

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
DECEMBER 2, 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 Prebble Ramswell

Councilmember Skip Overdier

Councilmember Rodney Braden

Councilmember Chatham Morgan

Destin City Staff

City Manager Lance Johnson

Public Info Manager Catherine Card

Code Compliance Manager Joey Forgione

Community Dev Director Louis Zunguze

Public Services Director Michael Burgess

City Land Use Attorney Kimberly Kopp

City Clerk Rey Bailey

Deputy City Manager Webb Warren

Finance Director Bragg Farmer

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; followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Motion by Councilmember Menchel, seconded by Councilmember Ramswell, to pull item 4A from the agenda passed 5-1 (Council members Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Morgan voted "no"; Councilmember Destin was absent from the meeting).

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

1. APPROVAL OF MINUTES

A. Approval of minutes of November 7, 2019 City Council Strategic Visioning Session.

Councilmember Ramswell moved to approve minutes of November 7, 2019 City Council Strategic Visioning Session; seconded by Councilmember Menchel. Motion passed

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

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

A. Presentation by Public Works & Safety Committee Chairman, Surtax Expenditure Request

Public Works & Safety Committee Chairman Tony Ramswell brought forward an official recommendation from the Committee, in its capacity as Infrastructure Surtax Advisory Committee, to expend up to \$400,000 of the surtax fund to repair and replace existing public sidewalks. He stated there are approximately 75 miles of sidewalks in the City of Destin that need repairing and some of them need immediate repair; and that the repair could take 18 months to 2 years to complete. He continued there were 74 sidewalk related accidents this year alone; and that failure to act now could expose the City to future litigations.

The Mayor asked if half-cent sales tax revenues have been designated.

According to the Finance Director Bragg Farmer, the Council has designated approximately \$650,000 of the funds in the Fiscal Year 2020 budget so far.

Councilmember Overdier asked how much money they have budgeted this year for sidewalk repair.

Mr. Farmer responded they have budgeted approximately \$80,000 for sidewalk repair.

Councilmember Morgan noted the Council was supposed to discuss how they should spend the surtax money and take a formal vote before they start allocating funds to different projects. He feels the two biggest projects that could make the biggest difference in Destin right now are obtaining more beach properties and undergrounding utilities.

Councilmember Ramswell pointed out that they tasked the Public Works & Safety Committee to come up with ideas on the best way to utilize the surtax revenues and bring back their recommendation, which is what they are doing now with their sidewalk recommendation. She also stated they have looked at some other lines of funding for the beach property.

Councilmember Marler noted that he previously served on the Public Works & Safety Committee two different terms for a total of 8 years. During those times, the committee had addressed sidewalks over and over but never had the money to really accomplish anything except for some minor repairs. He added that he considers broken sidewalks a major issue.

After further discussion, the Council reached a consensus to schedule a workshop to discuss utilization of surtax revenues, and to include recommendations from Public Works & Safety Committee as part of that discussion.

B. Presentation Mr. Joseph Raines, Vice President/General Manager, Lamar Advertising

According to Mr. Joseph Raines, Vice President/General Manager of Lamar Advertising, Lamar currently has 10 existing billboard structures within the city limits of Destin. Lamar proposes to remove 4 of its structures, all of which are located within the Harbor CRA; thereby reducing the overall number of billboard structures by 40%. In consideration of reducing the overall number of structures, the City would grant 4 permits for installation of electronic faces on the 6 remaining structures. He continued that this removal and replacement approach is contemplated and permitted pursuant to Florida Statutes. He also asked Council to instruct its City Attorney and staff to work with Lamar and consider acceptable terms to enter into a Removal and Replacement Agreement wherein the number of billboard structures within the City limits is reduced.

Councilmember Menchel asked Mr. Raines whether Lamar had proposed a similar agreement in other areas of the Panhandle in terms of the number of billboards.

According to Mr. Raines, they have had older structures at Fort Walton Beach and without any digital structures. They took down approximately 14 structures and came back with 3 double-faced digital structures which gave them 6 digital operative faces. By agreement, Lamar granted the City of Fort Walton Beach an incoming face on each of the 3 boards for their own use for City promotions. They also made a similar arrangement with the City of Niceville. The City was concerned with limiting the growth of future billboards, and so they capped all the existing structures at 13 and agreed not apply for any additional structures. The City of Niceville also granted them unlimited digital permits as needed.

According to Councilmember Overdier, the City of Destin is planning to spend millions of dollars to underground the utilities; and that one of the reasons is aesthetics. It would not make sense to spend time, money and effort to do this and yet allow billboards all over the City. He added he could support removing the existing 10 billboards and erecting 2 digital billboards.

Councilmember Braden stated they need to amend their sign ordinance limiting the number and size of billboards.

Councilmember Marler noted that by City ordinance, if they remove the billboards in the harbor district, they would not be able to put them back. He asked why Lamar is proposing to remove those billboards.

