross Streets.
You normally have 2 or 3 deputies at this run.
There will be no road closures for either run, so no disruption in emergency services.
We will brief participants to yield to ALL vehicles.
If we have an emergency, we will call 911.
Your approval is required as part of the permit process for the City.
Please reply with approval or any questions.
I hope the Posse can support us again at these two events.
Thank you in advance,

Brian McMahon
President, Northwest Florida Track Club

From: Matt Taylor [mailto:MTaylor@destinfire.com]
Sent: Thursday, December 5, 2019 3:28 PM
To: Brian M.
Cc: James Taylor; Jeff Anderson; Mark Hutchinson; Kevin Sasser
Subject: RE: Upcoming Runs in Destin

Brian,

Thank you for notifying the Destin Fire Control District of the Valentine's 8K on Feb 8, 2020 at 9am and the Chiropractic Run for Health on March 7, 2020 at 8am. The appropriate shift has been copied on this e-mail.

*Please advise all participants to maintain an awareness for any responding emergency vehicle during all stages of the event and to immediately cede the right-of-way.
Have a great run and if you need any other assistance, please contact me.
This e-mail will serve as the Destin Fire Control District's acknowledgement of this event. Please forward it to the appropriate agencies.*

*Matt Taylor, Fire Marshal
Destin Fire Control District
850-837-8413*

From: Brian M. <btexpress@cox.net>
Sent: Thursday, December 5, 2019 10:09 AM
To: Matt Taylor <MTaylor@destinfire.com>
Subject: Upcoming Runs in Destin

Matt,

The Northwest Florida Track Club will be hosting 2 runs in Destin.
The first is *Valentine's 8K* on Feb 08, 2020 at 9:00 a.m. starting and finishing at The Track, running through Indian Bayou subdivision.
The second is *Chiropractic Run for Health* on Mar 07, 2020 at 8:00 starting and finishing at Clement Taylor Park, running along Calhoun & Cross Streets.
There will be no road closures for either run, so no disruption in emergency services.
We will brief participants to yield to emergency vehicles.
If we have an emergency, we will call 911.
Your approval is required as part of the permit process for the City.
Please reply with approval or any questions.
Thank you in advance,

Brian McMahon
President, Northwest Florida Track Club

Disclaimer: Florida has a very broad public records law. As a result, any written communication created or received by the Destin Fire Control District will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.

Disclaimer: Florida has a very broad public records law. As a result, any written communication created or received by the Destin Fire Control District will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.

Brian, thank you for reaching out.

No concerns from Public Safety.

Stay Safe,

Patrick Maddox, LE CDR(R)

Director of Public Safety

Okaloosa County Board of County Commissioners

90 College Blvd E.

Niceville, Fl. 32578

(850) 651-7150

pmaddox@myokaloosa.com

From: Brian M. [<mailto:btexpress@cox.net>]

Sent: Wednesday, December 18, 2019 8:18 PM

To: 'Patrick Maddox'

Subject: Upcoming running events in Destin

Mr. Maddox,

The Northwest Florida Track Club will be hosting 2 runs in Destin.

The first is *Valentine's 8K* on Feb 08, 2020 at 9:00 a.m. starting and finishing at The Track, running through Indian Bayou subdivision.

The second is *Chiropractic Run for Health* on Mar 07, 2020 at 8:00 starting and finishing at Clement Taylor Park, running along Calhoun & Cross Streets.

There will be no road closures for either run, so no disruption in emergency services.

We will brief participants to yield to emergency vehicles.

If we have an emergency, we will call 911.

Your approval is required as part of the permit process for the City.

Please reply with approval or if you have any questions, please call me.

Thank you in advance,

Brian McMahon

President, Northwest Florida Track Club

850-582-5273

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kim Montgomery

From: Kyle Bauman <kbauman@asglegal.com>
Sent: Tuesday, December 31, 2019 9:35 AM
To: Kim Montgomery
Cc: Rey Bailey; Karen Jankowski
Subject: Re: Valentine's 8k race

[CAUTION: This email originated from outside of the City of Destin email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

This one looks good.

Happy New Year!
Kyle

On Dec 31, 2019, at 9:10 AM, Kim Montgomery <kmontgomery@cityofdestin.com> wrote:

Good morning Kyle,

Can you reconfirm this for me for legal sufficiency. I don't see where you are referring to the effective date being "blacked out," I have it highlighted in yellow. Also, see the attached email from the race coordinator regarding support for this race. The other one, on the same day, will only partially be in the city; this one will be ran in Indian Bayou. Thanks! Happy New Year! - Kim

From: Kyle Bauman <kbauman@asglegal.com>
Sent: Thursday, December 26, 2019 12:56 PM
To: Kim Montgomery <kmontgomery@cityofdestin.com>; Karen Jankowski <kjankowski@cityofdestin.com>
Subject: RE: Valentine's 8k race

[CAUTION: This email originated from outside of the City of Destin email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

This one is good so long as Law Enforcement and the Fire District are supporting. It was hard to tell from the emails whether they are since some of the emails were redacted. Also, the "endorsement effective date" is blacked out so we will need to make sure the effective date includes the day of the run.

Thanks!
Kyle

From: Kim Montgomery <kmontgomery@cityofdestin.com>
Sent: Monday, December 23, 2019 1:51 PM
To: Kyle Bauman <kbauman@asglegal.com>; Karen Jankowski <kjankowski@cityofdestin.com>
Subject: Valentine's 8k race
Importance: High

Kim Montgomery

From: Karen Jankowski
Sent: Tuesday, December 31, 2019 10:09 AM
To: Kyle Bauman; Kim Montgomery
Cc: Rey Bailey
Subject: RE: Valentine's 8k race

It appears to be in order. Thank you.

Karen Jankowski
HR/Risk Mgr

From: Kyle Bauman <kbauman@asglegal.com>
Sent: Tuesday, December 31, 2019 9:35 AM
To: Kim Montgomery <kmontgomery@cityofdestin.com>
Cc: Rey Bailey <rbailey@cityofdestin.com>; Karen Jankowski <kjankowski@cityofdestin.com>
Subject: Re: Valentine's 8k race

[CAUTION: This email originated from outside of the City of Destin email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

This one looks good.

Happy New Year!
Kyle

On Dec 31, 2019, at 9:10 AM, Kim Montgomery <kmontgomery@cityofdestin.com> wrote:

Good morning Kyle,

Can you reconfirm this for me for legal sufficiency. I don't see where you are referring to the effective date being "blackout," I have it highlighted in yellow. Also, see the attached email from the race coordinator regarding support for this race. The other one, on the same day, will only partially be in the city; this one will be ran in Indian Bayou. Thanks! Happy New Year! - Kim

From: Kyle Bauman <kbauman@asglegal.com>
Sent: Thursday, December 26, 2019 12:56 PM
To: Kim Montgomery <kmontgomery@cityofdestin.com>; Karen Jankowski <kjankowski@cityofdestin.com>
Subject: RE: Valentine's 8k race

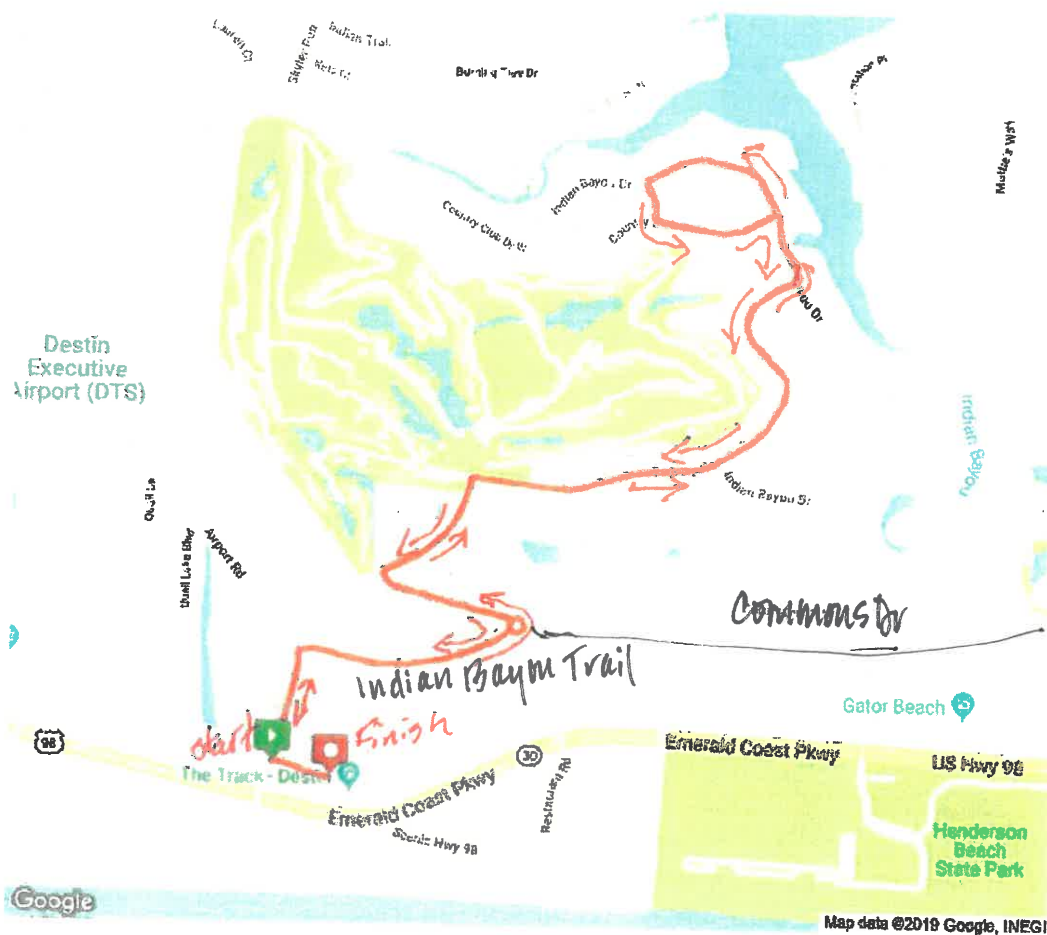
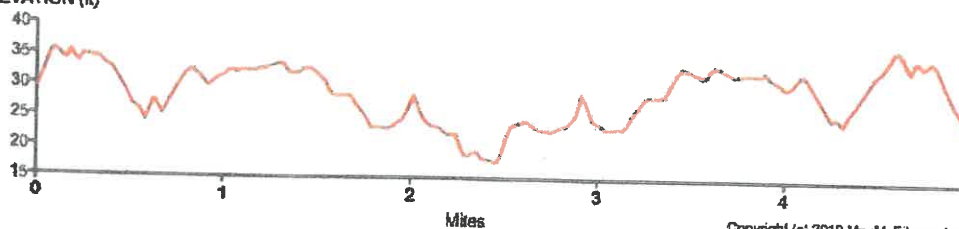
[CAUTION: This email originated from outside of the City of Destin email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

**Valentine's 8K**

Distance: 4.99 mi

Elevation Gain: 41 ft

Elevation Max: 37 ft

Notes**ELEVATION (ft)**

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CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 21, 2020

TYPE OF AGENDA ITEM: Consent Agenda

TO: City Council

THRU:

FROM:

DATE:

SUBJECT: Draft Minutes of Standing Committee/Board Meetings

I. BACKGROUND:

II. DISCUSSION:

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

1. 10-2-19 BOA
2. 12-16-19 LPA
3. 1-9-20 LPA

DRAFT
BOARD OF ADJUSTMENT
DESTIN CITY HALL BOARDROOM
WEDNESDAY, OCTOBER 3, 2019
5:30 P.M.

1. CALL TO ORDER:

Chairman Weidenhamer called the Board of Adjustment Meeting to order at 5:30 p.m., on Wednesday, October 3, 2019, at Destin City Hall Boardroom.

2. ROLL CALL & PLEDGE OF ALLIGENCE:

Present:

Tom Weidenhamer
David Emerson
Casey Waterhouse
Kimberlee Vann Damme
Scott Fischer
James Staley

Staff Present:

Kim Montgomery, Deputy City Clerk
Lauren Witt, Planner
Samantha Brisolara, Planner
Kyle Bauman, City Attorney
Kimberly Kopp, Land Use Attorney

3. APPROVAL OF MINUTES:

A. July 11, 2018

Board member Emerson moved to approve the minutes of the July 11, 2019 meeting as written. Board member Fischer provided the second to the motion and the passed 6-0.

4. NEW BUSINESS:

A. 19-04-AA. The applicant, Joe A. Winkeler of Point Mezzanine, LLC, is requesting an appeal to an administrative decision regarding the requirement of a Major Deviation to the existing Development Order No. 09-17, for the addition of docking facilities with 50 boat slips. The property in question is located in the High-Density Residential Zoning District (HDR) (Parcel #00-2S-24-0000-0034-0000).

Mr. Kyle Bauman, The City Attorney (CA) explained that Mrs. Kimberly Kopp, the Land Use Attorney (LUA) will be representing city staff with Mr. Doug Smith and Mr. Gary Hunter of Hopping Green & Sams, of Tallahassee, Florida representing the applicant, Joe A. Winkeler, Point Mezzanine, LLC. Both the applicant's representatives and the city agreed to waive reading the Notice of the Hearing and the application into the record and moving the entirety of the staff report and attached exhibits into the record as City's Composite Exhibit A. The CA swore in the following individuals for testimony:

DRAFT

Tim Whalen
Louis Zunguze

Alara Mills-Gutcher
Matthew Trammell

Mr. Doug Smith, Attorney for the applicant, requested the public records request his firm made of the City of Destin to be marked as *Applicant's Exhibit 1*, and entered into the record; the Chairman accepted and entered the exhibit into the record, as requested. The LUA objected with her reasoning that she has not seen any of the exhibits in advance of this hearing and she cannot review the documents now; being that they are on a computer disc as submitted at this hearing.

Mr. Smith then presented excerpts from the Land Development Code (LDC) of definitions, language from Article 2, and language from Article 11, Marina Siting of the LDC as *Applicant's Exhibit 2*; with no objection from the LUA.

