

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
JUNE 1, 2020
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 Pro Tem Prebble Ramswell
Councilmember Rodney Braden
Councilmember Cyron Marler
Councilmember Chatham Morgan

Councilmember Parker Destin
Councilmember Skip Overdier (Virtual)
Councilmember Steven Menchel (Virtual)

Destin City Staff

City Manager Lance Johnson
Public Info Manager Catherine Card
Community Dev, Director Louis Zunguze
Deputy Parks/Rec Director Scott Berrish
Code Compliance Manager Joey Forgione
Parks/Recreation Director Lisa Firth
Public Services Director Michael Burgess
Principal Planner Lauren Witt
City Land Use Attorney Kimberly Kopp

City Clerk Rey Bailey
Deputy City Manager Webb Warren
Finance Director Krystal Strickland
HR Manager Karen Jankowsk
City Engineer Assistant Joe Bodi
Grants/Project Manager Jeffery Cozzard
IT Manager Matthew Pace
City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Pro Tem Prebble Ramswell called the meeting to order at 6:00 PM. Pastor Steve Farris of First Baptist Church gave the invocation, which was then followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Motion by Councilmember Marler, seconded by Councilmember Destin, 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 April 29, 2020 Special City Council Meeting

Councilmember Destin moved to approve minutes of April 29, 2020 Special City Council Meeting; seconded by Councilmember Marler. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

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

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

Ms. Wendy Alsop, a Destin resident and short-term rental owner read the following statement:

"After speaking with Mayor Jarvis and Kimberly Kopp, I have organized a small group of our military short-term rental owners to speak here tonight in the hopes of beginning to open communications and change the narrative about short-term rental owners. The first point I want to address is the trust and respect we have and feel from our City Council members. This also ties into why we are gravely concern about the home-rule vote which Council has now put through 3 times. Except this time, the change to the language to cover frequency and duration. After the last City Council meeting, I wrote every single Council member about this very issue. Unfortunately, I only heard from Mayor Jarvis and Kimberly Kopp. We want to trust and respect our Council members, but unfortunately that is not where we find ourselves. Our concerns and fears were not unfounded. When you have elected leaders in public settings saying things like 'I want to tax short-term rental owners like tobacco and alcohol', or 'they are grumbling our fee hikes when they make millions'; or 'funny how they run from the State when they don't get what they want from the State and they come back to us. The first thing you were thought as a teacher and administrator is the power of your words. With power comes great responsibility. You cannot and should not throw stones so carelessly from the seat that you sit in. It makes us feel very unwanted, unappreciated, and create animosity between us. It also sends out negative messages to a local community. The other reason our fear is reinforced is due to harassment we have received from local Code Enforcement. I personally sent some evidence when Code Compliance officers have not even read or understood the Governor's Executive Orders and were quoting local regulations. Also, when you increased our license fees from \$150 to \$600 in one year, and the voting was done without short-term rental owners even know about it or given a chance to provide input. As a teacher, if I didn't assess my students properly and he or she fell or didn't do well, it wasn't their fault; it was mine. It is very apparent by the things that you say and the way that you conduct your business that you aren't interested in assessing the different short-term rentals to understand their strength and weaknesses because we are not all alike. When all the locals and invested homeowners give in to out-of-state investors, because they got tired of fighting you, pandemics, hurricanes and flesh-eating bacteria, and just feeling misunderstood or unappreciated, then you will have a real mess on your hands. We have huge operating costs and are already paying HOA dues for added security that walk around till 2:30 AM; off duty sheriff's deputy that conduct extra patrol during spring break; and pool attendants who take out garbage. When you cite extra expenses for things I'm already paying for, it feels extremely punitive for being a responsible homeowner. My husband and I both grew up not far from here in Terre Haute, Alabama. We were excited to find out our last duty station was going to be Eglin AFB. We decided to purchase a vacation rental in order to become ambassadors for our community, and part of it by supporting the economy. The reason I left teaching was to manage our rental home. It was also going to allow me more flexibility and more time to spend with my husband in retirement. We both love this area and take great pride in our services we provide to the community through jobs, our vacationers through well-managed rentals, and ourselves in the form of a successful business."

Ms. Sandy Trammell, a Destin resident, commented on the roadway redesign for the crosstown connector, stating that she supports reducing it to two lanes as it was originally designed. However, she does not support vacating the property around it because it can be used for a park or additional right-of-way.