Mr. Raines stated it was the City's original recommendation going back a few years.

Councilmember Ramswell asked which 4 billboards Lamar plans to convert to digital.

According to Mr. Raines, he cannot give a definitive answer at this time because it is difficult to determine the exact line of sight due to the state of the roads; however, the current plan is to digitize the billboards in locations 5, 6, 8 and 10 as shown in the maps contained in the report. He added that Lamar currently operates one digital billboard in the City; but there are 2 others that another company operates.

After further discussion, the Council reached a consensus to instruct the Land Use Attorney to further research the billboard issue, work with Lamar Advertising about potentially negotiating a better deal for the City and making the ratio more favorable for the City in terms of removal and replacement of billboard structures within the City limits.

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

Attorney Stephen Tatum, speaking on behalf of several of his clients which are short-term rental owners, stated that they have an issue with one of the Short-Term Rental Task Force suggested changes to the ordinance that every short-term rental owner provides a parking pass for each car that will be parked on the property. He continued that the parking pass will not serve any purpose at all because it is not going to be enforceable by the City since Code Compliance Officers cannot enter the property to enable them to see this pass hanging from windows or decals on the cars. They could only conduct inspection by looking through the driveway from the sidewalk or right-of-way and then trying to figure out which car does or does not have a pass. He further stated there is already a sign that shows the number of cars allowed to park on the property and Code Compliance Officers could issue citations if that number is exceeded.

Mr. Ken Wampler, a member of the Short-Term Rental Task Force, noted that the Task Force focused a lot of their energy on parking, noise and trash. These 3 main issues that are facing the City as they relate to code enforcement are the same today as they were 4 years ago when they started talking about them. The code currently states that trash will be placed properly in the trash can; however, people are putting trash bags outside the trash cans. For that reason, the Task Force recommended having one trash can for every 6 people staying in the house, plus the recycling bin. They should educate and communicate to the owners and guests they should have the proper number of trash cans to eliminate the excess trash along the street.

With regards to parking, Mr. Wampler stated there are guests that are unaware on the number of cars they could bring. Guests should be provided this information at the time they are making the reservations. He also stated that Code Compliance officers will not inspect for parking passes because it does not matter whether cars have it as long as the parking requirement on the property is not exceeded. He also noted that the Task Force recommends imposing the maximum fines allowed by Florida Statutes for parking violations as stricter penalties would force people, especially habitual offenders, to abide by the code. He added that another one of the Task Force's recommendations was to have the short-term rental annual registration renewals to be completed by March 1st of each year.

Mr. Rick Scali, a short-term rental property owner, stated that he reviewed the Short-Term Rental Task Force recommendations to Council and would like to address 3 issues. The first issue involves calling guests before trash pickup days. Not only that there is no way to enforce this rule, but responsible property managers already take the necessary steps to remind their guest of trash pickup days. In his case, they send out a text message Thursday morning prior to a Friday trash pickup. The second issue is about the required number of trash cans. He feels requiring one trash can for every 6 guests is a little excessive. A 3-bedroom house, which is what he has, sleeps approximately 8 guests; and that doubling the required number of trash cans just because they are 2 people over the limit is too much. They would also be putting out more trash cans on the street that

is necessary. He feels that one trash can for every 8 guests would accommodate more 3-bedroom houses. The third issue involves the recommended increase in registration fees to \$500 per registrant, which is a 150% increase from the current fee of \$200. He owns 4 houses, and so his fees would go up from \$800 to \$2000. He recommends maintaining the fee at \$200 for at least another year and then determining how much of an increase is warranted.

Capt Jim Green, a Destin resident and President of Lake Coleman Owners Association, stated that the lake water depth had been lowered from its historical level. For that reason, they have had to spray the lake 3 to 4 times a year at \$700 to \$800 per application, as compared to only twice a year in the past. In addition, certain types of weeds that require special treatment have been discovered in the lake. The change in herbicide application have raised the cost from \$700 to \$800 to \$2400 per application. He stated that raising the lake water to its historical level would allow for less growth for these types of weeds and would require less chemicals in the water which runs directly into Joe's Bayou. Along with the decomposition of the dead vegetation and removal of oxygen from the water, they are allowing an upland watershed to hinder their efforts to improve water quality in and around the City. He also noted that a few years ago, some homeowners consulted with Mr. Jenkins of Jenkins Engineering, one of the City's contracted engineers. Mr. Jenkins developed a design for an aluminum fence that would be added to the top of the current concrete cap. The design shows a removable gate, which is the same size as the current spill lip. The removable feature can be opened when storms or rain events are forecasted to help mitigate flooding.

Councilmember Braden asked staff to determine the elevation on the old spillway design and the elevation on the new spillway design at Lake Coleman.