According to Mr. Smith, they are appealing Mr. Zunguze's determination and arguing that what they are wanting to build is a private docking facility and not a marina and how they should be able to go forward to the Harbor Board for their review. He then provided the members with the background information on how his client obtained the upland portion of the property which includes a 100-foot dedication of the roadway as part of the Development Order (D.O.). He also mentioned that the slips are being offered for sale to the potential condominium purchasers and would not be sold to third party users to be rented or used for fare carrying vessels. He further explained that there is not one instance, that they could find, where someone who owns the upland property was required to file a Major Deviation to a Major Development Order, which basically requires the applicant to go through the entire approval process again. Pointing out that in accordance with the Marina Siting Ordinance, they do not have to go through that step and therefore; are being forced to appeal staff's determination based on the erroneous assumption by the Community Development Director. Adding that a marina is a defined term in the LDC and is not what they are proposing; what they are proposing is an ancillary docking facility to an adjacent upland condominium development.

Mr. Gary Hunter called Mrs. Alara Mills-Gutcher to provide testimony for the Defendant and asked to enter her resume into the record as *Applicant's Exhibit 3*, with no objection, Chairman Weidenhamer entered the resume into the record as *Applicant's Exhibit 3*.

Mrs. Mills-Gutcher explained to the Board members her background, how she is self-employed and interprets codes for these types of cases regarding how to best work with codes for various cities. She also stipulated for the record that in approximately 2011; she provided services for the City of Destin by helping with the rewrite of the Comprehensive Plan.

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Mr. Hunter asked Mrs. Mills-Gutcher, for purposes of their analysis, to explain what his firm asked her to review. According to Mrs. Mills-Gutcher she reviewed the Development Order that was issued in 2009, as well as various correspondence that occurred over the past year between staff and Council, looked at the Land Development Code; specifically Articles 2 – Development in the city, 3 – Definitions, and 11 – Coastal Management with the Marina Siting section within; as well as the applicant's Harbor Board Application they submitted.

Mr. Hunter asked, based on what she reviewed in those three sections, if she would consider the request for a docking facility as a marina. According to Mrs. Mills-Gutcher she does not, because the definition in the Code refers to them as commercial activities and the request is for residential; since it will be utilized by the people that reside in the condominium adjacent to the site. Adding that there will not be any fare carrying activity or slip rentals, which according to her; is not the intended use of the request.

Chairman Weidenhamer asked for clarification if the docking facility will remain completely empty until the upland condominium development is finished so the condo owners can purchase the slips. According to Mr. Hunter, that is exactly what the intent of the request is for and the City of Destin's Harbor Board will not allow the permit to be pulled for the docking facility until all the permits are approved for the upland residential condominium development. Chairman Weidenhamer then asked who the current owner of the facility is until they are sold. According to Mr. Hunter, that would be the developer and owner of the land for the project. And reiterated that it will not be built until the condo is finished being built.

Back to the testimony of Mrs. Mills-Gutcher, Mr. Hunter asked her if she is familiar with the zoning for the property in question. ***Mrs. Mills-Gutcher replied that the zoning is currently High Density Residential.***

Is it to your knowledge that a docking facility is allowed in the zoning district? ***In the LDC's Table of Allowable Uses for the zone, accessory uses are allowed.***

Are you familiar with any correspondence between the city and the Planning Director that is consistent with your interpretation that says a private docking facility affiliated with the residential condominium is an accessory use? ***There was a letter written several years ago by Mr. Ken Gallander that made that opinion.***

Mr. Hunter, acknowledged the letter dated July 31, 2007 and is included in their packet submitted as ***City's Exhibit A.***

Have you reviewed the Upland Development Order? ***Yes.***

Referring to the one that was issued in 2009, he asked her if there is any aspect of the upland D.O. that limits or places any restrictions on the ability to place docks on the parcel in question. According to Mrs. Mills-Gutcher, ***there was no language in the development order that***

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restricted the use or the construction of an accessory use, such as docks or docking facilities.

He asked her if the Upland Development order provides conditions on the development of the upland site *There are conditions on the 2009 DO that effects the development of the site.*

And none of the conditions had anything to do with the marina, correct? *That's correct.*

In the Technical Review Reports, did any of them have limitations for upland docking facilities? *None did.*

He asked, in her review of the city codes, how does the city approve docks. *She explained that Article 11 of the LDC regulations has a section called Marina Siting and Section 11.05.00 is about procedures for permitting docks and a list of procedures on how to get docks approved through the city.*

Regarding Article 2, 3 and 11, Mr. Hunter asked, is there anything in the review that would suggest that Article 2 somehow works in conjunction with Article 11, related to the siting of and permitting approval of a marina. *No, there is no language in Article 2 about permitting docking facilities because that language is in Article 11, specifically, one would look to that Article for permitting docking facilities.*

He then asked if she is referring to the sentence that states, *"This Article establishes and regulates procedures and standards by which the city controls and regulates the development of construction activity within and contiguous to the harbor and waterways of Destin."* *Yes.*

Mr. Hunter asked, for the record, there is no such provision in Article 2, correct? *Correct.*

Is there anything in the criteria in Article 2 that has any input for a dock or marina? *I did not read any.*

Is there anything in your review of Article 2 that would suggest that if you were to come to the city with an upland approved D.O. and add a docking facility that you would have to amend your D.O. associated with that upland development in order to get your dock approved. *No.*

Are you familiar to what the city's definition of what a Major Deviation is to a development order? *Yes.*

And did you review that? *Yes, I did.*

Would you consider the application for a docking facility on this separate parcel to be a major deviation to the upland D.O. you reviewed; based upon the application of the city's code? *No, there are three reasons on how it can become a Major Deviation within that definition. And none of those conditions apply to this case.*

Mr. Hunter asked her to describe each of those three conditions that are to be triggered as a Major Deviation to a Development Order in the city's code.

- *Compatibility of the project and whether it has changed the compatibility of the proposed project as existing within the facility*
- *A determination by the City Manager that there has been a major change or impact.*
- *The applicant is asking for a change to one of the conditions that was listed in the development order.*

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And are you aware of any of those conditions in the development order. ***Not that I am aware of.***

The LUA Cross Examined Mrs. Mills-Gutcher:

Other than your assistance as a consultant to the city of Destin for the EAR of the Comp Plan, have you ever provided any other assistance to the City of Destin as a planning employee? **I have not.**

Have you ever been employed as a Community Development Director with the city of Destin? ***I have not been directly employed by the city.***

Have you ever submitted a development application for a developer seeking to develop property in the city of Destin? ***I have not.***

Have you ever submitted a Development Application with the City of Destin? ***I have not.***

In regards to DO 09-17, on the last page of the Development Order is the TRC report; Mrs. Kopp asked that she read from page 5 of 12 into the record. Mrs. Mills-Gutcher read, from page 5 of 12 is the TRC Report ***“This request does not include any piers, docks, boat slips, or marinas.”***

So, given that the request did not include and piers, docks, boat slips or marina. In your experience; can a condition be placed on a pier, docks, boat slip or marina if it was not reviewed as part of the request. ***If it was not included, the staff could not have to reviewed it to begin with.***

With no further questions, the CA informed Mr. Hunter that he could call his next witness.

Mr. Hunter called Mr. Matthew Trammell and asked that he state his occupation experience, level of education.

Mr. Trammell stated for the record that he is a Senior Coastal Engineer employed at Taylor Engineering, has an undergraduate bachelor's degree in Civil Engineering from the University of Florida, a master's degree in Coastal Oceanographic Engineering from the University of Florida and graduated in 2004. He explained further that he entered into the consultant field shortly thereafter and has been in practice ever since, primarily focusing on Coastal Engineering Works in the southeast, was born and raised in the City of Destin and activity employed for the last 14-15 years specializing in dredging projects, marina waterfront facilities, and beach restoration.

Mr. Hunter submitted into the record Mr. Trammels résumé as ***Applicants Exhibit 4***, with no objection. Mr. Hunter asked Mr. Trammell if he has any experience in siting docks in the city. According to Mr. Trammell, he has had vast experience in all the waterways of Destin and the waterways adjacent to the city.

Are you a member of the city's Harbor & Waterways Board? ***I am.***

And part of that; do you review applications for marinas? ***Yes, we do.***

And how many do you think you have been involved in? ***Approximately 10-12.***

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And have the properties been both marinas as defined in the city LDC and private dock facilities as differentiated in the code from marinas? ***Yes, myself and the company that I work for have experience permitting residential private docks as well as commercial facilities within the Destin Harbor and other Destin waterways.***

Have you ever had to process a dock application within the city that involved Article 2 of the city's LDC? ***Not to my knowledge.***

In your experience, both as a permitting engineer or projects within the city as well as your service on the Harbor Board, have you ever had a dock permit yourself that involved Article 2 of the LDC? ***I do not recall, no projects come to mind.***

And all of the applications that you have been involved in as an Engineer or as a reviewer on the Harbor Board have been a part of Article 11 of the LDC? ***Yes, they have.***

Please describe generally, how as an Engineer or Project Manager on a marina application with the city, how you would go about getting that marina or docking facility approved before the City of Destin. ***There are specific processes in Article 11, the Marina Siting Ordinance that outline the application requirements. Adding that most of the projects that he and his company work on require authorization by both the Department of Environmental Protection, the State regulatory agency and the Army Corp of Engineers, the Federal Regulatory Agency. They review their criteria as well as the criteria in the City's LDC and ensure that the marina meets the requirements. And typically, they retain the FDEP and ACOE authorizations, as they are required prior to the application and once obtained, they make application with the Harbor Board; which reviews and make recommendation to City Council.***

And is the process that you follow to approve the request is in Article 11 and not Article 2? ***Yes.***
Are you familiar with the city's definition of a Marina and Marina Commercial? ***Yes.***

And are you familiar with the dock application of the Point Mezzanine project? ***Yes, Taylor Engineering is the Agent for not only the State and Federal applications but also for the City of Destin.***

In looking at the definition for marinas, is there any aspect of that application that you assume meets the definition of a marina? ***No, we did our best to refer to the proposed docks as private docking facilities.***

And in your opinion, the fact that they're private docking facilities, they're excluded in the definition of marinas. ***Yes, looking at the definition of marina commercial, marinas, or slips fare carrying, I do not feel it meets the definition of either of those.***

And why do you think that? ***A private docking facility and solely to support the upland development of the condominium as stated in the FDEP application for the submerged land lease from the State of Florida for the subject property.***

Is any part of the docking facility to be used as a rental; to your knowledge. ***No, and that is not authorized by the FDEP authorization.***

Is any part of the docking facility to be used for fare carrying vessels as the term is defined in the city's code? ***No, it is not and that is also specifically excluded from the permit within the***

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FDEP authorization.

Board member Staley asked Mr. Trammell, in comparison to the immediate area, how large is the request. ***According to Mr. Trammell the size is very similar in scale to the neighboring marina at East Pass Towers.***

In cross, Mrs. Kopp asked Mr. Trammell that as the Chairman of the Harbor and Waterways board, does he ever recall any applications for an upland development order without a docking facility included. ***According to Mr. Trammell he does not recall any.***

With no more witnesses to provide testimony for either side, the CA informed the Board members that the applicant has the burden to prove by preponderance of the evidence that the Community Development Director's decision was incorrect.

With no objection from the city, Mr. Hunter submitted the following documents into the record:

- ***Applicant Exhibit #5***, February 19, 2019 Letter from Mr. Zunguze to Taylor Engineering regarding the application to the Harbor Board.
- ***Applicant's Exhibit #6***, Letter dated February 19, 2019 from Mr. Smith and himself to Mrs. Kopp regarding the same issue.

In presenting the case to the Board for the City's Appeal, Mrs. Kopp's explained that the city never informed the applicant that they could not proceed with their development; in fact, she explained the developer can proceed to apply to pull permits with his existing Development Order 09-17; which is included in their agenda package. Additionally, she explained to the members that the applicant has never been told that he cannot have a docking facility or marina on the subject property. However, what the city requires of the applicant is for him to follow the appropriate procedures for the development that he wishes to put on the site, as set forth in Article 2 of the LDC and this is what the applicant has taken issue with regarding the process to obtain the docking facility. She explained, the city requires the applicant apply for a Deviation or an Amendment to the existing D.O. because, their D.O. specifically excludes a marina, docks and piers. And a docking facility was not considered when the D.O. application was reviewed. Therefore, the project as a whole must be considered as a D.O. Amendment to include the uses that were not included at that time. She spoke of how the term "marina" has been used by both the applicant and staff, and everyone agrees that the docking facility requires a residential component. She then spoke of the zoning district, High Density Residential (HDR) and how it prohibits all non-residential uses and regardless how the applicant wishes to classify the proposed project as either marina or docking facility, the bottom line is without a residential component; it is not allowed in the HDR zoning district. So, the three options that the applicant

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can take are:

- Apply to develop the docking facility without a residential use component and get denied; since it's not allowed in the zoning district.
- Apply to develop the docking facility with a residential component. According to their testimony, that is what they are doing. Which means they would have to amend their D.O. because since there is a D.O. for a residential facility that excludes the dock, pier, or marina. And it would have to be reviewed together for planning practices and city codes; which is how Land Use Development works.
- Request to the City Council to amend the LDC to allow the proposed use in the HDR Zoning District.

She asked the members to not get confused with other docks that have been approved in the city. Adding that the city has reviewed its records and there is not one case specifically that the city is aware of, and Mr. Trammell testified to, where a dock has been approved at the Harbor Board level, where an existing D.O. on the property that has the same condition as D.O. 09-17. She added that if there were another D.O. in the city that excludes docks, piers, or marinas with their residential development; the city would require an amendment to the D.O. to develop a dock, pier or marina. Cautioning the members to not be confused or mislead into thinking that the applicant has been treated differently than anyone else because everyone else does not have the same D.O. condition.

In summary, the LUA explained that the city has not denied the applicant, but merely informed them of the appropriate process. Which is, a docking facility must have a residential component and the D.O. for the residential component specifically excludes docks, piers, and marinas and as such, it must be amended. Therefore, we respectfully request that you affirm the Community Development Directors determination.

She then called Mr. Zunguze as the city's first witness.

The LUA asked Mr. Zunguze's experience and past work history.

Mr. Zunguze responded that he has practiced in Planning for the past 25-years and holds a Master's in Planning and Regional Development. He has practiced in three different continents around the world; Europe, Africa and in North America; in the west, east and the south.