Ms. Trammell, a Destin resident, suggests creating an ordinance that would prohibit vacation or partial vacation of any City rights-of-way with waterfront access.

Mr. Tyler Nikomoto, a Destin resident, and vacation rental owner, stated that he and his family were brought to this community through military orders but retired and stayed in this area by choice. They have enjoyed all the amenities this community has to offer. He understands the delicate balance between visitors and residents, and that this community is reliant on tourism to drive the economy. He stated that not all vacation rentals are alike. There are those that violate current regulations that address overcrowding, parking and excessive noise issues. However, he and other owners strictly enforce statutes currently in place. They have professional cleaners and inspection processes that minimize any uncleanness. They make sure they minimize any misbehavior by their guests and take care of any incident as soon as it happens. They would welcome policing and fines for violators. He further stated they are not investors that make millions of dollars, but mediocre people just trying to make a living. They are invested in the community, trying to provide local jobs, support the local economy and cast the City in a very positive light.

Ms. Carrie Harbarger, a Destin resident, noted she has previously provided information about some contaminations on Joe's Bayou property which have not been addressed; and that she has a copy of an environmental report on Joe's Bayou which she can provide to the City if requested. It explains the fly ash and all the other chemicals that were made. But she is more concern about the three tanks that are buried on that property because no one knows the contents of those tanks.

According to the City Manager, a County report shows two tanks were on the property at one point, but they have not verified whether these tanks are still on the property. He continued that staff is still investigating the situation and looking at another environmental study they have located within the last week.

Councilmember Menchel asked Ms. Harbarger to provide a copy of the environmental study which she spoke off to City staff.

Mr. Jason Tyrie, a Niceville resident and former active duty military, noted that he and his wife spent their life savings by purchasing a short-term rental property in Destin; sacrificing much of their time, efforts and money running their business. It is disheartening to hear some of the disdain and futile language use towards short-term rental industry. The majority of the short-term rental owners follow the rules. He urged the Short-Term Rental Task Force to focus policy on enforcement and correction of the "bad actors" rather than a broad retaliatory action that hurts the entire industry and in turn the entire City of Destin. He added he has nothing against Home Rule power, but he would like to know the Council's policy and its affect on the industry.

Councilmember Braden stated that the Council cannot implement a policy specific to the "bad actors." They must implement a policy that would apply to the entire industry.

According to Councilmember Destin, it is not the goal of this Council to put any short-term rental owners out of business; which is why when they created the Short Term Rental Task Force, they made sure they had equal representation from the short-term rental community and local residents. He also stated if there are no Home Rule powers, there will not be anything to regulate because everything will be preempted by the State. It is the responsibility of this Council to try to find the balance and avoid any discriminatory application of the local rules. He continued that one of their biggest problems with enforcement is the out-of-state owners without dedicated managers who can solve problems that exist with the rental property, such as noise, trash and parking. The Home Rule power gives them the ability to put into the code the requirement for a responsible party located within a certain distance from the City to be listed with the City when the property is registered.

Ms. Giselle Fritz, a Niceville resident and short-term rental owner in Destin, echoed the sentiments of previous speakers relating to the short-term rental industry. She stated she is one of the owners who follow the rules and urge the Council to consider them as they implement further actions to regulate short-term rentals. She also stated there are short-term rental owners willing to join in if the Council is contemplating on appointing new members to the Short-Term Rental Task Force.

Mr. Galen Alsop, a Destin resident and short-term rental owner, stated that he spent 21 years of his life fighting for other people's rights as property owners, and he is willing to fight for his own right whether it be at the State or local level. He continued that contrary to what many people believe, they do not make millions of dollars renting their property. He currently rent at a loss and has not made any profit the last two years. If the Council continues to stymie their efforts, the short-term rental business will no longer be profitable, and they will be sold to those people who are only concern about profits and building high-rises. He also stated that many of the owners are doing the right things and trying to do their best for the community. They should not be punished along with the rule violators. This Council voted against opening up short-term rentals earlier than the Governor's had planned even though they recognize that short-term rentals employ 33,000 people in the County. He would like to know exactly what the Council wants to do with the Home Rule, and why they need to dictate the length of time owners can rent their facility.

Councilmember Ramswell clarified that the vote Mr. Alsop alluded to was not a vote against opening up short-term rentals. It was a vote for the Mayor to send a letter to the Governor encouraging the Governor to open up short-term rentals; which she voted against because the Office of the Governor and the Board of Okaloosa County Commission were already in discussion about opening things up.