Ms. Patti Brown, a Destin resident and member of the Short-Term Rental Task Force, stated that they based most of their discussion on the information they received from the City's Code Compliance Department, including complaints from residents. They had a Waste Management representative discussed trash and what they consider an adequate amount of trash can per a number of guests. She continued that they have a serious rat problem at Crystal Beach and Holiday Isle. Two members of the Task Force voted against the recommendation of requiring one trash can for every 6 guests because they feel they need more trash cans. They had pretty extensive discussions on a lot of issues and were in agreement with the majority of the topics they discussed. She also stated that their meetings were well publicized and allowed public comments at the end of each meeting. She requests Council's approval of their recommendations.

Ms. Tamara Baker, a Destin resident, stated that the water level at her end of Lake Coleman is the shallowest. They have a pile of slime in their backyard, and that they have worked very hard keeping the lake dredged out and feeding fresh water into it which is a constant job. She then produced some photos of the lake and pointed out that one of the photos showed the seawall and the previous level of the water, as depicted by the green buildup on the piling, and its current level.

Mr. Bill Reddington, a Destin resident, stated that since there have been a lot of unfavorable reaction to proposed short-term rental regulations, the Council needs to reconsider some of the rules they are trying to put into effect. Requiring cars to have a sticker or parking pass is unenforceable. It would not be right to issue a citation to a parked car for not having a sticker. With regards to trash, he used to own short-term rental properties in Destin and never had a problem with trash. The

management company he hired had an independent trash collector that came by on Saturdays and collected trash. At that time, rentals are basically from Saturday to Saturday. Now there are 3 and 4-day rentals; and so, the new rules they are trying to establish would be harder to enforce. He recommends giving the City's Code Compliance Department a chance to enforce the existing laws before adopting more rules.

Mr. Shaun Hickey, a Destin resident and member of the Short-Term Rental Task Force, stated that the trash issue is a very serious issue. He lives at Crystal Beach where trash was overflowing and with trash bags being placed on the side of the trashcans. They already have a rat problem at Crystal Beach and Holiday Isle and so they need to get the trash off the street. They have a grandfather clause where many homes are predicated on the number of people and not bedrooms, which is a problem. For instance, a house with 4 bedrooms, which according to the current code is only allowed 12 people. But there are existing houses that have been approved and grandfathered to have 18 people instead of 12 people, which increases the amount of trash. In this case, they will not have enough trash cans if they base the number of trash cans on the number of bedrooms. The recommendations from the Task Force are based on the number of occupants and not bedrooms. After a lengthy discussion, the Task Force came up with a recommendation for one trash can per 6 people, even though some of the members argued for more trash cans based on their experience.

Ms. Marcie Bell, a Destin resident and member of the Short-Term Rental Task Force, stated that she supports all the comments made by co-members of the Task Force tonight. She stated she was the one who made the motion regarding the issuance of parking passes. All the condominiums and hotels issue parking passes based on the number of vehicles their guests can have upon registration. With regards to trash, the Saturday valet service was based on the fact Saturday is mainly the check-in and check-out day. The number of trash cans per the number of occupants was based on the information provided by the Waste Management representative. With regards to the increase in short-term rental registration fee to \$500; dividing that amount by 12 months equates to only \$41.67 a month to be able to operate a short-term rental business. Currently, the City of Destin has one of the lowest short-term rental registration fees in the entire State of Florida. Some of them are upward of thousands of dollars. They need stricter regulations to allow the Code Compliance Department to go after the habitual offenders and to hire more people to get everything under control.

Mr. Tim Taylor, a Destin resident and property manager, stated that he has owned Ocean Reefs Resort for 38 years. They have 550 properties in their management program; and so, he considers himself an expert in managing homes. He stated that there have been problems in most communities where there are no homeowners' associations, such as in Crystal Beach where homeowners are relying on the City of Destin for assistance. In the property they own in Sandestin, garbage is picked up every day throughout the entire resort privately by the master homeowners' association. They pick up the trash the day the guest checks out. It is built into their dues. They have their own homeowners' association on Holiday Isle, but the board will not put in trash pickup into their monthly dues. He also stated that everything they want needs to be included in the registration form because many owners are not using a professional management company. It would really help if people are self-managing their property.

4. CITY MANAGER REPORTS

A. Engineering Update - Two Lane Roadway

Item pulled from the agenda.

B. Purchase Authorization for GPS Surveying Equipment

The City Manager explained that the City's Public Services Department's current GPS surveying equipment is over 10 years old. This new equipment will receive signals from a greater number of GPS satellites therefore improving accuracy and its usability adjacent to structures and under trees.

Councilmember Braden moved to authorize purchase of new GPS surveying equipment from FLT geosystems in the amount of \$24,928.00; seconded by Councilmember Marler. Motion passed 6-0 (Council members Morgan, Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Destin was absent from the meeting).