The LUA asked Mr. Zunguze to summarize his interpretation of the code as to the process that is required for a docking facility or marina on the site.

According to Mr. Zunguze the request would need to go through the appropriate channels

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for the city to be able to review all the impacts associated with development and adhere to the ordinances that must be upheld.

The LUA asked Mr. Zunguze the following questions:

Given that in the D.O., the request does not include a pier, dock, boatslip or marina for the development of the condo; would there be a possibility for conditions regarding those uses to be included in the D.O.? **No.**

Can a planner determine if there are effects on an upland development by the addition of a docking facility, without reviewing a docking facility at the same time as the upland development? **No, that is why the need for reviews are a requirement.**

So, they can determine what the impacts may be. What type of impacts could take place? **There could be additional parking requirements, stormwater issues, concurrency issues; which are all considered when the city is reviewing a development.**

Not necessarily this project, but could there also be environmental concerns as well, that would have to be considered. **Yes.**

Is it safe to say that there may have been additional conditions in the D.O. if a dock, pier, boatslip, or marina was included in the request? **Yes, that is possible.**

And are you aware of any application that went to the Harbor & Waterways Board that had a D.O. with similar conditions or the same as this one. **No.**

Assuming this is not a marina, it's a docking facility with a residential component; would it be allowed in the HDR zoning district. **No, and I think the express intent of the residential district would preclude that.**

The LUA then asked Mr. Zunguze to explain what the proper process is for this particular case with a docking facility or marina on the site; as an accessory use to the condo. **Mr. Zunguze explained that because there is an existing D.O. for the parcel, it requires them to make application to amend the existing D.O. to include the docking facility and whatever else they may need in their proposal. This allows staff to review all the components of the request to ensure all potential impacts are reviewed properly.**

The City Attorney advised the board members that if they have any questions for Mr. Zunguze, now is the time to ask them.

Board member Weidenhamer asked if the upland residential condominium was already constructed, and they were proposing to add the docking facility; what would be the review process? **Mr. Zunguze replied they would still have to go through the amendment to the existing and permitted upland D.O. and staff would be reviewing what potential impacts the new addition to the site would be; if any.**

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With no further questions from the board, the City Attorney informed the applicant's legal team that it's their turn to cross examine Mr. Zunguze.

Mr. Doug Smith handed Mr. Zunguze his February 2019 letter to Mr. Matthew Trammell of Taylor Engineering where he notified him that what he referred to as a marina, is being pulled from the February agenda. He asked after hearing tonight's testimony, if he has changed his mind in what he still considers what the applicant is proposing; is to construct is a marina. ***According to Mr. Zunguze, for the purposes of the code, he still considers it to be a marina as does the applicant's documents and witnesses, whose earlier testimony was calling it a marina.***

In City's Exhibit A, which is the agenda packet, Mr. Smith referred everyone to the FDEP permit for the Harbor Board Application, that specifically refers the project as a 56 slip private docking facility, and if any part of the application, where slips numbering 40 or more, would be set aside for fare carrying vessels.

The LUA objected to the question based on the grounds that at this point, they have already discussed at length if this is a marina or a private docking facility, and regardless, the D.O. has to be amended.

Mr. Smith contended that what they are asking of the Board is for clarity that they are not asking for a marina. What they are asking for is a private docking facility; because ultimately that determination would affect what review process they must go through; in order to get the approval.

Chairman Weidenhamer asked for clarity that the way he understands the issue, is that if the 79 unit condominium building was built and completely sold out, and the applicant came to the city and proposed the private docking facility, the request would reopen the D.O. on the existing building. ***Mr. Zunguze replied that is a correct assumption.*** The Chairman then pointed out that if the proposal for a private docking facility would reopen the D.O. on an already sold out building, then why do they contend that it would not on something that hasn't even been built yet.

According to Mr. Smith there are differences of opinion between the way they interpret the code and staff's determination, that he will touch on later as to why they think Mr. Zunguze is wrong. Also, he will demonstrate that what they are proposing does not trigger a Major Deviation review; based on the plain language of the code.

Board member Emerson asked Mr. Smith, do you not agree that the original D.O. says

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that there would be no docks? Mr. Hunter contended that the original D.O. does say that there are no docks in the request. Mr. Emerson said, and now you are requesting a dock so isn't that a change to the D.O.? According to Mr. Hunter, it would constitute a development in the LDC but in the LDC, docks are only reviewed under Article 11. Mr. Emerson responded that regardless which Article, a dock is a dock and to him, if the original D.O. says there cannot be a dock and they are wanting to put in a dock; then that constitutes a change to the original D.O.

The CA reminded everyone that there is an objection on the floor that needs a ruling; ***Chairman Weidenhamer sustained the objection.***

Mr. Smith then asked Mr. Zunguze is there anything in the application that suggests to you that they plan on renting slips to third parties?

The LUA spoke up and referred the Board to City's Exhibit A, Attachment 5, labeled document submitted by Mr. Trammell of Taylor Engineering, is marked as a proposed marina site plan on the 5th & 6th pages.

Mr. Smith asked Mr. Zunguze, based on that reference, did you conclude that there is a plan to rent out the docks. ***No, he reviewed it based on the context of the code, that a docking facility or a marina would still need an amendment to the existing D.O. and that the Harbor Board was not the appropriate process to go through for the request.***

Mr. Smith referred Mr. Zunguze to the definition of a Major Deviation; and asked is there anything that the developer proposes to do to the upland parcel that would change the building or upland design that was approved with the D.O. ***A fifty or so docking facility would have indications to the existing D.O.***

Mr. Smith asked Mr. Zunguze to focus strictly on the upland building, is the Developer still proposing to build the building and the improvements proposed in the D.O. are exactly as set out in the D.O. ***No, because the D.O. did not include docking facility.***

Is there any condition of approval in the original D.O. expressly imposed by the City Council that is being changed as a result of this proposed docking facility? ***Mr. Zunguze replied that he cannot answer that question without an application in order to make that determination. And is why he informed the applicant that they need to make application. Adding that the scope is more than 10,000 square feet of the approved D.O and it needs to be reviewed because, the proposed docking facility may have further impacts.***

Mr. Smith then asked, based on the language of the TRC report that says no docks are

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being requested for the D.O., is that your sole bases for saying that a Major Deviation is required? *Mr. Zunguze replied that the scope of the current project, as outlined in the D.O., and the proposed docking facility, given the size of it; is a large project that needs to be reviewed as a whole.*

With no further questions from either side, the CA asked the chairman to open the public portion of the hearing. Chairman Weidenhamer opened the public portion, seeing no one in the audience, he closed the public hearing.

According to the LUA, the city agrees that the applicant has the burden to show that the Community Development Director was incorrect in his review of the application and interpretation of the city's code. She reiterated that city has not denied the applicant, but merely informed them of the proper process to follow for the review. Adding, this has been explained to the applicant that the reason the review process is under Article 2 of the LDC is because there is already a D.O. for the upland development that specifically states no docks, no piers, no boat slips, and no marinas. And regardless, if it's either of those does not matter. Had there not been a D.O., there may been other issue however, they have already testified that it's going to be built in accordance to the upland development. Therefore, you must look at the project as a whole. And an amendment is required to the D.O. They cannot put a docking facility whether it's a boat slip, marina, dock or pier on the property without a residential component and since there is already a D.O. for the residential component; that is why an amendment to the D.O. is required. Additionally, the applicant can petition City Council for a code amendment to allow the 50+ docking facility in the HDR zoning district however, as it now stands, what they are wanting is not allowed in the zoning district without the residential component and is why the Major Deviation to the D.O. is required.

Board member Emerson asked the LUA if the wording of the TRC report from 2009 is a part of the Development Order. According to the LUA, it is, and referred him to look at the bottom of page 5 of 12, and stated that it is an integral part of the D.O.

In closing arguments Mr. Smith stipulated that they are only asking to be treated as everyone else has been treated. That requests for docks or marinas in the Harbor goes through the Harbor & Waterways review process under Article 11, and then before City Council under the Consent Agenda for their consideration of the approval. Adding that what they are requesting is compatible to the surrounding properties and to suggest otherwise is farfetched that a docking facility, in the harbor, in the city; is incompatible.

Chairman Weidenhamer asked Mr. Smith, theoretically speaking, if a case came before him and he made a determination regarding the case and then several years later additional

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information was provided to him, regarding that case, would he feel entirely comfortable that his decision was accurate, even though he didn't have all the information presented to him at that time. Or would you feel that you need to review the entire case again based on all the additional information presented.

According to Mr. Smith, applicable to his facts, they are entitled to go through the process that the code provides, applying to the Harbor Board. And if they were to change anything of what has already reviewed on the upland development then they would agree to the deviation, but they are not asking for anything to change on that upland development at all.

Board member Waterhouse asked Mr. Smith, in relation to his comment that there are residential upland developments in the harbor that have docking facilities or marinas that were approved; would he please bring those to their attention. According to Mr. Smith he believes that the project called Harbor Lights comes to mind. Board member Waterhouse asked for him to provide the Development Order for that property so they could review it. According to Mr. Smith, they are on the disc that they handed out as an exhibit, but currently, he does not have a copy to provide to them to review.

Chairman Weidenhamer asked if there is any further additional public discussion to present, having none the closed the evidentiary public session.

The CA informed the members that now is the time for them to start their deliberations and to ask any further questions they may have.

The Chairman asked if they have a D.O. with docks, is it correct that the Planning Dept would review it as a whole to determine if the docks may add additional requirements. According to the LUA, that is exactly what Mr. Zunguze testified to earlier, that this request may have additional impacts on the development that staff would need to review.

With no further questions, the chairman closed the deliberations for the Board and called for a motion.

Board member Fischer made the motion to affirm the decision of the Community Development Director dated July 29, 2019 with Board member Emerson providing the second. A roll call vote of 6-0 was taken and the motion passed.

The CA informed the applicant that under Section 2.25.11 of the City Code, that any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any officer, department, board, commission, or bureau of the City, may apply to the circuit court

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for judicial relief within 30-days after rendition of the decision by the Board of Adjustment. Review in the circuit court shall be by petition for writ of certiorari, which shall be governed by the Florida Appellate Rules.

Mr. Hunter asked for clarification, that they will be issued a written order affirming the decision of the Board, which triggers the 30-days. According to the CA, in Section 2.25.12(H)(9) when the board passes a motion granting or denying the application, the result pronounces the order of the board, for the purposes of granting or denying the relief requested, and commences the time for filing an appeal to such order.

6. OTHER BUSINESS: Next meeting, November 6, 2019; if there are matters to come before the Board.

7. ADJOURNMENT:

There being no further business the meeting was adjourned at 8:15 p.m.

Adopted and approved this _____ day of _____ 2019.

Tom Weidenhamer, Chairman

Kim Montgomery, Deputy City Clerk

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MINUTES LOCAL PLANNING AGENCY WORKSHOP DECEMBER 12, 2019 - 5:30 P.M. DESTIN CITY HALL BOARDROOM

1. CALL TO ORDER:

Chairman Wood called the Local Planning Agency Workshop meeting to order on Thursday, December 12, 2019 at 5:30 p.m., in the Destin City Hall Boardroom; followed by the Pledge of Allegiance.

2. ROLL CALL:

Members Present

James T. Wood, Jr.
Darryl Shelton
Don David
Jason Klosterman
Kevin Schmidt

Member Absent

Corey Ledbetter

Staff Members Present

Kim Montgomery, Deputy City Clerk
Lauren Witt, Planning Manager
Traci Goodhart, Planner
Kyle Bauman, City Attorney
Kimberly Kopp, Land Use Attorney

3. APPROVAL OF MINUTES:

A. November 21, 2019

Agency member Klosterman moved for approval of minutes of November 21, 2019 meeting as corrected; seconded by Agency member Shelton. Motion passed 5-0.

4. NEW BUSINESS:

➤ **Evaluation and Appraisal Report (EAR)**

Mrs. Witt explained that part of the State requirements for Comprehensive Plan Compliance each community in the State is required to submit an EAR plan every seven years and the city is currently undertaking that process. She added that at this time, their review will be on the Coastal Element only and their input will be incorporated into the next submission. This will come before them at their January meeting for a public hearing and a recommendation to City Council.

Mrs. Goodhart provided the members with staff's proposed schedule for the review and pursuant to the requirements of Chapter 163.3191, F.S. – Evaluation and Appraisal of Comprehensive Plan, The City of Destin is required to amend the Coastal Management Element, per requirements of Section 163.3178, F.S., to include:

- An Evaluation and Appraisal of the current Coastal Management policies
- A review of the current Coastal Management Element per new Florida Statutes
- Proposed new City policies based on state mandates (163.3178,F.S.)

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TIMELINE:

- February 14, 2019 – City submitted Letter of Notification to the State Department of Economic Opportunity
- September – December 2019 – City Staff commenced review of current Coastal Management Element
- December 12, 2019 – Coastal Management Element Workshop with LPA
- January 9, 2020 – Evaluation and Appraisal documents brought before LPA for recommendation
- January 21, 2020 – Staff to present LPA recommendations to City Council for consideration (First Reading)
- February 19, 2020 – Proposed update sent to the State Department of Economic Opportunity (DEO)
- Second Reading TBD - pending State review (60 days) will be determined.

OBJECTIVE 6-1.1: PROTECT COASTAL RESOURCES, WETLANDS, ESTUARIES, LIVING MARINE RESOURCES, AND WILDLIFE HABITATS.

Policy 6-1.1.1: Conserve through Land Acquisitions.

- The City shall annually evaluate opportunities to acquire coastal lands and wetlands through state and/or federal conservation land acquisition grant programs.
- City acquired 3.9-acre Cemex plant to expand the Joe's Bayou Recreational Area
- City partnered with the Trust for Public Land, acquiring 3.42-acre bayfront parcel for Captain Leonard Destin Park
- Ongoing partnership with the FDEP for Norriego Point Park Improvements and Restoration

OBJECTIVE 6-1.3: PROTECT AND ENHANCE COASTAL SHORELINES.

Policy 6-1.3.4: Support Revegetation Programs.

- The City provides funding to the Choctawhatchee Basin Alliance (CBA) to support coastal vegetation propagation, planting and related educational programs.
- The City has also taken remedial action to stabilize the coastal dune system and restore coastal vegetative habitat found along Norriego Point.