Mr. Alsop noted there is a perception among short-term rental owners that the City Council does not care about the short-term rental industry. He urged the Council to do what is necessary to change that perception.

Councilmember Ramswell stressed that one thing this Council is very united about is the fact that tourism is a necessity in this town, and that short-term rentals are a part of tourism.

Councilmember Morgan remarked that this Council is better suited to govern this community than the Governor and the Florida State Legislature.

Ms. Tracy Martin, a short-term rental manager, stated that the Villages of Crystal Beach self-contained all of their issues and take care of all their problems in-house. They handle trash collection in house for years until Waste Management took over. They still do their own trash on Saturdays because there is so much of it. They have a parking regulation so that they only allow 3 cars per home. They hire Sheriff's Department deputies for off-duty detail during the summer. They also have courtesy patrol that they hire; all of which are contained within the budget of the Villages of Crystal Beach. The owners share the costs which is why short-term rentals are so important to them. The City might want to use the Villages of Crystal Beach as a model in trying to regulate short-term rentals. She added that many people spend their vacation in Florida because of short-term rentals. A lot of them end up buying a home here and becoming permanent residents.

Next, the Council watched video recordings from several military short-term rental owners who were deployed or serving at out of State locations. They delivered the following messages:

- They are a military family who purchased property in Destin because they love the community; and that they need as much support as other members of the community during this pandemic. The Council should keep them in mind as they make decisions on registration fees and taxes for short-term rentals
- After their military commitment is completed, they plan to retire at the Destin area. They purchase a short-term rental property as a second source of income as well as a retirement home
- They serve the community the best way they can and decided to put their life investment in Destin
- The Council should see short-term rental owners as members of the community and to be protected as well as the other citizens of Destin
- They would like to see more transparency on short-term rental regulations
- The Council should consider the differences in the neighborhood areas in Destin instead of creating a blanket policy for short-term rentals

4. CITY MANAGER REPORTS

A. Capt. Royal Melvin Heritage Park and Plaza Update

The City Manager announced that they received 3 bids for the Capt. Royal Melvin Heritage Park construction project. The City's Bid Committee will meet on June 2nd to evaluate the proposals and bring back recommendations for Council's consideration at the next Council meeting.

B. Roadway Redesign and Use or Disposal/Vacation of City-Owned Property relating to the Cross -Town Connector.

City Engineer Assistant Joe Bodi gave the following presentation:

- Issues for Analysis - The Questions
 - ❖ Reduction to 2-lane roadway design
 - ❖ What is the potential excess property and what will be the potential use of that property?

- ❖ What is the process of disposal of excess property?
- ❖ Can Legion Drive between Main Street and Beach Drive support 4-lane road?
- ❖ Review vacation of Azalea Drive ROW between Benning Drive and Stahlman Avenue
- Current Design:
 - ❖ Four lane section – ROW is 93 feet
- Applicable Comprehensive Plan Policies
 - ❖ Policy 1-1.1.3: Major Natural and Manmade Corridors
 - Major transportation corridors such as the Harbor Blvd/Emerald Coast Parkways, which is a major focal point for the motoring, biking, and walking public and an inviting gateway to visiting tourists, and the “Cross Town Connector” (Stahlman Avenue, Azalea Drive, Legion Drive, Airport Road, and Commons Drive West)
 - ❖ Objective 2-1.1: System Design.
 - Continue to provide a safe, convenient, efficient and cost-effective multimodal transportation system and roadway network that optimizes access for present and future residents
 - ❖ Policy 2-1.1.1: Pursue Additional Road Corridor Improvements
 - The City shall continue to pursue the acquisition of rights-of-way, the design and the construction of multimodal facilities for future and existing corridors that will facilitate the east-west and north-south movement of all modes of transportation as shown on Maps 2-1 and 2-2 of this Transportation Element
 - ❖ Policy 2-1.1.2: Relieve Congestion
 - Any new roadway improvement related to policy 2-1.1.1 shall contribute to automobile congestion relief on Harbor Blvd./US Hwy 98 East/Emerald Coast Parkway and existing north-south corridors by providing alternatives for local traffic
 - ❖ Azalea Drive Extension (Benning Drive to Beach Drive)
 - Major Collector (LDC 8.03.01D)
 - ❖ Roadway Design Standards (LDC Table 8-1)
 - 4-lane (major collector)
 - Maximum right-of-way width of 111’
 - Travel Lane Width – 11 feet
 - Median Width – 6-12 feet
 - Bicycle Lane Width – 4 feet
 - Buffer Width – 6 feet
 - Sidewalk Width – 10 feet
 - ❖ Pedestrian amenities (LDC 8.09.03)
 - Minimum of one bench and one other pedestrian amenity every 150 feet of sidewalk
 - Street trees planted along the public sidewalk:
 - 30 feet for small trees
 - 40 feet for medium trees
 - 50 feet for large trees
 - Pedestrian-scaled lighting in the buffer area at a spacing of 80 feet on center

- Proposed Reduction:
 - ❖ Two lane section – ROW is 71 feet
- Applicable Comprehensive Plan Policies
 - ❖ 1-1.1.3: Major Natural and Manmade Corridors
 - Major transportation corridors such as the Harbor Blvd/Emerald Coast Parkways, which is a major focal point for the motoring, biking, and walking public and an inviting gateway to visiting tourists, and the “Cross Town Connector” (Stahlman Avenue, Azalea Drive, Legion Drive, Airport Road, and Commons Drive West)
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 - ❖ Azalea Dive Extension (Benning Drive to Beach Drive)
 - Major Collector (LDC 8.03.01D)
 - ❖ Roadway Design Standards (LDC Table 8-1)
 - 2-lane (major collector)
 - Maximum right-of-way width of 88’
 - Travel Lane Width – 11 feet
 - Median Width – 6-12 feet
 - Bicycle Lane Width – 4 feet
 - Buffer Width – 6 feet
 - Sidewalk Width – 10 feet
- Pedestrian amenities (LDC 8.09.03)
 - ❖ Minimum of one bench and one other pedestrian amenity every 150 feet of sidewalk
 - ❖ Street trees planted along the public sidewalk:
 - 30 feet for small trees
 - 40 feet for medium trees
 - 50 feet for large trees
 - Pedestrian-scaled lighting in the buffer area at a spacing of 80 feet on center
- Potential Uses or Disposal of Excess Properties
 - ❖ Potential Uses
 - Parks (Linear, Roadside, Neighborhood)

- Additional Retention Areas
- Additional Public Parking
- ❖ Potential Disposal
 - Had the City acquired all necessary property for the 4-lane roadway, there would potentially be an excess of property of the difference between the 93' and 71' ROW. In such case, disposing of property set aside for ROW for the Crosstown Connector is not in accordance with Chapter 2 – Article 3 Division 2 of the Code of Ordinances
- Can Legion Drive between Main Street and Beach Drive support a 4-lane road?
 - ❖ This segment of Legion Drive is a 60' wide ROW
 - ❖ The minimum width needed for a code compliant 4-lane roadway is 93'
 - ❖ Therefore, this segment of Legion Drive cannot support a 4-lane road to meet current code within the existing right-of-way
- Can Azalea Drive ROW between Stahlman Avenue and Benning Drive be reduced?
 - ❖ This segment of Azalea Drive is a 100' wide ROW
 - ❖ Road meanders within the ROW making equal division of potentially vacated ROW to the adjacent property owners impossible without significant road reconstruction
 - ❖ Majority of public utilities within the existing ROW would no longer be in the public ROW
 - ❖ Majority of public sidewalks within the existing ROW would no longer be in the public ROW and would need to be removed and reconstructed within the remaining ROW
 - ❖ Reducing the current ROW may adversely impact any future utility undergrounding opportunities
 - ❖ With the redesign and replat of Azalea Drive Extension (between Beach Drive and Benning Drive) to a two-lane road section and the inability for constructing four lanes on Legion Drive (between Main Street and Beach Drive), constructing four-lanes on Azalea Drive would be unlikely nor it will be beneficial for the overall crosstown connector
 - ❖ It is not recommended to reduce the Azalea drive ROW
- CONCLUSION
 - ❖ A redesign of the proposed 4-lane to a 2-lane crosstown connector can be undertaken between Benning Drive and Beach Drive
 - ❖ There will be excess property with the 2-lane redesign of Azalea Drive extension between Beach Drive and Benning Drive
 - ❖ The potential uses of the excess properties are:
 - Parks
 - Additional parking
 - Additional retention areas
 - If the City Council decides to retain the parcels for a different use, the Zoning and Future Land Use Maps may need to change – OR –
 - Use of disposal process outlined in the Code of Ordinances
 - ❖ Four-lane roadway on Legion Drive between Main Street and Beach Drive Is not possible under the current code

- ❖ Reduction and vacation of Azalea Drive ROW between Benning Drive and Stahlman Avenue is not recommended

Councilmember Marler reiterated that to his knowledge the crosstown connector has never ever conceived to be other than a two-lane highway, and it has never ever conceived to be anything more than a way for local residents to avoid the highway and get to their destinations. He also emphasized that future Council can change whatever measure they decide to undertake now. He added that a decision must be made as soon as possible.

Councilmember Destin recommends reducing the acquisition of property they need in the final zone two area. He continued there are two parcels on Benning Drive, and so they would need to determine what portion they would need to acquire to guarantee a two-lane road.

Councilmember Morgan supports Councilmember Destin's recommendation, stating that the crosstown connector may be constructed as a 2-lane road now; however, the original design shows it is easily adaptable to 4 lanes. He also noted there are about 60 homes on Seaview, Mountain Drive and Legion Drive that run between Beach Drive and Benning Drive which are thru-traffic roads. The crosstown connector would keep traffic off residential roads making these areas a much safer places to live and improve the quality of life of the people in Old Destin.

Councilmember Destin moved to instruct City staff, City Attorney, Land Use Attorney and the City Engineer to redesign their land acquisition plan at the Azalea Drive and Benning Drive intersection to ensure that only a 2-lane road is built; seconded by Councilmember Menchel. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

C. Airport Road Improvements, authorization to allow the City Manager to sign a Maintenance Agreement with FDOT

The City Manager requests authorization to sign a maintenance agreement that would enable FDOT to move forward with the construction of the roadway improvements associated with Airport Road project without delay.

Councilmember Menchel asked whether FDOT has given a timeframe for construction.

The City Manager replied that FDOT has a tentative plan to start construction in July.

Councilmember Braden moved to approve Resolution 20-11 and authorize the City Manager to execute and deliver the maintenance agreement provided and any other related documents necessary to consummate this agreement; seconded by Councilmember Menchel. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

D. Update on Beach Paid Parking (Parking South of Highway 98) and Resident Passes

The City Manager informed Council that staff is prepared to move forward with establishing the paid parking system along Scenic Hwy 98/Gulf Shore Drive and launching a free resident parking pass for these areas as soon as they receive Council's authorization.

Councilmember Morgan moved to delay the program indefinitely; seconded by Councilmember Destin.

Councilmember Overdier offered a substitute motion to start the beach paid parking program on July 1, 2020, initiate the free resident beach parking pass program, and amend the parking hours for the beach parking zones to 3:00 AM till 11:00 PM; seconded by Councilmember Ramswell.

Councilmember Morgan noted he cannot support this program because he feels they do not have enough beach, and that it is too much to ask from the Destin residents especially during the time when people are economically hurting because of the pandemic.

According to Code Compliance Manager Joey Forgione, they see mostly out-of-state tags.

Councilmember Destin pointed out there is not much parking available out at the beach. There is not much to gain in terms of revenue stream, and this would just aggravate a lot of people.

Motion passed 4-3 (Council members Menchel, Overdier, Braden and Ramswell voted "yes"; Council members Morgan, Destin and Marler voted "no")

E. Recreation Re-Opening of Sports Tournaments

The City Manager requests Council's direction for recreation re-opening of sports tournaments. He stated that the CDC has recommended guidelines, and that the National Parks and Recreation Association has adopted those guidelines. There are 6 levels of risk that have been provided and are listed in the staff report. They are currently at level 3 where they are allowing competition within the teams like in Little League Baseball Program. Staff is very comfortable moving to level 4 – "Even More Risk" where the little league basically operates as normal. They could also implement level 5 – "High Risk" if authorized by Council.

Councilmember Menchel moved to direct staff to implement level 4 "Even More Risk" allowing for full competition between teams from the same local geographic area with adherence to the CDC's guiding principles for youth sports; seconded by Councilmember Overdier.

Parks and Recreation Director Lisa Firth noted they are ready to bring local programs out on the field, but not out-of-state programs.

Councilmember Menchel recommends putting this item back on the next Council meeting agenda so the Council could consider potentially going to the next level.

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

F. Fisher Report on City-Wide Building Heights

The Land Use Attorney noted that the Fisher Report was requested by Council at a prior meeting. It provides Council some options or suggestions to consider.