C. Low Speed Vehicle (LSV) Policy and Revised LSV Map

According to the City Manager, the City Council adopted a City Golf Cart Policy in 2006. City staff recently updated and amended the policy for the growing community and added a map for clarification of where Low Speed Vehicles (LSV) can be safely and legally operated.

Councilmember Morgan expressed his opposition to allowing LSV to be operated on Airport Road. He recommends updating the policy to exclude Airport Road.

Councilmember Marler noted that he owns an LSV, which he drives from home to work. It is a gasoline model with a top speed of 25 mph. The map shows Mountain Drive as being restricted. Since the speed limit on Mountain Drive is at 25 mph, LSVs should be allowed to be operated on Mountain Drive. He also noted that a section of Stahlman Avenue that comes in on Azalea Road is also restricted. There are gasoline powered LSV shuttle vehicles that use that road to take people from the City parking lot to Harborwalk, Village and several other properties. It is also the route that he takes, and so he will be restricted from driving his LSV from his home on Kelly Street to his place of work.

The City Attorney clarified that the term "Low Speed Vehicle" is defined in State Statute as vehicles that travel between 20-25 mph. It is not the model, but the speed in which the vehicle travels that creates the distinction.

Councilmember Braden moved to take no action on this issue tonight; seconded by Councilmember Marler.

Councilmember Menchel suggests they at least ask staff to revisit recommendations for open and closed roads for LSV and bring item back at the next meeting with updated information.

Councilmember Marler withdrew his second to the motion currently on the table. Motion died for lack of a second.

Councilmember Ramswell pointed out that part of the development plan for the new development they approved on 98 Palms was to create another bypass straight across from the intersection of Commons Drive and Airport Road and all the way down that could utilize golf carts and LSVs rather than a main thoroughfare such as Airport Road. She added this is an alternative they should consider.

The City Attorney noted that half of the jurisdictions for Commons Drive is with the County and half is with the City; and so, the City would need to coordinate with the County any change in policy in that roadway.

D. Electrical Services Continuing Services Contract

Public Services Director Michael Burgess noted that the City's Bid Committee reviewed the bids they received and recommends Council award the Miscellaneous Electrical Continuing Services contract to the lowest priced responsive bidder, D&D Air Conditioning, Heating & Electrical Services.

Councilmember Overdier moved to award RFB 19-07-PW, Miscellaneous Electrical Continuing Services contract to the lowest priced responsible bidder D&D Air Conditioning, Heating and Electrical Services and authority the City Manager to execute the contract on behalf of the City. Councilmember Marler provided a second to the motion, which passes 6-0 (Council members Morgan, Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Destin was absent from the meeting).

E. Generator Maintenance Services Continuing Services Contract

According to Mr. Burgess, the City's Bid Committee reviewed the bids they received and recommends Council award the Miscellaneous Generator Continuing Services contract to the lowest priced responsible bidder, Metro Power Inc.

Councilmember Menchel noted that according to the Bid Committee meeting minutes of November 12, 2019, the Finance Director recommended the removal of the Okaloosa County Sheriff substation generator off the contract since it is no longer working. He wants to make sure it is removed from the contract before it is fully executed.

Councilmember Overdier moved to award RFB 19-12-PW, Miscellaneous Generator Continuing Services contract to the lowest priced responsible bidder Metro Power, Inc., and authorize the City Manager to execute the contract on behalf of the City; seconded by Councilmember Marler.

Councilmember Marler inquired as to the exact location of Metro Power.

According to the City Manager, Metro Power is located at 2303 US Hwy 98 in Santa Rosa Beach, Florida.

Councilmember Marler asked if RONCO originally installed the generator.

Mr. Burgess stated that all their generators are several years old, and that RONCO has been their continuing service provider for several years. They are scheduled to install the new City Hall generator in a couple of weeks.

The Mayor called for a vote on the motion, which passes 5-1 (Council members Morgan, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Marler voted "no; Councilmember Destin was absent from the meeting).

F. Pest Control Continuing Services Contract

Mr. Burgess stated that the City's Bid Committee reviewed the bids they received and recommends Council award the Miscellaneous Pest Control Continuing Services contract to the lowest priced responsive bidder, Florida Pest Control.

Councilmember Morgan moved to award RFB 19-10-PW, Miscellaneous Pest Control Continuing Services contract to the lowest priced responsible bidder Florida Pest Control and authorize the City Manager to execute the contract on behalf of the City; seconded by Councilmember Overdier. Motion passed 6-0 (Council members Morgan, Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Destin was absent from the meeting).

G. Recommendation of Volkert Engineering to provide Traffic Engineering Assessment for the Stahlman Avenue/US98 intersection and vicinity

The City Manager explained that the City Council asked for an assessment to be provided for the Stahlman Avenue area to include Zerbe Street. The purpose of this assessment would be to collect data and make subsequent recommendations to improve pedestrian safety and traffic flow in that area. The City Council has provided a budget for this project of \$50,000. Volkert Engineering has expressed interest in assisting the City with this project and is qualified to perform this work.