Policy 6-1.3.5: Support Beach Re-nourishment Programs.

- The City has a U.S. Army Corp of Engineers (USACE) dredging permit that has been used to re-nourish beachfront.
- The City partners with the Okaloosa County Tourist Development Council (TDC), providing a portion of the City's bed tax revenue for beach re-nourishment projects.

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OBJECTIVE 6-1.4: PRIORITIZE SHORELINE USES AND PROVIDE PUBLIC ACCESS TO SHORELINE.

Policy 6-1.4.4: Implement Beach Access Point (Level of Service Standards)

- Trust for Public Land purchased the 3.42-acre property at 101 Calhoun Avenue with Natural Resource Damage Assessment (NRDA) early restoration funds with a vision to create more public space and provide public access to the shoreline.
- Recent rezoning of waterfront property in Bay Estates, to Recreational provides additional public access to the Choctawhatchee Bay shoreline areas. The City recently purchased a 3.9-acre waterfront parcel to expand the existing Joe's Bayou Recreational Area.

OBJECTIVE 6-1.4: PRIORITIZE SHORELINE USES AND PROVIDE PUBLIC ACCESS TO SHORELINE.

Policy 6-1.4.4.5: Coordinate with TDC and Board of County Commissioners

- The City of Destin is investing \$2 million dollars towards its public beach initiative. This is a top priority for the city to sustain our long-term economic vitality and deliver upon our beach brand.
- TDC has secured \$6.5 million towards the public beach initiative.
- Several appraisals have been secured for beachfront properties within the City's Crystal Beach area.

OBJECTIVE 6-1.5: LAND USE CONTROLS AND CONSTRUCTION STANDARDS FOR PROTECTING THE NATURAL SHORELINE AND THE BEACH/DUNE SYSTEM.

Policy 6-1.5.6: Enforce Federal Emergency Management Agency (FEMA) Construction Standards.

- The City of Destin's Floodplain Management Standards now exceed the minimums of the National Flood Insurance Program (NFIP).
- City standards require new homes be elevated at least one-foot above the crown of the highest adjacent road.
- A two-foot free board requirement was adopted by City Council in 2018, that established height requirements for proposed structures in low-lying areas.

OBJECTIVE 6-1.6: MITIGATE HAZARDS IN THE COASTAL HIGH HAZARD AREAS (CHHA)

Policy 6-1.6.5: Coastal Population Densities and Hurricane Evacuation.

- City's Land Development Code (Article 2.27.00; 13.00.00, LDC) includes administrative procedures for intergovernmental review of developments proposed within the City limit, to ensure consistency with the Okaloosa County Hurricane Evacuation Plan.
- City's Future Land Use Map and LDC encourage low population densities in coastal high hazard areas.

Policy 6-1.6.6: Hurricane Evacuation and Roadway Improvements.

- City of Destin is a participating member of the Okaloosa-Walton Transportation Planning Organization (OWTPO), to address among other transportation concerns, enhanced evacuation, and roadway improvements.
- Highway 98 is currently being widened to accommodate additional travel lanes.

OBJECTIVE 6-1.7: LIMIT PUBLIC SUBSIDY OF DEVELOPMENT IN THE CHHA

Policy 6-1.7.1: Existing Infrastructure in the Coastal High Hazard Area (CHHA).

- There are no City infrastructure facilities located in the CHHA.
- City maintains a list of Critical Facilities under its National Flood Insurance Program (NFIP) and Community Rating System (CRS) programs.
- The City's critical facilities list was last updated in 2018, to include; schools, public safety buildings, municipal, and healthcare facilities.

OBJECTIVE 6-1.9: COORDINATE HURRICANE EVACUATIONS

Policy 6-1.9.1: Utilize Emergency Management Plans.

- Updated Policy per FS 163.3178(2)(d) - State Mandated Update

Policy 6-1.9.6: Improve Hurricane Evacuation Time.

- The City is in the process of redesigning the alternative east-west corridor (Cross Town Connector) to be consistent with land use densities identified in the City's Future Land Use Map (FLUM).
- The proposed route will serve as an alternate roadway to reduce congestion along Highway 98 in the event of a mandatory evacuation.

Policy 6-1.9.7: Evaluate Hurricane Evacuation Clearance Times.

- Annually, the City conducts a Transportation Concurrency Analysis and Report
- The report details levels of service for various collector streets and roads within the City limits to better manage traffic within in the City and inform evacuation clearance times.

OBJECTIVE 6-1.11: MAINTAIN ACCESS TO PUBLIC BEACH AND SHORELINE.

Policy 6-1.11.4: Enhance Waterfront Access.

- The City has developed cost comparative metrics for several potential beach property acquisitions.
- The City has dedicated RESTORE Act funding to renovate existing park infrastructure and to purchase bayfront property for the Captain Leonard Destin Park.
- The City's proposed rezoning of waterfront property in Bay Estates, to Recreational will provide additional public access to bay shoreline areas.

- The City of Destin continues to work with the FDEP, utilizing RESTORE Act funding in the stabilization and future development of recreational opportunities in the Norriego Point Recreational Area.

OBJECTIVE 6-1.14: MAINTAIN INTERGOVERNMENTAL COORDINATION WITHIN THE COASTAL AREA.

Policy 6-1.14.1: Intergovernmental Coordination for the Coastal Area

- The City of Destin and Okaloosa County have an Interlocal Agreement, effective July 2002.
- The City continues to coordinate all development and resource conservation measures impacting the Gulf or Choctawhatchee Bay with local, state, and federal agencies, as necessary.
- Any development proposed near environmentally sensitive lands or State jurisdictional areas is required to have the necessary state and federal permitting, in addition to meeting City land development requirements.
- The City continues to coordinate with other public agencies having jurisdiction in the management of potentially impacted natural resources.

OBJECTIVE 6-1.15: CONTINUE EVALUATION OF COASTAL MANAGEMENT ELEMENT EFFECTIVENESS

Policy 6-1.15.4: Monitor Achievement of Coastal Management Goals

- The City's coastal management goals, objectives, and policies are supported in the City Land Development Code and Comprehensive Plan (Article 11, LDC; Chapter 6, Comprehensive Plan).
- The Coastal Management Element outlines the planning process to identify coastal management issues, through required intergovernmental coordination at the local, state, and federal level.
- The City continues to monitor the achievement of the coastal management objectives through land use changes, density classification, and flood plain management.

Regarding to 6-1.14.1, Item 5; where it talks about the Interlocal Agreement effective July 2002, the Chairman questioned if they were getting all the required information from the County for unincorporated portions of Destin; for traffic concurrency. According to Mrs. Witt, the city does receive project from the County for traffic tracking purposes. The Chairman stated the reason he questions that is because he went to the site of the construction next to Joe's Crab Shack because no one seemed to know what was being constructed. Mrs. Witt stated that she will reach out to them.

Agency member Shelton spoke of how he's heard that Panama City is using flood maps that have not been officially approved by FEMA and why the city is not considering using them as well; as there seems to be a lot of confusion with builders and property owners. According to Mrs. Witt, she is aware that the Building Official is closely tracking the status of the FEMA Flood Maps and she will reach out to her with their concerns.

State Mandate Update:

Pursuant to the requirements of Chapter 163.3191, F.S – Evaluation and Appraisal of Comprehensive Plan

The City of Destin is required to amend the Coastal Management Element, per requirements of Section 163.3178, F.S, to include:

- An Evaluation and Appraisal of the current Coastal Management policies
- A review of the current Coastal Management Element per new Florida Statutes
- Proposed City policies based on state mandates (163.3178,F.S.)

F.S. 163.3178(2)(g) - Expands requirement of coastal element to include strategies that will be used to preserve recreational and commercial working waterfronts, as defined in section 342.07, Florida Statutes

The City continues to preserve recreational and commercial waterfronts through land acquisitions. In addition, water-dependent and water-related uses are established in Article 11.05.00, Marina Siting, LDC. Staff recommends adding a new objective and policy to the Coastal Management Element per 163.3178, F.S.

- **New Objective:** The City shall encourage shoreline development of those land uses which are dependent on or related to access to the water.
- **New Policy:** The City shall preserve recreational and commercial waterfronts through proper land use planning, the public acquisition of land for parks and open space and shall continue to provide the siting of water dependent and water-related uses through the zoning guidelines of appropriate land use districts.

F.S. 163.3177(6)(g)10 - Sets forth an option for the local government to develop an adaptation action area designation for low-lying coastal zones experiencing coastal flooding due to extreme high tides and storm surge and that are vulnerable to the impacts of rising sea level. The City has established guidelines for floodplain management in Article 11.04.00, LDC. Staff recommends adding a new objective and policy to the Coastal Management Element per 163.3178, F.S.

- **New Objective:** The City shall designate as necessary, an adaptation action area for low-lying coastal zones experiencing coastal flooding due to extreme high tides and storm surge and are potentially vulnerable to the impacts of rising sea level.
- **New Policy:** The City will identify areas for which land elevations are below, at or near mean high water, which have a hydrologic connection to coastal waters, or which are designated as evacuation zones for storm surge.

F.S. 163.3178(2)(d) - Assigns the State Division of Emergency Management the responsibility of ensuring the preparation of updated regional hurricane evacuation plans.

Current Policy 6-1.9.1: Utilize Emergency Management Plans. Through the City's emergency management department, the City shall manage its local emergency plan and utilize the recommendations provided in the latest revision of the Okaloosa County Emergency Management Plan (CEMP). The Northwest Florida Hurricane Evacuation Study (July 1999) should also be consulted where information is still current.

Revised Policy: The State Division of Emergency Management will be responsible for preparing regional hurricane evacuation plans. In the event of a natural disaster, the City shall respond to the instruction and guidance of the Okaloosa County Emergency Management office. The City

shall also periodically review the hurricane evacuation plan and will update and revise such plans based upon data from the Statewide Regional Evacuation Study for northwest Florida.

F.S. 163.3177(6)(g) - Modifies the objectives of the coastal management element and includes a new requirement for preserving historic and archeological resources.

Current Policy 6-1.12.2: Performance Standards for Protecting Sites of Historic or Archaeological Significance.

The LDC shall include provisions to address adverse impacts to historic or archaeological sites of significance created by development or redevelopment of the site.

Revised Policy: The City shall continue to support efforts to identify historic or archeological sites and register them with the proper agencies. The City LDC shall establish historic overlay districts, guidelines, and requirements, as necessary, to establish controls for safe construction practices and for retaining the character of development within said districts.

F.S. 163.3178(2)(f) - Adds requirements for the redevelopment component of the Coastal Management Element.

Current Policy 6-1.10.1: Recovery Operations and Post-Disaster Redevelopment.

Expanded Policy:

1. In order to reduce flood risk from, or associated with, high-tide events, storm surge, flash floods, stormwater runoff, and the impacts related to sea-level rise, the City will continue to promote the use of the development and redevelopment principles, strategies and engineering solutions contained in the Florida Building Code and the Land Development Regulations.
2. The City shall continue to ensure development and redevelopment utilize the best available data on minimum floor elevation, including FEMA flood zones.
3. The City shall, through implementation of all Land Development Regulations, continue to ensure that all new buildings or structures meet, or exceed, the flood resistant construction requirements of the Florida Building Code and Federal Flood Plain Management regulations including flood proofing and storm surge.
4. Participate in the National Flood Insurance Program in conformance with Public Law 92-288 and the Community Rating System Program.

The Chairman opened the public for comments, with no one speaking up; he closed the public and turned the discussion over to the members. With no further comments, Mrs. Witt spoke of the assistance she received from all the city departments for their input on the EAR. And reiterated that this will be brought back before them at their January 9th Special Meeting in a more formal format for their review and recommendation to Council. She also provided the members with what will be coming before them in the next three meetings in January in order for staff achieve their necessary deadlines.

7. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 6:10 p.m.

Adopted and approved this _____ day of _____ 2019.

James Wood, Jr. Chairman

Kim Montgomery, Destin City Clerk

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LOCAL PLANNING AGENCY SPECIAL MEETING MINUTES JANUARY 9, 2020 - 5:30 P.M. DESTIN CITY HALL BOARDROOM

1. CALL TO ORDER:

Chairman Wood called the Local Planning Agency Special meeting to order on Thursday, January 9, 2020 at 5:30 p.m., in the Destin City Hall Boardroom; with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Members Present

James T. Wood, Jr.
Darryl Shelton
Don David
Jason Klosterman
Corey Ledbetter

Member Absent

Kevin Schmidt

Staff Members Present

Kim Montgomery, Deputy City Clerk
Lauren Witt, Planning Manager
Traci Goodhart, Planner
Louis Zunguze, Community Dev. Director
Michael Burgess, Public Services Director
Kyle Bauman, City Attorney
Kate Henderson, City Attorney Associate

3. NEW BUSINESS:

➤ Evaluation and Appraisal Report (EAR)

ORDINANCE NO. 20-01-PC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING CHAPTER 6 OF THE CITY OF DESTIN'S COMPREHENSIVE PLAN, "COASTAL MANAGEMENT ELEMENT"; PROVIDING UPDATES TO THE COASTAL MANAGEMENT ELEMENT PURSUANT TO STATE LAW; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

According to Mr. Zunguze, the action that they are tasked tonight it to move the Evaluation and Appraisal Report (EAR) forward, as required by the State to be assessed every 7-years. He explained further that staff will be presenting to them a chapter at a time and their current review is for Chapter 6, Coastal Management Element.

Mrs. Goodhart asked the members if they had any additional questions from the presentation that she presented to them at their last meeting or if they felt they needed to see it again. According to the Chairman, he feels that there is no need to repeat showing it since there are no changes.

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The City Attorney Associate read the ordinance by title into the record.

The Chairman opened the Hearing to the public for comment. With no one coming forward to speak, he closed the public and asked the Agency members for any comments or a motion.

Agency member Shelton made the recommended motion that the City Council approve Ordinance 20-01-LC on first reading with Agency member Ledbetter providing the second. A roll call vote of 5-0 was taken and the motion passed.

Chairman Wood inquired as to what the next steps were. According to Mr. Zunguze, staff will present the ordinance to Council for the first reading then it will be transmitted to the State for their formal review and then it will be sent back for Council's second reading and adoption.