After a brief discussion, Council agreed to have a more robust discussions regarding this matter at some future Council meetings.

G. Joe's Bayou Area Rights-of-Ways with Waterfront Access Inventory

Community Development Director Louis Zunguze noted that Council has previously directed staff to identify and provide an analysis of all rights-of-way with water access to Joe's Bayou and the feasibility of improving these rights-of-way to the water.

Engineering Assistant Joe Bodi identified and provided a brief analysis of the following 9 rights-of-way with Joe's Bayou waterfrontage as outlined in the staff report:

- First Street – Joe's Bayou Boat Ramp
- Fourth Street
- Sixth Street
- Kelly Street
- Bayview Street
- Main Street
- Jupiter Street
- Harbor Lane West
- Cobb Point Drive

He also explained the potential next steps as follows:

- Survey and establish corners of the rights-of-way
- Obtain City Council direction of how much access to provide (road, sidewalks, lighting, amenities, deck/dock)
- Include as project and cost estimate in Community Improvement Program (CIP)
- Obtain consultants to design public accesses
- Obtain contractor to construct public accesses

Councilmember Ramswell recommends staff obtain a cost estimate to perform action necessary to improve the following ROWs:

- Fourth Street
- Bayview Street
- Jupiter Street
- Harbor Lane West
- Cobb Point Drive

She also suggests staff investigates Sixth Street to determine if it is feasible to provide pedestrian access to remaining waterfront.

Councilmember Marler recommends conducting an Environmental Impact Study prior to start clearing land.

According to Councilmember Destin, they should reach out to the landowners who have enjoyed the use of the ROWs for many years and try to bring them in as willing partners as they move through this process.

Councilmember Morgan wants to make sure they legally secure the ROWs through a referendum process before beginning to make improvements.

According to the City Attorney, the City Clerk is coordinating matters with the Supervisor of Elections to make sure the referendum language is submitted in time to be included in the ballot for the November 2020 election.

Mr. Zunguze announced he would be working with the Land Use Attorney in drafting the pending ordinance doctrine.

Councilmember Menchel stated that they anticipate getting reduction in taxes this year and so the cost estimate to perform the actions necessary to improve the ROWs would be extremely important; adding they may need to pick and choose what they could afford.

Councilmember Menchel pointed out that the conclusion portion on the last of the staff report mentioned that the unimproved rights-of-ways have many unauthorized encroachments. He asked what could be done to address this issue.

According to Mr. Zunguze, they could initiate enforcement action.

It was the consensus of the Council to go with the City Manager's recommendation to schedule a workshop before the last budget workshop to further discuss this matter to make sure they have the necessary expenditures budgeted before the next fiscal year.

H. Announcements

The City Manager made the following announcements:

- Thanked Michael Burgess and Councilmember Braden on the work they have done on the medians on US Hwy 98. The 90% design should be available within the next two weeks and bring it back for Council's review
- Today is *Ms. Krystal Strickland's* first official day as full-time Destin employee
- The library has started their summer reading program today
- July 4th celebration will go on as scheduled and they will educate the public on the CDC's safe distancing guidelines
- Stahlman/US Hwy 98 intersection study was delayed due to COVID-19 is now scheduled to resume

- Ms. Lisa Firth has reached out to FDEP to see if they would be willing to participate in a workshop regarding the Norriego Point embayments

5. PUBLIC HEARINGS

A. Second 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.

The City Attorney read proposed Ordinance 20-01-PC by title, and then presented it to the City Council on second reading.

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.

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

Motion by Councilmember Marler, seconded by Councilmember Braden, to approve proposed Ordinance 20-01-PC and direct staff to distribute the ordinance and City response to the State Department of Economic Opportunity passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

B. First reading of Ordinance 20-20-CN - Provides for City Council approval of a contract for lease of real property owned by the City to the Destin Fire Control District

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

AN ORDINANCE OF THE CITY OF DESTIN OF OKALOOSA COUNTY, FLORIDA, RELATING TO THE LEASE OF CERTAIN REAL PROPERTY OWNED BY THE CITY; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDING OF FACT; PROVIDING FOR CITY COUNCIL APPROVAL OF A CONTRACT FOR LEASE OF THE PROPERTY TO THE DESTIN FIRE CONTROL DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE

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

Ms. Myra Williams, speaking on behalf of the Park & Recreation Committee, informed the Council the committee is not in favor of leasing a portion of the Clement Taylor Park to the Destin Fire Control District. They have high regards for the park and feel it is not a place to put a fire station as it is detrimental to the safety of the public especially the children who attend the park.

She stated that earlier on when the Fire Control District made the proposal, the Council asked the Harbor CRA Advisory Committee and Parks & Recreation Committee to review the initial plans and provide a recommendation; however, the Parks & Recreation Committee has never seen the final plans and never got the chance to provide a recommendation. She also stated that many of the citizens, especially those that live close to the park, are not aware of the plans and what at stake; otherwise, they would be in attendance at his meeting and express their opposition.

Mr. Mike Buckingham, Chairman of the Harbor CRA Advisory Committee and member of the Destin Fire Control District Board, maintained that Ms. Teresa Hebert, Parks & Recreation Committee Chair supported the proposal. He stated that the Fire District has shown the footprint of the property being leased; however, they have not designed the building because they are waiting until the lease is officially approved. They would be glad to involve the Parks & Recreation Committee in designing the building.

Ms. Becky Pritchard, a Destin resident, spoke next. She expressed her opposition to allowing a fire station at Clement Taylor Park, or leasing any park property to anyone because they do not have enough of it. She stated it is hard for her to imagine having a fire truck leave the park in a hurry to respond to an emergency while a special event is going on such as a wedding, and with children playing all over the park, without safety risk.

Ms. Marcie Bell stated there seemed to be a reoccurring theme with plans not being provided to the City's committees because they had a similar issue with Capt. Royal Melvin Heritage Park; which is disconcerting to her because these committees represent the voice of the citizens.

According to the Destin Fire Control District Chief Sasser, the Parks & Recreation Committee was well aware of this issue as he went before the Committee awhile back and discussed the lease proposal at Clement Taylor Park when the idea was first brought up. He also stated they will not turn on their siren at the park when they respond to a fire. They will wait until they get on Calhoun Avenue to turn it on if they see traffic, and most definitely on US Hwy 98.

Chief Sasser also noted that he previously reported a 30 percent increase in water rescue calls to the Council, which justifies having their fire boat at the park dock so they could respond to water emergencies much quicker. He further stated that partnering with the City would surely benefit the citizens and visitors; adding that having to purchase another property in which to put in a fire station could cost a lot more money at taxpayers' expense.

Councilmember Ramswell requested that the Fire Control District work with Parks & Recreation Committee and Harbor CRA Advisory Committee to make sure they are given a chance to provide feedback and input regarding the lease proposal.

Mr. Buckingham stated they would most definitely work with both committees and keep them well informed on this matter.

The Land Use Attorney suggests that when the Fire District comes in for a building permit, they could simply take it to both committees at that time for discussion before any permit is issued.

The Fire District offered no objection to the recommendation.

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

Councilmember Marler pointed out that this matter involves a safety issue, adding that minutes count during an emergency. Firefighters need to be able to respond to an emergency immediately to save lives. He continued that he has not heard from anyone who lives on Calhoun Avenue that they are not in favor of the lease proposal.

The City Manager clarified that the only thing this Council has agreed to at this point is to hold the square section of the park off the grant process for another potential use, such as a fire station; adding there are no additional plans at this point.

Councilmember Braden asked if they approve the lease whether the Fire District would turn over their facility in the park if they purchase another piece of property in this area and build another fire station in the future.

According to Mr. Buckingham, since they are using tax dollars to build the fire station facility, it will be turned over to the City at the end of the lease agreement or if the Fire District decides to leave early.

The Land Use Attorney noted that the lease agreement is not worded that way at this time. According to the lease agreement, the Fire District has 90 days to decide whether to remove the facility. However, they could amend the language of the lease if necessary.

Councilmember Ramswell noted that the concept plan seemed to show a 3-slip dock, which would take up more than half of the property where they are swimming areas for children.

Mr. Buckingham stated that the Fire District only needs one slip. The concept plan was created over 1½ ago, and that the plan would have go before the Council for approval. The Fire District is willing to work with the committees, City staff and the Council to make things right.

Councilmember Menchel wants to make sure no amenities the City has at the park will be removed as a result of putting a fire station there.

The City Manager stated that particular area of the park has been reserved for an added facility, parking and restrooms the Fire District promises to build, which would be an added benefit to the park.

Councilmember Morgan moved to approve Ordinance 20-20-CN on first reading and authorize the City Land Use Attorney and City Manager to finalize the lease, to include a language to keep the tenant's facilities on the property upon termination of the lease; and direct the City Clerk to advertise the ordinance for second reading. Councilmember Marler provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

6. CONSENT AGENDA

A. Cleaning of Stormwater Treatment Unit, Gulf Shore Drive, authorization to allow the City Manager to execute a Task Order

B. Extensions 7 and 8 to the Amended Declaration of State of Emergency

C. Request approval of a new single-family residential dock at 437 Calhoun Avenue.

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

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

A. Councilmember Braden

Councilmember Braden complimented Ms. Lisa Firth and her staff as well as Mr. Joey Forgione and his staff for an excellent job over the Memorial Day weekend

B. Councilmember Ramswell

1) City Right-of-Way Research

Councilmember Ramswell asked the City Attorney and Land Use Attorney to further investigate the conflicting information in terms of the road/ROW involved in the development near the Norriego Point location to determine the true status of the road and then report back to Council. She stated they are in the middle of considering some developments and a potential marina at a location off Norriego Point, and that there have been a lot of conflicting information in terms of the road/ROW. It appears the road was also moved from its original location when it was deeded to the City as a public benefit.

2) Beach Advisory Board Meeting Report

Councilmember Ramswell noted that the Beach Advisory Board meeting was held a week ago and it was well attended. They covered several topics including the beach flag system, and whether they should go back to using a green flag indicating it is safe to go back to the water. After some discussion, which included Chief Agostino who is the head of the Beach Safety Division, they have decided it is not a good thing to push forward mainly for insurance reason. There was quite a bit of discussion about kayak, and the fact that kayak and other self-powered vessels are being rented on the harbor but people are trying to go to Crab Island which is a big safety concern because of the boat traffic and strong current. They also discussed the Joe's Bayou overflow lot, which Councilmember Braden helped grade some of it to create more parking which would truly help during the season. It is something for them to consider as they move forward with improvements to that area. The final topic they discussed was the lack of lifeguard services at Henderson Beach. Other lifeguards had to travel a mile or more through crowd to try to make a rescue. They discussed

creating some sort of a memorandum of agreement with the State to provide lifeguard services in that beach.

C. Councilmember Menchel

Councilmember Menchel asked staff to contact the County and request they install a metal pole, or something similar, to prevent illegal parking on James Lee Park crosswalk.

D. Councilmember Overdier

1) CARES Act Funding

Councilmember Overdier moved to authorize the Mayor to send a letter to the Governor asking for the City's fair share of the CARES Act Funding, using the formula presented by the Florida League of Cities; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

E. Councilmember Marler

F. Councilmember Destin

1) Gulf Power update

Councilmember Destin provided a brief update on the Gulf Power franchise negotiations and undergrounding. He stated that the newest cost estimate for undergrounding, which has been included in the meeting packet, from a portion from the base of the bridge to Airport Road. It is non-binding. It was significantly less than the figure they received when Gulf Power was owned by the Southern Company. They will also get a non-binding estimate for the rest of the City from Gulf Power while simultaneously pursuing a new franchise agreement which is currently being negotiated. That document should be completed sometime soon.

G. Councilmember Morgan

1) Repeal of the rooster ban

Councilmember Morgan moved to amend Section 4-7(a)(5) of the Code of Ordinances to exclude roosters, and section 4-8 to include "bad roosters"; seconded by Councilmember Destin.

Councilmember Morgan noted that roosters have several benefits. They fertilize eggs, they offer some protection if there is trouble happening in the yard, and they provide harmony to a flock, and they get up early and go to work serving as an alarm clock, which is symbolic of Destin as a blue collar place.

Councilmember Ramswell stated she would not be happy to hear rooster crowing at the crack of dawn.

Motion passed 5-2 (Council members Morgan, Destin, Marler, Overdier and Braden voted "yes"; Council members Ramswell and Menchel voted "no").

H. Mayor Gary Jarvis I. Land Use Attorney

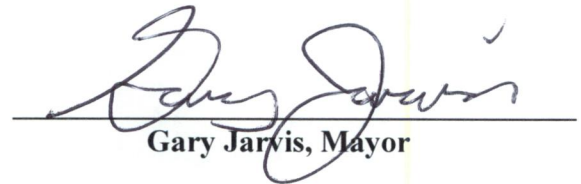
J. City Attorney

8. PUBLIC COMMENTS

ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 10:00 PM.

ATTEST:



Gary Jarvis, Mayor



Rey Bailey, City Clerk