Councilmember Menchel asked how long it will take to get something back from Volkert if Council approves this recommendation.

Mr. Burgess stated that Volkert was the engineer of record for the 3R project; and that a lot of the work associated with this study will involve property and existing utilities that might have to be adjusted. Volkert seems to be the natural fit for this study. The scope of work has not been finalized. The motion was not necessarily for the City Manager to negotiate a contract with Volkert, but to begin the negotiation process for the scope of work. He added that the study could take 6 months to a year to complete.

Councilmember Braden believes it would just be a waste of money to spend \$50,000 to conduct a study at this intersection when the County is already planning on doing a total redesign of this intersection by 2024.

The City Manager stated that based on previous Council meetings and the discussions that occur at those meetings, Council wants to be able to decide how they want the intersection to look like, which is why they tasked staff to get an engineering firm to provide some of the options and share those options with the County. He added that if they approach the situation with a firm plan in hand, it could make the transition a lot easier; however, it would be up to the Council if they want to proceed with the study.

According to Councilmember Morgan, part of the reason for this study was to expedite the process and to try to improve their rankings with the TPO to get the money faster from the State.

Councilmember Ramswell noted they had an in-depth conversation during a workshop with FDOT and some members of the County Commission about the crosstown connector. They have discussed and presented a few different ideas of what might work or what this Council might want to see done at that intersection. She recommends providing Volkert some sort of a list of ideas to consider in the feasibility study such as having Zerbe Street dead end or constructing an underground pedestrian walkway.

Councilmember Morgan moved to authorize the City Manager to negotiate with Volkert Engineering, one of the City of Destin's Continuing Services Engineering Consultants, to provide engineering analysis and report for the Stahlman Avenue/US 98 intersection not to exceed \$50,000. Councilmember Ramswell provided a second to the motion. Motion passed 5-1 (Council members Morgan, Marler, Overdier, Menchel, and Ramswell voted "yes"; Councilmember Braden voted "no"; Councilmember Destin was absent from the meeting).

H. Recommendation to select Volkert Engineering to design a guardrail system for a portion of Airport Road

Mr. Burgess noted that the City Council requested that a guardrail system be installed on the outside of the northern curve on Airport Road. A design by a qualified professional engineering firm will be required prior to its installation. Staff recommends that Volkert Engineering be tasked with this project.

Councilmember Menchel asked if the City's new engineer is capable of doing this work.

The City Manager noted that the City's engineer is not a traffic engineer, and that liability-wise, they feel it is in the City's best interest to hire a traffic engineer to handle this project.

Councilmember Menchel asked why drainage modification, as included in the report, is necessary just to install guardrail in the roadway.

The City Manager explained there are some information included in the agenda report that may or may not come to fruition; and that the recommendation is to engage Volkert Engineering to design the installation of the guardrail any other recommendation they may have in that regard. He also stated that the City's Risk Manager communicated this issue with the City's insurance company, and they recommended they engage a qualified firm to engineer this project before they install the guardrail system.

Councilmember Menchel asked how much the low-profile barrier, the alternative to the guardrail system, would cost.

Mr. Burgess stated they would obtain an estimate and provide it to Council.

Councilmember Marler noted that he is opposed to the installation of the guardrail system because he does not believe it will change the situation or slow down motorists on Airport Road. It could just result in fatalities and liabilities for the City as hitting a metal guardrail is like hitting a brick wall. He added there should not be a problem at all if they could only enforce the speed limit on that road.

Councilmember Ramswell asked for clarification regarding the exact location of the proposed guardrail.

Mr. Burgess explained that the guardrail will be installed in between Airport Road and the sidewalk in front of the airport.

Councilmember Ramswell noted this plan is not going to prevent cars from crossing over the median and into the oncoming traffic.

Mr. Burgess stated they could place the guardrail in the median as well as to the outside in between Airport Road and the airport.

Councilmember Ramswell stated that the asking price seems a pretty extensive amount of money just for the design element of a guardrail system. She asked what specifically they could be doing for that amount of money.

Mr. Burgess explained that the firm would be doing some surveying and determining whether any utilities need to be relocated and considering all that information in creating plans for the foundation of the guardrail.

The City Manager pointed out that the original motion was to install a guardrail in the median, and both sides of the road.

After further discussion, the Council reached a consensus to continue this item to the next Council meeting; and for staff to provide estimated cost for the alternative low-profile barrier to be placed across the median and to the northern and southern section of the curve on Airport Road.

I. Request for direction from City Council on amendments to Short-Term Rental Ordinance and the invocation of Pending Ordinance Doctrine

Code Compliance Manager Joey Forgione presented the Short-Term Rental Task Force proposed amendments to the Short-Term Rental Ordinance.