4. DIRECTOR'S REPORT:

Mr. Zunguze reminded the Agency members that they have another meeting next week to review and recommend the adoption of three more ordinances. And another meeting on the 23rd where they will be considering a request to vacate a portion of the right-of-way on Harbor Lane. Additionally, he informed the members that starting in February, staff will start scheduling two meeting a month for the rest of the year, because of their additional tasks of reviewing and making recommendations for any Conditional Use requests that may come in. He also informed the members that staff will be taking the new updated Future Land Use Map to Council for their consideration and formal adoption in February.

Chairman Wood inquired about the new hurricane evacuation routes in the EAR plan. According to Mr. Burgess, the most important aspect of the report is ensuring the bridges are officially closed when the wind speeds reach sustained level of 45mph and getting the approval to open both lanes up on the Mid-Bay Bridge for northbound traffic to allow for northbound evacuations. He reported that in 2019 staff reached out to all of the Condominium Association Managers and short term rental agencies and gathered their emergency contact information so in the event of storm, they can be properly notified of any new and updated information as it's received. He also spoke of the different social media platforms that the Public Information Manager uses to get the information out to the citizens at that level as well.

5. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 6:10 p.m.

Adopted and approved this _____ day of _____ 2020.

James Wood, Jr. Chairman

Kim Montgomery, Destin City Clerk

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 21, 2020

TYPE OF AGENDA ITEM: Presentation

TO: City Council

THRU:

FROM:

DATE:

SUBJECT: Councilmember Menchel

I. BACKGROUND:

II. DISCUSSION:

- A. Link to Strategic Goals / Objectives:**
- B. Effect on Budget (EOB):**
- C. Level of Service (LOS):**

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:
None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 21, 2020

TYPE OF AGENDA ITEM: Action Item

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Rey Bailey, City Clerk

DATE: January 16, 2020

SUBJECT: 2) Adopting a resolution specifying that the City Council meeting agenda is to be published by Thursday, prior to the meeting to which it pertains

I. BACKGROUND: City Council Resolution 13-15 (Atch 1) adopts rules of procedures for Council meetings. Section 6-2 of Resolution 13-15 specifies that Council meeting agenda shall be distributed by Thursday, prior to the meeting to which it pertains.

The City Council adopted Resolution 18-22 (Atch 2), amending Section 6-2 of Resolution 13-15 and directing that Council meeting agenda be published by Wednesday, prior to the meeting to which it pertains.

II. DISCUSSION: Councilmember Menchel recommends Resolution 18-22 be rescinded and provisions of Section 6-2 of Resolution 13-15 upheld to allow staff more time to process the agenda and help avoid having to republish it.

A. Link to Strategic Goals / Objectives: Service Excellence

B. Effect on Budget (EOB): None

C. Level of Service (LOS): Allows staff more time to process the agenda, study the materials and conduct the necessary research.

III. CONCLUSION: Adoption of proposed Resolution 20-2 (Atch 3) rescinds Resolution 18-22 and upholds provisions of Resolution 13-15.

IV. RECOMMENDED MOTION: A) Take no action

or

B) Motion to adopt Resolution 20-2.

Attachments:

1. Resolution 13-15
2. Resolution 18-22
3. Resolution 20-02 - Rescinding
Resolution 18-22 (2)

RESOLUTION 13-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN ADOPTING RULES OF PROCEDURE FOR COUNCIL MEETINGS; PROVIDING FOR AUTHORITY; GENERAL RULES; TYPES OF MEETINGS; PRESIDING OFFICER AND DUTIES; ORDER OF BUSINESS; ORDINANCES, RESOLUTIONS, AND OPINIONS; CITIZEN PRESENTATIONS; SUSPENSION AND AMENDMENT OF RULES; AND AN EFFECTIVE DATE.

WHEREAS, the City Council recognizes the need to amend and adopt rules of procedure for Council Meetings; and

WHEREAS, it is recognized that rules of procedure will establish consistent agendas and orderly meetings; and

WHEREAS, recent general law amendments have affected municipal meeting procedures; and

WHEREAS, the City Council feels it in the best interest of the City of Destin to accept and adopt by Resolution Council meeting Rules of Procedure;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Destin does hereby adopt the following as Rules of Procedure for the City of Destin Council meetings:

1. AUTHORITY:

1.1 Authority: The authority for this resolution is the City Charter and Sec. 286.0114, Florida Statutes.

1.2 Rule Power: The Charter of the City of Destin provides that the Council may determine its own rules of procedure for meetings. Limiting mandates are provided by general law.

2. RULES ESTABLISHED:

2.1 Rules Established: The following set of rules shall be in effect upon their adoption by the Council and until such time as they are amended or new rules adopted in the manner provided by these rules.

3. GENERAL RULES:

3.1 Meetings to be Public: All meetings of the Council shall be open to the public, except for such meetings as are exempt by general law.

3.2 Quorum: A majority of the members of the Council, free of voting conflict, shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time.

3.3 Compelling Attendance: The Council may adjourn from time to time to compel the attendance of absent members.

3.4 Minutes of Proceedings: Minutes of the meetings of the Council shall be kept by the City Clerk, except for such meetings as are exempt by general law.

3.5 Right of Floor: Any Council member desiring to speak shall first be recognized by the Presiding Officer, and shall confine his or her remarks to the one subject under consideration or to be considered.

3.6 City Manager: The City Manager or his or her designee is expected to attend all meetings of the Council and shall have the right to take part in all discussions of the Council.

3.7 City Attorney: The City Attorney or his or her designee is expected to attend all meetings of the Council and provide guidance and opinions, on questions of law and shall act as the Council's parliamentarian by advising the Presiding Officer regarding matters of procedure.

3.8 City Clerk: The City Clerk or his or her designee shall attend all meetings of the Council and shall keep the official minutes of proceedings and perform such other duties as may be requested by the City Manager or Council.

3.9 Rules of Order: *Roberts Rules of Order Revised* shall serve as a guide to the proceedings of the Council to the extent they are not in conflict with these rules.

3.10 Motion to Reconsider: An action of the Council may be reconsidered only at the same meeting at which the action was taken. A motion to reconsider may be made only by a Councilmember who voted on the prevailing side of the question and must be concurred in by a majority of those present at the meeting. Adoption of a motion to reconsider shall rescind the action reconsidered.

3.11 Motion to Rescind: An action of the Council taken at a previous meeting (the "previous action") may generally be rescinded at a subsequent meeting. Motions to Rescind shall be governed by the following process:

1. A Councilmember seeking rescission of a previous action shall place a Motion to Consider Rescission on the agenda of a regular Council meeting. If a majority of the full membership of the Council approves the Motion to Consider Rescission, the Motion to Rescind shall be placed on the agenda of the next regular Council meeting. If less than a majority of the full membership vote in favor of the Motion to Consider Rescission, no Motion to Rescind the previous action shall be considered by the Council.
2. Approval of a Motion to Rescind requires the affirmative vote of a majority of the full membership of the Council.
3. If a Motion to Rescind is approved, the Council shall, at the same meeting, either consider the previous action or set a date certain for its consideration.
4. Notwithstanding anything stated above, a Motion to Rescind initiated by a Councilmember who voted on the losing side in connection with the previous action shall not be in order unless the Council determines:
 - a. Subsequent information has become known that (i) would have been material to the Council's decision on the previous action and (ii) would have militated for a different result; or
 - b. A rescission of the previous action is imperative to avoid a material cost, risk, harm, or other jeopardy to the City or its citizens, and the material cost, risk, harm, or other jeopardy could not have been known at the time of the Council's previous action.

5. For purposes of the Motion to Rescind, a Councilmember who was

absent for a vote on the motion in connection with the previous action is deemed to have been on the prevailing side of the vote.

6. There may be actions of Council taken regarding which the Council is estopped from rescinding.

3.12 Action Savings: No action taken by the Council shall be deemed void or invalid because of the failure to adhere to Robert's Rules of Order or the provisions of these rules of order and procedure, except as may otherwise be provided by general law.

4. TYPES OF MEETINGS:

4.1 Regular Meeting: The Council shall meet in the Council Chambers or another designated place within the City boundaries, for meetings. Regular Council Meetings are to commence at 6:00 p.m. unless otherwise specified, on the first and third Monday of each month except for National Holidays which fall on a Monday when the regular meetings shall be on the next Tuesday.

4.2 Special Meetings: Special Meetings may be held on the call of the Mayor or any three (3) Councilmembers. The call for a Special meeting shall be filed with the City Clerk, except that an announcement of a special meeting during any regular meeting shall be sufficient for such special meeting unless otherwise provided by general law. When practical there shall be a twelve hour notice to each Councilmember and local news media.

4.3 Adjourned Meetings: Any meeting of the Council may be adjourned to a later date and time.

4.4 Workshop Meetings: The Council may meet informally in workshop meetings (open to the public), at the call of the Mayor or of any three (3) members of the Council. No ordinances, resolutions or other actions may be adopted at such meeting provided that the Council may direct staff to take actions that do not entail the expenditure of City funds.

4.5 Emergency Meetings: Emergency meetings may be held on the call of the Mayor or a majority of the Councilmembers whenever there is a public emergency affecting life, health, property or the public peace, and whenever practicable, upon no less than one (1) hours' notice to each Councilmember and local news media.

4.6 Telephonic Participation: If a quorum of the City Council is physically present, other members of the City Council may participate, but not vote, by phone provided they can be heard on the record and they can hear the other members of the City Council and the participating public.

5. PRESIDING OFFICER AND DUTIES:

5.1 Presiding Officer: The Mayor, if present, shall preside at all meetings of the Council. In the absence of the Mayor, the Mayor Pro Tem shall preside. In the absence of both the Mayor and the Mayor Pro Tem, the meeting shall be called to order by the City Clerk for the purpose of electing a temporary presiding officer.

5.2 Call to Order: The meetings of the Council shall be called to order by the Presiding Officer.

5.3 Preservation of Order: The Presiding Officer shall preserve order and decorum; prevent attacks on personalities or the impugning of members' or motives, and confine members in debate to the question under discussion.

5.4 Points of Order: The Presiding Officer shall determine all points of order, subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be, "Shall the decision of the presiding officer be sustained?" A majority of the Council sitting and eligible to vote is required to reverse the ruling of

the Presiding Officer.

5.5 Voting: Voting by registering votes on the electronic voting board meets the Charter requirement for roll call vote.

6. ORDER OF BUSINESS:

6.1 Order of Business: The general rule as to the order of business in regular meetings shall be as follows:

- Call to Order;
- Invocation and Pledge of Allegiance;
- Special Presentations;
- Approval of Minutes;
- Public Hearings;
- Public Opportunity to Speak on Council Propositions
(subject to limitations provided in Sec. 286.0114(3)(a)
Florida Statutes);
- Consent Agenda;
- Resolutions;
- Committee Reports;
- Scheduled Presentations from the Public
(Only those persons who have completed a speakers' form and complied with the advance notice requirements will be scheduled here);
- Project Reports and Comments from Mayor and Council;
- Staff Reports and Recommendations
(Ordinance readings not requiring public hearing will usually appear under this item);
- Comments from Audience
(any unscheduled presentations will be heard here);
- Adjournment

6.2 Agenda: The order of business of each regular meeting shall be as contained in the Agenda. The Agenda shall be a listing by topic of subjects to be considered by Council. A request to be on the agenda shall be presented in the prescribed form to the City Clerk by 12:00 noon on Wednesday, prior to the regular meeting. A preliminary agenda shall be published by 12:00 noon on Wednesday, prior to the regular meeting. Items may be deleted from the printed preliminary agenda, but items shall not be added. A final agenda with any items deleted, will be printed by 12:00 noon Thursday, prior to the regular meeting. When practical, backup material relating to agenda items are to be presented for the record, and shall be given to the City Clerk by 12:00 noon Thursday, prior to the regular meeting. Council meeting packets shall be prepared by the City Clerk's office and ready for distribution by mid-afternoon on Thursday, prior to the meeting to which it pertains. If regular meetings are held other than on the scheduled meeting dates, a similar lead time schedule for agenda and packet materials shall be followed.

6.3 Presentation by Members of Council: The Agenda shall provide times when the Mayor, Councilmember, City Manager and City Attorney may bring before the Council any business that he or she feels should be deliberated upon by the Council. These matters need not be specifically listed on the Agenda, but may be acted upon only upon an extraordinary vote of the Council members present and eligible to vote on the matter. Except in instances where extraordinary conditions are necessitated, the Mayor and Council shall notify the City Manager of forthcoming agenda topics in keeping with the above deadlines and strive to supply backup materials for timely

distribution with the agenda packets.

6.4 Consent Agenda: The Consent Agenda may be used to handle routine matters on the agenda expeditiously. There is no separate discussion of these items unless a Councilmember or a member of the public requests an item be removed for consideration in its normal sequence on the Agenda. The approval of the Consent Agenda is usually handled in one motion from the Council table, "I move that the Consent Agenda, (item numbers may be included) be approved; or if items are to be removed, "for good cause" or "discussion", a typical motion might be, "I move that we approve the Consent Agenda items ____ through ____ with the exception of item ____."

7. ORDINANCES, RESOLUTIONS, AND MOTIONS:

7.1 Requests for Ordinances, Resolutions or Opinions: Any Council member may request the City Manager or City Attorney to prepare or have prepared proposed ordinances or resolutions. Any Council member or the Mayor may request a legal opinion of the City Attorney.

8. CITIZENS PRESENTATIONS:

8.1 Presentation by Public on Proposition before the Council: The agenda shall provide times when the public is given a reasonable opportunity to be heard on a proposition before the City Council. The opportunity to be heard may not occur at the same meeting in which the Council takes official action on the proposition, provided when the opportunity has been extended within sixty (60) days before the meeting at which the Council takes the official action. Public opportunity hereunder does not extend to:

- (a) An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or Council to act;
- (b) An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
- (c) A meeting that is exempt from Sec. 286.011 Florida Statutes; or
- (d) A meeting during which the board or Council is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

8.2 Addressing the Council -- Scheduled Presentations: Any person desiring to address the Council by oral communication on any subject not already on the Council meeting agenda shall first secure the permission of the Presiding Officer and will be recognized under "Scheduled Presentations from the Public" at the end of the regularly scheduled business. Only those persons who have completed a speaker's form and who have notified the City Clerk by 12:00 noon of the Wednesday immediately preceding the regular meeting will have their name placed on the Agenda and be recognized under the heading "Scheduled Presentations from the Public."