Councilmember Marler stated they need to clarify the definition for single-family residential because he does not know how a 3 to 4-bedroom house can be classified as single-family residential before they vote whether to approve the proposed amendments. He also stated they are over-regulating the short-term rental homes at Crystal Beach that they are killing the tourism industry; adding they need to regulate parking City-wide and not just in short-term rental areas.

Councilmember Overdier stated he cannot support requiring parking passes for vehicles since guests are told upon registration how many vehicles they can bring. They are also required to fill out a form that contains all the information about parking, noise and trash. He also stated that requiring extra trash cans is a good idea only for those houses that continually have too much trash for the number of trash cans they currently possess; but he cannot support making it a requirement for everybody. Finally, requiring owners to call their tenants to remind them of trash pickup day is quite excessive, not to mention unenforceable.

Councilmember Overdier moved to approve all recommendations from the Short-Term Rental Task Force except for vehicles parking passes, extra trash cans and calling tenants to remind them of trash pickup days; seconded by Councilmember Morgan.

Councilmember Ramswell noted there is no structured list of recommendations included in the packet to make it easier for them to discuss and vote on them.

Councilmember Menchel noted that the minutes of the initial meeting of the Task Force included a statement that, *"According to the City Manager, what staff hopes to get from the Task Force are data points that they could measure to determine whether they are doing a good job enforcing the code and tracking the necessary data."* He asked if these data points were identified.

According to the Land Use Attorney, the Code Compliance Manager had prepared documents with all the compliance statistics from the past summer; and which were reviewed in detail during the meeting.

Councilmember Menchel stated they have some rules on the books, but they need stronger enforcement and fines for habitual offenders for these rules to be effective.

The Land Use Attorney noted that one of the recommendations from the Task Force was allowing staff to amend the Fee Resolution to increase the fees.

Councilmember Ramswell recommends bringing this item back with a more structured lists of recommendations.

Councilmember Menchel offered a substitute motion to bring item back at the next Council meeting with a more structured list of recommendations to include additional information related to stronger enforcement and graduating fees not currently included as recommendations; seconded by Councilmember Overdier. Motion passed 6-0 (Council members Morgan, Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Destin was absent from the meeting).

J. Announcements

The City Manager made the following announcements:

- Thursday, December 5th, 6:00 PM, Destin Community Center – Destin Annual Tree Lighting Ceremony
- The City's Annual Financial Audit started Monday, December 2nd
- December 9th at 6:00 PM – Special City Council Meeting
- Library currently hosting food for fines
- Holiday decorating contest started December 1st
- Engineer, Engineering Assistant and Stormwater Manager have relocated to the Annex Building and now part of Community Development Department

5. PUBLIC HEARINGS

A. Second reading of Ordinance 19-31-LC Relating to changes to the Zoning Map, which changes the zoning district of one parcel to match the land use designation assigned in the Future Land Use Map of the Comprehensive Plan.

The City Attorney read proposed Ordinance 19-31-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 DESIGNATIONS OF THE PARCELS DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM RESIDENTIAL, OFFICE, INSTITUTIONAL-TOURIST DEVELOPMENT (ROI-TD) TO COMMERCIAL GENERAL (CG); 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.

Mr. Karl Seekamp, a Destin resident, noted that his property borders the property being considered in the proposed ordinance. He opposes the change in zoning designation for the neighboring property from ROI-TD to a much less restrictive Commercial General (CG) designation. It borders the residential neighborhoods of Sovereign Isle and Emerald Breeze, which are both beautiful and peaceful residential neighborhoods that would significantly be degraded if the City approves the Commercial General rezoning. He also stated that the 30-foot buffer being offered is insufficient space to provide a graceful transition from Commercial General to single-family residential. While many of the less compatible Commercial General uses are subject to conditional approval of the City Council, there is no guarantee that a future Council would rule in favors of the residents when considering such proposals. He further stated that the Destin Comprehensive Plan calls for "protecting and preserving the quality of Destin's residential areas"

and requiring transitions in land use. The proposed CG zoning is in direct opposition to these goals. The 2016 Future Land Use Map (FLUM) change that introduced CG to this property was not done with the input of the property neighbors, and so it should hold no precedence as it was not properly coordinated with the stakeholders surrounding the property. There are 153 neighbors that signed a petition opposing this change.

Attorney Trey Goodwin, representing the applicant, stated that the changes the City Council and staff have put into the Commercial General zoning regulation present a very powerful tool available to this Council to protect the neighborhoods. He asked for Council's approval of the application.

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

Councilmember Overdier moved for the adoption of Ordinance 19-31-LC on second reading; seconded by Councilmember Menchel.

Councilmember Ramswell noted that some members of the Homeowners' Association for Sovereign Isle and Emerald Breeze met with the City's Land Use Attorney and discussed some elements that could be done to mitigate this issue.

The Land Use Attorney stated that as a result of those meetings, residents that participated were satisfied based on what they told her, which is why they are not opposing the rezoning. City staff worked with residents to look at those uses that are less compatible with residential and made them conditional uses with a very detailed process and criteria for Council to consider if and when one or more of those uses is proposed. The buffering is 30 feet in addition to the setbacks, and that Council could also increase the buffering further when a conditional use application is proposed.

Councilmember Marler announced he would abstain from voting because the owner of the property is partner to the company for which he works.

Motion passed 5-0 (Council members Morgan, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Marler abstained from voting. Councilmember Destin was absent from the meeting).

B. First reading of Ordinance 19-34-LC relating to changes to the Zoning Map, which changes the zoning of one parcel from Residential, Office Institutional Tourist Development (ROI-TD) to Commercial General (CG)

The City Attorney read proposed Ordinance 19-34-LC by title, and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE OFFICIAL ZONING MAP AS REFERENCED IN THE LAND DEVELOPMENT CODE, SECTION 7.12.01(A)2 ZONING MAPS TO INCLUDE A CHANGE IN THE ZONING DESIGNATION OF THE PROPERTY DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM RESIDENTIAL, OFFICE AND

INSTITUTIONAL-TOURIST DEVELOPMENT (ROI-TD) TO COMMERCIAL GENERAL (CG); 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 and turned the matter over to the City Council for discussion and consideration.

Motion by Councilmember Menchel, seconded by Councilmember Ramswell, to approve Ordinance 19-34-LC on first reading and direct staff to advertise for second reading passed 6-0 (Council members Morgan, Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Destin was absent from the meeting).

C. First reading of Ordinance 19-35-LC relating to changes to the Zoning Map, which changes the zoning of one parcel from Bay Estates (BE) to Recreation (REC)

The City Attorney read proposed Ordinance 19-35-LC by title, and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE OFFICIAL ZONING MAP AS REFERENCED IN THE LAND DEVELOPMENT CODE, SECTION 7.12.01(A)2 ZONING MAPS TO INCLUDE A CHANGE IN THE ZONING DESIGNATION OF THE PARCEL DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM BAY ESTATES (BE) TO RECREATION (REC); 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 and turned the matter over to the City Council for discussion and consideration.

Councilmember Menchel moved to approve Ordinance 19-35-LC on first reading and direct staff to advertise for second reading; seconded by Councilmember Overdier. Motion passed 6-0 (Council members Morgan, Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Destin was absent from the meeting).

D. First reading of Ordinance 19-36-LC relating to the creation of a "lot split" procedure, which is an addition to the subdivision of land procedures as laid out in Article 2 of the Land Development Code

The City Attorney read proposed Ordinance 19-36-LC by title, and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING ARTICLE 2 OF THE LAND DEVELOPMENT CODE; PROVIDING PROCEDURES FOR LOT SPLITS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Motion by Councilmember Overdier, seconded by Councilmember Braden, to approve Ordinance 19-36-LC on first reading and direct staff to advertise for second reading passed 6-0 (Council members Morgan, Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Destin was absent from the meeting).

E. First reading of Ordinance 19-37-LC amending relating to the consolidation of the Residential, Office, Institutional General Development (ROI-GD) and Residential Office, Institutional Village Residential (ROIVR) zoning districts.

The City Attorney read proposed Ordinance 19-37-LC by title, and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE TO ELIMINATE THE RESIDENTIAL, OFFICE AND INSTITUTIONAL-GENERAL DEVELOPMENT ZONING DISTRICT (ROI-GD) AND CONSOLIDATE IT WITH THE RESIDENTIAL, OFFICE AND INSTITUTIONAL-VILLAGE RESIDENTIAL ZONING DISTRICT (ROI-VR); AND TABLE 7-3 SCHEDULE OF DIMENSIONAL REQUIREMENTS PROVIDING FOR; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Marler moved for approval of Ordinance 19-37-LC on first reading and direct staff to advertise for second reading; seconded by Councilmember Overdier. Motion passed 6-0 (Council members Morgan, Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Destin was absent from the meeting).

F. First reading of Ordinance 19-38-LC relating to the use of wheeled vehicles on public and private areas of the beach, which amends Section 11.08.02 of the Land Development Code.

The City Attorney read proposed Ordinance 19-38-LC by title, and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO THE USE OF WHEELED VEHICLES ON PUBLIC AND PRIVATE AREAS OF THE BEACH; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AN AMENDMENT TO ARTICLE 11 OF THE LAND DEVELOPMENT CODE 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 and turned the matter over to the City Council for discussion and consideration.

Councilmember Ramswell moved for approval of Ordinance 19-38-LC on first reading and direct staff to advertise it for second reading. Councilmember Menchel provided a second to the motion, which passes 6-0 (Council members Morgan, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”; Councilmember Destin was absent from the meeting).