8.3 Addressing the Council -- Public Opportunity on Council Propositions: Any person desiring to address the Council by oral communication regarding agendaed Council propositions shall complete and deliver a Request to Speak Card to the City Clerk then secure the permission of the Presiding Officer and will be recognized under "Public Participation on Council Propositions" where that item occurs on the regularly scheduled Agenda.

8.4 Addressing the Council -- Comments from Audience: Any person desiring to address the Council by oral communication shall complete and deliver a

Request to Speak Card to the City Clerk then secure the permission of the Presiding Officer and will be recognized under "Comments from the Audience" where that item occurs on the regularly scheduled Agenda.

8.5 Addressing the Council – Public Opportunity on Public Hearings:

Any person desiring to address the Council regarding Agendaed Public Hearings by oral communication shall complete and delivery a Request to Speak Card to the City Clerk then secure the permission of the Presiding Officer and will be recognized under "Public Hearings" where that item occurs on the regularly scheduled Agenda.

8.6 Manner of Addressing the Council – Time Limit: Each person addressing the Council shall approach the microphone, shall give his or her name and address and the organization or group they represent if any, in an audible tone of voice for the record and, unless further time is granted by the Council, shall limit their address to five minutes. All remarks shall pertain to City business and shall be addressed to the Council as a body, and not to any member thereof. No person, other than members of the Council or Mayor, and the persons having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Council. No questions shall be asked the Councilmembers or staff, except through the Presiding Officer.

8.7 Personal and Slanderous Remarks: Any person making personal, impertinent or slanderous remarks, or who shall become boisterous or use offensive language, while addressing the Council, may be requested to leave the meeting. No reference by name to any individual present or absent, including Councilmembers and staff, shall be used in a negative manner by any person addressing the Council. All participants and speakers shall refrain from belittling or insulting remarks or making personal attacks.

8.8 Reading of Protests: Interested persons, or their authorized representatives, may address the Council for the reading of protests, petitions, or communications relating to any matter over which the Council has control when the item is under consideration by the Council.

8.9 Referral of Citizens' Complaints: While in session, the Mayor or Councilmembers, individually, or the City Council collectively, through motion, may refer citizen's complaints to staff or an appropriate City Committee.

8.10 Written Communications: Interested parties, or their authorized representatives, may address the Council by written communication on any matter of business. However, in order to preserve the public record as well as comply with Florida's Public Records Law, an exact copy of said written communication must be provided to the City Clerk.

8.11 Presentations by Representatives of Groups or Factions: At meetings, in which four (4) or more individuals of a group or faction wish to be heard, a representative of a group or faction may address the Council rather than all members of the group or faction and in such instances shall limit their address to twenty (20) minutes.

8.12 Challenges to Staff and Advisory Body Recommendations: Anyone who is challenging a staff and advisory body recommendation must submit a request in writing to be placed on the agenda by 12:00 noon on the Wednesday before the upcoming regular meeting. The request must contain a written memorandum setting forth in detail the specific rulings or findings to which they object and stating any Florida Statutes, case law, or sections of the Land Development Code, Comprehensive Plan or ordinances of the City of Destin on which they are basing their objection. Council may not consider a challenge to administrative decisions requiring Board of Adjustment review or decisions of City Boards over which the Council lacks review jurisdiction.

9. SUSPENSION AND AMENDMENT OF THESE RULES:

9.1 Suspension of Rules: Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended by a vote of a majority of all the Councilmembers.

9.2 Amendment of Rules: These rules may be amended, or new rules adopted, by a majority vote of all members of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at a prior Council meeting.

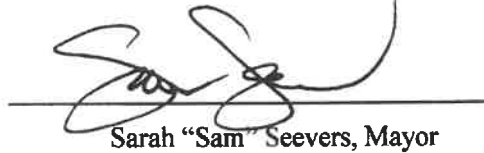
10. REPEAL OF CONFLICTING RESOLUTIONS:

10.1 Repeal of Conflicting Resolutions: Resolution 04-10, a copy of which is attached hereto and made a part hereof by reference, is hereby repealed.

11. EFFECTIVE DATE: This resolution shall be effective upon its adoption by the City Council.

SO DONE THIS THE 17TH DAY OF SEPTEMBER 2013

By:


Sarah "Sam" Seevers, Mayor

ATTEST:


Rey Bailey, City Clerk

RESOLUTION 18-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AMENDING RESOLUTION 13-15, RULES OF PROCEDURE FOR COUNCIL MEETINGS; AMENDING THE AGENDA PROCESS FOR COUNCIL MEETINGS; PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 17, 2013, the City Council adopted Resolution 13-15, establishing rules of procedure for City Council meetings; and

WHEREAS, the City Council recognizes the need to further amend its rules of procedure for Council Meetings in order to increase efficiency and public participation; and

WHEREAS, it is recognized that such amended rules of procedure will provide for consistent agendas and orderly meetings; and

WHEREAS, the City Council feels it in the best interest of the City of Destin to accept and adopt by Resolution Council meeting Rules of Procedure;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Destin, Florida, as follows:

SECTION 1: Resolution 13-15, which sets forth the City of Destin City Council Rules of Procedure, is hereby amended as follows:

(NOTE: Language in this Resolution 18-22 that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language that is not ~~struck through~~ or underlined is not to be changed, and * * * represents sections of Resolution 13-15 that have been skipped and remain unchanged.)

* * *

6. ORDER OF BUSINESS:

- 6.2 Agenda:** The order of business of each regular meeting shall be as contained in the Agenda. The Agenda shall be a listing by topic of subjects to be considered by Council. A request to be on the agenda shall be presented in the prescribed form to the City Clerk by 12:00 noon on ~~Wednesday~~ Tuesday prior to the regular meeting. A preliminary agenda shall be published by 12:00 noon on ~~Wednesday~~ Tuesday, prior to the regular meeting. Items may be deleted from the printed preliminary agenda, but items shall not be added. A final agenda with any items deleted, will be printed

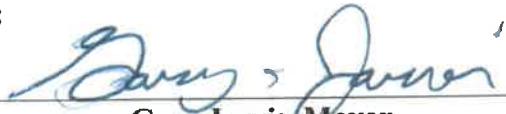
by 12:00 noon ~~Thursday~~ Wednesday, prior to the regular meeting. When practical, backup material relating to agenda items are to be presented for the record, and shall be given to the City Clerk by 12:00 noon ~~Thursday~~ Wednesday, prior to the regular meeting. Council meeting packets shall be prepared by the City Clerk's office and ready for distribution by mid-afternoon on ~~Thursday~~ Wednesday, prior to the meeting to which it pertains. If regular meetings are held other than on the scheduled meeting dates, a similar lead time schedule for agenda and packet materials shall be followed.

SECTION 2: This resolution shall supersede any previous rules, policies, procedures, or resolutions to the extent of any conflict with this resolution.

SECTION 3: Effective Date. This Resolution shall become effective immediately upon its adoption.

ADOPTED THIS 2ND DAY OF JULY 2018

By:



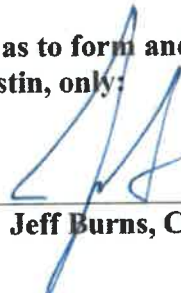
Gary Jarvis, Mayor

ATTEST:

Approved as to form and legal sufficiency for the
City of Destin, only:



Rey Bailey, City Clerk



Jeff Burns, City Attorney

RESOLUTION 20-2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, RESCINDING PRIOR RESOLUTION 18-22, WHICH AMENDS SECTION 6-2 OF RESOLUTION 13-15, RULES OF PROCEDURE FOR COUNCIL MEETINGS; PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 17, 2013, the City Council adopted Resolution 13-15, establishing rules of procedure for City Council meetings; and

WHEREAS, the City Council recognizes the need to further amend its rules of procedure for Council Meetings and adopted Resolution 18-22 amending Section 6-2 of Resolution 13-15.

WHEREAS, the City Council no longer wish to initiate the provisions of Resolution 18-22 and have determined that Resolution 18-22 is no longer relevant or necessary and can be rescinded.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Destin, Florida, as follows:

SECTION 1. PURPOSE. The purpose of this Resolution is to rescind and nullify Resolution 18-22.

SECTION 2. RESCISSION. The City Council hereby rescinds and nullifies Resolution 18-22.

SECTION 3. REAFFIRMATION AND READOPTION OF THE ORIGINAL LANGUAGE OF SECTION 6-2 OF RESOLUTION 13-15.

SECTION 4: Effective Date. This Resolution shall become effective immediately upon its adoption.

ADOPTED THIS 21ST DAY OF JANUARY 2020

By:

Gary Jarvis, Mayor

ATTEST:

**Approved as to form and legal sufficiency for the
City of Destin, only:**

Rey Bailey, City Clerk

Kyle Bauman, City Attorney



Food For Thought is a 501(c)(3) not-for-profit organization in Florida, serving Walton and Okaloosa Counties. Food For Thought works to fight child hunger through five, year-round programs, designed to fight the negative impacts of Child Hunger in the lives of Food Insecure children in grades K-12.

Our goal is to support a child's development and educational experience by bridging the gap between school meals during weekends, Summer and Holiday breaks, as well as offering learning and life-skill resources through the Emeril Lagasse Full-Circle Kitchen and our Full-Circle Gardens.

Food For Thought has been working to fight child hunger since 2010, and currently serves 35 schools in Walton and Okaloosa Counties, reaching over 3,300 students weekly through our backpack services and classes in the Emeril Lagasse Full-Circle Kitchen

Our mission is to remove the negative impacts of hunger, and empower a child to get the most out of their education and development by providing them weekly access to healthy, easy to prepare meals.

Our location on 908 Airport Rd located in Destin FL, is our only pantry and office facility in Okaloosa County. Within this facility we serve 1745 children attending schools located in the county. We work with over a 150 volunteers in support of our work in Okaloosa County all of whom come to this location to support our efforts.

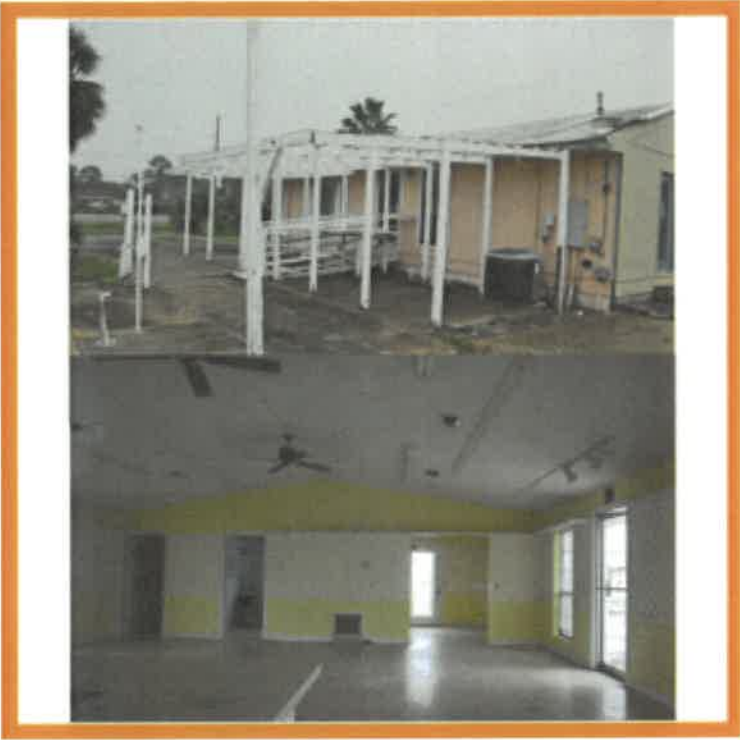
Food For Thought Outreach is requesting to renew our lease with the City of Destin for five additional years with the current terms. This would provide the organization a stable location to serve the community through 2026 as we have already exercised our last one year option that will conclude in March of 2021.

Okaloosa County Total Enrollment 1745
Walton County Total Enrollment 1580

Schools Served: Okaloosa 2019-20 School Year

- Baker Elementary/Middle/High
- Destin Elementary (151)
- Edge Elementary
- Elliott Point Elementary
- Florosa Elementary
- Kenwood Elementary
- Lewis ELEM
- Longwood Elementary
- Mary Esther Elementary
- Bruner Middle School
- Destin Middle (23)
- Lewis MID
- Northwest Florida Ballet Academy
- Pryor Middle
- AMIkids
- Okaloosa Academy
- Niceville High

In partnership with the City of Destin, Destin Chamber and the Destin Rotary Club, the facility taken down to the studs and completely transformed. This improved was provided with over \$200,000 of in-kind donations of materials and labor. Below are a few pictures of the before and after of this location.



CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 21, 2020

TYPE OF AGENDA ITEM: Action Item

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Kyle Bauman, City Attorney
Rey Bailey, City Clerk

DATE: January 13, 2020

SUBJECT: 1) Update to Destin Election and request for direction

I. BACKGROUND: At its November 4, 2019, Meeting, the Destin City Council adopted Ordinance #19-11-CC on second reading. This Ordinance moves the City's election day from the second Tuesday in March and aligns the City's election day with the State general election on the first Tuesday following the first Monday of November.

Since the adoption of this ordinance, City staff has remained in contact with Supervisor of Elections and Okaloosa County officials to ensure a smooth transition from the March election day to the November election day.

II. DISCUSSION: Prior to enactment of the ordinance, the City conducted its regular election once every two years on even numbered years. Approximately half the time, the City's election aligned with the Presidential Preference Primary. When such alignment occurred, the City paid approximately \$600 total on average for the cost of required public advertisements, candidate qualifying expenses, and campaign finance filing costs. The Supervisor of Election administered these areas of the election on behalf of the City and the City reimbursed the Supervisor for his services. However, if the City's election cycle did not align with the Presidential Preference Primary, the City paid the Supervisor an average of approximately \$9500 to hold and administer the City's election. This increased cost occurred because the City was unable to piggyback on an already existing countywide election.

At its January 7, 2020, Meeting, the Supervisor presented four cost sharing options for the Board of County Commissioners to consider for municipalities holding regularly scheduled elections in conjunction with countywide general

elections. A summary of these four options is attached to this Agenda Item Report.

The Board of County Commissioners elected to proceed with "Option 2." Option 2 provides that the County will absorb the cost of conducting municipal elections held in conjunction with countywide general elections, including cost of additional ballot cards that may be required. Additionally, Option 2 presents two add on items for the City to consider. At the City's option it may request that all legally required advertisements be published and administered by the Supervisor's office. The City would be required to reimburse the Supervisor for the actual, full cost of these advertisements. Additionally, the City may pay the Supervisor a flat fee of \$500 to handle and administer all candidate qualifying and campaign finance filings.

Because the legal requirements relating to publishing and administering candidate qualifying and campaign finance filing are specialized and have been administered by the Supervisor since the City's incorporation, City staff recommends that the City exercise both of the allowable options offered by the Supervisor and County in Option 2.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB): By holding its election in conjunction with the countywide general election in November of each even numbered year, and if historical costs remain consistent, the City should save an average of approximately \$9,500 once every four years when compared to holding its election on the second Tuesday in March of each even numbered year.

Exercising the add-on options offered by the Supervisor and County in Option 2 will not increase costs as the City has long paid the Supervisor for these costs.

C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION: I move to exercise both add-on options offered by the Supervisor of Elections and Okaloosa County, thereby having the Supervisor of Elections administer all legally required advertisements and public notices for the City's election, and administer all candidate qualifying and campaign finance filings.

Attachments:

1. Municipal Proposals from Supervisor to County

Proposal

Municipalities Holding Regularly Scheduled Elections in Conjunction with Countywide General Elections

Option 1:

- \$.40 /per voter to share costs of regular ballots, poll workers, setup, delivery, recovery, and results, to include any mandatory recounts.
- Full cost of additional ballot cards (should a second card be forced by municipal races) paid by municipality.
- Optional (to the municipalities): Ads published by SOE on behalf of municipality, full cost of legal advertising paid by municipality.
- Optional (to the municipalities): \$500.00 flat fee for Supervisor of Elections' office to handle candidate qualifying and campaign finance filings.

Option 2:

- County absorbs cost of conduct of municipal elections held in conjunction with countywide general elections, including additional ballot cards.
- Optional (to the municipalities): Ads published by SOE on behalf of municipality, full cost of legal advertising paid by municipality.
- Optional (to the municipalities): \$500.00 flat fee for Supervisor of Elections' office to handle candidate qualifying and campaign finance filings.

Option 3:

- County absorbs entire cost of conduct of municipal elections held in conjunction with countywide general elections, including additional ballot cards and cost of legal advertising.
- Optional (to the municipalities): \$500.00 flat fee for Supervisor of Elections' office to handle candidate qualifying and campaign finance filings.

Option 4:

- Select a flat-rate scheme (based on the number of registered voters) that is all-inclusive but must be re-visited periodically as costs increase.
- Optional (to the municipalities): \$500.00 flat fee for Supervisor of Elections' office to handle candidate qualifying and campaign finance filings.

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 21, 2020**TYPE OF AGENDA ITEM:** Action Item

TO: City Council**THRU:** Lance Johnson, City Manager**FROM:** Kyle Bauman, City Attorney**DATE:** January 14, 2020**SUBJECT:** 2) Memorandum of Understanding Between City of Destin and Okaloosa County regarding City FDEP Permit # 0288799-003-JC

I. BACKGROUND: The East Pass requires dredging and maintenance activity to ensure its safe passage and continued viability. The City and Okaloosa County having been working together to ensure this dredging and maintenance activity (the "Dredging Project") occurs as soon as possible.

II. DISCUSSION: The Dredging Project began via the City issued FDEP Permit Number 0288799-003-JC, issued February 26, 2015, and the subsequent modification, Permit Number 0288799-005-JN, issued on March 24, 2016 (the "Destin Permit"). In the Destin Permit, the City is granted initial authorization from FDEP to perform the Dredging Project. Subsequently, on February 2, 2018, FDEP issued a Notice to Proceed (the "NTP"), authorizing navigation channel dredging and disposal along the "adjacent eroding beach" as the term is defined in section 161.142, Florida Statutes. For the purposes of the Dredging Project, the "adjacent eroding beach" is the beach located immediately east of the East Pass in the City on the area commonly known as "Holiday Isle."

On November 30, 2018, the NTP was challenged by David Sherry, Rebecca Sherry, and John Donovan (the "Petitioners"), by the filing of their Petition for Formal Administrative Hearing (the "Destin Permit Challenge"). Through subsequent amendments, the City was a named party to the lawsuit and the City Attorney has worked closely with the law firm Oertle, Fernandez, Bryant & Atkinson, P.A. in representing the City's interests.

By this point, erosion on the East Pass and the beaches located on Holiday Isle had reached critical and dangerous levels. In response to this critical erosion, the City Manager and Mayor issued a Joint State of Emergency in December 2018, which is still in effect today.

In a separate Petition for Formal Administrative Hearing, the Petitioners challenged a permit authorizing the Army Corp of Engineers (the "Corp") to dredge the East Pass (the "Corp Permit Challenge").

The Final Hearing of the Destin Permit Challenge occurred July 29-31, 2019, in Tallahassee, Florida. On October 14, 2019, Administrative Law Judge entered a Recommended Order recommending that FDEP approve the City's NTP and allow the Dredging Project to proceed under the Destin Permit. FDEP subsequently affirmed the Recommended Order. Although the Petitioners appealed FDEP's affirmation to the First District Court of Appeal, the City is under no legal

obligation to stay its activities allowed pursuant to the Destin Permit until the resolution of that appeal. Therefore, the City Attorney and City staff have continued to pursue all dredging options available to the City to ensure the Dredging Project occurs as soon as possible.

The Corp Permit Challenge also proceeded to a Final Hearing, however, the Final Hearing did not occur until late November. As of the date of this Report, the administrative law judge has not entered a Recommended Order in this case.

Within the next two months, there is a potential opportunity to proceed under the Destin Permit and perform the Dredging Project. To ensure that (a) the proper authorizations are in place, and (b) access to federal funding of approximately \$1.5 million is accessible, the City and County agreed to add the County as a co-permittee to the Destin Permit. This addition is necessary because the County is a qualified non-federal sponsor of the Dredging Project while the City is not. The attached Memorandum of Understanding memorializes the County's addition as co-permittee to the Destin Permit, and describes the rights and obligations between the City and County as it relates to the Destin Permit and the Dredging Project.

- A. **Link to Strategic Goals / Objectives:**
- B. **Effect on Budget (EOB):**
- C. **Level of Service (LOS):**

III. CONCLUSION:

IV. RECOMMENDED MOTION: I move to approve the Memorandum of Understanding Between Okaloosa County and the City of Destin for East Pass Dredging, authorize the Mayor to execute the MOU, and direct City staff to take all actions necessary to ensure the East Pass is dredged as soon as possible.

Attachments:

1. MOU between Okaloosa County and the City of Destin - East Pass Dredging - Final
2. East Pass and Destin Harbor Maintenance Dredging 0288799-008-JN

**MEMORANDUM OF UNDERSTANDING BETWEEN OKALOOSA
COUNTY AND THE CITY OF DESTIN FOR EAST PASS DREDGING**

THIS MEMORANDUM OF UNDERSTANDING ("Agreement") is entered into by and between **OKALOOSA COUNTY, FLORIDA**, a political subdivision of the State of Florida ("County") and the **CITY OF DESTIN, FLORIDA**, a municipality organized under the laws of the State of Florida ("City").

WHEREAS, on February 26, 2015, the City was issued a Joint Coastal Permit from the Florida Department of Environmental Protection ("FDEP") as FDEP Permit Number 0288799-003-JC (and subsequent amendments), providing for periodic maintenance dredging of the federally authorized East Pass and Destin Harbor navigation channels ("Dredging Permit"); and

WHEREAS, the Dredging Permit allowed for the first maintenance dredging event to place the dredged material along Norriego Point, as authorized in FDEP Permit No. 175572-003-JC for the Norriego Point Stabilization Project, and dredged material from subsequent maintenance dredging activities to be placed in the swash zones of the beaches east and west of East Pass; and

WHEREAS, in 2018 the City completed the Norriego Point Stabilization Project, which provided shoreline stabilization, beach and dune restoration, and recreation improvements at Norriego Point ("Norriego Point Project"); and

WHEREAS, in December of 2018, the City declared a state of emergency relating to the navigational hazards caused by the accumulation of sand in the navigation channel; and

WHEREAS, though the Dredging Permit allows for dredging of East Pass and placement of that material in an area up to 10,000 feet from the Pass, section 161.142, Florida Statutes, and FDEP's East Pass Inlet Management Plan requires material to be placed on the "adjacent eroding beach"; and

WHEREAS, based upon surveys and monitoring data of the City, the adjacent eroding beach is the area to the east of the East Pass as identified in the Dredging Permit, and consistent with the area previously subject to beach restoration as FDEP File No. 0286575-001-JC ("West Destin Beach Restoration Project Area"); and

WHEREAS, there is an opportunity to proceed under the Dredging Permit and remove additional sand from East Pass and place it onto the areas to the east of East Pass in the Dredging Permit for the next dredging event ("East Pass Dredging Project"); and

WHEREAS, the FDEP issued a Notice to Proceed for the East Pass Dredging Project, which was approved by FDEP Final Order in OGC Case. No: 18-1463; and

WHEREAS, the City and the County desire to move forward with the East Pass Dredging Project with the U.S. Army Corps of Engineers performing the project for the next maintenance dredging event under the Dredging Permit; and

WHEREAS, the amount of Federal funds available for maintenance dredging of the East Pass is insufficient to award any dredging contracts, however, the U.S. Army Corps of Engineers is authorized pursuant to 22 U.S.C. 701h, to receive and expend funds to be used for maintenance dredging of East Pass; and

WHEREAS, the County agreed to contribute funds to be used by the U.S. Army Corps of Engineers in conjunction with the Federal funds available to utilize their dredge operator and is in the process of entering into a contributed funds agreement with the U.S. Army Corps of Engineers and is already the non-federal sponsor (“NFS”) for the East Pass Dredging Project; and

WHEREAS, to expedite the dredging of East Pass, and maximize the use of Federal funds, the County has agreed to be added to the City’s Dredging Permit as a co-permittee with full rights under such permit.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the County and the City do agree as follows:

SECTION 1. RECITALS. The above recitals are true and accurate and are incorporated herein as essential terms of the Agreement.

SECTION 2. PARTIES. The parties to this Agreement are the County and the City.

SECTION 3. DETAILS OF THE PROJECT. The East Pass Dredging Project consists of the maintenance dredging of East Pass under the Dredging Permit, which would result in the dredging of the Federal Navigation Channel which is necessary to allow safe passage of vessels, and placing that sand into the “Swash” zone (essentially the wet sand area and seaward) along the West Destin Beach Restoration Project Area.

SECTION 4. PARTY RESPONSIBILITIES.

- A. The parties agree that as co-permittees, both the City and the County shall have full authority to manage the East Pass Dredging Project, and to accomplish all activities related thereto under the Dredging Permit. However, the City shall be primarily responsible for ensuring compliance with the Dredging Permit and meeting all requirements of FDEP. The County, upon request of the City, on a per task basis, shall assist and cooperate in the efforts of the City.

- B. As a component of the management of the Dredging Permit and the East Pass Dredging Project, the County and the City shall work together to negotiate all required agreements requiring expenditure of the County's funds.
- C. The City shall include the Deputy County Administrator, or their designee in all project management meetings that may increase the scope of the East Pass Dredging Project, increase the cost of the East Pass Dredging Project, or increase the time to complete the East Pass Dredging Project. If a proposed modification of the East Pass Dredging Project will result in an increase in the scope of the East Pass Dredging Project beyond what is required by the Dredging Permit and allowed for by the Notice to Proceed, an increase in the cost of the project that will cause the project to exceed the estimate of funds to be provided by the County as set forth in Section 5A or the time for completion of the East Pass Dredging Project increases by more than thirty (30) days, then any party may refuse to proceed with that modification. The party that seeks to proceed with that modification may elect to proceed without the participation of the party that refused to proceed with the modification. In the event that a total cost of the East Pass Dredging Project cannot be negotiated with the contractors for an amount which the County or the City believes is fair and reasonable in their sole discretion then either the County or the City shall have the ability to unilaterally terminate this Agreement by providing written notice to the other party to this Agreement. Unless otherwise indicated in the written notice of termination, this Agreement shall terminate automatically upon delivery of the written notice of termination to the non-terminating party.
- D. Other than this Agreement, the County will not be a party to any agreements or contracts relating to the East Pass Dredging Project including those agreements to design construct or manage the Project nor in any way be considered in privity with the contractors and consultants, unless otherwise specifically authorized by the County.

SECTION 5. FUNDING FOR THE PROJECT.

- A. To the extent federal funding is available pursuant to the County's contributed funds agreement with the U.S. Army Corps of Engineers for the East Pass Dredging Project, the County and the City agree that such funding will be used for purposes of the East Pass Dredging Project. To the extent federal funding is not sufficient to fund the entire cost of the East Pass Dredging Project, the County shall be responsible for such funding. The current estimate for the next maintenance dredging event for East Pass is approximately TWO MILLION DOLLARS (\$2,000,000.00) and ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000.00) of Federal funds are available, therefore the estimate of funds to be provided by the County is FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00).

- B. All payments shall be processed in accordance with the procedures of the City, the County and the Clerk of the Court on behalf of the County. Upon receipt of invoices, the City shall review the invoice and determine that they are in conformity with the City's contracts with those entities and that services have been performed and are appropriate for payment. Once reviewed and the sufficiency determined, the invoices and all backup that accompanied the invoices, shall be transmitted to the County with the certification that they are appropriate for payment.
- C. The City agrees to provide the County, upon presentation of a request for payment of the invoices, with a standard AIA Request for Payment Form. This Request shall provide the required documentation of costs which are to be paid and a certification from a professional engineer licensed to practice in the State of Florida, that the percentage of the improvements presented for payment has been completed according to the plans and specifications approved for the East Pass Dredging Project under this Agreement.
- D. The County, through the Tourist Development Department and Clerk of the Court, shall review the invoices and backup and if in conformity with the procedures of the County, the Clerk and this Agreement, shall pay the invoice to the City.
- E. Such payment shall be made within thirty (30) days of receipt of the completed invoice along with all required backup. Upon receipt, the City shall make the payments to the contractors and/or consultants.
- F. If the County does not pay an invoice, and a contractor, or its successor or assign, files suit against the City for the failure to pay the invoice(s) then the County shall fully indemnify the City for any damages the City has incurred as a result of the failure to pay the invoice(s), including but not limited to any judgment rendered against the City relating solely to the failure to pay the invoice(s), any obligation incurred as a result of a mediated settlement agreement relating solely to the failure to pay the invoice(s), any attorney's fees and costs incurred by the City in defense of the lawsuit relating to the failure to pay the invoice(s), and any appellate fees and costs incurred that are related thereto. This indemnity allows the County to take part in any settlement discussions between the City and contractor (or its successors or assigns), and to retain counsel on behalf of the City to defend any lawsuit. In the event that a claim is asserted relating to the non-payment of invoice(s), and that failure is determined to be the result of the failure of the City to transmit any payment due to the contractor after receipt of a payment by the County to the City, then such indemnification is voided.
- G. If a contractor, or its successor or assign, files a lawsuit against the County, either individually or jointly with the City, for any claim related to the failure of the City to perform any of its obligations under this agreement or its agreement with said contractor, then the City shall fully indemnify the County for any damages it has incurred solely as a

result of the City's failure to perform its responsibilities under the respective agreements. The obligation to indemnify shall include not only any damages incurred by the County but all attorney's fees and costs incurred by the County in the defense of the lawsuit relating to the City's failure to perform its obligations under the agreements and any appellate fees and costs incurred that are related thereto.

- H. Should the County or the Clerk of the Court, on behalf of the County, require additional information or documentation concerning an invoice, then the County shall make that request to the City, who shall coordinate the production of that information from the respective contractor. If the City is unable to procure the records requested by the County or the Clerk of the Court, then this shall not be deemed a breach of this agreement by the City.

SECTION 6. TERM. This Agreement shall take effect on the last date of adoption by both the respective governing bodies and shall expire automatically upon completion of the East Pass Dredging Project. All services provided under this Agreement or through the agreements with contractor(s) which shall be funded by the County, shall be completed prior to the end of the term of this Agreement, and invoiced to the County within thirty (30) days of the end of the term of this Agreement. In the event Federal funds are unavailable, the County may terminate this Agreement upon providing thirty (30) days' notice to the City. The County reserves the right to withdraw as co-permittee under the Dredging Permit upon completion of the East Pass Dredging Project, or to the extent Federal funds are unavailable for the next dredging event, upon providing thirty (30) days' notice to the City.

SECTION 7. REPRESENTATIONS AND WARRANTIES. Each party hereby represents and warrants to the other that it has all requisite power, authority and authorization to enter into this Agreement, has taken all necessary actions required to enter into this Agreement, and to fulfill any and all of its obligations, duties, and responsibilities provided for or required of it by this Agreement, whether exercised individually or collectively.

SECTION 8. RECORDS AND REPORTING.

- A. The City agrees to maintain books, records, documents and other evidence according to generally accepted governmental accounting principles, procedures and practices which sufficiently and properly reflect all costs and expenditures of any nature, incurred by the City in connection with the East Pass Dredging Project or otherwise paid or to be paid.
- B. The County agrees to maintain books, records, documents and other evidence according to generally accepted governmental accounting principles, procedures and practices which sufficiently and properly reflect the receipt, processing and payment of amounts in connection with the East Pass Dredging Project or otherwise paid or to be paid.

- C. Neither the City nor the County shall assume any responsibility for the other entity's failure to respond, timely, or at all, to a public records request. A request upon one entity, shall not be deemed to be a request on the other entity.
- D. The City agrees to include, in all contracts for services related to the East Pass Dredging Project, the public records statement as required under section 119.0701, Florida Statutes.

SECTION 9. AUDIT. The County shall have the right from time to time at its sole expense to audit the compliance by the City with the terms and conditions of this Agreement and such right shall extend for a period of three (3) years after termination of this Agreement. The County shall have full access to all required and necessary documentation for inspection, review and audit purposes.

SECTION 10. AMENDMENTS. Neither this Agreement nor any portion of it may be modified or waived orally. The provisions hereof may be amended or waived only pursuant to an instrument in writing, approved by the City Council and the Board of County Commissioners, and jointly executed by the parties hereto. This Agreement shall be enforced and be binding upon, and inure to the benefits of, the parties hereto and their respective survivors and assigns, if any. This Agreement shall not be assigned without the written permission of all parties to the agreement.

SECTION 11. DISPUTE RESOLUTION. The parties shall attempt to resolve any dispute that arise under this Agreement in good faith by participating in mediation. This mediation shall be in lieu of the requirements of the "Florida Governmental Conflict Resolution Act." The mediator shall be mutually agreed upon by the parties and the cost of mediation shall be borne equally between the parties. In the event the matter is not resolved through the mediation process, each party shall be free to pursue any of its available remedies.

SECTION 12. JURY TRIAL WAIVER. IN THE EVENT THAT LITIGATION IS FILED BY ANY PARTY TO ENFORCE ANY TERMS OF THIS AGREEMENT, THEN ALL PARTIES AGREE THAT THEY HEREBY WAIVE ANY RIGHT TO A JURY TRIAL ON ANY ISSUES ARISING OUT OF OR IN CONNECTION WITH THIS AGREEMENT.

SECTION 13. ATTORNEY'S FEES AND COSTS. If litigation is instituted seeking to enforce the terms of this Agreement, or in any way related to this Agreement, then the prevailing party shall be entitled to recover its reasonable attorney's fees and costs incurred in the litigation, including fees and cost incurred in any resulting appeal, and any fees and costs incurred litigating entitlement to and the reasonableness of any attorney's fees and costs.

SECTION 14. SEVERABILITY. If any one or more of the provisions of this Agreement shall be held contrary to any express provision of law or contrary to any policy of express law, then the remainder of this Agreement shall remain in full force and effect.

SECTION 15. GOVERNING LAW AND VENUE. The validity, construction and performance of this Agreement shall be governed by the laws of the State of Florida. Venue for any action arising out of this Agreement shall be in Okaloosa County, Florida.

SECTION 16. NOTICE. If written notice to a party is required under this Agreement, such notice shall be given by hand delivery, recognized overnight delivery service, or by first class mail, registered and return receipt requested.

As to the County as follows:

County Administrator
Okaloosa County
1250 Eglin Pkwy N
Suite 102
Shalimar, FL 32579

As to the City as follows:

City Manager
City of Destin
4200 Indian Bayou Trail
Destin, FL 32541

SECTION 17. NO MEMBER LIABILITY. Neither the members of the governing body of the County, the City, nor anyone executing this Agreement, shall be liable personally or shall be subject to any accountability for reason of the execution by the County, the City or any executing authority of the County or the City for any act pertaining thereto.

SECTION 18. SOVEREIGN IMMUNITY. The parties further agree that nothing contained herein is intended to nor shall be construed a waiver of the County or City's rights and immunities under the common law or section 768.28, Florida Statutes, as amended from time to time.

SECTION 19. INSURANCE, LIABILITY AND INDEMNIFICATION.

- A. During the term of this Agreement, the City shall have in force general liability insurance with limits of at least \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate naming the County as an Additional Insured and Certificate Holder covering any liability, claim, damage or lawsuit, excluding claims for a taking of property or inverse condemnation, resulting from the actions of the City or its employees, officers or agents in the performance of its responsibilities under the Agreement.

- B. Each party agrees to be fully responsible for all claims, liabilities, damages, costs, actions, suits or proceedings at law or in equity which may occur as a result of the wrongful or negligent acts of their respective officers, employees, representatives, and agents.
- C. Any contractor or consultant engaged by the City for work on the East Pass Dredging Project shall be required to protect, defend, indemnify and hold both the City and County harmless from all claims, demands, causes of action or liability resulting from injury to or death of persons or damage to or loss of property sustained as a consequence of the East Pass Dredging Project and arising from said contractor's operations or as a proximate result of the acts or omissions of the contractor or their employees. Such agreement by the contractor or consultant shall include their indemnification as to any assessment of an administrative fine or penalty by a governmental entity for a violation of conditions of the permit and authorization related to their actions or failure to act in carrying out their contractual duties. The City shall require the provisions of this section to be included in all contracts between the City and its contractors and consultants for work or services to occur on the East Pass Dredging Project.

SECTION 20. CONSTRUCTION. The parties have participated jointly in the negotiation and drafting of this Agreement. In the event an ambiguity or question of intent or interpretation arises, this Agreement shall be construed as if drafted jointly by the parties and no presumption or burden of proof shall arise favoring or disfavoring any party by virtue of the authorship of any of the provisions of this Agreement.

SECTION 21. WAIVER. No waiver of any provision hereof shall be effective unless made in writing and signed by the waiving party. The failure of any party to require the performance of any term or obligation of this Agreement, or the waiver by any party of any breach of this Agreement, shall not prevent any subsequent enforcement of such term or obligation or be deemed a waiver of any subsequent breach.

IN WITNESS WHEREOF, the parties hereto, by and through the undersigned, have entered into this Agreement on the date and year last written below.

(THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK)

OKALOOSA COUNTY, FLORIDA

CITY OF DESTIN, FLORIDA

By: _____
Robert A. "Trey" Goodwin III,
Chairman

By: _____
Gary Jarvis, Mayor

Date: _____

Date: _____

ATTEST:

ATTEST:

J.D. Peacock II, Clerk

Rey Bailey, Clerk

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Lynn M. Hoshihara, County Attorney

Kyle S. Bauman, City Attorney



FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, FL 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

January 15, 2020

City of Destin
Lance Johnson, City Manager
4200 Indian Bayou Trail
Destin, Florida 32541
ljohnson@cityofdestin.com

and

Okaloosa County
Craig Coffey, Deputy County Administrator
1250 N. Eglin Parkway, Suite 102
Shalimar, Florida 32579
ccoffey@myokaloosa.com

c/o

Taylor Engineering, Inc.
Matthew Trammell, P.E.
1221 Airport Road, Suite 210
Destin, Florida 32541
mtrammell@taylorentengineering.com

Permit Modification No. 0288799-008-JN
Permit No. 0288799-003-JC, Okaloosa County
East Pass and Destin Harbor Maintenance Dredging

Dear Mr. Johnson:

Your request to modify Permit No. 0288799-003-JC was received on January 7, 2020, and has been reviewed by Florida Department of Environmental Protection (Department) staff. The proposed permit modification is to add Okaloosa County as an additional Permittee.

Background

On February 26, 2015, the Department issued **Permit No. 0288799-003-JC** to the City of Destin to perform maintenance dredging in the East Pass and Destin Harbor navigation channels, with

Notice of Permit Modification
Permit Modification No. 0288799-008-JN
East Pass and Destin Harbor Maintenance Dredging
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disposal on Norriego Point, and on the Gulf-front beaches to the east and west of East Pass. The Department simultaneously granted a variance, **File No. 0288799-004-BV**, which allowed an expanded mixing zone of 3,000 meters down-current and 200 meters offshore for the Gulf-front beach placement sites on the western side of East Pass, which are Outstanding Florida Waters.

For additional background, please see the ***CONSOLIDATED NOTICE OF INTENT TO ISSUE JOINT COASTAL PERMIT, VARIANCE AND AUTHORIZATION TO USE SOVEREIGN SUBMERGED LANDS*** for Permit No. 0288799-003-JC and File No. 0288799-004-BV at the following website:

ftp://ftp.dep.state.fl.us/pub/ENV-PRMT/okaloosa/issued/0288799_Destin_East_Pass_Maintenance_Dredging/003_JC%20and%20004_BV/Intent%20and%20Draft%20Final%20Orders/East%20Pass%20Intent%20Clerked.pdf

On March 24, 2016, the Department issued **Modification No. 0288799-005-JN** to the City of Destin. This modification addressed sea grass monitoring requirements when dredging the portion of the main East Pass Channel that is located north of Highway 98 Destin Bridge while clarifying methodology for disposing of sand on Norriego Point.

After thorough review of your application, staff finds that the proposed modification is not expected to adversely affect water quality or change the determination that the project is clearly in the public interest. Staff has also determined that the proposed alteration does not increase the potential for adverse impact on the coastal system, public beach access seaward of the mean high water line or nesting sea turtles and hatchlings and their habitat, and that the proposed alteration does not reduce the design adequacy of the project. Since the proposed modification is not expected to result in any adverse environmental impact or water quality degradation, the **permit is hereby modified** to include Okaloosa County as a co-Permittee. By copy of this letter, we are notifying all necessary parties of the modification.

This letter of approval does not alter the **February 26, 2030** expiration date. This letter must be attached to the original permit.

This permit is hereby modified unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, Florida Statutes (F.S.), as provided below. The procedures for petitioning for a hearing are set forth below. Mediation under Section 120.573, F.S., is not available for this proceeding.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the

Notice of Permit Modification
Permit Modification No. 0288799-008-JN
East Pass and Destin Harbor Maintenance Dredging
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administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to

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request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

When there has been no publication of notice of agency action or notice of proposed agency action as prescribed in Rule 62-110.106, F.A.C., a person may request a copy of the agency action. The Department shall upon receipt of such a request, if agency action has occurred, promptly provide the person with notice. The Department does not require notice of this agency action to be published. However, the applicant may elect to publish notice as prescribed in Rule 62-110.106, F.A.C., which constitutes notice to the public and establishes a time period for submittal of any petition.

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If you have any questions regarding this matter, please contact Karina Kronsis by email at Karina.Kronsis@dep.state.fl.us or by telephone at (850) 245-7545.

EXECUTION AND CLERKING:

Executed in Tallahassee, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Gregory W. Garis
Program Administrator
Beaches, Inlets and Ports Program
Division of Water Resource Management

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit and all copies were sent on the filing date below to the following listed persons:

cc: Gregory Garis, DEP
Ivana KennyCarmola, DEP
Matthew Trammell, Taylor Engineering
Okaloosa Board of County
Commissioners

Lance Johnson, City of Destin Manager
Craig Coffey, Okaloosa County
JCP Compliance Officer, DEP
MarineTurtle@myfwc.com
Fwcconservationplanningservices@myfwc.com

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FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Jacob Koerner
Clerk

1/15/2020
Date