6. CONSENT AGENDA

- A. Minutes of Standing Committees/Board Meetings
- B. Request approval to purchase FY 20 Budgeted Equipment 5 Pickup Trucks
- C. Development Review System Software Update

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

The Deputy City Manager provided a verbal update on the progress of the EnerGov Software implementation schedule stating that City staff continues to work hard in preparation for the EnerGov project. City staff he very productive sessions with EnerGov staff on November 19-21 and will continue to provide updates to the Council as the project progresses. This will be a challenging project for staff. There will be some unexpected challenges they would have to work through.

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

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

- A. Councilmember Braden
- B. Councilmember Ramswell

C. Councilmember Menchel

Councilmember Menchel inquired as to the typical protocol regarding contract payments. Finance Director Bragg Farmer stated it would be based on the terms of the contract. Typically, the contractor would perform the service, presents the City with an invoice. The invoice would be reviewed by the pertinent department and signed off on the invoice verifying the work being done. A purchase order would then be placed into the system to identify the payment being owed to that contractor. The invoice would be presented to be paid on the purchase order.

Councilmember Menchel noted that he reviewed the last City contract on generator maintenance. It appears the City was billed twice for the same service.

Mr. Farmer stated that the City's generator has not been functioning properly and believed to be beyond repair, and so they should not have been billed for service on that generator. He will go back and make sure they have not paid anybody for maintenance of that generator.

D. Councilmember Overdier

- 1) Appointment of Mr. Frank McDonough to the Town Center CRA Advisory Committee

Councilmember Overdier moved for appointment of Mr. Frank McDonough to the Town Center CRA Advisory Committee; seconded by Councilmember Marler. Motion passed 6-0 (Council members Morgan, Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Destin was absent from the meeting).

E. Councilmember Marler

Councilmember Marler requested that the Mayor and City Manager send a letter to the County Commission requesting the placement of traffic lights at the intersection of Commons Drive and Henderson Beach Road.

F. Councilmember Destin

G. Councilmember Morgan

- 1) Raising water level at Lake Coleman

Councilmember Morgan asked staff to research this issue and bring back plans and estimated cost to accomplish this task.

H. Mayor Gary Jarvis

I. Land Use Attorney

J. City Attorney

1) Executive Session Announcement "Special Executive Session of the City Council in the case of Pointe Mezzanine, LLC vs. City of Destin, Case # 2019CA-003733 F in Okaloosa County Circuit Court will be held on Monday, December 9, 2019, at 5:30 pm, in the City Hall Annex Council Chambers."

2) Researching Project Manager/Consultant options for the Undergrounding of Utilities project

The City Attorney announced that during the Gulf Power meeting held a few weeks ago, it became apparent pretty quickly that the undergrounding project would be a massive undertaking. The City would need to either employ a project manager as an employee or hire an outside consultant for the undergrounding effort. Staff is currently exploring options and present them to Council.

3) Contract Addendum

The City Attorney stated he was directed by Council to negotiate a contract addendum to the City Manager's contract to buy out some of the City Manager's vacation that he would not be able to carry over to the next fiscal year.

Councilmember Ramswell moved for approval of the contract addendum for the City Manager; seconded by Councilmember Menchel passed 6-0 (Council members Morgan, Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Destin was absent from the meeting).

8. PUBLIC COMMENTS:

Ms. Marcie Bell discussed the Gulf Power letters she has been receiving in the mail offering to take at least \$3.99 per month out of her checking account. The return address was Gulf Power, but they are actually coming from Home Serve Repair USA Management Corporation. She wanted to warn the citizens of Destin who received similar letters that these are not official Gulf Power mailing.

Mr. Karl Seekamp noted that two of 4 people that met with the Land Use Attorney regarding the rezoning issue discussed earlier disagreed with the rezoning proposal, and that both are present in tonight's meeting. Now that the area in question is zoned conditional Commercial General after the Council approved the application this evening, whomever purchase that property would want to develop on it. That person would have to come before this Council to get an approval to build a McDonald or a service station behind his house. He stated that he is relying on this Council to go back and correct the zoning map which is inconsistent, and which shows his neighborhood as a mixed-use area even though there is nothing there but single-family residential housing.

The Land Use Attorney announced that two of the individuals she previously spoke with and were agreeable with the area rezoning were Rhonda Jossey and Todd Burr.

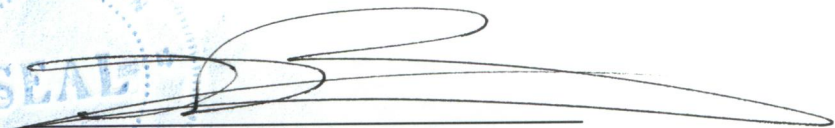
ADJOURNMENT: 9:55 PM

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



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk

