SPECIAL WORKSHOP
DESTIN CITY COUNCIL
DECEMBER 14, 2020
ANNEX COUNCIL CHAMBERS
5:30 PM

*****Core Value of the Month - Integrity*****

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

WORKSHOP

A. Livery Vessels

PUBLIC COMMENTS

ADJOURNMENT

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

Persons with disabilities who require assistance to participate in City meetings are requested to notify the City Clerk's Office at (850) 837-4242 in advance. Hearing Impaired: TTY: 711. Assistance also available through Human Resources, Title VI Coordinator, at (850) 837-4242.
Personas con discapacidades que necesitan asistencia o personas que necesiten ayuda con un idioma para participar en las reuniones de la ciudad, deberán notificar la oficina de la Secretaria Municipal al (850) 837-4242 antes de la reunión. Discapacidad auditiva: TTY: 711 (Solicitar Espanol CA). La ayuda tambien está disponible por Recursos Humanos, Coordinador del Título VI, al (850) 837-4242.

ORDINANCE 17-02-CC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO THE PERMITTING OF LIVERY VESSELS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE CREATION OF ARTICLE VIII PERMITTING OF LIVERY VESSELS; PROVIDING FOR CREATION OF SECTION 13-140 PURPOSE; PROVIDING FOR CREATION OF SECTION 13-141 DEFINITIONS; PROVIDING FOR THE CREATION OF SECTION 13-142 PERMIT REQUIRED; PROVIDING FOR THE CREATION OF SECTION 13-143 FORMAL APPLICATION REQUIRED; PROVIDING FOR THE CREATION OF SECTION 13-144 APPLICATION FOR PERMIT; PROVIDING FOR THE CREATION OF SECTION 13-145 GENERAL REGULATIONS/STANDARDS; PROVIDING FOR THE CREATION OF SECTION 13-146 PERMIT FEES; PROVIDING FOR THE CREATION OF SECTION 13-147 ISSUANCE OR REFUSAL OF PERMIT; PROVIDING FOR THE CREATION OF SECTION 13-148 PERMIT NOT TRANSFERABLE; PROVIDING FOR THE CREATION OF SECTION 13-149 EXPIRATION OF PERMIT; PROVIDING FOR THE CREATION OF SECTION 13-150 PERMIT DECAL REQUIREMENT; PROVIDING FOR THE CREATION OF SECTION 13-151 TERRITORY EMBRACED; PROVIDING FOR THE CREATION OF SECTION 13-152 POSTING OF INFORMATION; PROVIDING FOR THE CREATION OF SECTION 13-153 ENFORCEMENT; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY. The authority for enactment of this Ordinance is Article 1, Section 1.01(b) of the City Charter and section 166.021, *Florida Statutes* (2016).

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City Council of the City of Destin recognizes the need to ensure proper licensing, payment of sales and business taxes, maintenance of insurance and to promote safety in the harbor and surrounding waters of the City; and

WHEREAS, the City Council of the City of Destin has determined that it is necessary to provide additional standards pertaining to livery vessel rentals in order to help mitigate problems associated with such rentals; and

WHEREAS, the City Council of the City of Destin has determined that it is necessary to provide for additional enforcement tools associated with the regulation of livery vessel rentals; and

WHEREAS, the City Council of the City of Destin has determined that such measures are necessary to promote the health, safety and welfare of the City of Destin; and

WHEREAS, the City Council of the City of Destin has determined that this Ordinance is consistent with the Comprehensive Plan and promotes and protects the health, safety and welfare of the City of Destin.

WHEREAS, a public hearing has been conducted by the City Council after due public notice;

NOTE: *Language in Sections 3 through 16 of this ordinance that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language that is not ~~struck through~~ or underlined is not to be changed, and * * * represents sections of the Code of Ordinances that have been skipped and remain unchanged.*

SECTION 3. CREATION OF CODE OF ORDINANCES ARTICLE VIII. PERMITTING OF LIVERY VESSEL RENTALS. Code of Ordinances Article VIII. *Permitting of livery vessel rentals,* is created as follows:

ARTICLE VIII. – PERMITTING OF LIVERY VESSEL RENTALS

SECTION 4. CREATION OF CODE OF ORDINANCES SECTION 13-140. PURPOSE. Code of Ordinances Section 13-140. *Purpose,* is created as follows:

Sec. 13-140. Purpose.

The City Council of the City of Destin recognizes that the unregulated rental of livery vessels by seasonal residents impacts the welfare of the historic working waterfront, and jeopardizes the health, safety and welfare of the visiting public. Therefore, it is necessary and in the interest of the public health, safety and welfare to monitor and provide reasonable means to insure adherence to state laws and insure safe and responsible operation of such livery vessels.

SECTION 5. CREATION OF CODE OF ORDINANCES SECTION 13-141. DEFINITIONS. Code of Ordinances Section 13-141. *Definitions,* is created as follows:

Sec. 13-141. Definitions.

For the purpose of this article, the following terms, phrases, words, abbreviations and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always

mandatory and not merely directory. Words not defined shall be given their meaning as provided in section 1-2, Definitions and rules of construction, of the City of Destin Code of Ordinances.

Beach means the sandy soil upland of the water line.

Business tax receipt means the city business tax receipt.

Dealer is as defined in F.S. § 327.02.

Livery Vessel is as defined in F.S. § 327.02.

Owner is as defined in F.S. § 327.02.

Person is as defined in F.S. § 327.02.

Vendor means any Person or Dealer, as those terms are defined in F.S. § 327.02 who rents or leases for hire any Livery Vessel.

Vessel is as defined in F.S. § 327.02.

SECTION 6. CREATION OF CODE OF ORDINANCES SECTION 13-142. PERMIT REQUIRED. Code of Ordinances Section 13-142. *Permit required,* is created as follows:

Sec. 13-142. Permit Required.

It shall be unlawful for any vendor to offer or base livery vessel rental services within the City of Destin, unless the person has been permitted with the City of Destin in accordance with the provisions of this article.

SECTION 7. CREATION OF CODE OF ORDINANCES SECTION 13-143. FORMAL APPLICATION REQUIRED. Code of Ordinances Section 13-143. *Formal application required*, is created as follows:

Sec. 13-143. Formal Application Required.

Every vendor required to procure a permit under the provisions of this article shall submit a formal new application for such permit each year to the city manager, or his/her designee. Submission of an incomplete permit application form shall result in rejection of the application.

SECTION 8. CREATION OF CODE OF ORDINANCES SECTION 13-144. APPLICATION FOR PERMIT. Code of Ordinances Section 13-144. *Application for permit* is created as follows:

Sec. 13-144. Application for permit.

Applications for permits shall set forth and/or include at a minimum:

(1) Name, physical address and contact information for livery vessel rental location.

(2) Name, address, and phone number of owner of said livery vessel business.

(3) Acknowledgement signed by the owner of understanding and agreeing to the initial and on-going compliance with the City of Destin's livery vessel regulations and standards contained herein and of adherence to all applicable regulations attributed to livery vessel rentals under F.S. § 327, Rules, Chapter 68D-36.107, Florida Administrative Code, and any applicable rules of the Florida Fish and Wildlife Conservation Commission (FWC).

(4) Proof of vendor's right to conduct business at the livery vessel rental location.

(5) Copy, or other evidence of State of Florida submerged land lease, with a drawing, to scale, showing that mooring of livery vessels will be contained within its boundaries.

(6) Copy of FWC Vessel Livery Operator's Certificate of Completion for owner and any management providing pre-ride/pre-rental instruction.

(7) Copy of FWC Boating Safety Education ID Card for owner and any management of the livery vessel rental business.

(8) Vendor's proof of insurance pursuant to F.S. § 327.54 (5).

(9) Parking plan, drawn to scale, that demonstrates compliance with the Land Development Code with regard to number of livery vessels identified on the Business Tax Receipt.

(10) Location of permanent restroom facilities and garbage cans.

(11) Valid and current Florida Department of Revenue annual resale certificate under F.S. § 212.

(12) Prior to operation, a vendor shall file with the city a refueling plan approved by the Destin Fire Control District. In addition to any Destin Fire Control District requirements, the plan shall provide sufficient details and specifications to assure appropriate on-site maintenance and inspection, spill prevention and response training, a spill response plan to mitigate and report any impacts to the beach or the waters of the City of Destin, the Gulf of Mexico or East Pass; to provide proper safety precautions regarding the storage of fuels; and provide fire safety equipment. The vendor shall in all operations comply with all provisions of the refueling plan.

(13) In order to transport personal watercraft over any beach, a beach access permit must be obtained from the city in accordance with the city's regulations and guidelines.

(14) Valid and current City of Destin Business Tax Receipt.

(15) A copy of the document livery vessel owner intends to have renters sign attesting to receiving instruction pursuant to F.S. § 327.54.

(16) Permit fee paid to the City of Destin.

SECTION 9. CREATION OF CODE OF ORDINANCES SECTION 13-145. GENERAL REGULATIONS/STANDARDS. Code of Ordinances Section 13-145. *General regulations/standards* is created as follows:

Sec. 13-145. General regulations/standards.

(1) Livery vessel vendor shall ensure compliance with boater safety identification pursuant to F.S. § 327.395, and with livery safety regulations pursuant to F.S. § 327.54.

(2) Boater safety information shall be located in a place visible to the renting public.

(3) Livery vessel vendor shall provide local safety and regulatory instruction, such as no-wake zones, Crab Island safety corridor, etc. (may be combined with requirements of F.S. § 327.54).

(4) Permanent restrooms and business-owned trash and recycling receptacles must be provided within two hundred (200) feet of the livery vessel docking location.

(5) Each livery vessel for rental shall have legible information identifying the rental company name, telephone number and vessel name or number.

SECTION 10. CREATION OF CODE OF ORDINANCES SECTION 13-146. PERMIT FEES. Code of Ordinances Section 13-146. Permit f*ees* is created as follows:

Sec. 13-146. Permit fees.

The City of Destin is authorized and shall charge reasonable fees for permitting to compensate for administrative expenses. The permit fees shall be provided for, from time to time, by resolution adopted by the city council of the City of Destin.

SECTION 11. CREATION OF CODE OF ORDINANCES SECTION 13-147. ISSUANCE OR REFUSAL OF PERMIT. Code of Ordinances Section 13-147. *Issuance or refusal of permit* is created as follows:

Sec. 13-147. Issuance or refusal of permit.

The city manager or his designee shall issue a certificate of compliance to the applicant upon completion and approval of the City of Destin permit application form, including all required documentation pursuant to Sec. 13-144. An incomplete permit application, including failure to provide all the required documentation will result in voiding of the permit fee and refusal of permit.

SECTION 12. CREATION OF CODE OF ORDINANCES SECTION 13-148. PERMIT NOT TRANSFERABLE. Code of Ordinances Section 13-148. *Permit not transferable* is created as follows:

Sec. 13-148. Permit not transferable.

No permit issued under this article creates any vested right. No permit shall be transferable or assignable. No permit shall be used by any Vendor other than the one to whom it is issued. If a Vendor is an entity, of any kind, and the ownership of the entity is sold, transferred, or assigned, then the entity shall notify the City within ten (10) days of change in ownership, or any permit shall be deemed automatically revoked. No permit shall be used at any location other than the one for which it is issued.

SECTION 13. CREATION OF CODE OF ORDINANCES SECTION 13-149. EXPIRATION OF PERMIT. Code of Ordinances Section 13-149. *Renewals and expiration of permit* is created as follows:

Sec. 13-149. Renewals and expiration of permit.

All permits issued under the provisions of this article shall be valid for a period no longer than twelve (12) months, and shall expire on the last day of February of each calendar year. Permits may be renewed between January 1 and March 1 of each year. Livery vessel permits are due March 1 of each year; owners who do not renew their valid permits before March 1 of each year shall pay the appropriate late renewal fee as established, from time to time, by the city council of the City of Destin.

SECTION 14. CREATION OF CODE OF ORDINANCES SECTION 13-150. PERMIT DECAL REQUIREMENT. Code of Ordinances Section 13-150. *Permit Decal Requirement* is created as follows:

Sec. 13-150. Permit decal requirement.

At the City's discretion, beginning March 1st of any calendar year, the City may issue Permit Decals to Vendors. Vendors would receive one Permit Decal for each Permit for which the Vendor is approved regarding the current calendar year. The Permit Decal shall be affixed to the starboard (right) side of the Livery Vessel's bow. If the Livery Vessel's state registration number is listed on the starboard bow, then the Permit Decal may precede or follow the number and shall be affixed within 12 inches of the registration number, otherwise the Permit Decal shall be affixed within 36 inches from the stem (front) of the bow.

SECTION 15. CREATION OF CODE OF ORDINANCES SECTION 13-151. TERRITORY EMBRACED. Code of Ordinances Section 13-151. *Territory embraced* is created as follows:

Sec. 13-151. Territory embraced.

The provisions of this article shall apply within the City of Destin.

SECTION 16. CREATION OF CODE OF ORDINANCES SECTION 13-152. POSTING OF INFORMATION. Code of Ordinances Section 13-152. *Posting of information* is created as follows:

Sec. 13-152. Posting of information.

Prior to the owner of the livery vessel business commencing any rental activities, the owner shall post appropriate boating safety information pursuant to F.S. § 327.54(1)(f), with content and size as provided in F.S. § 120.

SECTION 17. CREATION OF CODE OF ORDINANCES SECTION 13-153. ENFORCEMENT. Code of Ordinances Section 13-153. *Enforcement* is created as follows:

Sec. 13-153. Enforcement.

The provisions of this Article shall be enforced as provided in Chapter 14, Offenses and Miscellaneous Provisions, of the Code of Ordinances of the City of Destin, and by such other means as are specified herein below:

(1) Code Enforcement: The Code Enforcement Division may enforce the terms of this article by bringing a case to the Code Enforcement Special Magistrate or Code Enforcement Board, whichever is applicable, as provided in Chapter 14, Offenses and Miscellaneous Provisions, Article III, Code Enforcement Board or Special Magistrate, of the Code Ordinances of the City of Destin and Chapter 162, Part 1, Florida Statutes.

(2) Civil Citation: The Code Enforcement Division, or other duly authorized officer or authority, may enforce the terms of this article through issuance of civil citation as provided in Chapter 14, Offenses and Miscellaneous Provisions, Article III, Code Enforcement Citation Program and Procedures, of the Code Ordinances of the City of Destin and Chapter 162, Part 2, Florida Statutes.

(3) Denial/Suspension/Revocation: Any permit issued pursuant to this article may be administratively denied, revoked, or suspended by the city for failure to satisfy the requirements for permitting or for violation by the owner of this article, any City of Destin Ordinance, or state law. Such denial, revocation or suspension is in addition to any penalty provided herein. Any appeal of administrative action taken pursuant to this subsection shall be as provided in City of Destin Land Development Code Section 2.22.00. Appeals.

It is the legislative intent of the City Council in enacting this article to provide an additional or supplemental means of obtaining compliance with the requirements stated herein. Nothing contained in this article shall be deemed to prohibit the City of Destin from seeking enforcement by any other means provided by law, including, but not limited to, filing an action for declaratory and injunctive relief in a court of competent jurisdiction.

SECTION 18. INCORPORATION INTO CODE OF ORDINANCES. This ordinance shall be incorporated into the City of Destin's Code of Ordinances and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 19. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 20. SEVERABILITY. Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 21. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS 21ST DAY OF FEBRUARY 2017

By: Scott Fisher
Scott Fisher, Mayor

ATTEST:

Rey Bailey, City Clerk

First Reading: February 6, 2017
Second Reading: February 21, 2017

ORDINANCE 17-07-CC

AN ORDINANCE OF THE CITY OF DESTIN RELATING TO LIVERY VESSELS; PROVIDING FOR ADDITIONAL FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT OF SECTION 13-140 PURPOSE; PROVIDING FOR THE AMENDMENT OF SECTION 13-141 DEFINITIONS; PROVIDING FOR THE AMENDMENT OF SECTION 13-142 PERMIT REQUIRED; PROVIDING FOR THE AMENDMENT OF CODE OF ORDINANCES SECTION 13-143 FORMAL APPLICATION REQUIRED PROVIDING FOR THE AMENDMENT OF SECTION 13-144. APPLICATION FOR PERMIT; PROVIDING FOR THE AMENDMENT OF SECTION 13-146 PERMIT FEES; PROVIDING FOR THE AMENDMENT OF SECTION 13-153 ENFORCEMENT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Destin City Council has approved ordinance no. 17-02-CC on Second Reading at its regular meeting February 21, 2017, creating Code of Ordinances Article VIII. Permitting of Livery Vessels; and

WHEREAS, The City of Destin City Council wishes to further amend Code of Ordinances Article VIII. Permitting of Livery Vessels to clarify the definition of a livery vessel, clarify the nature of permitting for individual livery vessels, and create an additional option for enforcement.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN AS FOLLOWS:

NOTE: *Language in Sections 3 through 16 of this ordinance that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language that is not ~~struck through~~ or underlined is not to be changed, and * * * represents sections of the Code of Ordinances that have been skipped and remain unchanged.*

SECTION 1. FINDINGS. The above stated findings are hereby adopted.

SECTION 2. AMENDMENT OF CODE OF ORDINANCES SECTION 13-140. PURPOSE.

Code of Ordinances Section 13-140. *Purpose*, is amended as follows:

The City Council of the City of Destin recognizes that the unregulated rental of Livery Vessels by ~~seasonal residents~~ the public impacts the welfare of the historic working waterfront, and jeopardizes the health, safety and welfare of the ~~visiting public~~ City's residents, property owners, and visitors. Therefore, it is necessary and in the interest of the public health, safety and welfare

to monitor and provide reasonable means to insure adherence to state laws and insure safe and responsible operation of such livery vessels. The unregulated rental of livery vessels has led to increased instances of unlicensed businesses renting Livery Vessels to inexperienced operators, which has led to unsafe conditions in the waters of the City during many times of the year. The requirement of a Permit for each Livery Vessel, that shall be rented out within the City, and the Permit Fees collected and used to support the Code Enforcement Division in enforcing this ordinance, will allow the City to effectively regulate and monitor Livery Vessels being rented by businesses within the City, which is reasonably related to protecting the public health, safety, and welfare of the City's residents and visitors, and is also reasonably related to preserving the historic working waterfront of the City.

SECTION 3. AMENDMENT OF CODE OF ORDINANCES SECTION 13-141. DEFINITIONS. Code of Ordinances Section 13-141. *Definitions,* is amended as follows:

For the purpose of this article, the following terms, phrases, words, abbreviations and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words not defined shall be given their meaning as provided in section 1-2, Definitions and rules of construction, of the City of Destin Code of Ordinances.

Beach means the sandy soil upland of the water line.

Business tax receipt means the city business tax receipt.

Dealer is as defined in F.S. § 327.02.

Fee means a payment made by a Vendor to the City of Destin, in exchange for the processing, vetting, and review of a Permit application or renewal application as set forth in this Article, and in exchange for enforcing this ordinance in such a manner that is reasonably related to the stated purposes in Section 13-140.

Livery Vessel is as defined in F.S. § 327.02, but does not mean: (1) a vessel under the control at all times by a United States Coast Guard licensed Captain; or (2) paddleboards, kayaks, canoes, or any other vessel not powered by an internal combustion engine or a sail (sailboards excluded).

Operate is as defined in F.S. § 327.02.

Owner is as defined in F.S. § 327.02.

Person is as defined in F.S. § 327.02.

Permit means a certification giving permission to a Vendor to rent one livery vessel within the jurisdictional boundaries of the City of Destin. A separate Permit must be obtained for each livery vessel rented out by a Vendor.

Permit Fee has the same definition as the term *Fee* which is defined above.

Registration is as defined in F.S. § 327.02.

Vendor means any Person or Dealer, as those terms are defined in F.S. § 327.02 who rents or leases for hire any Livery Vessel.

Vessel is as defined in F.S. § 327.02.

SECTION 4. AMENDMENT OF CODE OF ORDINANCES SECTION 13-142. PERMIT REQUIRED. Code of Ordinances Section 13-142. *Permit required,* is amended as follows:

Sec. 13-142. Permit Required.

It shall be unlawful for any Vendor to offer or base Livery Vessel rental services within the City of Destin, unless ~~the person~~ each Livery Vessel offered for rent by a Vendor has been permitted by ~~with~~ the City of Destin in accordance with the provisions of this article. It is the intent of this article to require a permit for each Livery Vessel rented by a Vendor. In lieu of issuing a separate Permit document for each Livery Vessel, in order to simplify the permitting process, the City may elect to issue one document to a Vendor that provides a certified inventory of each Permit issued to the Vendor that lists Registration numbers for each Livery Vessel Permitted.

SECTION 5. AMENDMENT OF CODE OF ORDINANCES SECTION 13-143. FORMAL APPLICATION REQUIRED. Code of Ordinances Section 13-143. *Formal Application Required* is amended as follows:

Sec. 13-143. Formal Application Required.

~~Every vendor required~~ To procure a permit for a Livery Vessel, under the provisions of this article, then all Vendors shall submit a formal new application for ~~such permit~~ each Livery Vessel sought to be permitted, each year to the city manager, or his/her designee. Submission of an incomplete permit application form shall result in rejection of the application. The City may elect to provide a form to Vendors that allows the Vendors to apply for all permits, the Vendors seeks for the given year, on one form.

SECTION 6. AMENDMENT OF CODE OF ORDINANCES SECTION 13-144. APPLICATION FOR PERMIT. Code of Ordinances Section 13-144. *Application for permit* is amended as follows:

Sec. 13-144. Application for permit.

Applications for permits shall set forth and/or include at a minimum:

(1) Name, physical address and contact information for Livery Vessel rental location.

(2) Name, address, and phone number of Owner of said Livery Vessel business.

(3) Acknowledgement signed by the Owner of understanding and agreeing to the initial and on-going compliance with the City of Destin's Livery Vessel regulations and standards contained herein and of adherence to all applicable regulations attributed to Livery Vessel rentals under F.S. § 327, Rules, Chapter 68D-36.107, Florida Administrative Code, and any applicable rules of the Florida Fish and Wildlife Conservation Commission (FWC).

(4) Proof of Vendor's right to conduct business at the Livery Vessel rental location.

(5) Copy, or other evidence of State of Florida submerged land lease, with a drawing, to scale, showing that mooring of Livery Vessels will be contained within its boundaries.

(6) Copy of FWC Vessel Livery Operator's Certificate of Completion for Owner and any management providing pre-ride/pre-rental instruction.

(7) Copy of FWC Boating Safety Education ID Card for Owner and any management of the Livery Vessel rental business.

(8) Vendor's proof of insurance pursuant to F.S. § 327.54 (5).

(9) Parking plan, drawn to scale, that demonstrates compliance with the Land Development Code with regard to number of Livery Vessels identified on the Business Tax Receipt.

(10) Location of permanent restroom facilities and garbage cans.

(11) Valid and current Florida Department of Revenue annual resale certificate under F.S. § 212.

(12) Prior to operation, a Vendor shall file with the City a refueling plan approved by the Destin Fire Control District. In addition to any Destin Fire Control District requirements, the plan shall provide sufficient details and specifications to assure appropriate on-site maintenance and inspection, spill prevention and response training, a spill response plan to mitigate and report any impacts to the beach or the waters of the City of Destin, the Gulf of Mexico or East Pass; to provide proper safety precautions regarding the storage of fuels; and provide fire safety equipment. The Vendor shall in all operations comply with all provisions of the refueling plan.

(13) In order to transport personal watercraft over any beach, a beach access permit must be obtained from the City in accordance with the City's regulations and guidelines.

(14) Valid and current City of Destin Business Tax Receipt.

(15) A copy of the document Livery Vessel Owner intends to have renters sign attesting to receiving instruction pursuant to F.S. § 327.54.

(16) A listing of the Registration numbers of each Livery Vessel permitted under this article.

(17) Permit Fee paid to the City of Destin.

SECTION 7. AMENDMENT OF CODE OF ORDINANCES SECTION 13-146. PERMIT FEES. Code of Ordinances Section 13-146. Permit f*ees* is amended as follows:

Sec. 13-146. Permit fees.

The City of Destin is authorized and shall charge reasonable Permit Fees ~~fees for permitting~~ to compensate for ~~administrative~~ the expenses directly associated with the administration and enforcement of this Article. The dollar amount of the per-Vessel Permit Fees ~~permit fees~~ shall be provided for, from time to time, by resolution adopted by the city council of the City of Destin. A separate per-Vessel Permit Fee shall be charged for the issuance of each Permit issued under this article.

SECTION 8. AMENDMENT OF CODE OF ORDINANCES SECTION 13-153. ENFORCEMENT. Code of Ordinances Section 13-153. *Enforcement* is amended as follows:

Sec. 13-153. Enforcement.

The provisions of this Article shall be enforced as provided in Chapter 14, Offenses and Miscellaneous Provisions, of the Code of Ordinances of the City of Destin, and by such other means as are specified herein below:

(1) Code Enforcement: The Code Enforcement Division may enforce the terms of this article by bringing a case to the Code Enforcement Special Magistrate or Code Enforcement Board, whichever is applicable, as provided in Chapter 14, Offenses and Miscellaneous Provisions, Article III, Code Enforcement Board or Special Magistrate, of the Code Ordinances of the City of Destin and Chapter 162, Part 1, Florida Statutes.

(2) Civil Citation: The Code Enforcement Division, or other duly authorized officer or authority, may enforce the terms of this article through issuance of civil citation as provided in Chapter 14, Offenses and Miscellaneous Provisions, Article III, Code Enforcement Citation Program and Procedures, of the Code Ordinances of the City of Destin and Chapter 162, Part 2, Florida Statutes.

(3) Denial/Suspension/Revocation: Any Permit issued pursuant to this article may be administratively denied, revoked, or suspended by the city for failure to satisfy the requirements for permitting or for violation by the Owner of this article, any City of Destin Ordinance, or state law. Such denial, revocation or suspension is in addition to any penalty provided herein. Any appeal of administrative action taken pursuant to this subsection shall be as provided in City of Destin Land Development Code Section 2.22.00. Appeals.

(4) Criminal Penalties: If a Vendor or Person rents or leases for hire a Livery Vessel without a Permit issued pursuant to this article, then each individual Livery Vessel rented or leased without a Permit shall be deemed a separate and unique violation of this article, with each separate unpermitted Livery Vessel being rented constituting a violation punishable as a separate and distinct misdemeanor against the Vendor or Person renting the unpermitted Livery Vessel. Each misdemeanor charged pursuant to this section shall carry a fine of up to five hundred ($500.00) dollars and a definite term of imprisonment of not more than sixty (60) days as provided in F.S. § 162.22. The intent of this provision is to treat each Livery Vessel rented without a Permit as a separate violation of this article punishable by a separate fine, and separate term of imprisonment.

It is the legislative intent of the City Council in enacting this article to provide an additional or supplemental means of obtaining compliance with the requirements stated herein. Nothing contained in this article shall be deemed to prohibit the City of Destin from seeking enforcement by any other means provided by law, including, but not limited to, filing an action for declaratory and injunctive relief in a court of competent jurisdiction.

SECTION 9. SEVERABILITY. If any section, phrase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 10. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS 20TH DAY OF MARCH 2017

BY: _____
Scott Fischer, Mayor

ATTEST:

Rey Bailey, City Clerk

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

Jeff Burns, City Attorney

First Reading: March 6, 2017
Second Reading: March 20, 2017

ORDINANCE 17-10-CC

AN ORDINANCE OF THE CITY OF DESTIN RELATING TO LIVERY VESSELS; PROVIDING FOR ADDITIONAL FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT OF SECTION 13-145 GENERAL REGULATIONS/STANDARDS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Destin City Council has approved ordinance no. 17-02-CC on Second Reading at its regular meeting February 21, 2017, creating Code of Ordinances Article VIII. Permitting of Livery Vessels; and

WHEREAS, the City of Destin City Council has approved ordinance no. 17-07-CC on Second Reading at its regular meeting March 20, 2017, amending Code of Ordinances Article VIII. Permitting of Livery Vessels; and

WHEREAS, The City of Destin City Council wishes to further amend Code of Ordinances; and

Article VIII. Permitting of Livery Vessels to clarify the distance requirement for commercial restrooms for the livery vessel business.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN AS FOLLOWS:

NOTE: *Language in Sections 3 through 16 of this ordinance that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language that is not ~~struck through~~ or underlined is not to be changed, and * * * represents sections of the Code of Ordinances that have been skipped and remain unchanged.*

SECTION 1. FINDINGS. The above stated findings are hereby adopted.

SECTION 2. AMENDMENT OF CODE OF ORDINANCES SECTION 13-145. GENERAL REGULATIONS/STANDARDS. Code of Ordinances Section 13-145. *General regulations/standards* is amended as follows:

* * *

Sec. 13-145. General regulations/standards.

(1) Livery vessel vendor shall ensure compliance with boater safety identification pursuant to F.S. § 327.395, and with livery safety regulations pursuant to F.S. § 327.54.

(2) Boater safety information shall be located in a place visible to the renting public.

(3) Livery vessel vendor shall provide local safety and regulatory instruction, such as no-wake zones, Crab Island safety corridor, etc. (may be combined with requirements of F.S. § 327.54).

(4) Permanent restrooms and business-owned trash and recycling receptacles must be provided ~~within two hundred (200) feet of~~ on the property on which the livery vessel docking location is located.

(5) Each livery vessel for rental shall have legible information identifying the rental company name, telephone number and vessel name or number.

* * *

SECTION 3. SEVERABILITY. If any section, phrase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS 15TH DAY OF MAY 2017

BY: Scott Fischer

Scott Fischer, Mayor

ATTEST:

Rey Bailey, City Clerk

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

Kimberly Kopp, City Land Use Attorney

First Reading: May 1, 2017
Second Reading: May 15, 2017

Ordinance 19-08-CN

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO LIVERY VESSELS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR A TEMPORARY MORATORIUM ON LIVERY VESSEL PERMITS; DIRECTING STAFF TO DEVELOP RECOMMENDATIONS FOR REGULATION OF LIVERY VESSELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXPIRATION OF MORATORIUM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Destin City Council approved ordinance number 17-02-CC on Second Reading at its regular meeting on February 21, 2017, creating Code of Ordinances Article VIII Permitting of Livery Vessels; and

WHEREAS, the City of Destin City Council adopted ordinance number 17-07-CC on Second Reading at its regular meeting on March 20, 2017, which amended Code of Ordinances Article VIII Permitting of Livery Vessels; and

WHEREAS, the waterways adjacent to the landward municipal limits of the City of Destin, particularly Destin Harbor, are severely overcrowded resulting in a dangerous congestion of Vessels; and

WHEREAS, Livery Vessel rental businesses significantly contribute to the above-described congestion by renting livery vessels to an abnormally high number of inexperienced and ineffective Livery Vessel operators, which severely increases the danger to the public's health, safety, and welfare; and

WHEREAS, Livery Vessel rental businesses significantly contribute to the deterioration of water quality in the waterways of the City of Destin and the waterways immediately adjacent to the City of Destin; and

WHEREAS, the City of Destin City Council has determined that the above-recited facts have resulted in significant danger to the health, safety, and welfare of the public; and

WHEREAS, the City Council has directed City staff to procure a qualified expert capable of performing a study and producing a report quantifying the uses, congestion, overcrowding, and resulting water quality of Destin Harbor and other waterways adjacent to the City of Destin; and

WHEREAS, the City of Destin currently lacks adequate regulations to reduce, mitigate, or eliminate the adverse effects of a proliferation of Livery Vessels in the Destin Harbor and other waterways adjacent to the City of Destin.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN AS FOLLOWS:

NOTE: *Language in Sections 2 through 16 of this ordinance that is ~~struck through~~ is language proposed to be deleted, <u>underlined language</u> is language proposed to be added, language that is not ~~struck through~~ or <u>underlined</u> is not to be changed, and * * * represents sections of the Code of Ordinances that have been skipped and remain unchanged.*

SECTION 1. FINDINGS. The above stated findings are hereby adopted.

SECTION 2. PURPOSE. Despite the City of Destin's reasonable efforts to control the number of Livery Vessels in the waterways adjacent to the municipal limits of the City of Destin through a permitting structure described in ordinance number 17-07-CC, an inordinately high number of Livery Vessels originating from the City of Destin remain in these adjacent waterways and pose a heightened risk to the public's health, safety, and welfare when compared to vessels that are not Livery Vessels. Without further regulation preventing the increased proliferation of Livery Vessels, the risk to the public's health, safety, and welfare will continue to increase. The moratorium described herein is meant to ensure that the risk to the public's health, safety, and welfare is not further exacerbated by the increased proliferation of Livery Vessels.

SECTION 3. DEFINITIONS. For the purpose of this ordinance, "substantial hardship" means a demonstrable, direct, financial detriment in excess of $10,000.00 suffered by a Vendor as a result of capital investments purchased in reliance on the terms of ordinance number 17-07-CC. All other terms used herein shall have the same meanings as described in 13-141, City of Destin Code of Ordinances.

SECTION 4. TEMPORARY MORATORIUM.

(a) There is hereby enacted a Temporary Moratorium on the permitting and operation of all Livery Vessels originating from within the municipal limits of the City of Destin and adjacent waterways. A Vendor shall not be issued a Permit unless the Vendor provides proof that the number of Livery Vessels for which the Vendor seeks permit(s) is equal to or less than the number of permits that the City of Destin issued to the Vendor in the previous year ending December 31, 2018 except as provided herein.

(b) The City of Destin shall not issue any Permit or any other document which would have the effect of permitting or otherwise authorizing the operation of any Livery Vessels in excess of the number authorized by Section 4(a), of this Ordinance, unless either (1) the Vendor demonstrates a Substantial Hardship, as the term is defined herein, or (2) an agreement between the City of Destin and the Vendor exists, that has been authorized by the City Council.

SECTION 5. DIRECTION TO STAFF. City staff is directed to evaluate and develop such recommendations, as staff may deem appropriate, for adoption of appropriate regulations that consider, among other things, aesthetics, socioeconomic impact, quality of life for the public, tourism, and community character issues including population concentration, availability of open space, habitat diversity, and the diversity and health of existing species within the waterways adjacent to the City of Destin.

SECTION 6. EXPIRATION OF MORATORIUM. Unless extended by amendment of this Ordinance, this Temporary Moratorium shall expire on November 1, 2019.

SECTION 7. SEVERABILITY. If any section, phrase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 8. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS 15th DAY OF APRIL 2019.

BY: _____
Gary Jarvis, Mayor

ATTEST:

_____
Rey Bailey, City Clerk

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

_____
Kyle S. Bauman, City Attorney

First Reading: April 1, 2019
Second Reading: April 15, 2019

ORDINANCE 19-30-CN

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO LIVERY VESSELS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR A TWELVE MONTH EXTENSION OF ORDINANCE 19-08-CN (TEMPORARY MORATORIUM ON LIVERY VESSEL PERMITS); DIRECTING STAFF TO DEVELOP RECOMMENDATIONS FOR REGULATION OF LIVERY VESSELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXPIRATION OF MORATORIUM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Destin City Council approved ordinance number 17-02-CC on Second Reading at its regular meeting on February 21, 2017, creating Code of Ordinances Article VIII, Permitting of Livery Vessels; and

WHEREAS, the City of Destin City Council adopted ordinance number 17-07-CC on Second Reading at its regular meeting on March 20, 2017, which amended Code of Ordinances Article VIII, Permitting of Livery Vessels; and

WHEREAS, the waterways adjacent to the landward municipal limits of the City of Destin, particularly Destin Harbor, are severely overcrowded resulting in a dangerous congestion of Vessels; and

WHEREAS, Livery Vessel rental businesses significantly contribute to the above-described congestion by renting livery vessels to an abnormally high number of inexperienced and ineffective Livery Vessel operators, which severely increases the danger to the public' s health, safety, and welfare; and

WHEREAS, Livery Vessel rental businesses significantly contribute to the deterioration of water quality in the waterways of the City of Destin and the waterways immediately adjacent to the City of Destin; and

WHEREAS, the City of Destin City Council has determined that the above-recited facts have resulted in significant danger to the health, safety, and welfare of the public; and

WHEREAS, the City Council has directed City staff to procure a qualified expert capable of performing a study and producing a report quantifying the uses, congestion, overcrowding, and resulting water quality of Destin Harbor and other waterways adjacent to the City of Destin; and

WHEREAS, on September 16, 2019, the City Council passed Resolution 19-21, authorizing an agreement with the Army Corps of Engineers for assistance with funding and contracting service for a Harbor Carrying Capacity Study and directing a 12 month extension of Ordinance 19-08-CN (the existing temporary moratorium on livery vessel permits); and

WHEREAS, the City of Destin currently lacks adequate regulations to reduce, mitigate, or eliminate the adverse effects of a proliferation of Livery Vessels in the Destin Harbor and other waterways adjacent to the City of Destin.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN AS FOLLOWS:

NOTE: *Language in Sections 2 through 16 of this ordinance that is ~~struckthrough~~ is language proposed to be deleted, <u>underlined language</u> is language proposed to be added, language that is not ~~struckthrough~~ or <u>underlined</u> is not to be changed, and * * * represents sections of the Code of Ordinances that have been skipped and remain unchanged.*

SECTION 1. FINDINGS. The above stated findings are hereby adopted.

SECTION 2. PURPOSE. Despite the City of Destin's reasonable efforts to control the number of Livery Vessels in the waterways adjacent to the municipal limits of the City of Destin through a permitting structure described in ordinance number 17-07-CC, an inordinately high number of Livery Vessels originating from the City of Destin remain in these adjacent waterways and pose a heightened risk to the public's health, safety, and welfare when compared to vessels that are not Livery Vessels. Without further regulation preventing the increased proliferation of Livery Vessels, the risk to the public's health, safety, and welfare will continue to increase. The moratorium described herein is meant to ensure that the risk to the public's health, safety, and welfare is not further exacerbated by the increased proliferation of Livery Vessels.

SECTION 3. DEFINITIONS. For the purpose of this ordinance, "substantial hardship" means a demonstrable, direct, financial detriment in excess of $10,000.00 suffered by a Vendor as a result of capital investments purchased in reliance on the terms of ordinance number 17-07-CC. All other terms used herein shall have the same meanings as described in 13-141, City of Destin Code of Ordinances.

SECTION 4. TEMPORARY MORATORIUM.

(a) There is hereby enacted a Temporary Moratorium on the permitting and operation of all Livery Vessels originating from within the municipal limits of the City of Destin and adjacent waterways. A Vendor shall not be issued a Permit unless the Vendor provides proof that the number of Livery Vessels for which the Vendor seeks permit(s) is equal to or less than the number of permits that the City of Destin issued to the Vendor in the previous year ending December 31, 2018 except as provided herein.

(b) The City of Destin shall not issue any Permit or any other document which would have the effect of permitting or otherwise authorizing the operation of any Livery Vessels in excess of the number authorized by Section 4(a), of this Ordinance, unless either (1) the Vendor demonstrates a Substantial Hardship, as the term is defined herein, or (2) an agreement between the City of Destin and the Vendor exists, that has been authorized by the City Council.

SECTION 5. DIRECTION TO STAFF. City staff is directed to evaluate and develop such recommendations, as staff may deem appropriate, for adoption of appropriate regulations that consider, among other things, aesthetics, socioeconomic impact, quality of life for the public, tourism, and community character issues including population concentration, availability of open space, habitat diversity, and the diversity and health of existing species within the waterways adjacent to the City of Destin.

SECTION 6. EXPIRATION OF MORATORIUM. Unless extended by amendment of this Ordinance, this Temporary Moratorium shall expire on November 1, <u>2020</u>~~2019~~.

SECTION 7. SEVERABILITY. If any section, phrase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 8. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS 21st DAY OF OCTOBER 2019
BY:

Gary Jarvis, Mayor

ATTEST:

CITY OF DESTIN SEAL FLORIDA

Rey Bailey, City Clerk

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

Kimberly Romano Kopp
City Land Use Attorney

First Reading: October 7, 2019
Second Reading: October 21, 2019

ORDINANCE 20-33-CN

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO LIVERY VESSELS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A TWELVE MONTH EXTENSION OF ORDINANCE 19-30-CN (TEMPORARY MORATORIUM ON LIVERY VESSEL PERMITS); DIRECTING STAFF TO DEVELOP RECOMMENDATIONS FOR REGULATION OF LIVERY VESSELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXPIRATION OF MORATORIUM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Destin City Council approved ordinance number 17-02-CC on Second Reading at its regular meeting on February 21, 2017, creating Code of Ordinances Article VIII, Permitting of Livery Vessels; and

WHEREAS, the City of Destin City Council adopted ordinance number 17-07-CC on Second Reading at its regular meeting on March 20, 2017, which amended Code of Ordinances Article VIII, Permitting of Livery Vessels; and

WHEREAS, the waterways adjacent to the landward municipal limits of the City of Destin, particularly Destin Harbor, are severely overcrowded resulting in a dangerous congestion of Vessels; and

WHEREAS, Livery Vessel rental businesses significantly contribute to the above-described congestion by renting livery vessels to an abnormally high number of inexperienced and ineffective Livery Vessel operators, which severely increases the danger to the public' s health, safety, and welfare; and

WHEREAS, Livery Vessel rental businesses significantly contribute to the deterioration of water quality in the waterways of the City of Destin and the waterways immediately adjacent to the City of Destin; and

WHEREAS, the City of Destin City Council has determined that the above-recited facts have resulted in significant danger to the health, safety, and welfare of the public; and

WHEREAS, the City Council has directed City staff to procure a qualified expert capable of performing a study and producing a report quantifying the uses, congestion, overcrowding, and resulting water quality of Destin Harbor and other waterways adjacent to the City of Destin; and

WHEREAS, on September 16, 2019, the City Council passed Resolution 19-21, authorizing an agreement with the Army Corps of Engineers for assistance with funding and contracting service for a Harbor Carrying Capacity Study and directing a 12 month extension of Ordinance 19-08-CN (the existing temporary moratorium on livery vessel permits); and

WHEREAS, the City of Destin currently lacks adequate regulations to reduce, mitigate, or eliminate the adverse effects of a proliferation of Livery Vessels in the Destin Harbor and other waterways adjacent to the City of Destin.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN AS FOLLOWS:

NOTE: *Language in Sections 2 through 16 of this ordinance that is ~~struckthrough~~ is language proposed to be deleted, underlined language is language proposed to be added, language that is not ~~struckthrough~~ or underlined is not to be changed, and * * * represents sections of the Code of Ordinances that have been skipped and remain unchanged.*

SECTION 1. FINDINGS. The above stated findings are hereby adopted.

SECTION 2. PURPOSE. Despite the City of Destin's reasonable efforts to control the number of Livery Vessels in the waterways adjacent to the municipal limits of the City of Destin through a permitting structure described in ordinance number 17-07-CC, an inordinately high number of Livery Vessels originating from the City of Destin remain in these adjacent waterways and pose a heightened risk to the public's health, safety, and welfare when compared to vessels that are not Livery Vessels. Without further regulation preventing the increased proliferation of Livery Vessels, the risk to the public's health, safety, and welfare will continue to increase. The moratorium described herein is meant to ensure that the risk to the public's health, safety, and welfare is not further exacerbated by the increased proliferation of Livery Vessels.

SECTION 3. DEFINITIONS. For the purpose of this ordinance, "substantial hardship" means a demonstrable, direct, financial detriment in excess of $10,000.00 suffered by a Vendor as a result of capital investments purchased in reliance on the terms of ordinance number 17-07-CC. All other terms used herein shall have the same meanings as described in 13-141, City of Destin Code of Ordinances.

SECTION 4. TEMPORARY MORATORIUM.

(a) There is hereby enacted a Temporary Moratorium on the permitting and operation of all Livery Vessels originating from within the municipal limits of the City of Destin and adjacent waterways. A Vendor shall not be issued a Permit unless the Vendor provides proof that the number of Livery Vessels for which the Vendor seeks permit(s) is equal to or less than the number of permits that the City of Destin issued to the Vendor in the

previous year ending December 31, 2018 except as provided herein.

(b) The City of Destin shall not issue any Permit or any other document which would have the effect of permitting or otherwise authorizing the operation of any Livery Vessels in excess of the number authorized by Section 4(a), of this Ordinance, unless either (1) the Vendor demonstrates a Substantial Hardship, as the term is defined herein, or (2) an agreement between the City of Destin and the Vendor exists, that has been authorized by the City Council.

SECTION 5. DIRECTION TO STAFF. City staff is directed to evaluate and develop such recommendations, as staff may deem appropriate, for adoption of appropriate regulations that consider, among other things, aesthetics, socioeconomic impact, quality of life for the public, tourism, and community character issues including population concentration, availability of open space, habitat diversity, and the diversity and health of existing species within the waterways adjacent to the City of Destin.

SECTION 6. EXPIRATION OF MORATORIUM. Unless extended by amendment of this Ordinance, this Temporary Moratorium shall expire on November 1, 2021 ~~2020~~.

SECTION 7. SEVERABILITY. If any section, phrase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 8. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS 16TH DAY OF NOVEMBE 2020
BY:

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

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

Kimberly Romano Kopp
City Land Use Attorney

First Reading: November 2, 2020

Second Reading: November 16, 2020

RESOLUTION 19-21

A RESOLUTION OF THE CITY OF DESTIN, FLORIDA, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF DESTIN AND THE ARMY CORPS OF ENGINEERS, TO CONDUCT A CARRYING CAPACITY STUDY FOR THE DESTIN HARBOR AND CALHOUN AREA INCLUDING CHOCTAWHATCHEE BAY.

WHEREAS, the Destin City Council directed Staff to engage an entity to commission a Harbor Capacity study to consider aesthetics, socioeconomics, quality of life, tourism, and community character issues; including population concentration, availability of open space, habitat diversity, and the diversity and health of existing species within the Harbor CRA District and Calhoun Area including Choctawhatchee Bay.

WHEREAS, the Army Corps of Engineers has expressed interest in aiding the City in the obtainment of funding and contract services for the Carrying Capacity Study (Section 22 Study) through the Corp of Engineers' Planning Assistance to States Program.

WHEREAS, Section 22 of the Water Resources Development Act of 1974, as amended, provides the authority for the Corps to assist in the preparation of comprehensive plans for the development, utilization, and conservation of water and related land resources and the City of Destin requires planning assistance for a Carrying Capacity Study of the Destin Harbor and Calhoun Area including Choctawhatchee Bay and

WHEREAS, entering into an agreement with the Corps of Engineers for assistance with the Carrying Capacity Study will require a 50 percent cost share of study costs from the City of Destin. **The City's share is not to exceed $200,000.00.**

NOW, THEREFORE, BE IT RESOLVED, by the Destin City Council that, the terms of said agreement for the Carrying Capacity Study of the Destin Harbor and Calhoun Area including Choctawhatchee Bay, is in the best interest of the City, and the Destin City Council designates and confirms Lance Johnson, City Manager or his designee to execute and deliver said contract and any related documents necessary to consummate the contract.

ADOPTED THIS 16TH DAY OF SEPTEMBER 2019
BY:

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
FEBRUARY 6, 2017
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 Scott Fischer
Councilmember Chatham Morgan
Councilmember Parker Destin
Councilmember Cyron Marler
Councilmember Tuffy Dixon
Councilmember Prebble Ramswell
Councilmember Rodney Braden

Destin City Staff

City Manager Carisse Lejeune
Community Development Director Karen Haynes
Development Manager Steve Schmidt
Parks & Recreation Director Lance Johnson
Deputy Director of Public Services Tim Pietenpol
Code Enforcement Manager David Bazylak
Land Use Attorney Matt Burns
City Clerk Rey Bailey
City Engineer David Campbell
HR Manager Karen Jankowski
City Planner Hank Woollard
IT Manager Webb Warren
Finance Director Bragg Farmer
City Attorney Jeffrey Burns

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Scott Fischer called the meeting to order at 6:00 PM. Father Mike Hesse gave the invocation; which was followed by the Pledge of Allegiance.

WALK-ON ITEM:

US Highway 98 Lane Closure

Motion by Councilmember Ramswell, seconded by Councilmember Marler, to set aside the order of the day and allow presentation of the walk-on item passed 6-0 (Council members Morgan, Destin, Marler, Dixon, Ramswell and Braden voted "yes"; Councilmember Foreman was absent from the meeting).

The City Engineer David Campbell announced that the Destin Water Users Inc. would need to make water main adjustments in U.S. Hwy 98 near the "Track" amusement park the last week in February as part of the U.S. Hwy 98 road widening project; adding that traffic would be re-routed for up to 36 hours.

There were no objections from the Council.

1. Land Use Attorney Legal Services for the City of Destin
    a. Berger Singerman LLP
    b. Bogin, Munns & Munns, P.A.

Making the presentation for Berger Singerman LLP was Mr. Colin Roopnarine and Dawn Meyers. Ms. Meyers informed the Council that Berger Singerman was founded in Florida over 30 years ago. They have 4 offices that are geographically positioned to be able to serve their clients statewide. Their governmental practice includes land use and environmental law. They have a team of experience lawyers that possess exceptional knowledge of the land use, environmental and legal landscape. She has been with the firm for over 22 years and has devoted her practice exclusively to governmental law with emphasis on environmental and land use matters. They have a keen awareness of how governmental issues fit in to the larger picture. Several of their members have served as counsel to numerous governmental entities; more recently was a 10 ½ stint as general counsel to a local government entity, dealing with environmental, land use and governmental issues. Mr. Roopnarine with be the lead attorney who will have regular and face to face contact with the City and staff.

Mr. Roopnarine noted he had worked in State government for over 20 year before joining the law firm, specializing in land use litigation and mitigation. He had dealt with comprehensive plan amendments, zoning and land development regulations. Their clients included Pompano Beach, City of Coral Gables, Biscayne Park, Boca Raton, and most recently the City of Opelika. They understand North Florida. The City of Destin is a growing community that is striking a balance between its fishing village identity and its tourist destination development ability; and it is important they hire the right firm to address all of their land use needs and give them the best advice possible. They have worked with the City's former Land Use Attorney Scott Shirley for a number of years, and their proximity to Mr. Shirley in Tallahassee would help in a seamless period of transition.

Councilmember Ramswell asked if one attorney would attend all Council meetings or whether it would be on a rotating basis.

Mr. Roopnarine stated that although they would be hiring the law firm, he would be the one attending all meetings.

Councilmember Ramswell noted that Mr. Roopnarine's specialty is environmental law and the City is currently dealing with a lot of environmental issues that need to be addressed quickly. She asked how quickly they would be able to familiarize themselves on these issues and be of assistance to the City.

Mr. Roopnarine stated that he had planned to inform Mr. Shirley that he would be meeting with him 2 or 3 times per week to discuss and familiarize himself with these issues. He had also planned to schedule meetings with City staff as often as necessary to get all the up to date information on these subjects.

The Mayor asked how the firm would be billing travel time from Tallahassee to Destin and back.

Mr. Roopnarine stated they do not bill travel time.

Councilmember Marler asked who will pay for the planned meetings between Mr. Scott Shirley and the new Land Use Attorney.

Mr. Roopnarine stated there would be a period of transition, but, he does not expect to be paid until he is fully engaged.

Councilmember Marler asked if the firm is also familiar with Attorney David Theriaque; to which Mr. Roopnarine replied affirmatively.

Councilmember Destin noted they are currently going through a comprehensive plan transition and plans to make changes to the comprehensive plan with regards to projects review. He asked if Mr. Roopnarine had any experience in comprehensive plan development and implementation.

Mr. Roopnarine replied that he has reviewed, drafted and fully understand the comprehensive plan.

The City Manager asked Mr. Roopnarine to clarify his experience as a land use attorney and his ability to draw upon his experience of municipal land use to be able to answer on the spot direct questions from Council members at Council meetings.

Ms. Meyers noted that Mr. Roopnarine has had years of experience with the Department of Community Affairs where he participated in City and County meetings where he had to answer municipal land use questions. She also stated that other members of the firm have vast municipal land use experience, and if Mr. Roopnarine feels at the beginning that he needs additional assistance, others will be able to serve as his backup until he feels comfortable with no added expense to the City

The City Manager stated there is a lot of day to day interaction that City staff needs to have with the City Land Use Attorney. She asked if Mr. Roopnarine will be able to take phone calls and interchange emails with her and staff to discuss and answer quick questions and would they be considered billable hours.

Mr. Roopnarine stated that questions that require quick answers are not billable. He also stated if they are unable to respond immediately, they will send a note telling the City when they can respond. However, they will drop what they are doing to respond to immediately to urgent questions.

Next, making the presentation for Bogin, Munns & Munns, P.A. was Ms. Kimberly Kopp. Ms. Kopp noted they have 11 offices within the State of Florida and their main office is located in Orlando, Florida. They are also looking into the possibility of opening up an office in Destin as they have some clients in Destin. She also stated that she is the most qualified candidate for the land use attorney position. She has worked as an assistant city attorney and assistant county attorney for many years; and most recently she has been the assistant city attorney for land use for the City of Cape Canaveral, the City of Cocoa, the City of Winter Springs, and the Town of Orchid. Three out of these 4 municipalities are coastal communities. She worked with planning development staff and city management for each city to address every land use application that would come in to the City; either routine or controversial. She also has extensive experience in amending comprehensive plans and rewriting land development codes; which she believes is of utmost importance at this point to the City of Destin. She also has extensive experience with public meetings and quasi-judicial hearings. She was a former board member of the Florida Planning and Zoning Association and lead accredited professional with knowledge of green building and environmentally friendly building and construction practices. She is board certified in city, county and local government law; which is a qualification possessed by only about 7 percent of lawyers in Florida. It is the highest attainment a lawyer can get from the Florida Bar for Certification.

With regards to compensation, Ms. Kopp stated her proposed hourly rate at 35 hours per month is approximately $27 below the City's current budget. However, if the City Council prefers a monthly retainer payment, she would be happy to enter into that type of agreement and consistent with her proposal and would still be under the City's budgeted amount. The City would not be charged travel time from any of her law offices in the State to the City of Destin. She added that with respect to her availability the City will be her priority. She will be very responsive and that she plans to exceed expectations if selected.

Councilmember Ramswell asked for an estimate as to the number of hours a land use attorney would typically spend a month doing work for the city.

According to the City Manager, most of the work the land use attorney will be doing with staff can be done through email and conference calls. She calculates about 20 hours a month for at least two Council meetings, 2 code enforcement hearings and a Local Planning Agency meeting.

The City Attorney noted he will be attending all code enforcement hearings.

Councilmember Ramswell asked if Ms. Kopp had already contacted the City's former land use attorney Scott Shirley and gather information about the City and its current issues.

Ms. Kopp stated she had not done so; however, she had reviewed the agendas and minutes of prior meetings.

Councilmember Marler asked if Ms. Kopp is familiar with Attorney Scott Shirley and Attorney David Theriaque.

Ms. Kopp stated she had met with Attorney Shirley and knows some of Attorney Theriaque's partners in his law firm.

Councilmember Dixon inquired as to Attorney Scott Shirley's retainer fee.

The HR Manager stated the monthly retainer fee was $6,750 plus $750 a month for expenses and additional consulting services.

Councilmember Braden stated he prefers the hourly rate over a retainer fee; adding they would have to pay for additional hours over 35 hours anyway.

Councilmember Morgan stated the Ms. Kopp seems to have more experience and therefore more qualified for the job; and that by his calculations, the City would save about $50,000 a year hiring Ms. Kopp over the other candidate.

Councilmember Ramswell moved to retain the services of Ms. Kimberly Kopp from Bogin, Munns & Munns, P.A. law firm and authorize the City Manager to produce a contract agreement for signature; seconded by Councilmember Braden.

Councilmember Marler expressed concern Ms. Kopp's main office is farther away from the City than the other firm's main office.

The City Manager stated they can address availability when they are working with the contract to come back to Council for approval.

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

2. City Manager Strategic Tracking Report

The City Manager briefly discussed the first quarter of Fiscal Year 2017/2018 project tracking report as well as the first quarter performance report of the City's performance measures to enhance service delivery. She stated that staff will provide updates to the City Council on a fiscal year quarterly basis to celebrate progress, discuss priorities and any unforeseen delays.

3. First Quarter Fiscal Year 2017 Financial and Investment Report

The City's Finance Director gave a brief summation of the Fiscal Year 2017 First Quarter Financial and Investment Report.

APPROVAL OF MINUTES

4. Approval of minutes of the November 21, 2016 regular city council meeting

Motion by Councilmember Dixon, seconded by Councilmember Braden, to approve minutes of the November 21, 2016 regular city council meeting passed 6-0 (Council members Morgan, Destin, Marler, Dixon, Ramswell and Braden voted "yes"; Councilmember Foreman was absent from the meeting).

PUBLIC HEARINGS

5. Second reading of Ordinance 17-01-CC, which establishes Harbor and Waterways Regulation

The Interim Land Use Attorney read proposed Ordinance 17-01-CC by title, and then presented it to the City Council on second reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO CITY WATERWAYS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT OF CODE OF ORDINANCES CHAPTER 5 SUBTITLE, ARTICLE I. – IN GENERAL; PROVIDING FOR THE AMENDMENT OF CODE OF ORDINANCES SECTION 5-1-5-25. RESERVED; PROVIDING FOR CREATION OF SECTION 5-1 DEFINITIONS; PROVIDING FOR CREATION OF SECTION 5-2 OBSTRUCTING CHANNELS, UNLAWFUL ANCHORING, MOORING, OR DOCKING; PROVIDING FOR THE CREATION OF SECTION 5-3 OPERATION OF RADIOS OR OTHER SOUND-MAKING DEVICES-GENERALLY, EXEMPTION; PROVIDING FOR THE CREATION OF SECTION 5-4 LIVE-ABOARD VESSELS PROHIBITED-GENERALLY, EXCEPTIONS; PROVIDING FOR THE CREATION OF SECTION 5-5 FLOATING STRUCTURES PROHIBITED; PROVIDING FOR THE CREATION OF SECTION 5-6 VESSEL CLEANING; PROVIDING FOR THE CREATION OF SECTION 5-7 MISUSE OF AMENITIES; PROVIDING FOR THE CREATION OF SECTION 5-8 DERELICT VESSELS; PROVIDING FOR THE CREATION OF SECTION 5-9 PENALTIES; PROVIDING FOR THE DELETION OF CODE OF ORDINANCES CHAPTER 5 SUBTITLE, ARTICLE II. – COMMERCIAL PERSONAL WATERCRAFT REGULATIONS; PROVIDING FOR THE DELETION OF CODE OF ORDINANCES SECTION 5-26. DEFINITIONS; PROVIDING FOR THE DELETION OF CODE OF ORDINANCES SECTION 5-27.

REGULATIONS FOR COMMERCIAL PERSONAL WATERCRAFT OPERATIONS; PROVIDING FOR THE DELETION OF CODE OF ORDINANCES SECTION 5-28. PENALTY; PROVIDING FOR THE AMENDMENT OF CODE OF ORDINANCES CHAPTER 5 SUBTITLE, ARTICLE III. – RESTRICTED AREA – JOE'S BAYOU; PROVIDING FOR THE AMENDMENT OF CODE OF ORDINANCES SECTION 14-57. EXEMPTIONS; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The City's Development Manager Steve Schmidt explained that the proposed ordinance substantially amends Chapter 5 of the Code of Ordinances deleting Article 2, Personal Watercraft Regulations, and creating Article 1, Watercraft Regulations, allowing the City to regulate, among other things, floating structures within the waters of the City.

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

Mr. Rocky Griffith, a Destin resident, states that a floating structure is anchored in front of his Marler's Bayou property, but he does not object to it because he feels the owner is exercising his right to do so. He also stated he does not understand why anyone else in Marler's Bayou would complain about it.

Mr. Bruce Bowman, attorney representing Mr. Stan Shipp, owner of the floating structure in question, stated that Mr. Shipp purchased his property for the sole purpose of tying his barge to his dock when not in use. He continued that Mr. Shipp has a commercial operation but he does not conduct his operation from his dock. They feel the proposed ordinance is overly broad and vague and constitutes the taking of his property. They also feel it targets Mr. Shipp and his operation and not provide him any viable alternatives. The amount of damages that would be associated with not being able to park that barge on his own dock is going to be extraordinary. He added the proposed ordinance is unconstitutional and therefore the Council should reject it. They would also like to be given a chance to speak to the new Land Use Attorney and try to work out an agreement without going through litigation in this matter.

Councilmember Marler noted that this particular structure is not classified and licensed as a water vessel by the U.S. Coast Guard. It is a barge and not a self-propelled watercraft which has to be physically moved by some other means. He added they have several of this type structure anchored in the harbor and not being moved.

Mr. Bowman reasoned that although it is not classified as a motor boat, it is lawfully tied to Mr. Shipp's dock; and that the proposed ordinance, if passed, would take that right away from him without compensation. He added that all they are trying to do is to create an exemption to the proposed ordinance that would allow property owners to park their floating structure on their own dock.

Councilmember Dixon noted that the area where the barge is parked is a residential area; and that commercial equipment is being stored in a residential area. He continued just because one neighbor does not have a problem with it does not mean other neighbors condone it also. He added that the owner could rent a commercial space to park the barge in.

Mr. Borman argued that if this neighborhood wants a deed restricted area to restrict somebody from properly using their land, they could have done so already. There is no deed restriction or ordinance Mr. Shipp is violating, and that he is properly utilizing his property.

Councilmember Ramswell asked if Mr. Shipp has a submerged land lease with the State, which is required in order to build a dock.

Mr. Bowman stated that he assumes when the dock was built, which is before Mr. Shipp purchased the property, the prior owner has the proper authorization.

Councilmember Ramswell also stated she is interested in knowing whether the barge is registered with the State as a commercial vessel or a private vessel.

Councilmember Braden wants to know where they are loading and unloading employees and other equipment being used for the commercial business.

Mr. Shipp replied they are doing it from his residence, which is the reason he purchased the property. However, they are not operating out of his property; and that the barge is parked in his dock mostly during the winter time. He also stated he gets along with most of his neighbors; and just because one neighbor complained about it does not give the City the right to take away his property rights.

Councilmember Braden noted that by loading and unloading from his property, and possibly having delivery trucks go in there, might constitute a code violation by operating commercial business in a residential area.

Councilmember Destin asked Mr. Bowman if he is aware of any case law that supports disallowing the use of a dock constitutes 100 percent taking of the value of someone's property. He stated there is a very high threshold that has to be met in order to even consider that notion.

Mr. Bowman reiterated that at this time they are only asking for the opportunity to meet with the new land use attorney to discuss this issue and hopefully reach an agreement that satisfies everybody's concerns.

The City Attorney noted they have researched this issue very extensively and he, along with the former land use attorney and interim land use attorney, are in agreement taking away of property rights is not a factor in this case. Also, this ordinance applies to all the waterways in Destin, and not just Marler's Bayou.

Motion by Councilmember Dixon, seconded by Councilmember Ramswell, to adopt Ordinance 17-01-CC passed 6-0 (Council members Morgan, Destin, Marler, Dixon, Ramswell and Braden voted "yes"; Councilmember Foreman was absent from the meeting).

6. First reading of Ordinance 16-29-LC, which amends the official zoning map in Land Development Code to include a change in the zoning designation of 719 Forest Street, Destin, Florida from Medium Density Residential – Village (MDR-V) to Institutional (INST)

The Interim Land Use Attorney read proposed Ordinance 16-29-LC by title, and then presented it to 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 719 FOREST STREET, DESTIN, FLORIDA FROM MEDIUM DENSITY RESIDENTIAL – VILLAGE (MDR-V) TO INSTITUTIONAL (INST); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Clerk sworn in Ms. Monica Autrey from Destin Water Users and City Planner Hank Woollard for testimonies.

Mr. Hank Woollard presented the item to the Council. He stated that this application for an Official Zoning Map amendment was submitted by the Destin Water Users in anticipation of developing potable water infrastructure at West Destin. Destin Water Users plans to construct a water storage facility and other potable water infrastructure on site. This Official Zoning Map amendment is a companion to the Future Land Use Map (FLUM) amendment for the property that was recently adopted by the Council. The City must amend the Official Zoning Map to properly reflect a zoning category consistent with the FLUM designation for the property given its intended use.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance. Having no one, the Mayor closed the public hearing and turned the matter over to the Council for their discussion and consideration.

Councilmember Destin inquired as to the Destin Water Users' plan from the infrastructure standpoint.

Ms. Monica Autrey from the Destin Water Users stated that they secured the property once it became available; but, they are currently trying to determine what needs to be done. There is a drinking water well adjacent to the property and they are looking into rehabilitating and possibly relocating the well. She also stated they are regulated by the Water Management District for water consumption and they are also receiving water from their inland well field. They will need to get more water to West Destin and they will be coming back for the development processes once they make a decision on how to do it.

Councilmember Marler wants to know if there was any opposition from the Presbyterian Church, which is one of the adjoining properties.

Mr. Woollard stated they have not received any type of communications with the Presbyterian Church.

Motion by Councilmember Marler to approve proposed Ordinance 16-29-LC on first reading and direct staff to schedule a public hearing for final adoption on 2nd reading was seconded by Councilmember Ramswell and passed 6-0 (Council members Morgan, Destin, Marler, Dixon, Ramswell and Braden voted "yes"; Councilmember Foreman was absent from the meeting).

PUBLIC OPPORTUNITY TO SPEAK ON COUNCIL PROPOSITIONS (Agenda items #7 thru #9, #10, #11, #22 thru #28A)

Mr. Jim Bagby, a Destin resident, addressed agenda item #27 – Former YMCA pool funding. He stated that he opposed the City funding construction of this pool 11 years ago when he

was a member of the City Council but he did not end up on the prevailing side. He stated that the City had already spent $1.6 million on this pool and they should not spend any more money rebuilding it. It failed before and it will fail again because there are a lot of pools in this town and people have shown through their inactivity that they will not support a community swimming pool.

Mr. Steve Menchel, a Destin resident, spoke of agenda item #26 – Spring break supplemental funding. He stated that he appeared before the Council and urged them not to support providing additional funding to the Okaloosa County Sheriff's Office for the spring break; with the City paying 70 percent and the County only paying 30 percent of the cost. He urged the Council not to approve anything less than a 50-50 split with the County this year. He continued that the Tourist Development Department (TDD) is required to promote the area and spend millions of bed tax dollars to bring tourists to Destin and the surrounding areas, and Destin residents should not have to pay the brunt of the costs associated with keeping these tourists safe. According to the tax information for the period October 2015 to September 2016, Destin provided 68 percent of the taxes collected in Okaloosa County or $253 million of the $378 million in gross receipts. Also according to the information provided by the Okaloosa County Sheriff's Office, out of the 393 arrests made during Spring Break 2016, 268 arrests were made in Destin and 125 arrests were made in the County. Only 9 of those arrested were Okaloosa County residents; and 2 of which were Destin residents. He added that during a recent TDD meeting during which the City Manager and Financial Director attended to attempt to obtain additional funding for the spring break, they were treated with a total lack of respect by the TDD. The City Manager had to ask the TDD Chairman if they were going to put this item to a vote; at which time Councilmember Jim Foreman, Destin's representative to the TDD, offered a motion but did not receive a second. He urged the Council to send a letter to Commissioner Kelly Windes, Destin's representative to the County Commission, asking for his immediate assistance.

Mr. David Powell, a Destin resident, addressed agenda item #23 – First reading of Ordinance 17-02-CC, which establishes Livery Vessel permitting. He stated he is against the proposed ordinance as it attempts to simply discourage rentals of personal water crafts such as jet skis, wave runners and pontoon boats. The definition of a livery vessel appears to include charted fishermen. Each owner is required to bring 16 items to prove to the City that they are in compliance with the code regardless of how many vessels they own. The City intends to charge a fee per vessel, but the permit is a per owner permit. The intent is to only allow operators to purchase a permit per vessel that is allowed on the dock. If it is the City's intent to limit the number of vessels that is being rented it is a poorly thought out process that would cause nothing but harm to those renting vessels if they are restricted to only get decals for the number of vessels for which they have a dock space. He urged Council to reject the proposed ordinance because it would cause a lot of uncertainty and could result in litigations if they go forward with it.

CONSENT AGENDA*

7. Request for use of city streets for the Junior League of the Emerald Coast, Inc. 5k walk & 10k Run on February 25, 2017
8. Request approval for use of city streets for the Destin 16th Annual Run with the Dogs 5K Run/Walk on March 18, 2017
9. Authorization to release the Order Imposing Administrative Fine/Lien, entered against Gregory L. Marler, that is recorded at Book 3212, Page 2086

Councilmember Marler announced he would abstain from voting as one of items under the Consent Agenda pertains to one of his relatives.

Motion by Councilmember Morgan, seconded by Councilmember Dixon, to approve Consent Agenda items #7 thru #9, as printed above, passed 5-0 (Council members Morgan, Destin, Dixon, Ramswell and Braden voted "yes"; Councilmember Marler abstained from voting; Councilmember Foreman was absent from the meeting).

RESOLUTIONS

10. Resolution 17-03 – Establishing Business Tax Receipt Equity Study Commission

The Interim Land Use Attorney read proposed Resolution 17-03 by title.

> A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN ESTABLISHING THE EQUITY STUDY COMMISSION; DEFINING THE COMMITTEE'S PURPOSE, POWERS, DUTIES, COMPOSITION, APPOINTMENT QUALIFICATIONS AND REQUIREMENTS FOR MEMBERSHIP; PROVIDING FOR OFFICERS, RULES OF PROCEDURE, MEETINGS, QUORUM, LEGAL AND STAFF SUPPORT; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

The Community Development Director Karen Haynes presented the item to the Council. She stated that during their review of the City's Business Tax Receipts, they learned there is a State statute that requires a municipality or county to establish an equity study commission by resolution and appoint its members before adopting a reclassification and revision ordinance. The commission will conduct a comprehensive review of the current Local Business Tax Receipt ordinance and propose amendments for approval consideration by the Council. The commission will be formed with each Council member and the Mayor nominating one person from a pool of applicants.

Councilmember Destin moved to approve the following documents as presented:

- **Resolution 17-03 – Establishment of an Equity Study Commission**
- **Application Form – Equity Study Commission**
- **Equity Study Commission Review Process and Timelines**

Motion was seconded by Councilmember Morgan.

Councilmember Dixon asked that they advertise the membership application request as a display ad; which is a bigger ad located in the front section of the newspaper.

The City Manager noted the deadline for submission of application is February 28th; and no applications will be accepted after the deadline.

Councilmember Morgan wants to make sure this effort will not affect the work they have already done with the mobile vendors.

The City Manager stated that the City staff and City Attorney have been working to establish the BTR application and BTR renewal process and this particular item will not affect the BTR renewal process.

There was a request from Council that this item be advertise in both the Destin Log and Daily News.

Councilmember Destin stated he is amending his motion to include advertising the membership application announcement as a display ad in both the Destin Log and Daily News.

The Mayor called for a vote on the motion, which passes 6-0 (Council members Morgan, Destin, Marler, Dixon, Ramswell and Braden voted "yes"; Councilmember Foreman was absent from the meeting).

11. Resolution 17-04 – John Deere Lease Agreement

The Interim Land Use Attorney read proposed Resolution 17-04 by title.

> AUTHORIZING THE EXECUTION OF A MASTER LEASE-PURCHASE AGREEMENT WITH DEERE CREDIT, INC., FOR THE MASTER LEASE-PURCHASE OF A UTILITY TRACTOR, DIESEL GATOR AND FARM LOADER.

Councilmember Braden moved to approve the lease of identified equipment and to authorize the City Manager to enter into the lease agreement; seconded by Councilmember Marler. Motion passed 6-0 (Council members Morgan, Destin, Marler, Dixon, Ramswell and Braden voted "yes"; Councilmember Foreman was absent from the meeting).

COMMITTEE REPORTS
SCHEDULED PRESENTATIONS FROM THE PUBLIC **
PROJECT REPORTS AND COMMENTS FROM MAYOR AND COUNCIL

12. Councilmember Morgan
13. Councilmember Destin

Councilmember Destin announced there is a Senate Bill that intends to legalize gambling in Florida. Although the City passed an ordinance amending the Land Development Code in 2014 to keep gambling out of the City, he is concern whether or not it is sufficient. He would like to have the support of Council to instruct the City Attorney to conduct some research to determine if the City is fully protected.

There was a general consensus of Council to instruct the City Attorney to look into this matter.

The City Attorney stated he has already conducted some research when the question was posed to him. He would conduct additional research to determine if the ordinance Council adopted in 2014, which amended the LDC prohibiting gambling industries and casino hotels in all zoning districts, is sufficient to keep gambling out of the City of Destin should the State of Florida seeks to legalize it.

14. Councilmember Marler
15. Councilmember Foreman
16. Councilmember Dixon
17. Councilmember Ramswell
18. Councilmember Braden
19. Mayor Fischer

The Mayor noted he was directed by Council to send a letter to FDOT last year requesting a reduction in speed on US Hwy 98 to the main part of down town Destin. He stated the FDOT had initiated a traffic study and had taken a small section just east of Gulf Shore Drive and are recommending a reduction of speed limit from 45 mph to 40 mph.

Councilmember Marler asked when the study was conducted.

According to the City Engineer, the report states the study was conducted in November 2016.

Councilmember Marler stated they do not have the tourism they have in November as they did during the 100 days of summer; adding it is the time of the year traffic study ought to be conducted. He also commented that they have previously asked for a reduction of speed limit to 25 mph from the Marler Bridge to at least Benning Drive because of the heavy pedestrian traffic in this area during the summer month; and that people tend to drive 10 miles above the speed limit. However, they have not been able to persuade FDOT.

Some members of Council feel if the study is conducted during the busy part of the year, the speed would be a lot slower due to heavy traffic.

STAFF REPORTS AND RECOMMENDATIONS

20. City Attorney comments
21. City Land Use Attorney comments

The Interim Land Use Attorney Matt Burns stated he would provide a written report to Council on the status of Parcel B prior to the next Council meeting.

Councilmember Ramswell asked if the report would be in the form of an ordinance.

Mr. Burns stated he would present a draft ordinance if he feels it is appropriate.

22. Rejection of bid – RFB 16-12-PS, National Fish and Wildlife Foundation, Sandalwood Drive Drainage

The Public Services Director David Campbell informed Council the City was awarded the Gulf Environmental Benefit Fund, administered by the National Fish and Wildlife Foundation, for restoration and conservation projects that represent important efforts to protect and enhance natural and living resources in their area. One of the projects is the storm water improvements to Sandalwood Drive. The project was advertised for bid in accordance with City policy but the bids came in substantially over budget. Review of the bid line items revealed that the quantity for one item was substantially higher than was required for the project. In accordance with the City's bid Committee's unanimous decision, it is recommended that the City Council rejects the bids and rebid the project with the revised bid sheet.

Councilmember Destin moved to reject the bids for the Sandalwood Drive Drainage Improvements and rebid the project with the corrected bid sheet. Councilmember Dixon provided a second to the motion. Motion passed 6-0 (Council members Morgan, Destin, Marler, Dixon, Ramswell and Braden voted "yes"; Councilmember Foreman was absent from the meeting).

23. First reading of Ordinance 17-02-CC, which establishes Livery Vessel permitting

The Land Use Attorney read proposed Ordinance 17-02-CC by title, and then presented it to the Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO THE REGISTRATION OF LIVERY VESSELS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE CREATION OF ARTICLE VIII REGISTRATION OF LIVERY VESSELS; PROVIDING FOR CREATION OF SECTION 13-140 PURPOSE; PROVIDING FOR CREATION OF SECTION 13-141 DEFINITIONS; PROVIDING FOR THE CREATION OF SECTION 13-142 REGISTRATION REQUIRED; PROVIDING FOR THE CREATION OF SECTION 13-143 FORMAL APPLICATION REQUIRED; PROVIDING FOR THE CREATION OF SECTION 13-144 APPLICATION FOR REGISTRATION; PROVIDING FOR THE CREATION OF SECTION 13-145 GENERAL REGULATIONS/STANDARDS; PROVIDING FOR THE CREATION OF SECTION 13-146 FEES FOR REGISTRATION; PROVIDING FOR THE CREATION OF SECTION 13-147 ISSUANCE OR REFUSAL OF REGISTRATION; PROVIDING FOR THE CREATION OF SECTION 13-148 REGISTRATION NOT TRANSFERABLE; PROVIDING FOR THE CREATION OF SECTION 13-149 EXPIRATION OF REGISTRATION; PROVIDING FOR THE CREATION OF SECTION 13-150 TERRITORY EMBRACED; PROVIDING FOR THE CREATION OF SECTION 13-151 POSTING OF INFORMATION; PROVIDING FOR THE CREATION OF SECTION 13-152 ENFORCEMENT; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Braden asked if this ordinance is designed to limit the number of vessels an owner can operate.

According to Mr. Schmidt, there is nothing in this ordinance that would limit the number of vessels an owner can operate. The main goal is to eliminate the "fly by night" operators that are not meeting existing requirements such as insurance and sales tax registrations. He continued they have conducted several workshops with some of the livery vessel company owners and spent some time with most of them, as well as the Harbor CRA Advisory committee, before crafting this ordinance.

Councilmember Morgan read Section 13-153 – Enforcement, paragraph 4 of the proposed ordinance:

> *Criminal Penalties. If a vendor or person rents or leases for hire a livery vessel without a permit issued pursuant to this article, then it will deemed a violation of this article punishable as a misdemeanor by a fine of up to five hundred ($500.00) dollars per violation and a definite term of imprisonment of not more than sixty (60) days as provided in F.S. 162.22.*

He then asked if this provision covers an established company that exceeds the amount of vessels for which they have been permitted; and would this enable the City to fine the vendors for the extra vessels they lease.

Mr. Schmidt noted the enforcement provision has multiple options and it would be up to the discretion of staff with the advice of the Council as to which option they choose.

The City Attorney opined that the way this section is worded, if an existing vendor leases livery vessels without a permit, they could be charged with a criminal penalty; however, it does not make it clear if the City can impose a per vessel penalty if the vendor exceeds the number of registered vessels that they lease. He continued that since this is a criminal penalty, this particular section would need to be amended if it is the desire of Council to do so. This would be necessary to make it enforceable and survive a legal challenge.

Councilmember Morgan asked if they could amend this section without sending the ordinance back to first reading.

The City Attorney stated the ordinance would have to go back to first reading if they make such an amendment; however, the Council could adopt the ordinance without the criminal penalty section to get it on the books sooner, and then amend the ordinance later with the criminal penalty section included.

Councilmember Destin moved to approve Ordinance 17-02-CC on first reading, delete Section 13-153(4), extend the outside timeframe for permitting this first year to April 15th, set the permit amount of seventy-five dollars per vessel, and direct staff to schedule it for second reading. Councilmember Morgan provided a second to the motion.

Councilmember Marler asked if they could reduce the seventy-five dollar permitting fee per vessel to fifty dollar per vessel.

The City Manager noted that this particular amount is merely an estimate from staff and it is at the discretion of Council. After this year, staff would be able to reassess all the items within the ordinance to determine if anything needs to be revised in order to improve its efficiencies.

Councilmember Marler asked what needs to happen if a vendor that is licensed to lease 50 vessels, for instance, wishes to add 10 more vessels during the season.

Mr. Schmidt stated it would probably require a re-application because they would want to confirm such issues as parking, business tax receipt, and whether the extra vessels are covered under the existing submerged land lease.

Councilmember Dixon stated that most of the vendors that rent the pontoon boats had indicated that only about 10 percent of the renters come in during the spring break time frame. He suggests giving these vendors until at least June 15th for the first year to come up with the money for the permitting fee.

Councilmember Destin he would be willing to amend his motion to change the deadline for the permitting fee for the first year, but not to change the amount of the fee.

Councilmember Destin offered an amended motion to approve Ordinance 17-02-CC on first reading, delete Section 13-153(4), extend the outside timeframe for permitting this first year to June 15th, set the permit amount of seventy-five dollars per vessel, and direct staff to schedule it for second reading. Councilmember Morgan provided a second to the motion.

Councilmember Ramswell asked how soon they could do an amendment after they pass this ordinance on second reading.

The City Attorney stated they could come back with a proposed amendment to this ordinance as early as the first Council meeting in March 2017.

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

24. First reading of Ordinance 17-03-CC, which amends the Code of Ordinance, Article 4 – Registration of Short-Term Rentals

The Interim Land Use Attorney read proposed Ordinance 17-03-CC by title, and then presented it to the Council on first reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO SHORT-TERM RENTAL REGISTRATIONS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT OF CODE OF ORDINANCES ARTICLE VI – REGISTRATION OF SHORT-TERM RENTALS; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Community Development Director Karen Haynes explained that the proposed revisions include requiring the Short-Term Rental Registration Application include a City of Destin Business Tax Receipt (BTR); valid current Florida Department of Revenue Annual Resale Certificate required by State statute; valid current Department of Business and Professional Regulation Vacation Rental Dwelling License required by State Statute; and owner or agent of the owner acknowledgement for adherence to all applicable regulations. The revisions further streamline the administration of the application, by requiring all applications have a completeness review prior to review for ordinance compliance. Additional revisions include redefining the rental registration period; inclusion of language referencing the City's parking ordinances, including the issuance of citations or impoundment for violations; and requiring renewals complete a new application each year to ensure the City has up-to-date information on the property owner, the property, the required State of Florida licenses, and contact information for the local responsible party.

Councilmember Ramswell moved to approve proposed Ordinance 17-03-CC on first reding and direct staff to schedule it for second reading; seconded by Councilmember Dixon. Motion passed 6-0 (Council members Morgan, Destin, Marler, Dixon, Ramswell and Braden voted "yes"; Councilmember Foreman was absent from the meeting).

25. Florida Department of Transportation (FDOT) 3R Project update

The City Engineer David Campbell showed some visuals while providing the following report on the FDOT Resurfacing, Restoration and Rehabilitation (3R) Program:

The Florida Department of Transportation (FDOT) is scheduled to resurface U.S. Hwy 98 from Airport Road to the Marler Bridge in their fiscal year 2019, which begins in July 2018. The work will be accomplished under their 3R Program and generally consists of pavement resurfacing, pavement marking, signage upgrades, sidewalk restoration and drain inlet rehabilitation. The design plans are currently at the 60 peent stage. Although the primary intent of the project is to resurface the roadway, FDOT proposes to add additional improvements to enhanced safety and increase functionality. The improvements include the following:

- Mill and resurface from Airport Road to the Marler Bridge
- Restripe all travel lanes to include two 10-foot travel lanes and a 5-foot bike lane for both east and west bound directions
- Replace signs at each intersection – regulatory signs, warning signs and road name signs
- Replace all broken concrete sidewalks
- Replace all nonconforming ADA ramps at street and driveway locations

- Repair or replace broken drain inlet tops
- Access management improvements
    - Construct a right-turn lane coming off the Marler Bridge into the Emerald Grande
    - Create left-in/left-out in the median at McGuires
    - Close median opening in front of the gas station on the corner of Stahlman Avenue
    - Close median opening in front of Crust Pizzaria (Marler property) to extend the left-turn lane into Harbor Walk Village
    - Install a right-turn lane into the Chick-fil-A/Days Inn shared driveway

26. Spring break supplemental funding – interlocal agreement between the City of Destin, Okaloosa County and the Okaloosa County Sheriff's Department

According to the City Manager, she does not have a contract right now for the Council to approve. She explained that they were prepared to go to the County Commission with the same agreement that they had last year with the assumption that the $42,000 they had budgeted was going to be sufficient based on last year's numbers. They budgeted approximately $102,000 last year and only 74% of that was expended by the Sheriff; and then based upon the 70/30 split that had been agreed upon in the Interlocal Agreement between the County and the City ahead of time, they wound up paying $55,000 last year for Spring Break law enforcement; a proactive program put on by the Sheriff's Department. But, they were informed by the Sheriff's Office that this year's spring break is scheduled to be 7 weeks long rather than the normal 5 weeks; which is the information they received from the Destin Chamber of Commerce and posted on the TDC website. She noted that the Sheriff's Office had actually reduced their hourly rate in their contract; but, given the additional two weeks of law enforcement, and the resources that are needed for these additional two weeks brought the contract up to $146,941. Since they have only budgeted $42,000, there was no way they could meet the 70/30 split. The City sent a proposed contact to the County Administrator for a 50/50 split understanding that the TDC has already allocated $25,000 to the Sheriff specifically for Spring Break activities. They felt a 50/50 split where each party pays approximately $60,000 is fair and equitable. They also understood they would be able to come back to the Council and ask them for a budget amendment to dip into the reserve funds for the additional $18,000 needed to bring the $42,000 already budgeted up to the $60,000 necessary. However, the County Administrator informed them that the County Commission had not budgeted for Spring Break this year; and that she was advised to check with the Tourist Development Council (TDC) to see if additional funds could be made available to offset the County's portion of the $60,000. She continued that the TDC denied any additional funding for the City informing them they had already reached their 10 percent cap for law enforcement funding. She also noted that last year's statistics show that 65 percent of the arrests were in the city limits of Destin and 35 percent were in Okaloosa County. The Sheriff's Office assured the City they would continue with their zero tolerance initiative regardless of whether or not they have a contract in place; as this proactive law enforcement approach was so successful during last year's spring break. She added this issue would go before the County Commission at their second meeting in February and she would need Council's direction on how to go forward with this issue.

Councilmember Dixon asked when the Sheriff's contract is up for renewal.

According to the Finance Director, they have to adopt a new contract with the Sheriff's Office every year, which is a part of the whole budget process. However, they have a 2-year agreement on funding. They funded half the increase 2 years ago and the other half last year.

The City Manager noted that their contract with the Sheriff's Office does not include Spring Break; however, they proactively contracted with them this year to provide a Marine Unit during Spring Break and the 100-days of summer to patrol the harbor and the waterways for the City of Destin.

Councilmember Dixon asked staff to strive to capture everything in the budget so they do not face a similar situation, which they seem to face every year.

The Finance Director asserted that they put in the amount of money to cover their portion of what they thought was a normal 5-week spring break.

According to the City Manager, they brought their budgeted portion to the table. However, they later found out the County did not budget for their portion of it. The TDC gave $25,000 to the Sheriff's Office; but there was still a shortage because no one anticipated the additional two weeks of spring break. She reiterated that the TDC believes they have reached their 10 percent cap for law enforcement funding as stipulated in the State Statutes.

Councilmember Dixon asked if this funding was for the City's lifeguard services and law enforcement.

The Finance Director explained the majority of it is for lifeguard services on Okaloosa Island and Destin; and then $125,000 are for Sheriff's services for which 25 percent is to be used for spring break patrol.

Councilmember Ramswell noted that she actually help draft the language for this piece of Legislation with Representative Matt Gaetz; adding it was written in such a way because of Okaloosa County. They knew they already spent close to a million dollars on beach services, lifeguards, and so forth. The language reads, "The Governing Board of a County or Municipality is prohibited from using such taxes to supplant the normal operating expenses of an emergency services department, fire department, sheriff's office or police department"; but, spring break is beyond normal, and she had confirmed it with several senators and representatives. They cannot control the way the TDC and the Board of County Commissioners choose to interpret it.

Councilmember Morgan stated he would really like to comment on the fact taxes are not being equitably redistributed to Destin as well as the kind of irresponsible spending and actions of both the County and the TDC; however, he does not feel this is the right time to do so.

According to Councilmember Ramswell, she had addressed this type of issue during her campaign almost three years ago; and that she had tried to address it every year she had been in office. She stated that Destin contributes nearly 70 percent of the bed tax collected in the County. This year it was 68.8 percent, which is a significant amount of money. Bed tax is being collected primarily to promote tourism, but it is also used for other purposes. She stated that Destin is not getting its fair share in terms of infrastructure, maintenance, or beach access ways. Street and road improvements, beach access and walk overs are being funded everywhere except in Destin. She also stated that Representative Gaetz arranged a meeting with Commissioners Kelly Windes, John Holfstead, and Ed Schrader. When the County was asked why the City was not getting its fair share of funding, the County replied that the City never asked for it. Last year

she met with former City Manager Greg Kisela and staff and drew up a list of projects in Destin totaling $790,000; and that these were the types of project that were already being funded for with bed tax money in other sub-districts. The County subsequently reduced the amount to $402,000, despite of the fact Destin provided $12.7 million of the $18 million in bed taxes the County raised. She continued that the City has a population of about 13,000, which grows to about 70,000 on average during spring break. The County brings the visitors here, and now they are denying the City money for law enforcement and fire and emergency personnel to take care of these people. The County did not even budget for spring break this year. She further stated that the ordinance that set up the TDC specifically states "an essential component of product or improvement promotion is to provide a safe environment for the use of the beaches, waters, and facilities."

Councilmember Ramswell also remarked that the County should practice responsible budgeting because Destin should not have to foot the bill for the entire County. She also mentioned that Destin beaches look horrible, mainly because the County cut down on beach cleaning. Trash is not being emptied because the County reduced the pick-up schedule for lack of money. She further stated they should try to be independent and consider establishing their own TDC; or possibly leaving Okaloosa County and joining Walton County. The notion to secede from Okaloosa County and consider different alternatives has already been discussed by previous Council 10 to 12 years ago. She suggests Council directs staff to look into different options available to the City.

The Mayor suggests directing the City Attorney to look at alternatives, such as annexing into Walton County; adding it would definitely send a message to Okaloosa County.

The City Attorney stated it would require a State wide referendum for Destin to secede from Okaloosa County and be annexed into Walton County; but he would be glad to look into it.

Councilmember Ramswell suggests considering other options as well, such as forming their own bed tax district.

The City Attorney will come back with a report on available options for the City at the next Council meeting.

Councilmember Dixon commented that hotel and restaurant associations and lobby groups have grabbed the attention of the TDC. The TDC does a very good job promoting tourism and getting people to come to this area. He also stated he was this Council's representative to the TDC for 3 years; and that one of the reasons he resigned was because of issues such as the one they are facing now. Issues that involved providing funding for Destin are being ignored. Many of the people in the TDC believe every penny that comes into the TDC should be spent on advertisements to lure people to come to this area.

Councilmember Morgan stated he is frustrated with Okaloosa County for many different reasons as a Councilman, a business owner and citizen of Destin. Outside of the military, Destin is the "economic engine" of Okaloosa County. About 70 percent of its bed tax revenue is collected in Destin, but the City is being neglected and they lack the services they pay for. The County dismissed the idea of a $52.00 occupational privilege tax to supplement the Emergency Management Team (EMT). Destin's elementary school is not only have one of the oldest, but also the largest in the County and they do not even have fifth grade. If they had fifth grade, they would be grossly overcrowded. The School Board ignores the idea of a Destin High School even though the statistics support one. The other counties around them are either in the process of getting or building new schools and are nurturing their "economic engine." There are many

examples of wasteful spending by the TDC. They paid $60,000 for a magazine design or layout; and that amount does not even include printing. Last year, the County lost over $55,000 on a country music concert at the Emerald Coast Convention Center by hiring relatively unknown musicians. The Center hosted an event called "Extreme Midget Wrestling"; which is not a very appropriate use of a governmental building. The Center itself loses at least $900,000 of taxpayers' money a year; but, the County is planning to invest another $12 million to renovate it, to build parking garages and a new elevator, and to increase security into a venue that consistently loses money. And yet when the City requested a nominal fee in the name of public safety to protect the people the County is responsible for bringing here, its TDC gives the City a hard time. Councilmember Foreman, the City's representative to the TDC made a motion during an official meeting of the TDC, and could not even get a second from the members. He added that seceding from Okaloosa County and possibly becoming a part of Walton County will save the City a lot of money. They would have a dramatic increase in sales tax revenues, an increase in gas tax and ad valorem tax revenues.

Councilmember Braden stated that he agrees with all the comments that had been given tonight, and that he likes the idea of seceding from Okaloosa County. He stated that the County benefits from whatever amount of money the City gives to the Sheriff's Office. If they get called in to Okaloosa Island, Fort Walton Beach, or Bluewater Bay in an emergency situation, they have to respond.

Councilmember Dixon stated that he understands all the aggravations towards the TDC especially for the disrespectful way the City Manager and staff were treated at the TDC meeting. But, he would like for them to recognize the fact the TDC has helped the City in the past with very important projects such as the beach renourishment and the dredging of the harbor.

The Mayor stated that he believes a solid majority of the Council supports the idea of being independent or being a part of another county; and that he also believes the State is going to inhibit them in whichever direction they choose to pursue. However, it sends a message that the City is serious about finding a way to secede from the County.

The City Manager stated that staff is willing to work with the City Attorney in any research he plans to conduct. She asked if Council would like for her to attend the County Commission and present the proposed interlocal agreement for a 50/50 split of the funds. It will be a tri-party agreement among the City of Destin, the Okaloosa County Sheriff's Department, and the Okaloosa County Commission.

Councilmember Ramswell stated they would be penalizing themselves if they put in their portion, the TDC puts in their portion, and the County puts in zero because the Sheriff's Office would still be responding to calls from the County and taking that service away from the City.

The City Manager stated that Councilmember Ramswell's assumption may be correct; but, she is looking for direction from Council at this time.

The Mayor suggests the City takes it share of the money that was budgeted and negotiates directly with the Sheriff's Office in utilizing that money for spring break; and to appropriate more money if possible to protect Destin.

Capt. Nix from the Sheriff's Office stated that he could go ahead and discuss this issue with the Sheriff if it is the way the Council wants to proceed. He also stated that the Sheriff's approach to spring break this year is going to be the same as last year.

Councilmember Destin moved to direct the City Manager to appropriate the City's budgeted amount ($42,000) to the Sheriff's Office and try to come up with an interlocal agreement with the Sheriff's Office; seconded by Councilmember Ramswell.

Councilmember Marler noted that Commissioner Kelly Windes is the first Destin representative on the County Commission. He suggests each Mayor and Council as well as the City Manager reach out to him and tell him exactly how they feel about this issue.

Having no further comments from the Council members, the Mayor called for a vote on the motion, which passes 6-0 (Council members Morgan, Destin, Marler, Dixon, Ramswell and Braden voted "yes"; Councilmember Foreman was absent from the meeting).

The Mayor suggests they consider creating a verbatim transcript of this agenda item and sending it as well as the video tape of the meeting to the Okaloosa County Commission and the TDC.

27. Former YMCA pool funding

The City Manager noted that at the last meeting, Councilmember Destin asked staff to bring back information regarding the possible donation or contribution to the existing agency that is taking over the former YMCA pool. The Finance Director had put together a brief report for Council's discussion.

The City's Finance Director Bragg Farmer provided the following report to Council:

In the 2005/2006 timeframe a public pool was proposed for the City of Destin by the Emerald Coast YMCA. The City Council partnered with the Emerald Coast YMCA to fund a portion of the acquisition, construction, and equipping of a public swimming pool to be used by the City residents. A loan for $1,400,000 was secured on September 1, 2006 with Trustmark National Bank to help finance this YMCA project. The total cost of the loan including interest was $1,636,475. The citizens of Destin received a discounted rate over a 5 year period as a benefit for the construction loan. Approximately 200-plus families took advantage of this discount while the pool was open. Approximately 800 to 1,000 full paying members was needed to make the pool viable. When the Emerald Coast YMCA filed for bankruptcy and closed the Destin facility, all benefits afforded by tee loan terminated. All funding for profit and non-profit organizations was also terminated by the City in fiscal year 2010 and the City no longer budgets funding for any charitable organizations.

The City Manager pointed out there is currently no budget line item from which the City can draw for donations or contributions; and if this Council decides to make donations or contributions, they would need to have allocation from the fund balance reserve account which calls for a formal budget amendment by a motion of Council.

At this time, the Mayor asked if any member of the Council would like to speak on this subject.

Ms. Cathy Hippee, Treasurer of the Emerald Coast Fitness Foundation, stated they represent the community that is interested in aquatics. They raised $250,000 in 4 months, took over the pool in Fort Walton Beach, renovated it and had been in operation for over year. They broke even during the first year. They gave swimming lessons to approximately 495 individuals. They had over 1100 individuals signed up to participate in their swimming programs. She also stated when they finally

got the least on the Destin pool, they immediately started raising money and awareness. To date they have collected approximately $35,000 in donation for the Destin pool, which they used for deposit, insurance, and the first year rent for the pool. A lot of people are on board with this project. They are receiving different kinds of donations from different entities. She stated that the investment the City of Date made is still there, and they intend to use it properly to benefit not only the City of Destin, but also the tourists. They will teach children to swim to make sure they are safe out on the beach. They intend to bring in outside events to benefit the community. They have miscellaneous expenses which could cost $42,000 to $50,000, including getting the recreational pool in operation. They would need a covering over the recreational pool so it can be climate control and they could continue to have swimming lessons during the cooler months. This would cost approximately $300,000. They are asking the City of Destin to make cash donations or contributions to their capital account. Something around $50,000 would be great. The City could also offer some assistance such as ground maintenance or grating the parking lot.

Mr. Brad Kale, a Destin resident, spoke next. He informed the Council he is on the advisory board for the Emerald Coast Fitness Foundation and the head coach of a local USA-sponsored swimming team. He reiterated that the investment the City of Destin made on the former YMCA pool is not lost. The pool facility needs a lot of work but the structure is still is fantastic shape and the pumps are state of the art. It will take some time and money to get the facility running again but this Foundation has proven they can do it. They took a facility that is in far worse shape, got it up and running, and broke even during the first year of operation. They will have a program driven facility, and he facility will be utilized at all times. They would be hosting swim meets and bring people in from different states, which would result in a big financial boost for the City. He asked the Council to once again make an investment in this community's aquatic future.

Councilmember Destin stated that even though the City may have a lot of pools, as Mr. Bagby mentioned earlier, it does not mean all the children in the community have access to these pools and learn how to swim. He also stated this is also a safety issue, and that he believes they are duty bound to provide a community pool. He added that the facility and the City's investment still exist, and they just to need to provide some assistance in getting the facility reopened.

Councilmember Ramswell stated that she sat on the former YMCA advisory committee as the Council appointee when the YMCA filed for bankruptcy; and that she was not at all pleased with the way things were handled. Financial reports could not be produced. Ideas to generate income were not implemented. She stated that the Emerald Coast Fitness Foundation had shown they are capable of putting together a plan and implementing it successfully; which is the reason they won the bid from The Mattie Kelly Foundation. She added that the Foundation was very strict on who they selected to run this facility.

Councilmember Ramswell also noted that with regards to the City not giving out donations or entering into a public-private partnership, they have set several precedents. The City funded the Henderson Beach Pass and just recently switched to having the citizens pay for a portion of it; but, the City still contributes about $16,000 a year towards it. The City also entered into a public-private partnership with the Destin Dog Park; and that the City ended up proving $38,000 to the Destin Dog Park. On October 20, 2014, when they first brought this issue before the Council and the public, the discussion was about helping to keep the pool running instead of allowing it to close completely. At the time, the Council agreed to allocate $30,000 from the City Council Contingency Account to the YMCA account. She added that Section 12.00.00 of the City's Comprehensive Plan states that the City is specifically seeking services for the public. This section specifically states, "*Parks and Recreation facilities are categorized as either resource based or activity based. Level of service*

standards are prescribed for activity based facilities. The City shall continue to ensure that ample recreational facilities are acquired and maintained for public use and enjoyment."

Councilmember Dixon stated he would support this cause if the Emerald Coast Fitness Foundation can show how they intend to spend the money from the City or what the local citizens will get in return for this money.

Councilmember Marler stated that if the City chooses to contribute funds for the pool, they should be allowed to have a seat on the board.

Ms. Pam Brassett, Secretary of the Emerald Coast Fitness Foundation, addressed the issue. She stated that the Foundation would have no problem allowing the City to have a seat on their board because they want input from the City of Destin. They had a previous member of their advisory board that resigned his position when he ran for City Council to avoid a conflict of interest. She stated that the Foundation does not take out any loans and moneys are spent as they are earned. Programs pay for themselves. The former YMCA had $6 million in debt that they were trying to service; and this would not happen to this Foundation. They have a list of things that has to be done at the facility and they do each one as they raise money. Right now they are trying to raise the $44,000 that it would cost to open the competition pool.

Councilmember Morgan stated that as a father of a young child, he is very excited to have a community swimming pool; and that he is prepared in his capacity in the City to provide the necessary assistance.

The Finance Director suggests the Emerald Coast Fitness Foundation provide the City some information such as financial statement, projection, number of members they expect to have, and rates that will be charged. The City can review this documentation to make sure they do not make the same mistake they made with the former YMCA pool.

Councilmember Destin moved to continue this item to the next meeting to allow the Emerald Coast Fitness Foundation time to collect and submit financial documentation to the City's Finance Director and renew the conversation at that time; seconded by Councilmember Morgan. Motion passed 6-0 (Council members Morgan, Destin, Marler, Dixon, Ramswell and Braden voted "yes"; Councilmember Foreman was absent from the meeting).

28. City Manager comments
    a. Renaissance Planning Group contract extension for Professional Planning Services

Motion by Councilmember Destin, seconded by Councilmember Morgan, to approve the contract extension with RPG for $13,314.42 which makes the total contract value $25,314.42 passed 6-0 (Council members Morgan, Destin, Marler, Dixon, Ramswell and Braden voted "yes"; Councilmember Foreman was absent from the meeting).

Having no further business at this time, the meeting was adjourned at 11:20 PM.

ADOPTED THIS 21ST DAY OF FEBRUARY 2017
By:

Scott Fischer, Mayor

ATTEST:

Rey Bailey, City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MARLER CYRON EUGENE	DESTIN CITY COUNCIL
MAILING ADDRESS: 524 KELLY ST.	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: DESTIN COUNTY: OKALOOSA	NAME OF POLITICAL SUBDIVISION: N/A
DATE ON WHICH VOTE OCCURRED: 2-6-17	MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, CYRON E MARLER, hereby disclose that on 2-6, 20 17:

(a) A measure came or will come before my agency which (check one or more)

___ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

_✓_ inured to the special gain or loss of my relative, GREGORY L MARLER;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I AM A COUSIN OF G. MARLER

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

2-6-17
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
FEBRUARY 21, 2017
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 Scott Fischer
Councilmember Chatham Morgan
Councilmember Parker Destin
Councilmember Cyron Marler
Councilmember Tuffy Dixon
Councilmember Prebble Ramswell
Councilmember Jim Foreman

Destin City Staff

City Manager Carisse Lejeune
Community Development Director Karen Haynes
Development Manager Steve Schmidt
City Planner Hank Woollard
Public Information Manager Doug Rainer
Interim Land Use Attorney Matt Burns
City Clerk Rey Bailey
City Engineer David Campbell
HR Manager Karen Jankowski
IT Manager Webb Warren
Finance Director Bragg Farmer
City Attorney Jeffrey Burns

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Scott Fischer called the meeting to order at 6:00 PM. Reverend James Calderazzo of Safe Harbor Presbyterian Church gave the invocation; which was followed by the Pledge of Allegiance.

SPECIAL PRESENTATIONS

1. Proposals for Civil Engineering Design Services for the City of Destin Zerbe Street/Calhoun Avenue Pedestrian Improvements Proposal

According to the City Engineer David Campbell, the City received an FDOT Local Agency Program (LAP) reimbursable grant for pedestrian improvements to Zerbe Street/Calhoun Avenue roadway to support the City's multimodal transportation efforts. This project is an FDOT off system partial reimbursement grant and will require design documentation by the consultant and FDOT to insure compliance with the LAP requirements. The request for proposal was advertised and four proposals were received by the City. The City's Bid Committee voted unanimously that all four firms present their qualifications to the City Council. After their presentation, Council will be asked to select the top firm using the Council rating form provided. He introduced the four firms, which then provided their presentation.

A. Genesis Group

Mr. Nicholas Grosso, Project Manager, gave the following presentation:

- Experienced and Availability
  - Genesis has planned and designed many miles of exceptional sidewalk and trails across Florida
  - Genesis is ready and eager to begin and meet the schedule
- Understanding and Approach

- ❖ Clear/Through scope of work – Communication/Design/Construction
- ❖ Early community participation – early and often communication (groups and individuals)
  - Utilize all forms of communication
  - Engage/listen/respond/design
- ❖ Design and permitting
  - Attention to detail, City/Team/Agency communication and coordination
- ❖ Construction
  - Accurate plans, construction support, quick response
- ❖ Schedule – 5 month schedule
  - Critical Components
    - Public Involvement
    - FDOT reviews
    - Permitting

B. Atkins

Mr. Kevin Morgan, Project Manager, gave the following presentation:

- ➢ Florida Resources
  - ❖ Project team supported by local and State staff
  - ❖ 140 problems solvers in 4 Northwest Florida offices
  - ❖ 1,100 problems solvers in 21 Florida offices
  - ❖ 3,000 problem solvers across the U.S.
- ➢ LAP Process
  - ❖ Excellent understanding of FDOT
  - ❖ Full understanding of the LAP process
- ➢ LAP Experience
  - ❖ Walton County CR 285 LAP completed
  - ❖ Oversight of FDOT projects
- ➢ Similar Projects Experience
  - ❖ Main Street (City of Pensacola)
  - ❖ Admiral Mason Storm water Pond Park (City of Pensacola)
  - ❖ South Thomas Drive (Pensacola Beach)
  - ❖ State Road 79 Multi-Use Path
  - ❖ Perdido Key Pedestrian Crossings (Escambia County)
  - ❖ Cross Town Connector
- ➢ Project Design
  - ❖ Meet overall goals of the City
  - ❖ Connectivity (parks, parking lots, community center)
  - ❖ Promote safe connections
  - ❖ 10 ft. multi-use path
  - ❖ Signage (pedestrian, traffic, parking)
  - ❖ Evaluate pedestrian crossing
- ➢ Project Concerns
  - ❖ Utilities – avoid impacts
  - ❖ Tree impacts – identify removal, trimming, or root system
  - ❖ Sight distance – verify safe conditions for pedestrians/vehicles
  - ❖ On-street parking
  - ❖ Drainage – ensure runoff from the area has outfall

- ❖ Public buy-in
- ❖ Keep open lines of communication with the Caty, FDOT, utilities, and public

➢ Project Schedule
- ❖ Atkins has developed a schedule to meet the demanding requirements of the LAP agreement and has the local staff readily available for the required project tasks

➢ Public Buy-in (no surprises)
- ❖ Public meetings
  - 3 public meetings per the LAP agreement
  - Mail outs, newspaper advertisements, City website
  - Handouts, comments forms, exhibits, aerials

➢ The Atkins Advantage
- ❖ Local Knowledge
  - Familiarity with project site
  - Familiarity with FDOT procedures
  - Understand project goals and aggressive schedule
  - Experience working with the City
  - Already have a plan in place to start work when contract is received
- ❖ Depth of Resources
  - Local staff has access to national experts and resources, as needed
- ❖ LAP Experience

C. Tetra Tech

Mr. Tim Vanderwalker, Project Manager, gave the following presentation:

➢ Experience
- ❖ Serving the City of Destin since 2011
- ❖ Established relationship with City staff
- ❖ 20-plus roadway and drainage improvement projects
- ❖ LAP-funded project experience
- ❖ Key City Projects:
  - Destin Harbor Boardwalk construction administration
  - Fisherman's Wharf Outfall Improvements
  - Destin Community Center roof replacement
  - Kelly Street Phase II Improvements
  - Royal Melvin Heritage Park
- ❖ Project Team
  - 3 Civil Engineers
  - 2 draftsmen
  - Southeastern Surveying
    - 20-plus years working with Tetra Tech
  - Southern Earth Sciences
    - 20-plus years working with Tetra Tech

➢ Accomplished High Profile Projects
- ❖ Mountain Drive
- ❖ Destin Harbor Boardwalk
- ❖ Stahlman/Forest/Calhoun Improvements
- ❖ Main Street Improvements
- ❖ Scenic Hwy 98 Phases 1 - 3

D. Volkert

Mr. Shawn Justice, Project Manager, gave the following presentation:

- Volkert
  - Employs 34 offices in 14 states and Washington D.C.
  - Employs approximately 939 employees corporate wide
  - Is a 92 year old multi-disciplined engineering and environmental firm
  - Ranked #115 in Engineering News Record's Top 500 Design Firms (2016)
  - Is prequalified in all of the Group 3 categories for FDOT including Group 3.1-Minor Highway Design
- Project Understanding
  - Design services for the Zerbe Street/Calhoun Avenue pedestrian improvements
    - 10' wide shared use path approximately 1,500 linear feet/.28 miles from Sibert Avenue to Clement Taylor Park
    - FDOT LAP funded projects
      - Volkert's Project Engineer served as FDOT District Design Engineer for 8 years - Oversaw the design of hundreds of infrastructure improvement projects that included multi-use paths, sidewalks, skid hazard overlays and ADA compliance components
- Project Approach
  - Volkert has completed numerous sidewalk and shared use path projects throughout the southeast and are familiar with standards and regulations including:
    - FDOT LAP District 3 off-system (Big 4) standards
    - Florida Green Book
    - FDOT Plans Preparation Manual
    - FDOT Design Standards
    - ADA Standards
    - FHWA Standards/Specifications
  - The scope includes the following, all of which the Volkert Team can provide:
    - Survey
    - Geotechnical
    - Permitting compliance
    - Drainage analysis/recommendations
    - Utility coordination
    - Public involvement
    - Complete shared use path plans
    - Cost estimates
    - Bidding assistance
    - Right-of-way/easement acquisition, if any
    - As-builts and final project certifications
    - Coordination meetings
  - Related Experience
    - King Middle School/Glover Lane Sidewalks LAP, Santa Rosa County, florida
      - FDOT LAP sidewalk improvement project

    - Provided additional pedestrian access to King Middle School and Hobbs Middle School
    - Services included design, survey, and right-of-way acquisition
- Chemstrand and Nine Mile Road improvements (Escambia County, Florida)
    - Volkert provided engineering design, drainage improvements, signalization improvements, utility relocations, and survey services
- Community Drive bike path (Pensacola, Florida)
    - Construction of a .75 mile 8-foot-wide sidewalk/bike path
    - Federally funded project
    - Comprehensive public involvement project
- Orange Beach TAP-Neighborhood Connectivity Project (Orange Beach, Alabama)
    - Construction of sidewalks throughout the neighborhood
    - Services included design, survey, geotechnical, bidding assistance and CEI
- Safe routes to School Pedestrian Improvements (Mobile, Alabama)
    - Program to increase the appeal of walking/biking to campus
    - 8 schools were awarded grant dollars for improvements under this program
    - Volkert developed construction, specifications and cost estimates
- Why Choose the Volkert Team?
    - Successful completion of pedestrian improvement projects
    - Very familiar with the FDOT LAP process
    - Understand importance of meeting schedules and budgets
    - Execute the project through its Gulf Breeze, Florida office
    - Immediately available to begin this project for the City of Destin

Following the presentations, the Mayor asked the City Council members to score and rank the firms using the "City Council Rating Form" provided by staff, and then present the forms to the City Clerk who will then tally the scores.

The City Clerk provided the results of the scoring to the City Council.

Mayor asked for a motion from the City Council.

Motion by Councilmember Destin, seconded by Councilmember Marler, to authorize the City Manager to negotiate and execute a professional services agreement with the top rank firm of Tetra Tech, Inc. for Professional Consulting Engineering Services for the Zerbe Street/Calhoun Avenue Pedestrian Improvements project passed 6-0 (Council members Morgan, Destin, Marler, Foreman, Dixon and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

Walk-on item

The Mayor announced the Interim Land Use Attorney Matthew Burns had provided the Council a report on Parcel B; and that Mr. Burns is available tonight to answer any questions from the Council.

Councilmember Destin stated he has not reviewed the document in its entirety and suggests they continue discussion of this item to the next Council meeting. There were no objections from other members of Council.

Mr. Burns stated he would be glad to come back at the next meeting to answer any questions from the Council.

Councilmember Ramswell asked Mr. Burns to offer up some suggestions or recommended motion moving forward with this particular issue.

Mr. Burns noted that his report already included some suggestions, which he would be glad to discuss at the next meeting.

2. Selection of a firm for Utility Purchase Feasibility Consulting Services

The City Manager noted that Gulf Power currently provides electric utility services to residential and commercial customers within Destin. The 30 year franchise agreement was to expire on May 2016. This franchise agreement was extended 24 months on August 2016. Council also voted to direct her to release a Request for Qualification (RFQ) to hire a professional to conduct a feasibility analysis to evaluate whether the municipalization of Gulf Power's electric facilities and the establishment of a municipal electrical utility system by the City of design are financially feasible. The RFQ was approved by Council and released in January 2017. One response from WHH Enterprises, Inc. was submitted. She asked Council to authorize her to enter into negotiations with WHH Enterprises, Inc. for the service. She also noted that Mr. Jerry Warren, senior consultant for the WHH Enterprises, Inc., is present this evening to answer any questions from the Council.

Councilmember Dixon moved to authorize the City Manager to enter into negotiations with WHH Enterprises, Inc for Utility Purchase Feasibility Consulting Services and provide a negotiated contract for City Council's approval; seconded by Councilmember Foreman. Motion passed 6-0 (Council members Morgan, Destin, Marler, Foreman, Dixon and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

APPROVAL OF MINUTES

3. Approval of minutes of the February 6, 2017 regular city council meeting

Motion by Councilmember Marler, seconded by Councilmember Dixon, to approve minutes of the February 6, 2017 regular city council meeting passed 6-0 (Council members Morgan, Destin, Marler, Foreman, Dixon and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

PUBLIC HEARINGS

4. Second reading of Ordinance 16-29-LC, which amends the official zoning map in Land Development Code to include a change in the zoning designation of 719 Forest Street, Destin, Florida from Medium Density Residential – Village (MDR-V) to Institutional (INST)

The City Attorney read proposed Ordinance 16-29-LC by title, and then presented it to the Council on second reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE OFFICIAL ZONING MAP AS REFERENCED IN THE LAND DEVELOPMENT CODE, SECTION 7.12.01(A)2 ZONING MAPS TO INCLUDE A CHANGE IN THE ZONING DESIGNATION OF 719 FOREST STREET, DESTIN, FLORIDA FROM MEDIUM DENSITY RESIDENTIAL – VILLAGE (MDR-V) TO INSTITUTIONAL (INST); 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.

City Planner Hank Woollard noted that the City must amend the official zoning map to properly reflect a zoning category consistent with the Future Land Use Map (FLUM) designation for the subject property given its intended use; and that the adoption of this ordinance provides the foundation to ensure consistently with the adopted comprehensive plan.

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

Motion by Councilmember Dixon, seconded by Councilmember Ramswell, to adopt proposed Ordinance 16-29-LC on second reading passed 6-0 (Council members Morgan, Destin, Marler, Foreman, Dixon and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

5. Second reading of Ordinance 17-02-CC, which establishes Livery Vessel permitting

The City Attorney read proposed Ordinance 17-02-CC by title, and then presented it to the Council on second reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO THE PERMITTING OF LIVERY VESSELS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE CREATION OF ARTICLE VIII PERMITTING OF LIVERY VESSELS; PROVIDING FOR CREATION OF SECTION 13-140 PURPOSE; PROVIDING FOR CREATION OF SECTION 13-141 DEFINITIONS; PROVIDING FOR THE CREATION OF SECTION 13-142 PERMIT REQUIRED; PROVIDING FOR THE CREATION OF SECTION 13-143 FORMAL APPLICATION REQUIRED; PROVIDING FOR THE CREATION OF SECTION 13-144 APPLICATION FOR PERMIT; PROVIDING FOR THE CREATION OF SECTION 13-145 GENERAL REGULATIONS/STANDARDS; PROVIDING FOR THE CREATION OF SECTION 13-146 PERMIT FEES; PROVIDING FOR THE CREATION OF SECTION 13-147 ISSUANCE OR REFUSAL OF PERMIT; PROVIDING FOR THE CREATION OF SECTION 13-148 PERMIT NOT TRANSFERABLE; PROVIDING FOR THE CREATION OF SECTION 13-149 EXPIRATION OF PERMIT; PROVIDING FOR THE CREATION OF SECTION 13-150 PERMIT DECAL REQUIREMENT; PROVIDING FOR THE CREATION OF SECTION 13-151 TERRITORY EMBRACED; PROVIDING FOR THE CREATION OF SECTION 13-152 POSTING OF INFORMATION; PROVIDING FOR THE CREATION OF SECTION 13-153 ENFORCEMENT; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; 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. David Powell, a Destin resident and businessman, came forward to speak on the issue. He noted that according to the proposed ordinance, "*vendor will receive one permit decal for each permit for which the vendor is approved.*" He continued under the terms of this ordinance each operator only gets one sticker no matter how many boats they have; adding there is an internal inconsistency within the ordinance that has to be resolved.

Mr. Powell also read the language in Section 13-146 of the proposed ordinance which states, "*The City of Destin is authorized and shall charge reasonable fees for permitting to compensate for administrative expenses. The permit fees shall be provided for, from time to time, by resolution adopted by the city council of the City of Destin.*" He argued that this is a graduated fee based upon the number of vessels the vendor is renting and not a fee related to administrative expenses for processing the application. He asked that fee proposals be reconsidered.

According to the City Manager, the intent is to have the name and registration number on each vessel. However, if after the first year they deem the process is not working as planned, by code the City has the discretion of issuing a permanent decal.

Mr. Mike Abadie, a Destin resident and businessman, stated he has all the required paperwork for the City, County, State, the U.S. Coast Guard and the federal government to stay in business. He continued they are governed on the water by the Sheriff's Department, the U.S. Coast Guard and Florida Wildlife and Fisheries; and that they have strict guidelines from their insurance companies that they have to follow. He expressed reservations not every vessel and not every boat slip in the harbor are being taxed when the proposed ordinance is supposedly designed to protect the safety of the entire harbor.

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

Councilmember Ramswell asked staff to address the questions posed by Mr. Abadie.

The City Manager explained the City does not own the boat slips in the harbor; most of which belong to the Destin Fishing Fleet. She also stated that commercial boats in Destin are required to apply and pay for a business tax receipt.

Councilmember Dixon stated the fees would enable the City to hire someone to help prevent or control people that are doing business illegally in the harbor.

Councilmember Marler expressed his opposition to the proposed ordinance. He felt pontoon boats and wave runners are being singled out, and that it is unfair to require them to pay $75 per vessel.

Councilmember Morgan asked for the City Attorney's opinion on whether or not the fee proposal would hold up in court; to which the City Attorney replied affirmatively.

Councilmember Morgan moved to approve proposed Ordinance 17-02-CC for final adoption, extend the outside timeframe for permitting this first year to June 15th, and set the permit amount at $75.00 per vessel; seconded by Councilmember Dixon.

Councilmember Ramswell inquired as to the amount of fee charter boats are required to pay.

CRA/Development Manager Steve Schmidt noted the charter boats have a different scale based on the number of passengers; but, he does not have this information at this time.

The City Manager believes it is $50 per boat plus an additional dollar per passenger based on maximum capacity.

Councilmember Ramswell wants to know why they are proposing a higher fee for pontoon boats and jet skis than charter boats that carry a lot more passengers.

Councilmember Morgan noted that charter boats are driven by professional captains.

The City Manager noted the fee amount was as a result of the workshop with the Harbor CRA Advisory Committee; adding the fee was originally at $300 per vessel and was subsequently reduced to $75 by Council. She continued that staff would abide by the Council's direction; adding they are trying to make a cost recovery for the amount it would take for staff to permit and adequately enforce this program.

Councilmember Foreman noted that charter boats are operated by professional and certified captains; whereas, pontoon boats are driven by people that rent them and may not have the same level of qualification and responsibility as the boat captains.

Motion by Councilmember Destin, seconded by Councilmember Marler, to reopen public hearing and allow other members of the public to speak passed 6-0 (Council members Morgan, Destin, Marler, Foreman, Dixon and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

Mr. Powell came back up to the podium. The Harbor CRA Advisory Committee discussed raising money to hire and pay a new harbor master or a new code enforcement officer; and that the pontoon boats and Jet Ski operators feel they are being unfairly burden by this additional enforcement.

The City Manager clarified the cos recovery was for an administrative person not a harbor master or a code enforcement officer.

Mr. Abadie commented that as a pontoon boat operator he also pays a business tax receipt as do the charter boat captains; and that he should also be exempt from paying the additional fees.

Mr. Tim Krieg, a Destin resident and businessman, stated he does not understand the reason for the dislike for the pontoon boats.

Councilmember Morgan stated when he is out on the water, he is never concern about charter boat captains but he is always concern about pontoon boats and Jet Ski operators.

Mr. Krieg stated that he personally tutors people for about 20 minutes before he allows them to rent his boats.

Councilmember Dixon stated he has no problem with the pontoon boats and Jet Skis rental business; but, he has a problem when the owners exceed the number of boats for which they were permitted. He feels the proposed ordinance will be able to control that problem as well as making sure other operators are conducting their business legally.

Mr. Charles Duplantis, a Destin resident and businessman, noted there is a new law that before they rent a pontoon boat to someone born after 1987, they have to be given a test approved by the State and the U.S. Coast Guard and pass it. He stated that with the proposed fee it would cost him $14,000 to open up a business in the City of Destin; this after paying the City $10,000 to construct his boat slips. He stated it is totally unfair for the City to single out pontoon boats and Jet Skis. It is similar to asking restaurant owners to pay an extra $25 for every chair in their restaurant.

Mr. John Stevens, a Destin resident and businessman, noted that for safety reason they require a customer to sign a contract agreeing not to take the boat to the Gulf of Mexico. He also stated his boats have a GPS system, and that he gets an alarm, text and e-mail whenever one of his vessels goes out to the Gulf of Mexico. He continued that if the proposed ordinance is all about safety, a mandatory U.S. Coast Guard inspection should be included.

Ms. Erin Peterson, who owns a business in the harbor, stated this ordinance will not stop someone operating their business out of their backyard or picking people up and dropping them off at a different boat slip. Instead, the operators that are doing the right thing and registering their vessels are getting penalized.

Mr. Scott Cunningham, a business owner, asked how the City propose to regulate rental boat operators from Fort Walton Beach, Shalimar or the other side of the bay that come to the harbor to conduct business. He continued that with regards to the safety issue, most boat owners are insured, registered in the State and abide by the U.S. Coast Guard regulation. He added that enforcement of the proposed regulation would be problematic.

Councilmember Marler noted they have other congestions on the harbor – paddle boards, kayaks and canoes; adding that people who rent these items should be taxed also and not just owners of pontoon boats and Jet Skis.

Having no further comments from the Council members, the Mayor called for a vote on the motion, which passes 4-2 (Council members Morgan, Foreman, Dixon, and Ramswell voted "yes"; Council members Destin and Marler voted "no"; Councilmember Braden was absent from the meeting)

6. Second reading of Ordinance 17-03-CC, which amends the Code of Ordinance, Article 4 – Registration of Short-Term Rentals

The City Attorney read proposed Ordinance 17-03-CC by title, and then presented it to the Council on second reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO SHORT-TERM RENTAL REGISTRATIONS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT OF CODE OF ORDINANCES ARTICLE VI – REGISTRATION OF SHORT-TERM RENTALS; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Community Development Director Karen Haynes explained that the proposed ordinance provides opportunities to further utilize CitizenServe, the program registration software, to its fullest extent, to reduce paper applications while transitioning to an all-digital format, and reduce redundancy in the Short-Term Rental Registration Application requirements.

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

Motion by Councilmember Morgan, seconded by Councilmember Ramswell, to approve proposed Ordinance 17-03-CC on second reading passed 6-0 (Council members Morgan, Destin, Marler, Foreman, Dixon and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

PUBLIC OPPORTUNITY TO SPEAK ON COUNCIL PROPOSITIONS (Agenda items #8 thru #9, #10 thru #15, #22A, #26 thru 32A)

CONSENT AGENDA*

7. Request for use of city streets for Destin Little League Opening Day Parade
8. Request for use of city streets for Village Baptist Church 5k/10k Walk/Run

Motion by Councilmember Marler, seconded by Councilmember Dixon, to approve Consent Agenda items #7 & #8, as printed above, passed 6-0 (Council members Morgan, Destin, Marler, Foreman, Dixon and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

RESOLUTIONS

9. Resolution 17-05 – Fee Resolution

The City Attorney read proposed Resolution 17-05 by title.

> A RESOLUTION OF THE CITY OF DESTIN, FLORIDA PROVIDING FOR AUTHORITY; AMENDING THE SCHEDULE OF FEES FOR FISCAL YEAR 2017; PROVIDING FOR REPEALER AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Dixon moved to approve proposed Resolution 17-05 and the associated Schedule of Fees for Fiscal Year 2017; seconded by Councilmember Foreman. Motion passed 6-0 (Council members Morgan, Destin, Marler, Foreman, Dixon and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

10. Resolution 17-06 – Land Use Attorney Contract

The City Attorney read Resolution 17-06 by title.

> A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA; APPROVING THE AGREEMENT OF KIMBERLY R. KOPP, BOGIN, MUNNS, MUNNS, P.A., CITY LAND USE ATTORNEY; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT FOR AND ON BEHALF OF THE CITY OF DESTIN; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion by Councilmember Dixon, seconded by Councilmember Ramswell, to approve the contract agreement for Ms. Kimberly R. Kopp, Bogin, Munns, Munns, P.A., City of

Destin Land Use Attorney and authorize the Mayor to execute the contract passed 6-0 (Council members Morgan, Destin, Marler, Foreman, Dixon and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

11. Resolution 17-07 – Support for FDOT Transportation Alternatives Program (TAP) funding for the Calhoun Avenue Pedestrian Facilities Plan

The City Attorney read Resolution 17-07 by title.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN TO CONTINUE TO SUPPORT CONSTRUCTION OF THE CALHOUN AVENUE PEDESTRIAN FACILITIES IMPROVEMENTS WITH TRANSPORTATION ALTERNATIVE PROGRAM FUNDING; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Morgan moved to approve Resolution 17-07 expressing its support for the Calhoun Avenue Pedestrian Facilities Plan, and further authorize the Mayor to sign Resolution 17-07 on behalf of the City Council was seconded by Councilmember Dixon and passed 6-0 (Council members Morgan, Destin, Marler, Foreman, Dixon and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

12. Resolution 17-08 – Sandpiper Cove privately funded agreement

The City Attorney read Resolution 17-08 by title.

A RESOLUTION OF THE CITY OF DESTIN, FLORIDA, AUTHORIZING THE EXECUTION OF A PRIVATELY FUNDED AGREEMENT (LUMP SUM CONTRIBUTION) BETWEEN THE CITY OF DESTIN AND THE SANDPIPER COVE CONDOMINIUM ASSOCATION FOR THE RELOCATION OF A PEDESTRIAN CROSSING AT THE INTERSECTION OF GULF SHORE DRIVE AND SANDPIPER COVE DRIVE LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF DESTIN; AND PROVIDING FOR AN EFFECTIVE DATE

Motion by Councilmember Dixon, seconded by Councilmember Foreman, to pass Resolution 17-08 authorizing the City Manager to execute the Privately Funded Agreement with Sandpiper Cove Condominium Associations in the amount of $4,891.00 passed 6-0 (Council members Morgan, Destin, Marler, Foreman, Dixon and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

13. Resolution 17-09 – Amendment to the Atkins North America, Inc. Contract for the Crosstown Connector

The City Attorney read Resolution 17-09 by title.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE ATKINS NORTH AMERICA, INC. CONTRACT FOR THE CROSSTOWN CONNECTOR PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE

The City Engineer David Campbell stated that the City is in the process of acquiring the property necessary to complete the cross-town connector; and that in an effort to begin the acquisition process the City has placed $538,412 in the FY 17 budget. He continued the City needs assistance in acquiring the property according to the National Environmental Policy Act (NEPA) to qualify for federal funding and the City requested Atkins North America, Inc. to assist in acquiring the properties in accordance with NEPA. This process involves three steps: Appraisal, Acquisition and Relocation. Atkins provided a scope of services and fee proposal for each parcel.

In addition, during the design of the intersection of the new road and Benning Drive, it was discovered that the round-a-bout had significant impacts to the Destin Water Users, Inc. property located at the northwest corner of Azalea Drive and Benning Drive. The entire east parking lot would be rendered unusable; therefore, the building would be deficient in parking spaces, leaving only half of the required parking for the size of the building. The cost to cure would essentially amount to total taking of the property. Staff discussed the situation with Atkins, searching for a design solution that could save the parking area and avoid a total taking of the property. It was discussed that since the current intersection design for the interim 2-lane road is a round-a-bout and the ultimate intersection design for the 4-lane road is a 4-way signalized intersection, they could look at making the interim design a 4-way stop condition that would preserved the parking lot. The fee for the intersection redesign is $31,306.20.

He recommends amending the Atkins contract in the amount of $87,020.37 to provide professional services for acquisition of three properties as well as revising the Benning Drive intersection design from a round-a-bout to a 4-way stop.

Councilmember Ramswell wants to know the reason for the decision to go with the round-a-bout at that intersection at the beginning rather than a 4-way stop, which seems to be the better alternative.

Mr. John Fielding, traffic engineer with Atkins, replied they considered every form of possible traffic control at that particular intersection; and that they decided to move forward with the round-a-bout alternative at the time because it has the best balance of safety and efficiency of operations based on the statistics they possess.

Councilmember Ramswell asked if the reason for the change was the lack of funds to acquire the necessary property or the inability to situate the round-a-bout in that location.

Mr. Gregory Allen, Project Manager with Atkins, stated they wanted to reduce the cost for everyone's benefit; adding since the level of service for all the options is really good, they do not feel it is cost effective to spend an estimated $2 million because one alternative will work slightly better than the other.

Councilmember Morgan moved to pass Resolution 17-09 authorizing the City Manager to execute a contract amendment with Atkins of North America in the amount of $87,020.37 that provides for property acquisition assistance and for the redesign of the Benning Drive intersection. Councilmember Marler provided a second to the motion, which passes 6-0 (Council members Morgan, Destin, Marler, Foreman, Dixon and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

14. Resolution 17-10 – Professional Planning Review Services Continuing Services Contract

The City Attorney read Resolution 17-10 by title.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AWARDING THE CONTINUING SERVICES CONTRACT BETWEEN THE CITY OF DESTIN AND RENAISSANCE PLANNING FOR PROFESSIONAL PLANNING REVIEW SERVICES; PROVIDING FOR AN EFFECTIVE DATE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT FOR AND ON BEHALF OF THE CITY OF DESTIN.

Councilmember Ramswell moved to approve Resolution 17-10, Award of Continuing Services Contract for Professional Planning Review Service, and authorize the City Manager to execute the contract with Renaissance Planning Group; seconded by Councilmember Marler. Motion passed 6-0 (Council members Morgan, Destin, Marler, Foreman, Dixon and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

PROJECT REPORTS AND COMMENTS FROM MAYOR AND COUNCIL

15. Councilmember Braden
16. Councilmember Ramswell
17. Councilmember Dixon
18. Councilmember Foreman
19. Councilmember Marler
20. Councilmember Destin
21. Councilmember Morgan

Councilmember Morgan complimented the Mayor for a fine job at the State of the City address.

a. Dick's Sporting Goods

Councilmember Morgan stated that he received a call from the owner of the shopping center where Dick's Sporting Goods was supposed to locate informing him that due to a lengthy development order process, Dick's Sporting Goods might be at the risk of pulling out of their lease agreement. He continued they have too many empty shopping centers in Destin; and that part of his vision for the City is to revitalize these centers. He asked for Council's support of this vision.

Councilmember Morgan moved to have the Mayor issue a letter to Dick's Sporting Goods on behalf of the City Council letting them know they fit the City's vision of quality redevelopment; and that the Community Development Department is committed to providing every applicant with a professional, fair, equitable and timely service. Councilmember Marler provided a second to the motion.

According to the City Manager, she and the City staff are securely behind economic development and are willing to help reach out to Dick's Sporting Goods.

Motion passed 6-0 (Council members Morgan, Destin, Marler, Foreman, Dixon and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

22. Mayor Fischer

STAFF REPORTS AND RECOMMENDATIONS

23. City Attorney comments
24. City Land Use Attorney comments
25. Mid-year position request – Planning Technician

The Human Relations Manager Karen Jankowski stated that with the current Planning Manager vacancy, the Community Development Director reviewed the internal processes and organizational structure to better address the needs of the department's customers. She has determined that two non-managerial positions will better fit the structure of the department for replacement of the current vacancy. A planner is the first position to fill part of that gap and recruitment has commenced as funds are currently budgeted and available. The second position is a

planning technician. This position is a mid-year budget request. Additional funds which are not covered by the current vacancy are being requested.

Motion by Councilmember Morgan, seconded by Councilmember Dixon, to approve the mid-year staff request of a Planning Technician and the amount of $39,151 for personnel services in support of the position passed 6-0. (Council members Morgan, Destin, Marler, Foreman, Dixon and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

26. Former YMCA pool funding

The City Attorney noted that at the previous meeting the Council indicated some interest in possibly having a Council member serve as a member of the Emerald Coast Fitness Foundation, Inc. Advisory Board. He stated that the Foundation currently does not carry a Directors and Officers (D&O) insurance for their directors and officers; and that the D&O carrier for the City confirmed they will not cover a Council member sitting on that board because the Foundation itself is not headquartered in Destin.

Councilmember Destin asked if the Foundation can simply provide D&O insurance on behalf of the Council member by simply listing the City of Destin as an additional insured party.

The City Attorney replied there is nothing that could legally prevent the Foundation from doing that on behalf of the City; however, they currently do not possess D&O insurance.

Mr. Brad Kale, a Destin resident, stated that the Foundation has a very strong leadership team, and that they can certainly do what is necessary to facilitate obtaining this insurance policy. He also stated this facility is very important to this community as they live on an island and people need to learn how to swim. It also offers the opportunity to bring in people from several other states for a swimming competition that would be beneficial to the entire City; and that they have the infrastructure here in Destin to accommodate it.

Councilmember Morgan noted that based on the financial statement the Foundation submitted to the City, their payroll expenses at their current location at Fort Walton Beach are $31,780 and their pro-forma for Destin, the forecasted salary was $105,000 for the first year and $130,000 for the second year.

Ms. Kathi Heapy, Treasurer of the Emerald Coast Fitness Foundation, explained that payroll expenses are strictly lifeguards, administrative support and management. With two swimming pools they require twice as many lifeguards, and they are just anticipating a greater number of staff. She also noted the statement lists the items they need to acquire and raise the money for in order to open the facility; and that if the City decides to donate money in support of the Foundation, they will know exactly where that money is being spent.

Ms. Pam Braseth, member of the Emerald Coast Fitness Foundation, stated that other than just refinishing the competition pool, there are other things that need to be done in order to get a health certification.

Councilmember Destin suggests they continue this item to the next meeting and would like the Foundation to submit a pro-forma on projected membership from the citizens, a fee schedule and estimates of the cost for the City to subsidize the number of citizens who want to participate.

Ms. Braseth noted she read all document relating to what the old YMCA had promised the City, including projections on the number of people they expect to use their facility; and that the City donated money every year based on those estimates. She continued that they do not want to make the same projections. Also, they are not in a position to do a fee schedule for Destin until they are close to opening and know exactly what they have available.

Councilmember Dixon suggests the City pays for a specific program such as giving swimming lessons to children ages 4 to 10 for a certain number of days per week. He continued that giving money to the Foundation without requiring a contract for services of some kind opens the City up to other not for profit organizations asking for donations.

Ms. Heapy stated they could do summer camps and give swimming lessons to children, and establish programs for senior citizens which the City could subsidize or provide. However, they would need to have the money in the bank to open the pools before they could offer these services.

Ms. Braseth noted the documents that were provided to Council included proposed annual community partnership ideas such as an International Water Safety Day which the City of Destin will have the chance to sponsor. They would go to the Destin Elementary School and provide classroom instruction at the school and the next day transport about 190 students for water safety instruction at the pool with certified lifeguards and swim instructors. All participants will receive a Water Safety Day t-shirt and water safety materials to bring home. She continued there is also a free or reduced fee to Destin residents/personnel. Fees to be paid to the Foundation at the end of each month as utilized under the guidelines agreed upon by the City and Foundation.

The City Attorney noted that the document the Foundation provided to the City Council indicates the Foundation is only offering a position in the advisory board and not on the national board. He asked if the Foundation is willing to amend their bylaws to allow a member of Council to the national board since the advisory board does not appear to have any power.

Ms. Braseth replied they probably would not allow that as they respect the advice they receive from their advisory board.

The Mayor asked whether the Foundation feels they would be able to get the pool opened without receiving a donation from the City.

Ms. Braseth replied they should be able to open the pool even without assistance from the City; but, it would just take more time to do so.

Councilmember Ramswell stated it was her understanding based on previous discussions on this issue that the City's desires to make a one-time contribution and not get into a commitment with the Foundation; and which is why a financial statement was provided to the Council. She also noted she was a member of the former YMCA board when the pool was shut down because of multiple issues. They now have an opportunity to have a facility manage by people who know what they are doing and who knows how to implement effective programs.

Councilmember Morgan stated that even though not everybody will use this facility, it is critically important to a coastal community.

Mr. Kale stated they do not plan to rely solely on the citizens of Destin to support this facility. They will also be relying on the citizens all over the Emerald Coast – from Route 30A to

Navarre, Florida. In addition, they have plans to host some swimming competitions and bring people in from other states.

Councilmember Foreman expressed his objection to giving monetary support of taxpayers' money for any reason that is not budgeted and the public not having the opportunity to provide their input.

The City Attorney advised that if Council makes a decision to donate money for this cause that they direct staff to bring back a resolution for the specific amount for Council's approval at the next meeting. He continued it would also provide the public the opportunity to provide their comments on this issue.

Councilmember Ramswell moved that the City donates $54,500 to the Emerald Coast Fitness Foundation to cover the following expenses:

- **$44,000 to refinish competition pool**
- **$5,500 for lane lines flags, and guard equipment**
- **$5,000 to check and repair electrical**

and to direct staff to bring back a resolution for the specific amount at the next meeting; and to include $2,500 for the cost for t-shirts, water time & instructor during International Water Safety Day once the pool is opened as a condition of the resolution. Councilmember Dixon provided a second to the motion.

Councilmember Destin offered a substitute motion to continue this item to the next Council meeting. Motion died for lack of a second.

The Mayor called for a vote on the original motion, which passes 4-2 (Council members Morgan, Destin, Dixon and Ramswell voted "yes"; Council members Marler and Foreman voted "no"; Councilmember Braden was absent from the meeting).

27. Award of contract for the 820 Beach Drive Cement Plant cleanup

Mr. Campbell informed the Council the City staff solicited proposals from qualified contractors to remove the concrete and aggregate and to rough grade the former Cemex concrete plant after removal. This property is located on 820 Beach Drive and it was recently purchased by the City. He continued that the City received 4 proposals; and that RBM Contracting Services, LLC, the lowest bidder, proposes to do the job for $50,000.

Councilmember Morgan moved to authorize the City Manager to execute a contract with RBM Contracting Services, LLC for the removal of concrete and aggregate from 850 Beach Drive in the amount of $50,000 funded from the City fund balance, and make the appropriate budget amendment; seconded by Councilmember Dixon. Motion passed 6-0. (Council members Morgan, Destin, Marler, Foreman, Dixon and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

28. National Fish and Wildlife Foundation, Indian Bayou Drainage Improvements Project – Change Order #1

Mr. Campbell explained that prior to this project the City was in the process of replacing damaged and corroded metal drainage piping across the Indian Bayou Golf Course. Two out of three pipe segments were replaced by the City with one remaining by the time this project was put

out to bid. This remaining pipe to be removed was added to the project subsequent to the bid, and therefore it is a change to the contract.

Motion by Councilmember Morgan, seconded by Councilmember Dixon, to authorize the City Manager to execute Change Order #1 to the Indian Bayou Drainage Improvements contract with BKW Inc. in the amount of $32,337.00 passed 6-0 (Council members Morgan, Destin, Marler, Foreman, Dixon and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

29. First reading of Ordinance 17-06-CN, Extension of moratorium on mobile food vending

The City Attorney read proposed Ordinance 17-06-CN by title, and then presented it to the Council on first reading.

> AN ORDINANCE OF THE CITY OF DESTIN RELATING TO MOBILE VENDORS IN THE DESTIN HARBOR COMMUNITY REDEVELOMENT AREA (CRA); ADOPTING FINDINGS OF FACT; PROVIDING FOR THE EXTENSION OF A TEMPORARY MORATORIUM ON MOBILE VENDING; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Mr. Claude Perry, a Destin resident and businessman, stated he has had a food truck for numerous years, and that he is in the process of getting another food truck. This proposed extension of a temporary moratorium would kill his ability to obtain one for another year and would result in a serious financial burden for him. He urged Council not to approve this proposal.

Mr. Brandon Brooks, a Destin resident and businessman, stated this proposed moratorium would create a huge financial burden for him and the other property owners in the harbor. He asked Council to consider this before making a decision on this proposed moratorium.

Ms. Erin Peterson, a business owner on the harbor, agreed to statement made by previous speakers on this issue. She stated this is a very complicated issue, with so many moving elements; and that the Harbor CRA Advisory committee, City staff and other members of the public have been working on it for quite some time. She asked why it would be necessary to extend this moratorium now with the tourist season fast approaching. As vendors, they are all committed to working really hard with the Harbor CRA Advisory Committee and City staff on resolving this issue.

The City Manager stated that the moratorium was being extended because there are now legal processes they need to go through with the draft food truck regulations; and that without this moratorium, they would not be able to control the proliferation of additional food trucks down on the harbor this season.

Mr. Schmidt explained that staff has spent considerable time conducting workshops on mobile food vending ordinance with the Harbor CRA Advisory Committee and interested parties. At this point, a rough outline of the advisory committee's recommendation is crafted. Staff needs time to organize, make recommendations and craft an outline for ordinance to present to the CRA Board. After which staff will need to create a draft ordinance and staff reporters for approval by the Local Planning Agency, and then for two readings to secure approval of Council for appropriate changes to the Land Development Code.

Councilmember Dixon wants to make sure the proposed moratorium would not affect businesses currently operating on the harbor.

The City Manager noted that businesses with active and valid business tax receipt (BTR) could apply for renewal for this year; adding that the proposed moratorium would only affect new applications for BTR for food trucks.

Councilmember Morgan moved to disapprove proposed Ordinance 17-06-CN but direct staff to continue to work on mobile food vending ordinance; seconded by Councilmember Marler.

Councilmember Destin announced he would abstain from voting on this issue.

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

30. City Manager comments
    a. Spring Break contract

The City Manager informed the Council that she and the City's Finance Director recently appeared before the Okaloosa County Board of Commissioners to present the proposed interlocal agreement with the County for spring break law enforcement from the Okaloosa County Sheriff's Office. She stated that the original interlocal agreement proposal was a 50-50 split for the Sheriff's proposed contract of approximately $146,000. Given that the Tourist Development Council (TDC) had originally earmarked $25,000 for spring break law enforcement, it was the City's presumption that the remaining amount would be split if all of these resources were utilized by the Sheriff's Office; which would come to approximately $60,000 for both the City and County. However, the County Commission did not wish to enter into an agreement for a 50-50 split; instead, they offered a 60-40 split (60% from the City/40% from the County). She asked for Council's direction relating to this matter.

Councilmember Dixon moved to accept the 60-40 split between the City and County; seconded by Councilmember Marler.

Councilmember Morgan argues that aside from the military the City is the economic engine of the County, and that they fund the TDC. He suggests the City declines the 60-40 split being offered and does not provide any funding this year; and then ask that the TDC pays 100% of the cost next year.

Councilmember Foreman noted that the spring break funding was not used in its entirety last year and was reimbursed. However, the Sheriff's Office adjusted their requirement for spring break supplemental funding this year because of the extra two weeks of spring break. He continued that when the City proposed this to the TDC, they objected stating it violates the statutes because it exceeded the 10 percent funding limit for public safety. When the County Commission examined the proposal, they found it to be a legal expenditure and they proposed to fund a portion of it; but the money would be taken out of their general fund instead of the TDC fund.

The Mayor noted that according to one of the County Commissioners, if the City does not approve any funding, the Sheriff's Office will still be obligated to enforce the law throughout all the beaches within the County and then bill the County Commission.

Councilmember Ramswell noted the increase in funding is due to the increase of people coming to this area and not of their permanent residents; and that the 60-40 proposal from the County is unacceptable. She continued they are trying to obtain funding for the tourists' protection which the TDC brings in. She also stated that members of this Council made legitimate arguments at the last meeting based on the needs of its residents. She pointed out that in an article in the newspaper the County's Tax Collector stated it would take the County a decade to recover from the City of Destin pulling out from the County. She also made the following points for the record to rebut the claims made by the County Commissioners:

- The City of Destin is not just "pulling numbers out of thin air" as the County claims. The data and numbers they submit are accurate and are based on research and analysis
- The City has reached out to the County numerous times as the County has suggested but received no response from their representative
- County Commissioner Windes provided a list of items that had been funded by the County over the past several years totaling approximately $40 million; however, these were items that were mandated by the State for the County to pay for as the governing entity for their municipalities

Having no further comments from the Council, the Mayor called for a vote on the motion, which failed 3-4 (Council members Dixon, Foreman and Marler voted "yes"; Council members Morgan, Destin and Ramswell voted "no"; the Mayor cast a tie-breaking vote of "no"; Councilmember Braden was absent from the meeting).

Councilmember Morgan offered a motion for the city to spend only the amount of money they have budgeted this year for spring break; and for the City not to budget for spring break next year; seconded by Councilmember Destin.

The City Manager clarified that if the Council votes to only spend the $42,000 they budgeted this year, there will be no interlocal agreement with the County.

Finance Director Bragg Farmer explained that the Sheriff's Office provides the service and sends a detailed invoice to the City. He then reconciles the invoice to make sure it is correct, and invoices the County for their portion of the bill. The County pays the City and the City then pays the Sheriff's Office. He pointed out that the TDC budgeted to fund the first $25,000 of the Sheriff's contract for spring break; and that if the City decides to only spend the $42,000 they budgeted this year, they would be discounting that $25,000 in addition to the County's proposed funding.

Councilmember Morgan withdrew his motion on the floor and asks if they could continue this item to the next meeting.

Councilmember Dixon noted there would not be enough time if they delay the vote as spring break is upon them; adding that the Sheriff's Office needs to know in advance how much funding they will receive for spring break to properly schedule the necessary manpower.

Councilmember Morgan moved to rescind the previous matter voted upon, seconded by Councilmember Destin. Motion passed 5-1 (Council members Morgan, Destin, Marler, Foreman and Dixon voted "yes"; Councilmember Ramswell voted "no"; Councilmember Braden was absent from the meeting).

Councilmember Dixon moved to accept the 60-40 split between the City and County this year, and for Council to strongly consider not providing funding for spring break next year. Councilmember Morgan provided a second to the motion, which passes 5-1 (Council members Morgan, Destin, Marler, Foreman and Dixon voted "yes"; Councilmember Ramswell voted "no"; Councilmember Braden was absent from the meeting).

COMMENTS FROM THE AUDIENCE

Having no further business at this time, the meeting was adjourned at 11:05 PM.

ADOPTED THIS 5TH DAY OF JUNE 2017
By:

Scott Fischer, Mayor

ATTEST:

Rey Bailey, City Clerk

PROFESSIONAL DESIGN CONSULTING ENGINEERING SERVICES

(Tally Sheet)

	Morgan	*Destin*	*Marler*	*Foreman*	*Dixon*	*Ramswell*	*Braden*	
FIRM								**TOTALS**
ATKINS	24	25	24	20	22	26		141
GENERIS GROUP	23	22	21	19	25	27		137
TETRA TECH	22	24	26	24	23	25		144
VOLKERT	24	23	26	22	22	25		142

(1) Tetra Tech
(2) Volkert
(3) Atkins
(4) Genesis Group

COUNCIL RATING FORM
PROFESSIONAL SERVICES PRESENTATIONS/INTERVIEWS

PROFESSIONAL DESIGN CONSULTING ENGINEERING SERVICES

Councilmember: PARKER DESTIN

Date: March 7, 2017 - 6:00 PM

The following criteria are rated on a weighted basis when evaluating qualifications of professional service firms:

Firms' Names	A Awareness of Project Issues (1-5 Points)	B Project Issues (1-5 Points)	C Innovative Concepts (1-5 Points)	D Quality Control (1-3 Points)	E Schedule (1-3 Points)	F Project Staff (1-3 Points)	G Availability (1-3 Points)	TOTAL
Kevin Morgan ATKINS	Southeastern 5	4	4	3	3	3	3	25
GENESIS	Southeastern 4	4	3	3	2	3	3	22
TETRA TECH	5	4	3	3	3	3	3	24
VOLKERT	4	3	4	3	3	3	3	23

Using the total scores for each firm, please list the firm which has the greatest total score as your first choice (number 1), the firm which has the second highest total score as your second choice (number 2) and the firm which has the third highest score as your third choice (number 3). Should two firms receive the same number of points in their total score, you must choose which firm should rank the highest in your opinion.

1. ATKINS
2. TETRA TECH
3. GENESIS
4. VOLKERT

A Awareness of Project Issues	Thorough – Consultant understands all aspects of the intent of the project. Recommendations for potential improvements with added value to the scope of work were identified. 5	Average – Consultant understands some aspects of the intent of the project. Knowledge of the scope of work was portrayed by repeating the scope language verbatim. 3 or 4	Vague – Minimum understanding of the intent of the project. Proposal reflects some confusion or conflict in areas of responsibility. 1 or 2
B Project Issues	Thorough – Reflects all known issues and proposes method to address. Has visited site. Identified key issues on the project and has proposed some potential solutions. May identify additional issues for consideration. 5	Average – Understands key issues and has visited site. Reflects "most" issues. 3 or 4	Vague – Minimum preliminary study with some knowledge of field conditions. 1 or 2
C Innovative Concepts	Proposes innovative design concepts with specific dollar and/or time savings to construction without compromising quality and project enhancement. 4	that can be utilized and allowed by the department. Minimal benefit associated with each concept identified. 3 or 4	Proposes using standard design concepts with no clear benefit/improvement. 1 or 2
D Quality Control	Strong – Quality control has been addressed as a team with excellent staff experience and proven quality grades for those consultant who have previously worked for FDOT. 3	Adequate – Policies and procedures exist for prime 2	Inadequate – Policies and procedures not addressed adequately. 1
E Schedule	Exceeds Requirements – Well thought out, practical, meets schedule, includes resource analysis. 3	Meets Requirements – Sequence and time of events logical. Meets scheduled time for project. 2	Questionable – Contract time looks questionable, time and sequence of events not appropriate. 1
F Project Staff	Highly competent team (Prime, Subs, and their staffs) that have significant experience on FDOT or other similar projects. Staff and subconsultants have received high quality grades on past projects with minimal coordination problems. 3	Competent team (Prime, Subs, and their staffs) that have some experience on either FDOT or other similar projects (not necessarily as a team). References have checked out, and grades on past projects have been deemed acceptable. 2	Has shown that the staff (as a whole) has minimal experience on either FDOT for other similar projects. References have either not checked out, or the Prime/Subs have poor grades and have performed poorly on past projects. 1
G Availability	Available for immediate and accelerated schedule. 3	Adequate for normal performance. 2	Inadequate information to determine. 1

COUNCIL RATING FORM
PROFESSIONAL SERVICES PRESENTATIONS/INTERVIEWS

PROFESSIONAL DESIGN CONSULTING ENGINEERING SERVICES

Councilmember: Tuffy Dixon

Date: March 7, 2017 - 6:00 PM

The following criteria are rated on a weighted basis when evaluating qualifications of professional service firms:

Firms' Names	A Awareness of Project Issues (1-5 Points)	B Project Issues (1-5 Points)	C Innovative Concepts (1-5 Points)	D Quality Control (1-3 Points)	E Schedule (1-3 Points)	F Project Staff (1-3 Points)	G Availability (1-3 Points)	TOTAL
ATKINS	4	3	3	3	3	3	3	22
GENESIS	5	4	4	3	3	3	3	25
TETRA TECH	~~4~~ TO 4	~~3~~ TO 4	~~3~~ TO 3	~~3~~ TO 3	~~3~~ TO 3	~~3~~ TO 3	~~3~~ TO 3	23
VOLKERT	4	3	3	3	3	3	3	22

Using the total scores for each firm, please list the firm which has the greatest total score as your first choice (number 1), the firm which has the second highest total score as your second choice (number 2) and the firm which has the third highest score as your third choice (number 3). Should two firms receive the same number of points in their total score, you must choose which firm should rank the highest in your opinion.

1. Genesis
2. Tetra Tech
3. Atkins

A	Awareness of Project Issues	Thorough – Consultant understands all aspects of the intent of the project. Recommendations for potential improvements with added value to the scope of work were identified. 5	Average – Consultant understands some aspects of the intent of the project. Knowledge of the scope of work was portrayed by repeating the scope language verbatim. 3 or 4	Vague – Minimum understanding of the intent of the project. Proposal reflects some confusion or conflict in areas of responsibility. 1 or 2
B	Project Issues	Thorough – Reflects all known issues and proposes method to address. Has visited site. Identified key issues on the project and has proposed some potential solutions. May identify additional issues for consideration. 5	Average – Understands key issues and has visited site. Reflects "most" issues. 3 or 4	Vague – Minimum preliminary study with some knowledge of field conditions. 1 or 2
C	Innovative Concepts	Proposes innovative design concepts with specific dollar and/or time savings to construction without compromising quality and project enhancement. 4	that can be utilized and allowed by the department. Minimal benefit associated with each concept identified. 3 or 4	Proposes using standard design concepts with no clear benefit/improvement. 1 or 2
D	Quality Control	Strong – Quality control has been addressed as a team with excellent staff experience and proven quality grades for those consultant who have previously worked for FDOT. 3	Adequate – Policies and procedures exist for prime 2	Inadequate – Policies and procedures not addressed adequately. 1
E	Schedule	Exceeds Requirements – Well thought out, practical, meets schedule, includes resource analysis. 3	Meets Requirements – Sequence and time of events logical. Meets scheduled time for project. 2	Questionable – Contract time looks questionable, time and sequence of events not appropriate. 1
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G	Availability	Available for immediate and accelerated schedule. 3	Adequate for normal performance. 2	Inadequate information to determine. 1

COUNCIL RATING FORM
PROFESSIONAL SERVICES PRESENTATIONS/INTERVIEWS

PROFESSIONAL DESIGN CONSULTING ENGINEERING SERVICES

Councilmember: JIM FOREMAN

Date: March 7, 2017 - 6:00 PM

The following criteria are rated on a weighted basis when evaluating qualifications of professional service firms:

Firms' Names	A Awareness of Project Issues (1-5 Points)	B Project Issues (1-5 Points)	C Innovative Concepts (1-5 Points)	D Quality Control (1-3 Points)	E Schedule (1-3 Points)	F Project Staff (1-3 Points)	G Availability (1-3 Points)	TOTAL
✓ ATKINS	5	4	3	2	2	2	2	20
✓ GENESIS	5	4	2	2	2	2	2	19
TETRA TECH	5	5	4	3	2	2	3	24
VOLKERT	5	5	4	2	3	1	2	22

Using the total scores for each firm, please list the firm which has the greatest total score as your first choice (number 1), the firm which has the second highest total score as your second choice (number 2) and the firm which has the third highest score as your third choice (number 3). Should two firms receive the same number of points in their total score, you must choose which firm should rank the highest in your opinion.

1. TETRA TECH
2. VOLKERT
3. ATKINS

J FOREMAN

A	Awareness of Project Issues	Thorough – Consultant understands all aspects of the intent of the project. Recommendations for potential improvements with added value to the scope of work were identified. 5	Average – Consultant understands some aspects of the intent of the project. Knowledge of the scope of work was portrayed by repeating the scope language verbatim. 3 or 4	Vague – Minimum understanding of the intent of the project. Proposal reflects some confusion or conflict in areas of responsibility. 1 or 2
B	Project Issues	Thorough – Reflects all known issues and proposes method to address. Has visited site. Identified key issues on the project and has proposed some potential solutions. May identify additional issues for consideration. 5	Average – Understands key issues and has visited site. Reflects "most" issues. 3 or 4	Vague – Minimum preliminary study with some knowledge of field conditions. 1 or 2
C	Innovative Concepts	Proposes innovative design concepts with specific dollar and/or time savings to construction without compromising quality and project enhancement. 4	that can be utilized and allowed by the department. Minimal benefit associated with each concept identified. 3 or 4	Proposes using standard design concepts with no clear benefit/improvement. 1 or 2
D	Quality Control	Strong – Quality control has been addressed as a team with excellent staff experience and proven quality grades for those consultant who have previously worked for FDOT. 3	Adequate – Policies and procedures exist for prime. 2	Inadequate – Policies and procedures not addressed adequately. 1
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G	Availability	Available for immediate and accelerated schedule. 3	Adequate for normal performance. 2	Inadequate information to determine. 1

COUNCIL RATING FORM
PROFESSIONAL SERVICES PRESENTATIONS/INTERVIEWS

PROFESSIONAL DESIGN CONSULTING ENGINEERING SERVICES

Councilmember: CYRUS MARLER Date: March 7, 2017 - 6:00 PM

The following criteria are rated on a weighted basis when evaluating qualifications of professional service firms:

Firms' Names	A Awareness of Project Issues (1-5 Points)	B Project Issues (1-5 Points)	C Innovative Concepts (1-5 Points)	D Quality Control (1-3 Points)	E Schedule (1-3 Points)	F Project Staff (1-3 Points)	G Availability (1-3 Points)	TOTAL
ATKINS	5	5	3	3	3	2	3	24
GENESIS	4	5	2	3	2	2	3	21
TETRA TECH	5	5	4	3	3	3	3	~~24~~ 26
VOLKERT	5	5	4	3	3	3	3	26

Using the total scores for each firm, please list the firm which has the greatest total score as your first choice (number 1), the firm which has the second highest total score as your second choice (number 2) and the firm which has the third highest score as your third choice (number 3). Should two firms receive the same number of points in their total score, you must choose which firm should rank the highest in your opinion.

1. ~~VOLKERT~~ TT
2. ~~TETRA TECH~~ VOLKERT
3. ATKINS

A	Awareness of Project Issues	Thorough – Consultant understands all aspects of the intent of the project. Recommendations for potential improvements with added value to the scope of work were identified. 5	Average – Consultant understands some aspects of the intent of the project. Knowledge of the scope of work was portrayed by repeating the scope language verbatim. 3 or 4	Vague – Minimum understanding of the intent of the project. Proposal reflects some confusion or conflict in areas of responsibility. 1 or 2
B	Project Issues	Thorough – Reflects all known issues and proposes method to address. Has visited site. Identified key issues on the project and has proposed some potential solutions. May identify additional issues for consideration. 5	Average – Understands key issues and has visited site. Reflects "most" issues. 3 or 4	Vague – Minimum preliminary study with some knowledge of field conditions. 1 or 2
C	Innovative Concepts	Proposes innovative design concepts with specific dollar and/or time savings to construction without compromising quality and project enhancement. 4	that can be utilized and allowed by the department. Minimal benefit associated with each concept identified. 3 or 4	Proposes using standard design concepts with no clear benefit/improvement. 1 or 2
D	Quality Control	Strong – Quality control has been addressed as a team with excellent staff experience and proven quality grades for those consultant who have previously worked for FDOT. 3	Adequate – Policies and procedures exist for prime 2	Inadequate – Policies and procedures not addressed adequately. 1
E	Schedule	Exceeds Requirements – Well thought out, practical, meets schedule, includes resource analysis. 3	Meets Requirements – Sequence and time of events logical. Meets scheduled time for project. 2	Questionable – Contract time looks questionable, time and sequence of events not appropriate. 1
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G	Availability	Available for immediate and accelerated schedule. 3	Adequate for normal performance. 2	Inadequate information to determine. 1

COUNCIL RATING FORM
PROFESSIONAL SERVICES PRESENTATIONS/INTERVIEWS

PROFESSIONAL DESIGN CONSULTING ENGINEERING SERVICES

Councilmember: CHAITHANY MORGAN

Date: March 7, 2017 - 6:00 PM

The following criteria are rated on a weighted basis when evaluating qualifications of professional service firms:

Firms' Names	A Awareness of Project Issues (1-5 Points)	B Project Issues (1-5 Points)	C Innovative Concepts (1-5 Points)	D Quality Control (1-3 Points)	E Schedule (1-3 Points)	F Project Staff (1-3 Points)	G Availability (1-3 Points)	TOTAL
ATKINS	5	4	4	3	3	3	2	24
GENESIS	5	4	3	2	3	3	3	23
TETRA TECH	5	4	2	2	3	3	3	22
VOLKERT	5	4	5	2	3	3	2	24

Using the total scores for each firm, please list the firm which has the greatest total score as your first choice (number 1), the firm which has the second highest total score as your second choice (number 2) and the firm which has the third highest score as your third choice (number 3). Should two firms receive the same number of points in their total score, you must choose which firm should rank the highest in your opinion.

1. Atkins
2. Volkert
3. Genesis

A Awareness of Project Issues	Thorough – Consultant understands all aspects of the intent of the project. Recommendations for potential improvements with added value to the scope of work were identified. 5	Average – Consultant understands some aspects of the intent of the project. Knowledge of the scope of work was portrayed by repeating the scope language verbatim. 3 or 4	Vague – Minimum understanding of the intent of the project. Proposal reflects some confusion or conflict in areas of responsibility. 1 or 2
B Project Issues	Thorough – Reflects all known issues and proposes method to address. Has visited site. Identified key issues on the project and has proposed some potential solutions. May identify additional issues for consideration. 5	Average – Understands key issues and has visited site. Reflects "most" issues. 3 or 4	Vague – Minimum preliminary study with some knowledge of field conditions. 1 or 2
C Innovative Concepts	Proposes innovative design concepts with specific dollar and/or time savings to construction without compromising quality and project enhancement. 4	that can be utilized and allowed by the department. Minimal benefit associated with each concept identified. 3 or 4	Proposes using standard design concepts with no clear benefit/improvement. 1 or 2
D Quality Control	Strong – Quality control has been addressed as a team with excellent staff experience and proven quality grades for those consultant who have previously worked for FDOT. 3	Adequate – Policies and procedures exist for prime 2	Inadequate – Policies and procedures not addressed adequately. 1
E Schedule	Exceeds Requirements – Well thought out, practical, meets schedule, includes resource analysis. 3	Meets Requirements – Sequence and time of events logical. Meets scheduled time for project. 2	Questionable – Contract time looks questionable, time and sequence of events not appropriate. 1
F Project Staff	Highly competent team (Prime, Subs, and their staffs) that have significant experience on FDOT or other similar projects. Staff and subconsultants have received high quality grades on past projects with minimal coordination problems. 3	Competent team (Prime, Subs, and their staffs) that have some experience on either FDOT or other similar projects (not necessarily as a team). References have checked out, and grades on past projects have been deemed acceptable. 2	Has shown that the staff (as a whole) has minimal experience on either FDOT for other similar projects. References have either not checked out, or the Prime/Subs have poor grades and have performed poorly on past projects. 1
G Availability	Available for immediate and accelerated schedule. 3	Adequate for normal performance. 2	Inadequate information to determine. 1

COUNCIL RATING FORM
PROFESSIONAL SERVICES PRESENTATIONS/INTERVIEWS

PROFESSIONAL DESIGN CONSULTING ENGINEERING SERVICES

Councilmember: PREBBLE RAMSWELL

Date: March 7, 2017 - 6:00 PM

The following criteria are rated on a weighted basis when evaluating qualifications of professional service firms:

Firms' Names	A Awareness of Project Issues (1-5 Points)	B Project Issues (1-5 Points)	C Innovative Concepts (1-5 Points)	D Quality Control (1-3 Points)	E Schedule (1-3 Points)	F Project Staff (1-3 Points)	G Availability (1-3 Points)	TOTAL
ATKINS	5	5	4	3	3	3	3	26
GENESIS	5	5	5	3	3	3	3	27
TETRA TECH	5	4	4	3	3	3	3	25
VOLKERT	5	4	4	3	3	3	3	25

Using the total scores for each firm, please list the firm which has the greatest total score as your first choice (number 1), the firm which has the second highest total score as your second choice (number 2) and the firm which has the third highest score as your third choice (number 3). Should two firms receive the same number of points in their total score, you must choose which firm should rank the highest in your opinion.

1. Genesis
2. Atkins
3. _____

A Awareness of Project Issues	Thorough – Consultant understands all aspects of the intent of the project. Recommendations for potential improvements with added value to the scope of work were identified. 5	Average – Consultant understands some aspects of the intent of the project. Knowledge of the scope of work was portrayed by repeating the scope language verbatim. 3 or 4	Vague – Minimum understanding of the intent of the project. Proposal reflects some confusion or conflict in areas of responsibility. 1 or 2
B Project Issues	Thorough – Reflects all known issues and proposes method to address. Has visited site. Identified key issues on the project and has proposed some potential solutions. May identify additional issues for consideration. 5	Average – Understands key issues and has visited site. Reflects "most" issues. 3 or 4	Vague – Minimum preliminary study with some knowledge of field conditions. 1 or 2
C Innovative Concepts	Proposes innovative design concepts with specific dollar and/or time savings to construction without compromising quality and project enhancement. 4	that can be utilized and allowed by the department. Minimal benefit associated with each concept identified. 3 or 4	Proposes using standard design concepts with no clear benefit/improvement. 1 or 2
D Quality Control	Strong – Quality control has been addressed as a team with excellent staff experience and proven quality grades for those consultant who have previously worked for FDOT. 3	Adequate – Policies and procedures exist for prime. 2	Inadequate – Policies and procedures not addressed adequately. 1
E Schedule	Exceeds Requirements – Well thought out, practical, meets schedule, includes resource analysis. 3	Meets Requirements – Sequence and time of events logical. Meets scheduled time for project. 2	Questionable – Contract time looks questionable, time and sequence of events not appropriate. 1
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G Availability	Available for immediate and accelerated schedule. 3	Adequate for normal performance. 2	Inadequate information to determine. 1

MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
MARCH 6, 2017
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 Scott Fischer
Councilmember Chatham Morgan
Councilmember Parker Destin
Councilmember Cyron Marler
Councilmember Prebble Ramswell
Councilmember Tuffy Dixon
Councilmember Jim Foreman
Councilmember Rodney Braden

Destin City Staff

City Manager Carisse Lejeune
Public Information Manager Doug Rainer
Community Dev. Director Karen Haynes
Grants/Project Manager Lindey Chabot
Park & Recreation Director Lance Johnson
Development Manager Steve Schmidt
City Clerk Rey Bailey
Finance Director Bragg Farmer
City Engineer David Campbell
IT Manager Webb Warren
City Attorney Jeffrey Burns
Land Use Attorney Kimberly Kopp

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Scott Fischer called the meeting to order at 6:00 PM. Reverend Caleb Miller of Immanuel Anglican Church gave the invocation; which was then followed by the Pledge of Allegiance.

SPECIAL PRESENTATIONS

1. National Research Center – Citizen Survey Presentation (via Skype)

The City's Project Manager Lindey Chabot noted that since 2005 the City of Destin has conducted citizen surveys every two-three years to gather resident feedback and input. City staff and Council use this survey to help identify clear priorities for use in strategic planning and budget setting and to compare the City's performance against other like cities across the nation. Since 2011, the City has used an independent consultant, the National Research Center (NRC), to administer its National Citizen Survey. The NRC is a leader in the field of public sector scientific research and evaluation.

Ms. Audrey Silliman, Project Manager at the National Research Center, Inc. presented the following key findings from the National Citizen Survey conducted in the City of Destin in October 2016:

- The National Citizen Survey (NCS) is presented by NRC in collaboration with ICMA
- Designed to capture Community Livability as a whole. The 3 pillars that contribute to Community Livability are:
  - Community Characteristics
  - Governance
  - Participation

- Facets of Community Livability
  - Safety
  - Natural Environment
  - Mobility
  - Built Environment
  - Economy
  - Recreation and Wellness
  - Education and Enrichment
  - Community Engagement
- The NCS and Destin
  - Participant in the NCS since 2010, 3013 & 2016
  - Scientific sample of 1,500 households
    - 429 returned surveys, 31% response rate
    - ± 5% margin of error
- 2016 National Benchmark Comparisons
  - 5 received higher ratings
  - 104 received similar ratings
  - 22 received lower ratings
  - Resort communities with populations of 70,000 or less benchmark comparisons
    - 2 received higher ratings
    - 108 received similar ratings
    - 21 received lower ratings
- 2016 ratings compared to 2013
  - 2 received higher ratings
  - 42 received similar ratings
  - 38 received lower ratings
- Key focus areas (** most important)
  - Safety **
  - Mobility **
  - Natural Environment **
  - Built Environment
  - Economy
  - Recreation and Wellness
  - Education and Enrichment
  - Community Engagement
- <u>Key Finding #1</u>
  - Destin residents enjoy a high quality of life
    - Quality of Life
      - 2010 – 93%
      - 2013 – 90%
      - 2016 – 85%
- Quality of Life Factors (** - higher than the national benchmark)
  - Overall image **
  - Neighborhood as a place to live
  - Place to raise children
  - Place to retire
  - Overall appearance
- Resident Loyalty
  - 84% would recommend living in Destin

- ❖ 85% plan on remaining in the City

➢ Key Finding #2

- ❖ Mobility is a potential area of opportunity for Destin
  - Mobility:
    - Ease of walking - 53%
    - Paths and walking trails - 43%
    - Overall ease of travel - 36%
    - Public parking - 26%
    - Travel by public transportation - 10%
- ❖ Mobility-related services
  - Sidewalk maintenance
  - Street lighting
  - Street cleaning
  - Traffic enforcement (lower than the national benchmark)
- ❖ Streets and car travel in Destin
  - Travel by car – 22% (lower than national benchmark)
  - Street repair – 45% (similar to national benchmark)
  - Traffic flow – 10% (lower than national benchmark)
  - 43% of residents indicated that City street reconstructions should be Destin's top priority

➢ Key Finding #3

- ❖ Safety is an important and positive feature of the community
  - Safety
    - Safe in neighborhood – 94% (very or somewhat safe)
    - Safe in downtown/commercial area – 92% (very or somewhat safe)
    - Overall feeling of safety – 85% (excellent or good)
    - 5 in 10 had stocked supplies in preparation for an emergency
    - 9 in 10 had not been the victim of a crime
- ❖ Safety services
  - Fire services – 93%
  - Ambulance/EMS – 91%
  - Police – 82%
  - Emergency preparedness – 74%

➢ Key Finding #4

- ❖ Destin's natural environment is a priority for residents
  - Natural Environment
    - Air quality – 85%
    - Cleanliness – 79%
    - Overall natural environment – 76%
  - Natural environment services and amenities (percent excellent or good)
    - Garbage collection – 89% (Similar to national benchmark)
    - Yard waste pick-up – 73% (Similar to national benchmark)
    - Drinking water – 72% (Similar to national benchmark)
    - Recycling – 66% (Similar to national benchmark)
    - Natural areas preservation – 38% (Lower than national benchmark
    - Destin open space – 34% (Lower than national benchmark)

➢ Special Topics

- ❖ Fees for parking in resort areas
  - $.50 per hour – 16%
  - $1.00 per hour – 20%
  - $2.00 per hour – 6%
  - No parking fees – 58%
- ❖ City enhancements
  - Question: The City has a number of areas on which it could focus its efforts and funding, but it cannot focus on everything at once. In your opinion, which of the following potential enhancements should be the City's top priority?
    - City street reconstructions – 43%
    - Storm water improvements – 23%
    - Pathways linking residential and commercial areas – 17%
    - Enhanced and reliable transit services – 12%
    - Enhanced streetscapes along Harbor Blvd. and Airport Road – 5%
  - Sources of City information
    - The Northwest Florida Daily News – 89%
    - City website – 88%
    - Word-of-mouth – 83%
    - The Destin Log – 82%
    - Direct mailings – 73%

- ➢ Conclusions:
  - ❖ Destin residents continue to enjoy a high quality of life
  - ❖ Mobility is a top priority with room for improvement
  - ❖ Safety is an important and positive feature of the community
  - ❖ The Natural Environment is a community priority

2. Proclamation – Mattie Kelly Arts Foundation Day

The Mayor read the proclamation designating March 12, 2017 as Mattie Kelly Arts Foundation Day and presented it to Ms. Marcia Hull, Chief Executive Officer of the Mattie Kelly Arts Foundation.

3. Fiscal Year 2016 Comprehensive Annual Financial Report presented by Mr. Joe Klimek, Partner – EFPR Group, LLP Certified Public Accountants

Mr. Joe Klimek, Partner-EFPR Group, LLP, presented the independent auditor's report for the fiscal year ending September 30, 2016:

- ➢ The City of Destin is a financially well managed City
  - ❖ Internal control starts at the top
- ➢ All the City's investments are level one
- ➢ Accounting policy consistent over the year
- ➢ The City has a very healthy pension plan
- ➢ The firm received full cooperation from staff/no disagreement with management
- ➢ City remains financially sound; with a very healthy fund balance in the general fund
- ➢ Fund balance is very healthy
  - ❖ Unassigned fund balance is about 23%. Government Finance Office Association recommends about 25%
  - ❖ Recommends Council consider adopting a fund balance policy

- ❖ Recommends establishing a bench mark to keep fund balance stable
- ➢ The City has no significant deficiencies or material weaknesses in financial reporting
- ➢ The City is in compliance with investment policy of Florida
- ➢ The City remains very fiscally sound

Motion by Councilmember Morgan, seconded by Councilmember Destin, to accept the Fiscal Year 2016 audit passed 7-0 (Council members Morgan, Destin, Marler, Foreman Dixon, Ramswell and Braden voted "yes")

4. Mayor's Report

The Mayor pointed to a list of unfunded items that have been identified in the past, which the City definitely wants to complete but does not have the funds to do so. The Mayor stated that he wants to make sure the Council is aware of it.

APPROVAL OF MINUTES

5. Approval of minutes of the December 5, 2016 regular city council meeting

Motion by Councilmember Morgan, seconded by Couniclmemedr Destin, to approve minutes of the December 5, 2016 regular city council meeting passed 7-0 (Council members Morgan, Destin, Marler, Foreman Dixon, Ramswell and Braden voted "yes")

PUBLIC OPPORTUNITY TO SPEAK ON COUNCIL PROPOSITIONS

Mr. Jim Bagby, a Destin resident, spoke on agenda item #16A – *Resolution or ordinance that establishes no new agenda items after 9:00 p.m. during council meetings*. He stated not having enough time to address certain issues is not the problem. The problem is the Council does not use their time wisely when discussing an issue. They spend too much time on one issue even if the vote is clearly unanimous. He continued there are also too many walk-on items; which is not fair to the public because there is no advance document to read and prepare for.

Mr. Mike Abadie, a Destin resident, addressed agenda item #21, *First reading of proposed Ordinance 17-07-CC, Livery Vessel permitting (amendments)*. He noted that 100 percent of the people who spoke on this proposed ordinance over the last three Council meetings were against it; and so voting in favor of this ordinance is not voting for the will of the people. He also stated since the pontoon boat and wave runner industries are being expected to fund 100 percent of a new Code Enforcement Division administrator salary, 100 percent of the services that person provides should be for harbor safety and harbor related activities.

CONSENT AGENDA*

6. Spring Break supplemental funding – Interlocal Agreement between the City of Destin, Okaloosa County and the Okaloosa County Sheriff's Department

7. Request approval to purchase Fiscal Year 2017 budgeted equipment

Councilmember Ramswell asked that Consent Agenda item #6 be pulled for the purpose of separating the two Consent Agenda items in terms of a vote.

Motion by Councilmember Marler, seconded by Councilmember Foreman, to approve Consent Agenda item #7, as printed above, passed 7-0 (Council members Morgan, Destin, Marler, Foreman Dixon, Ramswell and Braden voted "yes")

Councilmember Destin moved to approve Consent Agenda item #6; seconded by Councilmember Dixon. Motion passed 5-2 (Council members Morgan, Destin, Marler, Foreman and Dixon voted "yes"; Council members Ramswell and Braden voted "no").

RESOLUTIONS

8. Resolution 17-11 – Emerald Coast Fitness Foundation Donation

The City Attorney read Resolution 17-11 by title.

> A RESOLUTION OF THE CITY OF DESTIN, FLORIDA PROVIDING FOR AUTHORITY TO PROVIDE FUNDING TO THE EMERALD COAST FITNESS FOUNDATION FOR THE REPAIR AND RENOVATIONS OF THE FORMER DESTIN YMCA POOL FACILITY; PROVIDING FOR AN EFFECTIVE DATE.

Mr. Brad Kale, a Destin resident, spoke in support of the City providing some funding for Emerald Coast Fitness Foundation Aquatic Center; adding that this money would be a tremendous help to their capital campaign which is well underway. He stated the money would be used to get the competition tank back in working order. He continued they have a crew ready to work on the pool by the end of the week; and that they could have the work done following spring break if the funds were available.

Mr. Jim Bagby stated that the City staff has provided the Council a great analysis of the pro-forma that they were presented, and that he does not believe this will be a successful endeavor. He suggests the City does not provide any funds until all the money is raised to get both pools operational.

Ms. Sarah Stone stated that she actively participates in coast aquatic activities in the masters swim program at the pool currently operated by the Emerald Coast Fitness Foundation at Fort Walton Beach. She stated that the Foundation has successfully implemented numerous swim programs resulting in overcrowding at the pool; and that probably about half of these people are from Destin. Being able to open the pools in Destin would lessen this load.

Mr. Larry Williges, a Destin resident, stated that he agrees with Destin needing a community pool; however, he disagrees with the City giving away taxpayers' money to a private organization to fund it. He also stated that if the organization fails to obtain enough money for the pool through their fundraising campaign, then it only indicates there is not enough public support for it. He continued that several years ago, Destin took out a loan for $1.6 million to help finance the construction of the pool. The former Destin YMCA based their financial success on having 600 members from Destin; however, less than 100 people actually applied for membership. He added he was the Council representative to the YMCA Board when he was a member of the Council; and that he personally witnessed the decline of the Destin YMCA pool. He urges the Council to reconsider their decision to help fund the pool.

Ms. Kristi Jowers, a Destin resident, spoke in favor of the City helping subsidize the pool, stating that contributing to the effort of the Emerald Coast Fitness Foundation to open the swimming pool is similar to helping build the Destin Dog Park. The dog park has greatly enhanced the quality of life of the City residents.

Mr. Tim Krueger, a Destin resident, stated they need the swimming pool to teach young children how to swim and to hold swimming competitions. They also need a place for senior citizens to rehabilitate and do water aerobics. He stated that he was a member of the former YMCA Board and was very disappointed in the way the facility was managed; but, the Emerald Coast Fitness Foundation has excellent managers that will ensure the success of the new swimming pool. He asked for Council's support to reopen the pool sooner rather than later.

Ms. Erin Peterson stated he believes the City helping to reopen the pool is a worthy cause; but, then having the pontoon boat and wave runner owners pay for the City's new code enforcement administrator does not seem right. There should be creative ways for the City to get involved to raise money for what they believe is a worthy cause.

Ms. Donna Hamilton, a Destin resident, stated she truly believe they need a community pool to teach young children how to swim. She stated that she worked as an aquatic instructor for many years and believes poor management was the result of the former Destin YMCA's downfall; and that having worked with the Emerald Coast Fitness Foundation she believes they will be successful and will serve the community in a very powerful way.

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

Councilmember Jim Foreman noted that several years ago when the City was trying to get a community pool in place, he talked to then School Superintendent Don Gaetz to find out why the school system was not getting involved in it since one of the principal users of the pool are the school children. He also noted they were given a list of unfunded infrastructure projects tonight amounting to millions of dollars. He suggests they seriously reconsider spending taxpayers' money in helping to fund this pool.

Councilmember Marler stated the City has already spent $1.6 million of taxpayers' money to help construct a swimming pool; and that he cannot support spending more money on it. He also stated the Council has no control over the money they will donate to the Emerald Coast Fitness Foundation unless they have a Council representative to their advisory board.

Councilmember Destin moved that Resolution 17-11 be approved deleting the language the funds will be held in escrow until the Emerald Coast Fitness Foundation has achieved its goals of raising the full $173,500 required to complete all of the maintenance repairs which would allow the pool facility to open; and that the money be released immediately. Councilmember Ramswell provided a second to the motion.

The City Attorney noted that based on the Attorney General's opinion, if a municipality is going to donate money to a private charitable organization, there needs to be a proper safeguard attached to the donation. Appointing a member of the Council to the advisory board of the Foundation in lieu of the escrow provision would be sufficient as a safeguard. If Council decides to amend the resolution, he suggests asking the Emerald Coast Fitness Foundation tonight if they would agree to have a member of Council appointed to their advisory board.

Mr. Brad Kale noted that at the last meeting, the Foundation offered an advisory board position for a member of this Council; adding they have had members of the city council to their advisory board on past projects. He added the Foundation is committing to appointing a member of the Destin City Council to their advisory board.

Councilmember Destin offered a revised motion to amend Resolution 17-11 deleting the language the funds will be held in escrow until the Emerald Coast Fitness Foundation has achieved its goals of raising the full $173,500 required to complete all of the maintenance repairs which would allow the pool facility to open; adding a condition the Emerald Coast Fitness Foundation would allow the placement of a member of the Destin City Council to the Foundation's advisory board; and to bring the resolution back at the next meeting. The money will be distributed pursuant to the Council's approval of the resolution. Councilmember Ramswell provided a second to the motion.

Councilmember Ramswell stated she does not consider helping the Foundation re-open the pool is giving away taxpayers' money. She considers it as an investment in the community and expects something to go back to the people and the children as intended. She also stated this is not unprecedented as the City has subsidized other projects in the past such as the Destin Dog Park and the Henderson Beach State Park passes. She added she believes in the Emerald Coast Fitness Foundation management capability and fully supports this initiative.

Councilmember Dixon noted they pay PAWS and Feline Friends of Destin, who provide animal services to the City, almost $49,000 a year. They also subsidize the Henderson Beach State Park passes to provide reduced rate for park visits to the citizens of Destin. He added this is not the first time they have done something for the benefit of the City residents.

Councilmember Braden asked from which account they would get the $57,000 they will donate to the Emerald Coast Fitness Foundation.

The Finance Director stated the money would be taken out of the unallocated reserve fund; part of which has been identified for natural disasters and things of that nature.

Councilmember Foreman asked if someone has approached the school system to help fund this project.

Councilmember Destin stated the school board has been approached, but they declined funding.

The Mayor called for a vote on the motion, which passes 5-2 (Council members Morgan, Destin, Dixon, Ramswell and Braden voted "yes"; Council members Marler and Foreman voted "no").

9. Resolution 17-12 – Utility Purchase Feasibility Consulting Services Contract

The City Attorney read Resolution 17-12 by title.

> A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA; AUTHORIZING THE CITY MANAGER TO ENTER INTO NEGOTIATIONS WITH WHH ENTERPRISES, INC. FOR UTILITY PURCHASE FEASIBILITY CONSULTING SERVICES; AND PROVIDE A NEGOTIATED CONTRACT FOR CITY COUNCIL'S APPROVAL.

The City Manager explained she was previously directed by Council to release an RFQ to hire a professional to conduct a feasibility analysis to evaluate whether the municipalization of Gulf Power's electric facilities and establishment of a municipal electrical utility system by the City of

Destin is financially feasible. She continued that the Council has selected a firm and authorized her to enter into negotiations with WHH Enterprises, Inc. and provide a negotiated contract for Council's approval.

Motion by Councilmember Dixon, seconded by Councilmember Braden, to adopt Resolution 17-12 and fund the contract amount of $58,500 from the unreserved fund balance; and for staff to make the appropriate budget amendment passed 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes")

10. Resolution 17-13 – Engineering Services for Stormwater Master Plan

The City Attorney read Resolution 17-13 by title.

> A RESOLUTION OF THE CITY OF DESTIN, FLORIDA, AUTHORIZING THE EXECUTION OF A LETTER CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES BETWEEN THE CITY OF DESTIN AND JENKINS ENGINEERING, INC. TO UPDATE PHASE 1 OF THE STORMWATER MASTER PLAN.

The City Engineer explained that in accordance with the City's Strategic Goals and Objectives, a Citywide Stormwater Master Plan update was identified for the Fiscal Year 2017 Capital Improvements Plan. A Stormwater Masyer Plan is required by the National Pollutant Discharge Elimination system (NPDES) and it is essential in identifying flooding problems and pollution discharge points.

Motion by Councilmember Morgan, seconded by Councilmember Ramswell, to adopt Resolution 17-13 and authorize the City Manager to execute a contract with Jenkins Engineering, Inc. in the amount of $75,000 for Phase 1 of the Stormwater Master Plan update passed 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes")

COMMITTEE REPORTS
SCHEDULED PRESENTATIONS FROM THE PUBLIC **
PROJECT REPORTS AND COMMENTS FROM MAYOR AND COUNCIL

11. Councilmember Morgan
    a. Main Street Banner Art Program – Mr. Ron Sandstead

Mr. Ron Sandstead provided the following presentation relative to The Destin Banner Art Project.

- The Destin Banner Art Project: A project sponsored by the Main Street Betterment Alliance
  - There are already Holiday banner displays on Main Street
  - Our intent is to build on this existing program
- Vision: Display banners on Main Street and throughout Destin, featuring the work of local artists
- Objective
  - Beautify the streets of Destin
  - Promote local artists in Destin
  - Transition art from the galleries to the streets
  - Create community by getting local citizens (including children) involved in creating art to beautify our City
- This would be a cooperative effort between the Alliance and the City of Destin
- Alliance Responsibilities
  - Have local artists create original banner designs

- ❖ Generate interest by sponsoring art contests
- ❖ Print the art on the banners
- ❖ Supply the completed banners to the City

➢ City Responsibilities
- ❖ Provide banner poles and banner arms
- ❖ Remove and replace old banners with new ones three times per year

➢ The Alliance is Ready to Begin
- ❖ Leadership team in place
- ❖ Developed a plan and contest rules
- ❖ Artists are ready to create the art

➢ Next Step
- ❖ Need the City's financial commitment to supply the hardware
- ❖ Need the City's approval for this project to proceed

The City Manager noted the biggest challenge at this point is the existing poles they put up for Christmas decorations are temporary, and that they are not sufficient to be up for an extended period of time. They would need to put in permanent poles to accommodate these banners if the Council is amenable to doing this type of program and possibly discuss potential funding for the proper type of pole at their July workshop.

Councilmember Morgan urges Council to further pursue this project noting that Main Street is a CRA because it is a blighted part of the community and it continues to be blighted; and it is part of the City that needs beautification.

The City Manager stated that she and Mr. Sandstead can discuss the specifics of the banner art program if the Council is amenable to it. The City's Engineering Department will provide pole specifications and costs; and that the City Council can discuss permanent poles as an item for potential funding in the July budget workshop.

Councilmember Foreman suggests they review the City's sign ordinance to ensure the program is in compliance with the current code.

Councilmember Dixon suggests they use the existing poles at least temporarily until they put in the permanent poles.

Councilmember Ramswell states this is an excellent idea and recommends expanding the program to include Airport Blvd since they have been discussing ways to slow down traffic.

12. Councilmember Destin
13. Councilmember Marler

Councilmember Marler noted there have been commercial activities at the Joe's Bayou Boat Ramp recently in terms of launching commercial boats. He stated they are charging people $1,030 per year to launch their boats; but, it was his understanding the previous City Manager, at his discretion, changed the fee schedule and allowed certain commercial entities to launch their boats for a smaller fee. He suggests they revisit the fee schedule for the Joe's Bayou Boat Ramp so these people do not go elsewhere to launch their boats. He asked this item be placed on the next agenda for further discussion.

The City Manager stated if the City receives the $5 million NRDA grant they have applied for to do the expansion of Joe's Bayou Boat Ramp, they would need to know if the Council would allow commercial boat launch as they go forward with the other ordinance that is in the process which disallows all commercial activity at all City parks.

Councilmember Morgan stated he would like to continue commercial activity at the Joe's Bayou Boat Ramp; however, if it jeopardizes the NRDA grant, they would need to have a separate discussion in that regard. He also stated that at this time he would support adding a single use fee option on the fee schedule for those who only launch their boats a few times a year.

Councilmember Braden noted he had discussed with the City Manager the possibility of leaving one ramp out of the NRDA grant; the City would reconstruct that one ramp and then continue to allow commercial use of that ramp.

Councilmember Ramswell asked if it is legal to allow commercial use on a public property.

The Land Use Attorney stated she would need to review the current code; but, the City could put a policy in place to address it.

The City Manager noted that City staff is currently drafing an ordinance to bring forward through the process regarding not allowing commercial activity in all the City parks. She continued they have already established one for Norriego Point because it is a requirement to the grant that no commercial activity happens on Norriego Point.

Councilmember Destin wants to know how many people actually paid the annual fee.

The Parks and Recreation Director stated 3 or 4 people paid an annual launch fee of $1,030.

Motion by Councilmember Dixon, seconded by Councilmember Marler, to suspend the order of the day to allow a motion and a vote on the issue at hand passed 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes")

Councilmember Marler moved to suspend the current schedule of fees for Joe's Bayou Boat Ramp and direct the City Manager to charge $20 per boat for each commercial launch until a new fee schedule is adopted; and to bring back a new fee resolution. Councilmember Dixon provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes")

14. Councilmember Foreman
15. Councilmember Dixon
16. Councilmember Ramswell
    a. Resolution or ordinance that establishes no new agenda items after 9:00 p.m. during council meetings

Councilmember Ramswell expressed concern about Council meetings lasting until as late as 11:30 PM. She stated this is the forum where the public comes and give their thoughts and inputs on certain subjects and having these long meetings are preventing some of them from doing so thereby eliminating some very vital aspects of this whole process. She also noted there is already a language in the City's Land Development Code that they are supposed to conclude consideration of the agenda no later than 11:30 PM, and no agenda item may be initiated after 10:30 PM. She suggests they revisit this matter and possibly establish some other time frame.

The City Attorney stated that since this language is contained in the City's Land Development Code, the Council may want to adopt a new ordinance to place it under the Code of Ordinances; and possibly providing the Mayor further authority to use discretion and limit items after 9:00 PM as he sees fit.

Councilmember Marler suggests they include a provision allowing walk on of important matters such as the Indian Bayou Boat Ramp issue they just discussed tonight.

The City Manager noted that staff has been asked to work on streamlining the agenda. She asked if they could bring back the draft proposed agenda format to go along with the item under discussion and do it all at once.

There were no objections from the members of Council.

Councilmember Marler to direct the City Attorney to come back with a proposed ordinance adding a provision to the City's Code of Ordinances that no agenda item will be initiated after 9:00 PM unless there is a majority vote of the Council to do so; and to remove that provision from section 4.03.00 of the Land Development Code to avoid a conflict with the Code of Ordinances passed. Councilmember Destin provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

b. Beach cleaning and trash pickup

Councilmember Ramswell stated that signs, ropes and chain have contributed to the deterioration and appearance of Destin beaches. They are not only ugly and unattractive, but pose a safety hazard to people. They are also a hindrance to emergency personnel to respond to emergency situations. She noted that Walton County has adopted a somewhat controversial but effective ordinance that significantly improved the appearance of their beaches. This ordinance had to do with the removal of signs and chains past a certain point beyond the dunes. She asked for Council's support in directing staff to look into the Walton County ordinance and see if it is something that could be adopted in Destin.

Councilmember Morgan stated that he shares Councilmember Ramswell's opinion. He continued that certain parts of the Walton County ordinance are subject to litigation; and so he is standing by to see what happens next.

Councilmember Marler agreed the beaches look unattractive and are a safety hazard; however, many people are claiming ownership of part of the beach and the City Attorney may have to research to determine the Supreme Court's final ruling on this issue following the beach re-nourishment several years ago.

Councilmember Ramswell suggests they direct the City Attorney to take a look at the City's signage policy and its potential application to the beach side; and for City staff to take a look at what Walton County has done to eradicate the signs and chains.

The City Manager noted they already have a copy of the Walton County ordinance; but, it is currently under litigation.

The City Attorney stated that he and the Land Use Attorney will combine their effort and come back with a report on the signage policy.

Next, Councilmember Ramswell discussed the raking and cleaning of the beach. She reported receiving many complaints that the beach has not been raked in at least a week. She stated that she personally investigated and confirmed these report. She also saw a lot of trash on the beach (photos shown on the screen), which is indicative of it not getting picked up on a regular basis.

Councilmember Ramswell noted that in 2014, Mr. John Hofstad, the County's Public Works Director at the time, addressed this situation; informing the City the County's contract terms are raking the beach 5 to 6 days per week and trash to be picked up twice per day weather permitting. She stated the terms of the contract are obviously not being fulfilled and the City is not getting the service they deserve. She suggests the City considers resuming control and oversight of this issue and bid out the beach service themselves.

Councilmember Braden asked if the TDC could allocate some funds for beach cleanup in Destin.

The City Attorney stated that the City could always take it upon itself to clean the beaches separately and apart from the County; however, there is no guarantee the TDC would reimburse the City for the cost.

The City Manager noted it is not a budgeted item at this time; but, she would be glad to place it on the list for discussion at the budget workshop. She also stated the Tourist Development Department (TDD) is now under the County jurisdiction. The City could go to the TDD with a proposed budget requesting funding for various activities concerning beaches and tourism; but, there is no guarantee on what the TDD will and will not fund.

Councilmember Foreman suggests allowing the City Manager to discuss this issue with the Okaloosa County Administrator John Hofstad as a first step and letting him know the standard of performance is very low and see if there can be an improvement in beach service.

There was no objection from the rest of Council.

c. Nomination of Ms. Mary "Aubrey" Santucci for membership to the Environmental, Parks and Recreation Committee/Tree Board

Motion by Councilmember Ramswell, seconded by Councilmember Dixon, to appoint Ms. Mary "Aubrey" Santucci to the Environmental, Parks and Recreation Committee/Tree Board passed 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes")

17. Councilmember Braden
    a. Boardwalk

Councilmember Braden asked what terms in the easement agreement are the property owners on the boardwalk held to and what the City could do to force them to abide by these terms.

According to the City Manager, they have been informed in the past that they do not have any enforcement authority because the boardwalk is not governed by the City's Code of Ordinances. It is governed strictly by the covenant of that agreement. It is a legal issue at this time and so she would provide the City's Land Use Attorney a copy of the easement agreement to review and respond to legal questions.

The City's Land Use Attorney stated she would review the easement agreement to determine what it allows the City to do to control boardwalk activities.

Councilmember Destin asked the Land Use Attorney to explore the possibility of incorporating portions of the easement agreement to the City's Code of Ordinances to capitalize on the Special Magistrate process.

Next, Councilmember Braden inquired as to the possibility of the City gaining control over the beach access on the west side of the Marler Bridge.

The City Attorney noted that particular area is control by Eglin Air Force Base.

Councilmember Braden stated he had already contacted an Eglin representative and they seemed amenable to having Destin take control of the beach access area and the pavilion. He just want to make sure Council is interested before he discuss it further with them.

The City Manager stated if the Council is amenable to the idea, they would conduct a financial analysis to determine the cost for the City to possibly take control of the pavilion and beach access area on the west side of the Marler Bridge and bring it back for Council's discussion at the budget workshop.

18. Mayor Fischer
    a. Workshop on feasibility of project appropriate for Triumph funding

The Mayor informed the Council the Florida Legislature created Triumph, which is a 5-member advisory board to help administer and distribute the recovery funds particularly in the 8 primary counties in Florida; adding that round one will distribute about $300 million. He asked Council to consider scheduling a workshop to set plans and goals for the money the City may be eligible to obtain.

The City Manager noted that projects that would fit into regional product would have a better chance of getting that type of funding.

It was a consensus of the Council to go forward with the workshop and to have the HAAS Center facilitate the workshop for the City Council.

STAFF REPORTS AND RECOMMENDATIONS

19. City Attorney comments
20. City Land Use Attorney comments
21. First reading of Ordinance 17-07-CC, Livery Vessel permitting (amendments)

The City Attorney read proposed Ordinance 17-07-CC by title, and then presented it to the Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN RELATING TO LIVERY VESSELS; PROVIDING FOR ADDITIONAL FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT OF SECTION 13-140 PURPOSE; PROVIDING FOR THE AMENDMENT OF SECTION 13-141 DEFINITIONS; PROVIDING FOR THE AMENDMENT OF SECTION 13-142 PERMIT REQUIRED; PROVIDING FOR THE AMENDMENT OF CODE OF ORDINANCES SECTION 13-143 FORMAL APPLICATION REQUIRED PROVIDING FOR THE AMENDMENT OF SECTION 13-144. APPLICATION FOR PERMIT; PROVIDING FOR THE AMENDMENT OF SECTION 13-146 PERMIT FEES; PROVIDING FOR THE AMENDMENT OF SECTION 13-153 ENFORCEMENT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

The City's Development Manager explained that Council previously directed staff to revise the outside timeframe for permitting the first year from March 15th to June 15th and bring back a revision to the ordinance pertaining to the enforcement section of the ordinance. He continued the proposed ordinance amends the ordinance as directed, and includes other revisions intended to resolve ambiguities in the ordinance.

Councilmember Morgan moved to approve proposed Ordinance 17-07-CC on first reading and direct staff to bring it back for second reading on March 20th; seconded by Councilmember Dixon.

According to Councilmember Marler, he cannot support this proposed ordinance because it is singling out two particular businesses – the pontoon boat and Jet Ski rentals. He would prefer to have the proposed ordinance applied to any rental watercraft rented within City Limits, to make it fair to everybody.

Councilmember Ramswell stated she supports equal application of this ordinance. They need to look at any motorized vehicles rather than just pontoon boats and Jet Skis.

The Mayor called for a vote on the motion, which fails 3-4 (Council members Morgan, Dixon and Braden voted "yes"; Council members Destin, Marler, Foreman and Ramswell voted "no").

The City Attorney noted that the Livery Vessel ordinance is still on the books; and that this is just an amendment to add the punitive action for violation of the code.

Councilmember Dixon noted since adoption of this ordinance failed, they would not be able to enforce the ordinance they previously adopted.

The City Manager pointed out that the other amendment language is that if a vessel is in violation of the code, each vessel in violation is treated as a separate violation.

Councilmember Destin moved to rescind the vote taken on the previous motion "to approve proposed Ordinance 17-07-CC on first reading and direct staff to bring it back for second reading on March 20th; seconded by Councilmember Dixon. Motion passed 5-2 (Council members Morgan, Destin, Dixon, Ramswell and Braden voted "yes"; Council members Marler and Foreman voted "no").

Councilmember Morgan moved to approve proposed Ordinance 17-07-CC on first reading and direct staff to bring it back for second reading on March 20th; seconded by Councilmember Dixon. Motion passed 5-2 (Council members Morgan, Destin, Dixon, Ramswell and Braden voted "yes"; Council members Marler and Foreman voted "no").

22. West Destin beach re-nourishment permit modification

The City Engineer explained that the 2012 West Design Beach Re-nourishment Project excluded certain properties along the beaches of Holiday Isle. Although the Corps of Engineers permit allowed for placement of sand in this area, sand not was placed there at the request of the property owners. The permit for this project had a term of 5 years and needs to be extended for 10 additional years to ensure the availability of sand in the event that the beaches erode. Taylor Engineering, Inc. is in the process of extending the permit for an additional 10 years but the property owners located in the "gap" area have filed letters of objection and would prefer that the Corps of Engineers permit be modified to remove their property from the project limits. Staff recommends the City Council approve the Corps of Engineers permit modification for 10 years extension and to make it consistent with the limits of future beach re-nourishment project on the West Destin Beaches.

Councilmember Dixon moved to approve the Corps of Engineers Beach Re-nourishment permit modification for the West Destin beaches and authorize the City Manager to sign the permit modification application; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

23. City Manager comments

The City Manager noted that the City Council had previously directed staff to go back and look at the Business Tax Receipt (BTR) ordinance and revise it so that they have some enforcement capability. State statutes require that before any changes can be made to this ordinance, that they establish a BTR Study Commission. She continued they properly noticed for application, the deadline has come and gone, and they only received one application.

The City Attorney suggests they placed this item on the next agenda so that each member of Council and the Mayor can appoint a member of the BTR Study Commission. He added that the resolution adopted by the Council calls for 8 members to the Commission. They have to be Destin residents and either work or own business in the City.

Next, the City Manager asked permission from the Council to have the ability to live outside of the City of Destin boundaries.

The City Attorney noted that the City Manager's contract currently includes a provision the City Manager resides within the City limits; adding that the City Manager's contract would need to be amended to remove that provision.

Councilmember Dixon stated he can support the request as long as they establish a reasonable radius and consider the transportation and toll costs.

According to the City Manager, she will absorb all additional costs including tolls and gas. She will also abide by the Council's decision if they wish to establish certain radius from City boundaries.

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

Councilmember Ramswell moved to amend the City Manager contract allowing the City Manager to live within a 30 mile radius of the City of Destin boundaries, and then bring it back at the next Council meeting; seconded by Councilmember Marler. Motion passed 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

COMMENTS FROM THE AUDIENCE

Mr. Larry Czur, an Indian Bayou resident and President of the Indian Bayou Homeowners' Association, spoke regarding the drainage project going on in Indian Bayou. He stated the contractor's performance on the work on the Indian Bayou Drainage Project has been quite unacceptable. In many cases swales have not been constructed in accordance with specifications, sprinkler systems have not been restored to proper function, personal properties have been damaged or destroyed, properties and areas adjacent to properties have been used as dumping grounds for dirt and debris, streets have been left full of mud for extended periods of time, gas, sewer and numerous cable lines had been cut, and the burden to have cable service stored was placed on the homeowners. Many are saddened by the appearance of the golf course. Contract workers were unresponsive to expressions of concern from many homeowners. He would like the City's assurance that the rest of the work would be done with a higher degree of quality and more consideration for the homeowners. He would also like the City Manager's assurance that all the rework that needs to be done will get done, and that the City develops a punch list to identify all the fixes that need to be made. He also noted that in looking through the contract, he did not see a strong set of measures and criteria against which the City could assess the contractor's ability to perform the work.

Councilmember Dixon asked how much more time is left to complete the work.

The City Engineer replied that the work should be completed within the next three weeks; adding there have been some rain days the contractors are expected to claim and some change orders which cause additional time to the contract.

Councilmember Dixon suggests they assign a construction manager on site to make sure works are getting done the way they should.

According to the City Engineer, under the terms of the grant agreement, the design engineer has to have an inspector on site the entire length of the contract to inspect the work, give daily report to the engineer of record including any substandard work in his opinion. The engineer of record decides whether to accept the work or order the contractor to redo the work; which has occurred on a number of occasions.

The City Manager noted that the engineer of record is from a different company. He has done an excellent job identifying the issues; but, whether or not they are being carried out is beyond the City's control.

Councilmember Ramswell noted she lives in the same neighborhood, and that they received a note during the weekend that boiled water notice has ended, and that the water is safe to drink. However, they never received any notice that the water was unsafe to drink in the first place.

The City Engineer explained that the contractor was going to remove and replace a structure. The Destin Water Users (DWU) was concern the contractor would hit the water line; and so they came out to find the closest valve so that they could shut the water off quickly in case the contractor hit the water line. However, when they exorcised the valve it fell apart, and so they issued a boil water notice and notified 65 separate homes.

Ms. Christine Bowen, a resident of Indian Bayou, spoke next. She informed Council that swales were put in around the whole side of her house; they dug through her backyard and damaged their sprinkler system; run over her privacy fence; knocked down trees; and causing thousands of dollars' worth of damage overall.

The City Manager noted that both she and the City Engineer have met with Indian Bayou property owners and gave their personal assurance that the City will take full responsibility and repair everything that needs repair when the contractor leaves, and then send the bill to the contractor.

Councilmember Dixon suggests the City holds the contractor's performance bond and keep their retainage until all the work is done.

Mr. Clark Williams, an Indian Bayou resident, stated it has been a poorly administered piece of public works. The supervising engineer the City hired is not doing his job. No one seems to know what is going on. He suggests issuing a one day stop work order until all the issues are resolved.

Mr. Jack McKeand, an Indian Bayou resident, stated that the workers have not finished anything they have started. There were trash and empty water bottles thrown on people's yards. There were rotted fruits all other the place. They have ruined his brick mailbox and their cable knocked out several times. Their sprinkle system is damaged and half his yard is not being watered. He added he was assured by City representatives things will be taken care of but it has not happened.

Having no further business at this time, the meeting was adjourned at 10:50 PM.

ADOPTED THIS 17TH DAY OF JULY 2017
By:

Scott Fischer, Mayor

ATTEST:

Rey Bailey, City Clerk

MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
MARCH 20, 2017
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 Scott Fischer
Councilmember Chatham Morgan
Councilmember Parker Destin
Councilmember Cyron Marler
Councilmember Tuffy Dixon
Councilmember Jim Foreman
Councilmember Rodney Braden

Destin City Staff

City Manager Carisse Lejeune
Public Information Manager Doug Rainer
Park & Recreation Director Lance Johnson
Development Manager Steve Schmidt
Land Use Attorney Kimberly Kopp
City Clerk Rey Bailey
Finance Director Bragg Farmer
IT Manager Webb Warren
HR Manager Karen Jankowski
City Attorney Jeffrey Burns

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Scott Fischer called the meeting to order at 6:00 PM. The Mayor called for a moment of silence; which was then followed by the Pledge of Allegiance.

APPROVAL OF MINUTES

1. Approval of minutes of the December 19, 2016 regular city council meeting

Motion by Councilmember Morgan, seconded by Councilmember Marler, to approve minutes of December 19, 2016 meeting passed 6-0 (Council members Morgan, Destin, Foreman, Dixon, Marler and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

PUBLIC HEARINGS

2. *** Darrel Barnhill, on behalf of Henderson Beach Villas LLC, is requesting approval of a Major Subdivision identified as "Henderson Beach Villas." The proposed development consists of a ten (10) lots, townhome subdivision and common area. The proposed project is generally located south of Scenic Highway 98 East, addressed as 2716 Scenic Highway 98 East. Property can also be identified by Okaloosa County Property Appraiser's parcel I.D. number 00-2S-22-0580-000C-0090. The total site area is 0.86 acres, more or less.

The City Attorney read the above notice for the record. He then announced that the applicant has agreed to waive the reading of the entire notice to the public. He asked Council if they would waive the reading of the entire application into the record. There were no objections from the Council.

At this time, the City Clerk sworn in the following individuals for testimonies:

- Darrell Barnhill, Applicant and Project Manager, ECM Engineering
- John Elamad, Project Engineer, ECM Engineering
- Karen Haynes – Community Development Director, City of Destin

The City's Land Use Attorney provided the following statement for the record:

The proposed development does not meet certain existing provisions of the current Land Development Code, however, the proposal did meet all requirements of the Land Development Code as such Code existed at the time the initial application for the project was submitted on March 2, 2016. This is due to the subsequent passage of Ordinance 16-18-LC, which was passed in furtherance of Comprehensive Plan Objective 1-1.2 Residential Quality, and Comprehensive Plan Policies 1-1.2.1, Protect Residential Areas, 3-1.5.4, Minimize Potential Blighting Influences, and 3-1.5.9, Ensure Compatibility of New Development. On December 5, 2016, the City Council passed Ordinance 16-18-LC, which changed some of the requirements for the Crystal Beach Resort zoning district including the following: (1) it increased the required minimum amount of open space for single-family homes from 25% to 30%, (2) it reduced the maximum building height from 35 feet to 30 feet, (3) it increased the parking requirement for short term single-family and multi-family to approximately one parking space per bedroom, and (4) it allowed for an exemption from the short term parking requirements for single family homes intended for long term residential use only (6 months or more) if a deed restriction was recorded in the official records of Okaloosa County. The Community Development Department has included all information required by the Land Development Code for the review of Major Subdivisions. The proposed request is consistent with Florida Statutes, the City's Comprehensive Plan, and was consistent with the Land Development Code on March 2, 2016, the date on which the initial application for a Minor Tier 1 Development Proposal, #16-14-SP, was submitted.

Mr. Darrell Barnhill, the applicant, provided the following statement for the record:

They are proposing a very simple project; one building divided into 10 townhomes. The storm drain design has met all the requirements of the City's Land Development Code and Comprehensive Plan. They are proposing a single inlet in the middle of the parking lot with conveyance to a single retention pond that exceeds all City and the State's requirements for pollution control. They have had to meet on a number of occasions with the fire department and emergency services. It was their design proposal to have the U-shape approach to allow ambulances and other emergency vehicles to ingress and egress without impediment. The design that is before the Council tonight represents the input from the fire department and emergency services for public safety. They expect to generate approximately 5.81 new trips onto Old Hwy 98 on a daily basis. The traffic is distributed to Old Hwy 98 and onto Hwy 98 until they get down to zero trips. This has been approved by City staff in terms of traffic calculations.

Councilmember Foreman asked if the applicant is grandfathered in since the application came in before the amendments to the Land Development Code in terms of height and greenspace restrictions.

Mr. Barnhill replied they are grandfathered in according to City staff.

Mr. John Elamad, Project Engineer for ECM Engineering, was next to speak. He stated that this project consists of 10 units, each one 3 stories high. All the designs met the Florida Building Code and City of Destin requirements. He then showed the Council the drawings of the building describing the layout and the design of the structure.

Councilmember Morgan asked how many total bedrooms there are within the 10 units.

Mr. Elamad replied there are 5 bedrooms per unit.

Councilmember Foreman inquired as to the approximate square footage of each unit; to which Mr. Elamad replied 3,000 to 3,500 per unit.

Councilmember Braden asked why there are only 25 parking spaces for a total of 50 bedrooms.

Mr. Elamad noted it meets the code requirement at the time of the application.

The Mayor asked how close the structure was to the dune line.

Mr. Elamad replied the building is located north of the dune line, and that they are required to obtain a DEP permit; which is the next step.

The City Attorney asked if a homeowner's association has been incorporated for this property; and whether it is a Chapter 718 or Chapter 720.

According to Mr. Barnhill, their attorney will wait after the outcome of this meeting before filing for any homeowners' association.

The City Attorney asked if there was a lender for this project; to which Mr. Elamad replied that there is not.

The City Attorney noted that the City's Land Use Attorney contacted Mr. Barnhill today and informed him they have found some discrepancies on the plat. He asked if the plat that was submitted with the application was the final copy.

According to Mr. Barnhill, it was the final copy; however, when he discussed this issue with the Land Use Attorney, she stated that Council can choose to approve this project subject to final legal review.

The Land Use Attorney noted she informed Mr. Barnhill of the discrepancies on the plat today, and she asked if he would like to postpone the hearing until corrections were made. Mr. Barnhill opted to continue with this hearing tonight and leave it up to Council if they can approve the project contingent upon correction of these discrepancies.

At this time, the City Clerk sworn in Mr. Norman McClain, one of the owners of the project, for testimony.

Mr. McClain noted they put in the application for this project in March 2016. They have made several changes to it as requested by staff; and now almost a year later they are being informed that more changes have to be made to the application.

Mr. Elamad pointed out that even if Council decides to approve this project tonight, they would still need to submit the application to the DEP to obtain a permit to cross the erosion control line, which could take another 90 days. He continued they are requesting a letter from the City's Planning and Zoning Department stating they have complied with the engineering and design requirements so that DEP could act upon the application immediately. He added that the discrepancies the Land Use Attorney has noted would also be corrected.

At this time, the City Attorney asked if any member of the public wish to comment on this project. Having none, he turned the matter over to Council for deliberation.

Councilmember Foreman moved to approve the proposed subdivision as presented by staff with the conditions listed in Exhibit 3 of the staff report and contingent on the Land Use Attorney's review of the plat; seconded by Councilmember Marler.

The City Attorney cautioned against the Council setting precedence by approving a project not in total compliant with Florida Statutes. He re-emphasized that fact there are several discrepancies on the application – such as; missing witnesses and it does not explain Mr. Mclean's role with the company. He added this would not actually be a valid dedication for this plat.

Councilmember Morgan offered a substitute motion to delay voting for approval or denial of the project until all statutory requirements are met; and to continue this item to the April 3, 2017 Council meeting. Councilmember Dixon provided a second to the motion.

The City Manager asked if staff should go ahead and prepare the letter to DEP as requested by the applicant that they have met all the statutory requirements.

The Land Use Attorney recommends waiting to issue the letter until all the statutory requirements are met.

Councilmember Foreman stated that though he agrees with the City Attorney about getting things right the first time, the City has all the tools in place to expedite this matter and the applicant should not have waited a year to get a project approved.

The City Manager explained there have been a turnover of personnel and she cannot speak on the delay that happened in the past, especially before she arrived at the City. However, she did see several renditions of the plans and that they were wrong. She also stated they are trying to establish a culture where staff can work with the developers to bring the project to the City in a very timely manner. She continued they need the developers to work with the City, to study the code, and bring forward site plans that meet the code. This should eliminate the delay of having staff review the application time and time again because elements do not match the code. She added they are ready to issue a development order for this particular project once it is approved by the Council.

The Mayor called for a vote on the motion, which passes 4-2 (Council members Morgan, Destin, Dixon and Braden voted "yes"; Council members Marler and Foreman voted "no"; Councilmember Ramswell was absent from the meeting).

3. Second reading of Ordinance 17-07-CC, Livery Vessel regulation

The City Attorney read Ordinance 17-07-CC by title, and then presented it to the Council on second reading.

> AN ORDINANCE OF THE CITY OF DESTIN RELATING TO LIVERY VESSELS; PROVIDING FOR ADDITIONAL FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT OF SECTION 13-140 PURPOSE; PROVIDING FOR THE AMENDMENT OF SECTION 13-141 DEFINITIONS; PROVIDING FOR THE AMENDMENT OF SECTION 13-142 PERMIT REQUIRED; PROVIDING FOR THE AMENDMENT OF CODE OF ORDINANCES SECTION 13-143 FORMAL APPLICATION REQUIRED PROVIDING FOR THE AMENDMENT OF SECTION 13-144. APPLICATION FOR PERMIT; PROVIDING FOR THE AMENDMENT OF SECTION 13-146 PERMIT FEES; PROVIDING FOR THE AMENDMENT OF SECTION 13-153 ENFORCEMENT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

The City Manager noted that the City Council voted to adopt Ordinance 17-02-CC, Regulation of Livery Vessels, on second reading on February 21, 2017. Staff was directed by Council on February 6, 2017 to revise the outside timeframe for permitting the first year from March 15th to June 15th and bring back a revision to the ordinance pertaining to enforcement provision. This proposed ordinance revises the enforcement section by including a paragraph on Criminal Penalties. Other minor changes to the original ordinance clarify definitions permit application requirements and fees.

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 Council for their discussion and consideration.

Councilmember Morgan moved to approve Ordinance 17-07-CC on second reading, seconded by Councilmember Dixon.

Councilmember Braden inquired into amending the requirement for permanent restrooms to be provided within 200 feet of the livery vessel docking location and to only require that a restroom is on the owner's property.

Councilmember Morgan suggests they pass this ordinance now to add an enforcement provision and then go back later on and addresses this other issue.

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

<u>PUBLIC OPPORTUNITY TO SPEAK ON COUNCIL PROPOSITIONS</u> (Agenda items #4, #5, #6 thru #9, #10, #12A, #21)

CONSENT AGENDA*

4. Reimbursement to Mayor Scott Fischer for expenses incurred during his travel to Tallahassee, Florida to testify in opposition to Senate Bill 596, Wireless Communications Infrastructure and Community Redevelopment Area bills
5. Amendment to the City Manager Employment Agreement

Motion by Councilmember Morgan, seconded by Councilmember Dixon, to approve Consent Agenda items #4 and #5, as printed above, passed 6-0. (Council members Morgan, Destin, Foreman, Dixon, Marler and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

RESOLUTIONS

6. Resolution 17-11 – Emerald Coast Fitness Foundation Donation

The City Attorney read proposed Resolution 17-11 by title.

> A RESOLUTION OF THE CITY OF DESTIN, FLORIDA PROVIDING FOR AUTHORITY TO PROVIDE FUNDING TO THE EMERALD COAST FITNESS FOUNDATION FOR THE REPAIR AND RENOVATIONS OF THE FORMER DESTIN YMCA POOL FACILITY; PROVIDING FOR AN EFFECTIVE DATE.

The City Manager noted that a change was made to the resolution that removed the language requiring the Emerald Coast Fitness Foundation to get commitments for the total funding required to open the facility and adding language that places a City Council member on the Emerald Coast Fitness Foundation Advisory Board. She also noted she was contacted by a member of the Foundation and informed her that the City made referenced to the Destin Middle School for the International Water Day when in fact it should be the Destin Elementary School.

The City Attorney advises they could make a change by hand in the resolution and the Council can go ahead and pass it if they so desire.

At this time the Mayor acknowledged the people who submitted a Request to Speak Card for this particular item.

Ms. Sue Goetz, a Destin resident, stated she has been associated with the YMCA for at least 24 years as a volunteer instructor. She continued that since the City invested heavily for the construction of the YMCA in Destin, she views this particular contribution as an opportunity to save what the citizens of Destin has already invested in this facility. She further stated that the YMCA conducted a Navy diving school; several groups participated in the swim meets; and there were swimming lessons conducted for children. She added that they need to do whatever is necessary to secure this facility.

Ms. Nonely Soto, swimming coach for the Destin Middle School, stated this facility touches the community in so many levels. The Destin Middle School as well as the entire County would love to be able to hold their swim meets in this facility. She also fees the entire community would benefit from it in the long run.

Councilmember Braden asked if the Destin Middle School pays a fee to use the YMCA.

Ms. Soto stated the Destin Middle School pays the pool fees for usage for practice and competition while the parents pay the fees for individual students.

Ms. Danielle Torley, a Destin resident, stated she is a parent to 3 very small children. They do not have a swimming pool and so their options for swimming lessons for children are extremely limited. She urged the City to support the swimming facility.

Ms. Pam Braseth of the Emerald Coast Fitness Foundation announced their executive board voted to allow a member of the Destin City Council to have a seat on the advisory board if they decide to provide funding for the pool facility.

Councilmember Destin moved to approve Resolution 17-11 and have the associated funding of $57,000 be made from the unappropriated fund balance and make the appropriate budget amendment; and to allow a written correction to the resolution changing Destin Middle School to Destin Elementary School. Councilmember Morgan provided a second to the motion.

Councilmember Marler noted the City previously invested $1.6 million to the YMCA swimming pool; adding he cannot support spending another $57,000 of taxpayers' money to reopen this pool.

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

7. Resolution 17-15 – Engineering Services for Main Street/Indian Trail Drainage Improvements Design

The City Attorney read proposed Resolution 17-15 by title.

> A RESOLUTION OF THE CITY OF DESTIN, FLORIDA, AUTHORIZING THE EXECUTION OF A LETTER CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES BETWEEN THE CITY OF DESTIN AND JENKINS ENGINEERING, INC. FOR ENGINEERING DESIGN FOR THE MAIN STREET/INDIAN TRAIL DRAINAGE IMPROVEMENTS PROJECT

The City Engineer explained that in the past 17 years staff has identified the areas located at Main Street and Planet Drive, Mars Street and Indian Trail as areas prone to flooding. The Mars Street and Planet Drive drainage basins are closed basins (no positive outfall) and the existing storm sewer system located at the Main Street and Indian Trail intersection is inadequately sized for large rain events. The objective of the engineering design is to create a positive storm water outfall for the areas identified at Planet Drive and Mars Street and to increase the efficiency of the storm sewer system at the intersection of Main Street and Indian Trail while providing a high level of water quality. The outfall at the Century Park condominiums on Indian Trail will also be improved. He added that the Main Street/Indian Trail Drainage Improvements design was identified and budgeted in Fiscal Year 2017.

Motion by Councilmember Morgan, seconded by Councilmember Dixon, to authorize the City Manager to execute a contract with Jenkins Engineering, Inc. in the amount of $24,000 for engineering services for the Main Street/Indian Trail Drainage Improvements Project passed 6-0 (Council members Morgan, Destin, Foreman, Dixon, Marler and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

8. Resolution 17-16 – Schedule of Fees for FY 2017

The City Attorney read proposed Resolution 17-16 by title.

A RESOLUTION OF THE CITY OF DESTIN, FLORIDA PROVIDING FOR AUTHORITY; AMENDING THE SCHEDULE OF FEES FOR FISCAL YEAR 2017; PROVIDING FOR REPEALER AND PROVIDING FOR AN EFFECTIVE DATE.

The City Manager explained that the City Council voted on March 6, 2017 to allow commercial boats to use Joe's Bayou for the daily usage fee of $20.00. This resolution makes that change in the Schedule of Fees. She continued that they still have available the annual permit for any commercial entity that wishes to purchase it; but any commercial entity that wishes to pull in and out on the same day will be able to pay the $20.00 usage fee.

Councilmember Dixon asked if the annual fees start and end on a certain date.

The City Manager replied that the annual permit is good throughout the year (January to December).

Councilmember Dixon feels the annual fee of $1,000 for commercial boat is a bit too high; adding they may need to consider lowering it to a reasonable amount in the future.

Motion by Councilmember Destin, seconded by Councilmember Morgan, to adopt Resolution 17-16 and the associated Schedule of Fees for Fiscal Year 2017 passed 6-0 (Council members Morgan, Destin, Foreman, Dixon, Marler and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

9. Resolution 17-17 – Poured in Place (PIP) Playground Safety Surfacing Contract

The City Attorney read proposed Resolution 17-17 by title.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, APPROVING THE SELECTION OF BLISS PRODUCTS AND SERVICES, INC. FOR THE REPLACEMENT OF PLAYGROUND SAFETY SURFACING AT BUCK DESTIN PARK AND THE MORGAN SPORTS CENTER CHILDREN'S PARK IN THE AMOUNT NOT TO EXCEED $62,900.50 BASED ON BIDS RECEIVED THROUGH THE COMPETITIVE BIDDING PROCESS AS REQUIRED; PROVIDING FOR AN EFFECTIVE DATE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT FOR AND ON BEHALF OF THE CITY OF DESTIN.

The Parks and Recreation Director explained that the pour-in-place (PIP) rubberized playground safety surfacing at both Morgan Sports Center and Buck Destin Park is at the end of its useful life and needs to be replaced. It is a critical playground safety component that is designed to absorb energy associated with falls and reduce injuries.

Councilmember Morgan moved to adopt Resolution 17-17, accepting the bid of $62,900.50 submitted by Bliss Products and Services, Inc. to remove and replace the PIP playground safety surfacing at Morgan Sports Center and Buck Design Park, and authorize the City Manager to execute the contract on behalf of the City. Councilmember Dixon provided a second to the motion, which passes 6-0 (Council members Morgan, Destin, Foreman, Dixon, Marler and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

COMMITTEE REPORTS
SCHEDULED PRESENTATIONS FROM THE PUBLIC **

10. Destin Forward Class Project to help beautify the playground area at the Buck Destin Park – Ms. Jessica Johnsey

Ms. Jessica Johnsey, representing the Destin Forward Class of 2017, informed the Council the class has selected renovating the Buck Destin Park playground as their class project for the year; and asked for the Council's approval of the project. She also stated that they have raised over $6,000 for this project.

There were no objections from the Council. Several members of the Council complimented the Destin Forward class for their efforts.

PROJECT REPORTS AND COMMENTS FROM MAYOR AND COUNCIL

11. Councilmember Morgan
12. Councilmember Destin
    a. Appointment of Council representative to the Emerald Coast Fitness Foundation Advisory Board

Councilmember Destin moved to appoint Councilmember Ramswell as Council representative to the Emerald Coast Fitness Foundation Advisory Board; seconded by Councilmember Foreman. Motion passed 6-0 (Council members Morgan, Destin, Foreman, Dixon, Marler and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

Councilmember Destin asked the Land Use Attorney to work with staff and bring back some ideas for further regulating short term rentals by establishing parking requirements based on square footage of the structure rather than the number of bedrooms.

13. Councilmember Marler
14. Councilmember Foreman
15. Councilmember Dixon

Councilmember Dixon asked staff to investigate a complaint from a citizen about a median on Regatta Bay Blvd that is non-compliance with landscaping. He also stated the median is full of trash, fallen tree limbs and palm branches.

The City Manager noted that staff has researched this issue and determined that Legendary, Inc owns this particular subdivision. They have requested that a representative from this firm contacts the City to discuss this matter. If they do not respond in a timely manner, the City would then issue them a citation for noncompliance with the landscaping regulation.

16. Councilmember Ramswell
17. Councilmember Braden

Councilmember Braden announced he recently met with County Commissioner Kelly Windes, and that Mr. Windes informed him he has been doing everything possible for the City of Destin as the City's representative to the County. However, he only represents one vote and can only do so much for the City. Councilmember Braden suggests the City tries their best to work with the County, and that both sides should stop trying to discredit each other.

Councilmember Marler noted that he also had a conversation with Commissioner Windes and agrees with Councilmember Braden's comment that they need to focus on solving important issues instead of "mudslinging."

18. Mayor Fischer

The Mayor provided an update regarding his recent trip to Tallahassee. He stated that he met with their State Senator, Representative Mel Ponder and their legislator. They were all very receptive to the City's proposals. He also stated there were thousands of bills that have been filed before the legislature; and a great number of these bills seemed to attempt to remove the power of the Cities to administer their duties. There is an attitude in the House and Senate to really restrict the Cities' authorities. He continued that he testified before a committee against the bill on cellular telephone antenna. This particular bill was written completely in favor of the telephone companies. It would allow cell phone companies that offer the 5G service to attach their antennas and transmitters to any poles located in any rights-of-way. Cities would only be allowed to charge these companies $15.00 a year. They would not be allowed to dictate the location or the number of these devices to be installed. This particular committee voted 7-1 to recommend the passing of this bill. The Mayor also mentioned a bill that will remove the City's ability to regulate short term rentals and another bill that will stop the issuance of business tax receipts and allow taxation on specific business licenses by the State.

The City Manager added there is a concerted effort in this legislative session to erode as much home rule authority and create as many unfunded mandates as possible. There is also an effort to eliminate the cities' ability to create economic development opportunities by getting rid of Enterprise Florida and community redevelopment areas.

STAFF REPORTS AND RECOMMENDATIONS

19. City Attorney comments
20. City Land Use Attorney comments
21. Solid waste contract procurement discussion

The City Manager explained that the City of Destin is currently in a one-year extension of a five-year franchise agreement with Waste Management, Inc. of Florida. This extension will expire on September 30, 2017. On May 2, 2016, Council approved an RFP for solid waste services and the City released the RFP to the public. On the May 3, 2016 Strategic Visioning Session, Council outlined a 2017 Organizational Goal and Performance Objective for staff; which was to implement green sustainable concepts supporting the environment and quality of life issues. On June 20, 2016, the Council authorized for the RFP bids to be rejected and to authorize the City Manager to negotiate the one year contract extension with Waste Management. This decision was made to afford staff the opportunity to include some of the green initiatives into a solid waste contract, and also because there were some complications with the procurement process with this particular bid.

The City Manager also noted that with the extension, all previous terms of the contact remained the same except for the following modifications:

- Quarterly diversion reports of solid waste and recycling tons collected in the City to be provided to the City and will assist in designing future solid waste contracts to achieve organizational objectives
- Waste Management assumed all responsibility for all residential and commercial billing; thereby removing the City's Code Enforcement personnel from the bill collection process

She further stated that Okaloosa County recently approved residential solid waste services with Waste Management. The final contract service levels are virtually identical to City staff's proposed changes. She asked whether the Council wants staff to use the County's recent procurement and pricing information to negotiate a multi-year contract with Waste Management and bring it back for Council's approval, or for City staff to design and release an RFP for residential and commercial solid waste and recycling services and bring back qualified responses for Council consideration.

Councilmember Morgan stated he is happy with the services provided by Waste Management and suggests using the County's recent procurement process.

Councilmember Morgan moved to direct the City Manager to use Okaloosa County's recent procurement and pricing information for residential solid waste services as well as recent local and comparable commercial pricing to negotiate a multi-year contract with the City's current solid waste provider, Waste Management, and bring back to Council for consideration; seconded by Councilmember Destin.

Councilmember Dixon stated that although he feels Waste Management has done a great job for the City, he would prefer they go out for an RFP because not only that competition is great for the City, there is also a possibility they could end up with a lower price. He also stated it is imperative for the City to take this contract, and all the other contract of this magnitude out for competitive bidding.

Councilmember Destin asked a representative from Waste Management if they know which other companies submitted a bid to the County.

Mr. Ronnie Bell of Waste Management replied that Waste Pro and Inland Services of Florida also submitted a proposal.

Councilmember Braden agrees with Councilmember Dixon that they owe it to the taxpayers to put out an RFP and attempt to negotiate a new contract.

Councilmember Marler feels Waste Management has done an excellent job for the City and he feels they should renegotiate a contract with them; adding that if they put out an RFP, they may get a slightly lower rate but the company may not be responsive enough for the City.

Councilmember Foreman stated he has not heard of any complaints from residents against Waste Management. He continued that they are already getting great service, and if they could negotiate a good contract with Waste Management, they should not have to make a change.

Councilmember Dixon clarified that his intent was not necessarily to make a change, but to try to get the best deal for the citizens.

Councilmember Morgan withdrew his motion on the floor.

Councilmember Dixon then offered a motion to direct staff to design and release an RFP for residential and commercial solid waste and recycling services and bring back qualified responses for Council consideration; seconded by Councilmember Braden. Motion passed 4-2; (Council members Morgan, Destin, Dixon and Braden voted "yes"; Council

members Marler and Foreman voted "no"; Councilmember Ramswell was absent from the meeting).

22. City Manager comments

The Council will hold a workshop on Thursday, April 6th, beginning at 5:30 PM to discuss feasibility of projects appropriate for Triumph funding with West Florida Regional Planning Council.

COMMENTS FROM THE AUDIENCE

Having no further business at this time, the meeting was adjourned at 7:50 PM.

ADOPTED THIS 17TH DAY OF APRIL 2017
By:

Scott Fischer, Mayor

ATTEST:

Rey Bailey, City Clerk

MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
APRIL 1, 2019
CITY HALL ANNEX COUNCIL CHAMBERS
6:00 PM

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

Destin City Council

Mayor Gary Jarvis
Councilmember Steven Menchel
Councilmember Cyron Marler
Councilmember Parker Destin
Councilmember Chatham Morgan
Councilmember Skip Overdier
Councilmember Rodney Braden

Destin City Staff

City Manager Lance Johnson
Public Service Director Michael Burgess
Code Compliance Manager Joey Forgione
Public Information Manager Catherine Card
Community Development Director Louis Zunguze
City Land Use Attorney Kimberly Kopp
City Clerk Rey Bailey
Deputy City Manager Webb Warren
Finance Director Bragg Farmer
Parks & Rec. Director Lisa Firth
City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

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

AGENDA APPROVAL

Councilmember Destin requested that discussion related to City election be added to the agenda as agenda item #7F (2).

Motion by Councilmember Braden, seconded by Councilmember Overdier, to add City election for discussion as agenda item #7F (2) passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

1. APPROVAL OF MINUTES

A. Approval of minutes of February 26, 2019 City Council Workshop

Councilmember Marler moved to approve minutes of February 26, 2019 City Council Workshop; seconded by Councilmember Destin. Motion passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

B. Approval of minutes of February 4, 2019 Regular City Council Meeting

Councilmember Marler moved to approve minutes of February 4, 2019 Regular City Council Meeting; seconded by Councilmember Menchel. Motion passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

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

A. Proclamation Water Conservation Month

The Mayor read the proclamation designating April 2019 as *Water Conservation Month*, and then presented it to Mr. Lockwood Wernet, General Manager of the Destin Water Users.

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

Ms. Carrie Harbarger, a Destin resident, spoke of the crosstown connector. She stated that she lives on Spring Lane Avenue and diverting the traffic through her neighborhood would ruin the quality of life of its residents. She continued she has spoken to about 70 people about this subject. Most of them are not even aware it is going on and some are shocked to know it is still happening. They thought this plan was cancelled 20 years ago. She asked the Council to reconsider purchasing any more property until they have a chance to re-present this plan to the people.

Ms. Marcie Bell, a Destin resident, stated that the City code requires residents to have service with Waste Management, Inc. She stated that Waste Management does not provide good service as they went right past her garbage can that was aligned with several other trash cans. She also had 3 piles of yard waste. The Waste Management truck drove by the first two and only picked up the last pile. She called the company 3 days in a row complaining about yard waste and trash pick-up to no avail. She also stated that another resident of Holiday Isle called about a refrigerator pick-up 4 times, but the company never picked it up. The resident ended up putting the refrigerator on a truck and driving it to a Waste Management location at Fort Walton Beach. She added that another person with yard waste called for a pick-up 5 times without any success. She asked the Council to publish an addendum to the ordinance providing residents the opportunity to contract with other companies.

The City Manager will discuss this issue with a Waste Management, Inc. representative.

4. CITY MANAGER REPORTS

A. Strategic Visioning Session Date

The City Manager asked if the Mayor and Council are amenable to having the Strategic Visioning Session either on Thursday, May 2nd or Friday, May 3rd to discuss major projects and staffing requests from department directors along with any other major undertakings for the next fiscal year.

After a brief discussion, the Council agreed to tentatively schedule the Strategic Visioning Session on Wednesday, May 1st, beginning at 8:00 AM.

B. Town Hall Meeting Schedule

The City Manager announced that the City of Destin will host a Town Hall meeting on Thursday, April 18, 2019, from 9 to 10 a.m. at the Destin Library's Calhoun Room. At this meeting, the public will have an opportunity to engage with Councilmember Menchel and City staff in an open forum setting. Topics covered during this meeting will include current City projects and accomplishments. He continued that the meeting will be advertised to comply with the Sunshine Law in case there is more than one member of the Council present.

C. Draft Memorandum of Understanding (MOU) Okaloosa County, James Lee Park

The City Manager explained that Okaloosa County has identified a need for parking improvements at James Lee Park. Since a portion of the parking area is located within the City's right-of-way, the County has requested a Memorandum of Understanding before they proceed with the project. He recommends that the City Council approves the requested MOU and authorizes the City Land Use Attorney to finalize the document with the County Attorney.

Councilmember Marler noted that the purpose of doing this was not to provide additional parking for the restaurant, but to give the public more parking for the beach.

Councilmember Menchel pointed out that the actual crosswalks currently go from the north to the south side of Scenic Hwy 98. When they try to crossover into James Lee Park parking lot, there is no crosswalk to allow people on wheelchairs to go all the way through; but the new plan will allow them to go all the way through.

Motion by Councilmember Overdier, seconded by Councilmember Destin, to approve the MOU as requested, contingent on authorizing the City Land Use Attorney to finalize negotiations with the County Attorney, passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

D. Announcements

The City Manager stated they are aware of the problem and the negative press regarding the City beaches and beach accesses. Staff has been working with the Council since the November 2018 time frame in trying to obtain properties to help alleviate this problem. The Community Development Department has been working on revising the ordinance for the past 2 to 3 months to strengthen the current rules and make them easier to understand for the City's Code Enforcement Officers. Staff will bring back the ordinance that was first presented in July, but was tabled, that could establish a safety corridor on the water's edge; if it is the desire of the Council.

After a brief discussion, the Council agreed to allow staff to bring the ordinance back for their consideration.

5. PUBLIC HEARINGS

A. First reading of Ordinance 19-05-LC – Amending Article 7 of the Land Development Code to create a Harbor District overlay

The City Attorney read proposed Ordinance 19-05-LC by title; and then presented it to the City Council on first reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO PRESERVING THE HISTORIC DESTIN HARBOR AREA WITHIN THE CITY OF DESTIN; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE, "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS" TO CREATE A HARBOR DISTRICT OVERLAY; PROVIDING FOR PURPOSE AND INTENT; ESTABLISHING PRINCIPLE, CONDITIONAL, AND ACCESSORY USES IN THE HARBOR DISTRICT OVERLAY; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES"; ESTABLISHING A PROCESS FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE DESTIN HARBOR; ESTABLISHING CRITERIA FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE DESTIN HARBOR; ESTABLISHING A CERTIFICATE OF APPROPRIATENESS; AUTHORIZING CODE WAIVERS; PROVIDING FOR APPEALS; PROVIDING FOR PENALTIES; 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.

Mr. Claude Perry, a Destin resident and business owner, stated that he is not familiar with the origin of this proposed ordinance and would like some clarifications because he finds the language very confusing.

The Land Use Attorney explained that the proposed ordinance came about because staff has been reviewing the City's Comprehensive Plan and Land Development Code for inconsistencies. There are elements and policies in the Comprehensive Plan that have not been addressed; and that this and other ordinances they are currently working on, and that will be coming to the Council soon, will address these inconsistencies.

The Community Development Director Louis Zunguze explained that the specific language in the Comprehensive Plan that requires the City to enhance the restoration of historical structures in the harbor area as part of the celebration of the district as a fishing village has not been addressed at all in all the ordinances. This is part of trying to bring that consistency between the Comprehensive Plan and the Land Development Code. He continued this is an additional development rights that are being given to the citizens of Destin. They are not taking anything away from the underlying zoning districts and the rights people currently have; but what they are looking for is the celebration of the district from a historical standpoint architecturally and an environment where the uses are consistent with the harbor aspects of the area.

Mr. Perry argues this is clearly an architectural review for the harbor district which he considers very serious development that came out of nowhere. He suggests they delay approval of

this ordinance until after they have more public discussions and learn a lot more about the purpose of this ordinance.

According to the Land Use Attorney, the proposed ordinance is not an architectural review for the harbor district. It is an application process that is voluntary; and it does not apply unless someone makes an application to the City. She added it is another option for property owners and it does not take anything away from them.

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

Councilmember Braden noted that the ultimate goal of this ordinance is to get the Land Development Code in compliance with the Comprehensive Plan. He would also like to revisit the issue related to parking requirements for outdoor seating in the Harbor District at a later date.

Motion by Councilmember Overdier, seconded by Councilmember Menchel, to approve Ordinance 19-05-LC on first reading, and direct staff to advertise it for second reading passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

B. First reading of Ordinance 19-06-LC – Establishing the Calhoun Center Mixed Use Village (CMUV) zoning district

The City Attorney read proposed Ordinance 19-06-LC by title; and then presented it to the City Council on first reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA ESTABLISHING THE CALHOUN CENTER MIXED USE VILLAGE ZONING DISTRICT; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS"; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES"; AMENDING TABLE 7-3: "SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS"; 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 portion and turned the matter over to the City Council for discussion and consideration.

Councilmember Menchel moved to approve Ordinance 19-06-LC on first reading and direct staff to advertise it for second reading; seconded by Councilmember Marler. Motion passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

C. First reading of Ordinance 19-07-LC – Amending the Town Center Mixed Use (TCMU) zoning district

The City Attorney read proposed Ordinance 19-07-LC by title; and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING THE TOWN CENTER MIXED USE ZONING DISTRICT; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS"; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES"; AMENDING TABLE 7-3: "SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS"; 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 portion and turned the matter over to the City Council for discussion and consideration.

Councilmember Menchel moved to approve Ordinance 19-07-LC on first reading, and direct staff to advertise it for second reading. Councilmember Braden provided a second to the motion, which passes 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

D. First reading of Ordinance 19-08-CN – Livery Vessel Moratorium

The City Attorney read proposed Ordinance 19-08-CN by title; and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO LIVERY VESSELS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR A TEMPORARY MORATORIUM ON LIVERY VESSEL PERMITS; DIRECTING STAFF TO DEVELOP RECOMMENDATIONS FOR REGULATION OF LIVERY VESSELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXPIRATION OF MORATORIUM; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mr. Claude Perry stated they have had tenants that brought their own pontoon boats, but they are contemplating on purchasing their own pontoon boats and Jet Skis by next year. He asked for some language to be added to the ordinance that would preserve the rights of property owners to purchase their own pontoon boats.

Councilmember Morgan noted they would not be making any decisions in that regard until after the completion of the harbor capacity study.

Mr. Ed Rogers, a Destin resident and pontoon boat operator, expressed his support of the moratorium. He believes there are way too many boats operating in the harbor, and a lot of boat operators with substandard equipment that do not carry insurance or have workers compensation insurance for their employees; and that it is going to hurt other businesses that follow all the rules in the long run. He further stated this moratorium would not have been necessary if City regulations that are currently in place are being enforced.

Mr. Mike Buckingham, a Destin resident and Chairman of the Harbor CRA Advisory Committee, noted that the committee has been working on this issue for over two years and fully support a moratorium. He also stated that many of the pontoon business owners that are following the rules and operating a legitimate business have also expressed support of the moratorium. He urged the Council to adopt the proposed ordinance and either adding a specific expiration date for the moratorium or adding a language that it will be in effect until the harbor capacity study is completed.

The City Attorney noted that the moratorium is effective through November 1, 2019; however, it could be extended if necessary, by an amendment to the ordinance.

Mr. Zunguze stated they have prepared a draft Request for Proposal (RFP) for the study. It will go through the City's Bid Committee and then out to the public.

Mr. Mike Abadie, a Destin resident, stated that he supports a moratorium; however, ordinances that are currently in place that regulate this issue have not been enforced. He continued it would just be a waste of time adopting any regulations they do not have the ability to enforce.

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

Councilmember Menchel asked if it would be more advantageous to include a language that the moratorium is in effect until after completion of the harbor capacity study as opposed to having an expiration date for the moratorium.

The Land Use Attorney stated that having a hard date would be easier for enforcement. It would also be simple to amend the ordinance and extend the date, if necessary.

According to Councilmember, the City has contributed to the problem in the past by allowing shared parking between pontoon boat operators and restaurants on the harbor; which have gotten out of control. He would also like for the Council to start receiving reports every meeting on pontoon boat operators that are still not in compliant with current regulations.

Code Compliance Manager Joey Forgione stated they are aware of all businesses that are currently not in compliant; and that they would be bringing back some information on the number of vessels, which businesses do and do not have the right number of parking and which do or do not have the required bathrooms.

Councilmember Menchel stated they have new staff and they are doing a great job; they just need for the citizens to be more patient and give them more time to perform their mission.

Councilmember Overdier moved to approve Ordinance 19-08-CN on first reading, and direct staff to advertise it for second reading; seconded by Councilmember Menchel. Motion passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

6. CONSENT AGENDA

A. Request for Council Approval to Purchase FY19 Budgeted Equipment; 2019 Ford Escape 4x4, 2019 Ford F550 4x4, 2019 30-ton trailer.

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

Councilmember Overdier recommends amending the procurement manual so that budget items which the Council had already approved do not have to go back for further approval by the Council.

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

A. Councilmember Braden

Councilmember Braden asked the City Manager to discuss the trash pickup issue with a Waste Management, Inc. representative. He stated he has been getting complaints about the company not picking up yard debris.

Councilmember Braden inquired about the hiring of a new engineer.

The City Manager noted they have received several applications, which are being reviewed by the hiring team very carefully to make sure they hire the right person for the job. Interviews will be held within the next two weeks.

Councilmember Braden wants to make sure the harbor capacity study will not have any effect on the enforcement of regulations on the harbor.

Mr. Forgione replied affirmatively; stating that the study will not interfere with enforcement.

B. Councilmember Ramswell
C. Councilmember Menchel

Councilmember Menchel expressed his gratitude to the Sheriff's Office for placing the blinking sign on Airport Road that shows the speed of motorists passing by; adding there has been a big improvement in controlling vehicular speed in that area.

Councilmember Menchel announced that he has had the pleasure of meeting with each of the department heads in the City and is very impressed with their attitude.

D. Councilmember Overdier

E. Councilmember Marler

Councilmember Marler reported that the "No Parking on the Sidewalk" signs located on the Corner of Main Street and Kelly Street are not working. He suggests adding more power to force compliance such as a "Tow Away Zone."

F. Councilmember Destin

1. Discussion of pedestrian traffic at foot of bridge.

Councilmember Destin stated that the Emerald Grande gets the bulk of the blame with regards to the traffic at that intersection; but it is also the pedestrians that are using the crosswalks, especially during special events, that are causing some of the traffic backups. He stated they need to figure out a way to get people safely from the north side to the south side of the harbor. He would like to get an update on the status of the boardwalk extension underneath the Marler Bridge, which they have previously discussed.

The City Manager noted there have been some conceptual drawings done by a firm that is no longer affiliated with the City. He stated they would need authorization from the Council to engage a new firm and to move forward with the conceptual drawings.

Councilmember Destin moved to direct staff to pursue a bid process for an engineering firm to create conceptual drawings and concrete plans for pedestrian improvements and boardwalk extension underneath the Marler Bridge; seconded by Councilmember Marler. Motion passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

2. City Election

Councilmember Destin stated he has been quite disappointed with the voter turnout at the City's March election cycle during even numbered years. Most voters do not seem to realize that March is a time to vote. He continued they have ordinances that set the election of Mayor and Council on a March election cycle; however, the City Charter states that election shall be held during the State general election in November. There seemed to have a conflict and so he would like the Land Use Attorney and City Attorney to look into this issue and see what their legal options are in terms of conducting the City election. He added he would rather hold an election in November to encourage increase in voter turnout.

Councilmember Destin moved to direct the City Attorney and Land Use Attorney to look into the historic setting of the City's election dates, as well as their legal option in holding the City election in November to coincide with the State General Election; seconded by Councilmember Marler. Motion passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel and Braden voted "yes"; Councilmember Ramswell was absent from the meeting).

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

Having no further business at this time, the meeting was adjourned at 7:20 PM.

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
APRIL 15, 2019
CITY HALL ANNEX COUNCIL CHAMBERS
6:00 PM

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

Destin City Council

Mayor Gary Jarvis
Councilmember Steven Menchel
Councilmember Cyron Marler
Councilmember Parker Destin
Councilmember Prebble Ramswell
Councilmember Chatham Morgan
Councilmember Skip Overdier
Councilmember Rodney Braden

Destin City Staff

City Manager Lance Johnson
Public Service Director Michael Burgess
Code Compliance Manager Joey Forgione
Public Information Manager Catherine Card
Community Development Director Louis Zunguze
City Land Use Attorney Kimberly Kopp
City Clerk Rey Bailey
Deputy City Manager Webb Warren
Finance Director Bragg Farmer
Parks & Rec. Director Lisa Firth
City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM. Pastor Eric Partin of Shoreline Church gave the invocation, which was then followed by the Pledge of Allegiance.

AGENDA APPROVAL

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

1. APPROVAL OF MINUTES

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

Councilmember Destin moved to approve minutes of February 19, 2019 Regular City Council Meeting, as amended, passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

2. PROCLAMATIONS/RECOGNITIONS/SPECIAL PRESENTATIONS/ ANNOUNCEMENTS

A. Proclamation Arbor Day Celebration

The Mayor read the proclamation designating April 26, 2019 as *Arbor Day* in the City of Destin, and then presented it to the members of the City's Parks and Recreation Committee.

B. Destin Harbor Clean-up Initial Planning and Proposal – Capt. Andrew Nelson, Special Tactics Training Squadron

Capt. Andrew Nelson of Special Tactics Training Squadron provided the following presentation:

- Combat Controllers (CCT) is completing advanced dive training at the Special Tactics Training Squadron, Hurlburt Field
- Highly trained airmen that provide expert air-to-ground integration and air traffic control capabilities to Special operations Command (SOCOM)
  - Trained in static line parachute and military free fall
  - Open and closed-circuit diving
- Supported Thai Cave Rescue in July 2018 and Black Hawk crash recovery in March 2015; provides 1,500 dives annually
- 20-man team; 15 master divers; all Air Force Combat Dive School graduates
  - Lived in Destin/FWB area for 18 months and will move in October
  - Want to give back to the community in a meaningful way
  - Utilize unique skillset and capability to support local community
- WHAT: Underwater clean-up of Destin Harbor and/or nearby areas in need
- WHEN: Wednesday, May 8, 2019
- HOW: With support from City of Destin, Emerald Coast Scuba, local authorities (Sheriff's Office/US Coast Guard)
- Full face mask diving with integrated underwater communication (2-5x teams)
- Parallel sweep, windshield wiper, pendulum search methods
- Command and control boat with medical support (dr./paramedic) and standby safety divers
- Law enforcement provides cordon from boater traffic
- Safety
  - C2 Boat equipped with communication between surface/sub-surface
  - Medical personnel with AED and 02
  - Police cordon prevents recreational and commercial boats from interfering with divers
- Supplies: SCUBA gear, debris collection bags, debris catalog and disposal, air tank refill/exchange
- Logistics
  - Location of cleanup/grid search area defined
  - Staging area at Emerald Coast Scuba
  - 0730 – volunteer brief
  - 0900 – splash
  - 1400 – dives complete
  - 1600 – mission complete

Councilmember Menchel suggests they provide this initiative as much publicity as possible.

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

Mr. Mike Buckingham, a Destin resident and Chairman of the Harbor CRA Advisory Committee, suggests doing a traffic capacity study for the entire Destin community, like the harbor capacity study to be conducted at the Destin Harbor.

Ms. Teresa Hebert, a Destin resident and Chair of the Parks and Recreation Committee, reported that during the joint meeting of the Harbor CRA Advisory Committee and the Parks and Recreation Committee, they approved and forwarded to the Council the two parks that are ready for the grant process. She also reported that by making some changes to the initial layout for the Calhoun Park upgrade, and adding the fire station section, they have gone from #3 down to #25 in the grant approval standings; adding it would take at least another two years before they get the grant money. She continued this is the exact opposite from the information they received from the Grants and RESTORE Manager for Okaloosa County who told the Council during a previous meeting that the change would not affect the grant approval process.

Councilmember Ramswell asked the City Manager to contact the County and determine if there are other reasons that affected their standings other than making specific changes to the application; and possibly filing an appeal or a complaint.

Mr. Buckingham stated it was his understanding the plans are still at the County level and not at the State level; and that they were going to stay at the level and not go down to the bottom of the County's file. He suggests they contact their County Commissioners and ask for project status.

4. CITY MANAGER REPORTS

A. Immanuel Anglican Church and the Week of Blessings Committee request to waive parking fees at Marler Parking Lot for 2019 Blessing of the Fleet.

The City Manager informed the Council the Week of Blessings committee has requested that the City waives the parking fees at the Marler Parking Lot for the 2019 Blessing of the Fleet on May 30th. He recommends Council's approval to waive the parking fees beginning at 3:00 PM so that the lot does not fill up earlier in the day preventing the participants from participating in the event.

Councilmember Ramswell moved to waive the parking fees at the Marler Parking Lot for the 2019 Blessing of the Fleet, effective at 3:00 PM on May 30th; seconded by Councilmember Morgan. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

B. Results of the Harbor CRA Advisory Committee and Parks and Recreation Committee Joint Meeting – Discussion

The City Manager noted that the Harbor CRA Advisory Committee and the Parks and Recreation recently held a joint meeting primarily to review the current plans for Capt. Royal Melvin Heritage Park. Both committees agreed that the plans represent the Council's desires and approved a motion to move the process forward.

Councilmember Menchel moved to direct the City Manager to send a letter to the County Commissioners requesting the re-establishment of the City's standings in the grant

approval process for funding for the Capt. Royal Melvin Heritage Park and Clement Taylor Park; seconded by Councilmember Ramswell.

Councilmember Ramswell requested that preliminary phone calls be made to the County to let them know the letter is forthcoming.

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

C. Announcements

The City Manager made the following announcements:

- Town Hall meeting on Thursday, April 18th, from 9-10 a.m., at the Destin Library
- Destin Annual Easter Egg Hunt on Saturday, April 20th, at 9 a.m. at the Morgan Sports Center
- Retirement Party for Mr. Will Rogers on Thursday, April 25th, at 6 p.m.
- Destin Arbor Day Celebration to be held on Friday, April 26th , at the Nancy Weidenhamer Dog Park (small dogs section)
- Norriego Point clean up to be held on Saturday, April 27th, 8 a.m. at Norriego Point Park
- Council Visioning Session scheduled for Wednesday, May 1st, starting at 8 a.m., at the Destin Library
- National Fish and Wildlife Foundation approved two storm water projects, for approximately $600,000, on Cross Street and on Calhoun Avenue areas
- Founder's Day on May 4th at the Destin Community Center
- The City's contracted paving company will be paving areas on Scenic Hwy 98 and Gulf Shore Drive between Easter and Memorial Day

The Code Compliance Manager Joey Forgione announced that Mr. David Bazylak has been hired as the Harbor and Waterways Code Compliance Officer and Mr. Murray Casey has been hired as the Beach/Harbor Code Compliance Officer.

The Mayor asked if the harbor pump is operational and how often it is being ran.

According to the Public Services Director Michael Burgess, the harbor pump has been on line for a few weeks and it runs from 11:00 PM to 7:00 AM daily.

Councilmember Destin asked staff to make sure the harbor pump is running for a few days before the underwater clean-up of the Destin Harbor resumes to make sure clear and clean water is running through the harbor.

5. PUBLIC HEARINGS

A. Continuance to 6pm at May 6, 2019 Regular City Council Meeting for Caretta Dunes Application for Determination of Vested Rights

The Land Use Attorney announced that both the applicant and the City have agreed to a continuance of this item to the regular City Council meeting on May 6, 2019. She asked for a

formal motion of continuance from the City Council so that the City does not have to re-advertise the item.

Councilmember Menchel moved to continue the applicant's application for a vested rights determination to the regular city council meeting of May 6, 2019 at 6:00 p.m.; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

B. Second reading of Ordinance 19-05-LC – Amending Article 7 of the Land Development Code to create a Harbor District overlay

The City Attorney read Ordinance 19-05-LC by title; and then presented it to the Council on second reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO PRESERVING THE HISTORIC DESTIN HARBOR AREA WITHIN THE CITY OF DESTIN; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE, "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS" TO CREATE A HARBOR DISTRICT OVERLAY; PROVIDING FOR PURPOSE AND INTENT; ESTABLISHING PRINCIPLE, CONDITIONAL, AND ACCESSORY USES IN THE HARBOR DISTRICT OVERLAY; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES"; ESTABLISHING A PROCESS FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE DESTIN HARBOR; ESTABLISHING CRITERIA FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE DESTIN HARBOR; ESTABLISHING A CERTIFICATE OF APPROPRIATENESS; AUTHORIZING CODE WAIVERS; PROVIDING FOR APPEALS; PROVIDING FOR PENALTIES; 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.

Attorney Mike Chesser, representing the Destin Fishing Fleet, contends this overlay ordinance only affects two properties on Harbor Blvd and not the entire harbor district; and that it establishes a very special category for those two properties that will not apply to anyone else on the harbor.

Councilmember Ramswell stated that she has read through the entire ordinance and all related information and found it to contain very generalized information and that it does not pertain only to two properties.

Mr. Chesser maintains that the ordinance lists a criteria that fits only two specific properties in the harbor.

Councilmember Braden pointed out there are old homes and buildings around Mr. Claude Perry's property to which this ordinance would apply.

Mr. Chesser contends there are old buildings around that property that have already been permitted and in use. He added there is only one concrete block two-story building that could be

converted to meet the proposed ordinance if they believe it is an architectural facility that is worth saving.

Mr. Claude Perry, a Destin resident and business owner, spoke of his opposition to the proposed ordinance stating he is very much against overlay districts. He stated that there is no need for it as it is nothing more than an architectural review. He also noted that he owned the concrete block building which Mr. Chesser alluded to earlier which was built in 1955 and qualifies for certificate of appropriateness; adding that building as well as all his other buildings are already permitted. He also stated that he and his entire family has future plans and should not be burdened with an overlay district that will be in place forever; and that it would limit what they could do with their property.

Councilmember Ramswell stated it was her understanding the proposed ordinance would provide people more options on what they could do with their property.

The Land Use Attorney noted that the proposed ordinance does not do anything with any property in the South or North Harbor unless the property owner applies voluntarily; and that it gives added rights to property owners.

Mr. Shane Moody of the Destin Chamber of Commerce stated that the Chamber is not completely opposed to an overlay district. They just feel this is the wrong time to create one because the comprehensive plan and the land development code are currently being aligned; and that they would suggest waiting until the alignment is complete before implementing an overlay district. He added there has been a parking issue in the harbor district for the past several years, and they would add to that problem if creating an overlay district would provide property owners with waivers for parking or other requirements in the land development code.

Ms. Maryann Windes of the Destin Fishing Fleet Marina read the following statement for the record:

> *"Unless this reading has changed significantly from the first reading, this Harbor Overlay district says specifically that it is created to help historical homes become restaurants or taverns - so interesting, and yet so specifically suspicious. Speaking for the North Harbor shore (SHMU), there are zero historical homes that are not already currently being run as commercial operations which would negate the need for this overlay district. However, if you've done your homework, which I know some of you have and therein lies the problem, there are exactly two historical homes that are currently being run as restaurants/taverns that are absolutely NOT in compliance with the LDC, the Comp Plan, Life Safety Codes, and/or other state statutes that this Harbor overlay could be used to remedy. The settlement agreement made in Executive Session back in September 2018 in response to a lawsuit on an alleged public easement that this council, less Mr. Menchel, granted exclusively to those two properties exempting them from any bothersome regulations that MUST have been meant for everyone else has been before two judges and has not yet been signed after seven months. Does that not tell you something! Clearly, the court understands the settlement agreement far better than the city council's understanding of what they were being asked to do. Now that this settlement and the other components are being set for a full all-day trial which does not bode well for those two properties, it appears the city council is now being asked to legislate these changes by changing the law even though it goes against the Comp Plan in order to benefit a single property owner. My attorneys who reviewed it say that this is spot zoning.*
>
> *Without public input, without explanations of how this benefits anyone but one man, and without knowing exactly how this came to be, I strongly urge the city council to ask staff specifically what properties are impacted."*

Referring to a portion of the above statement read by Ms. Windes, "*Harbor Overlay district says specifically that it is created to help historical homes become restaurants*"; Councilmember Ramswell pointed out that according to the purpose and intent of the Harbor District Overlay as outlined in the ordinance, it allows historic residential structures to be used for commercial purposes such as restaurants, bars, bed and breakfast and other uses that encourage tourist commercial development; and not specifically for restaurants.

Ms. Windes stated that the version of the ordinance presented for second reading seems to have a lot more pages than the one presented at first reading; adding she has read the initial version but not the current version of the ordinance that seems to have changed.

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

Councilmember Overdier moved that they schedule a public workshop to discuss this subject and to obtain more information and more public input before they come up with a final decision; seconded by Councilmember Marler.

Councilmember Destin offered a substitute motion to approve Ordinance 19-05-LC on second reading; seconded by Councilmember Ramswell.

The Mayor read the following statement for the record:

> *"The original intent of Ordinance 17-05-LC was to address the directions from the city council to staff to cleanup non-conforming use issues between the comp plan and land development code, city wide. In other words, to put all the pieces in the right places so future developments will take place in their proper form, fashion and in a timely established manner. Overlay districts in addition to the LDC can be used for community planning especially in areas of historical significant, either due to architectural structures from a historical era or because of historical importance of people or places in a community. I want to make it abundantly clear that I am OK with the use of overlay districts as a planning tool when used and developed in the right manner. But one of the greatest warnings by planning experts throughout the US, to councils or commissions is, when developing an overlay district that it's key to have widespread involvement with not only property owners but all members of the community. Another warning by planning experts was the fact that if an overlay district ordinance is not well thought out and developed with that type of stakeholder visioning and community buy in, that it can lead to councils or commissions to politically micro-manage development outside the confines of the new comp plan and LDC and that my create a distrust of the public in our city and create more problems than they solve. To set things straight, the city and this council has operated within Florida statutes by giving the proper public notices in the paper on this ordinance; it followed Florida Statutes and city protocols by sending this ordinance to the LPA who passed it moving forward. But in my opinion, we have not heeded good planning recommendations and we have fallen far short of widespread stakeholders input, in developing an ordinance that my affect this community for decades to come. One of the main reasons the new comp plan was passed was to change how we did business in community development. The old multi-tiered system which gave wide latitude to the city managers and community development led to some decisions in the past, that this council wanted to make sure would not happen in the future. Subsequently, this council felt that we needed to no longer give any appearance of acquiescing to special interest groups or developer influence peddling and passed a new comprehensive plan that changed the future development of our city. In the last 11 months, this council and all our new department heads including our City Manager, have really made strides to produce results and build confidence that we are on the right track to a transparent and productive city. In my mind there's usually a right way to govern which in most cases is harder to do, but in the end is more complete and comprehensive. But there is also a less effective way, which in the interest of expediency, or to diminish an*

inconvenience, creates governance that ends up with a wide variety of unintended consequences most of which are very undesirable. We have a year's worth of work just to get the comp plan and the LDC in compliance with each other and complete the future land use map/zoning map fix. When this large task is complete and at that time we recognize a need to create an overlay district (which by the way we haven't ever had since this City inception. That we began with a true visionary process with multiple stakeholders and community involvement. All I'm asking is for a time certain delay before we establish an overlay district on the harbor. That will give us some time to establish public process that gives private property owners and our citizens who live, work and play on Destin Harbor, an opportunity to weigh in on what we want an overlay district to look like, and to achieve."

Councilmember Menchel noted they unanimously passed this ordinance on first reading with only one public comment. It was properly advertised and had gone before the Local Planning Agency. He wonders what had transpired in two weeks that changed everything.

Councilmember Menchel then asked staff to respond to comments that have been made that this ordinance only impacts two properties.

The Land Use Attorney noted it is not a true statement. The ordinance applies throughout the north and south harbor, and it would only be specifically applicable to a property owner who choose to apply under it. She continued that the application would be reviewed by staff. Any waivers requested that would seriously impact the public health and safety would be denied; otherwise, staff would make recommendations to the City Council regarding the application at a public hearing.

Councilmember Ramswell pointed out that this is the third public hearing on this subject including the Local Planning Agency meeting; and they and the members of the public had many opportunities to speak on this matter. She continued that it was troublesome for her to hear the Mayor's comments that they did not heed good planning or stakeholder input, and they are giving the appearance of acquiescing to special interest groups.

The Mayor explained that the comment previously made by Mr. Claude Perry during first reading of this ordinance asking where this ordinance came from prompted him to write the statement and read it for the record. He stated that he began to research and to learn more about the intents and purposes of an overlay district. He also read a few reports including the Piedmont Report and several articles by the National Planning Organization; and that most of his comments were based on their recommendations. He stated that overlay districts are a good tool especially in historic areas where architecture is an important part; however, in this case, architecture is not the reason for an overlay district consideration. It is more about specific buildings that have historical significance to the people that were born and raised in Destin; and if they are going to establish an overlay district on one of the most important portions of the community, a different process other than the normal 10-day notification in the newspapers should have been applied. He does not believe they have done everything to make sure they get community buy-in, not only by the property owners but by many members of the public; a lot of which are not present at this meeting tonight.

Councilmember Ramswell stated that she looked at this issue from a different perspective. She continued that even before she was elected in this Council in 2014, the Harbor CRA Advisory Committee had already developed the idea of creating the festive marketplace and they had laid the groundwork as to what they wanted to see down at the harbor. She views the idea of a harbor district overlay as an extension of what the committee had already started,

and to further put the land development code and comprehensive plan in compliance with some of the issues that would be remedied by it. She added it would also give harbor property owners some options on what they could do with their property.

Having no further comments, the Mayor called for a vote on the substitute motion to approve Ordinance 19-05-LC on second reading, which passes 5-2 (Council members Morgan, Destin, Menchel, Ramswell and Braden voted "yes"; Council members Overdier and Marler voted "no").

C. Second reading of Ordinance 19-06-LC – Establishing the Calhoun Center Mixed Use Village (CMUV) zoning district

The City Attorney read Ordinance 19-06-LC by title; and then presented it to the Council on second reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA ESTABLISHING THE CALHOUN CENTER MIXED USE VILLAGE ZONING DISTRICT; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS"; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES"; AMENDING TABLE 7-3: "SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS"; 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.

Mr. Curtis Gwin, a Destin resident, stated that the ordinance, as it was advertised, had an incorrect purpose and intent. Upon noticing it, he contacted the City staff informing them that Mr. Mike Shoults, who owned properties on Calhoun Avenue, Sibert Avenue, had been doing a totally legal wedding venue on the bay in the Calhoun Center Mixed Use (CMU) district for many years. He has remodeled all his old homes and turned them into short-term rentals that are registered with the City. He continued that the previous purpose and intent had the CMU, the current purpose of intent has the CMU-V. They dropped out the seasonal single-family detached dwelling as being an allowable use. He asked the Council to make a change in the Table of Allowable Uses making the property designation as a conditional use so that Mr. Shoults property would be acceptable instead of being a non-conforming property.

Councilmember Destin stated he is in favor of approving the requested change.

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

Councilmember Ramswell asked that if they approved a conditional use for rental property and then another property owner wanted a conditional use for a different purpose approved by the Council, if the property owner could then change the purpose as long as it falls within the guidelines for conditional use.

According to the Land Use Attorney, if something is a conditional use, the Council would consider each application and each property individually. They could put conditions on the use, and it would not be a precedence setting for the next application. She also stated that if somebody violates one of the conditions, it would then go to Code Compliance Department for action.

Councilmember Menchel asked what the difference would be between designating the particular property as a conditional use versus grandfathering it.

The Land Use Attorney explained that the property would not be grandfathered; instead, it would be considered a legal non-conforming use. She continued that future expansion on the property would not be allowed, and they would not be able to rebuild the property if it was damaged in the storm to a certain degree.

Councilmember Destin moved to approve Ordinance 19-06-LC on second reading and instruct the Land Use Attorney to make the appropriate amendment to the Table of Allowable Uses to change the single-family short-term residential use to conditional use. Councilmember Morgan provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

D. Second reading of Ordinance 19-07-LC – Amending the Town Center Mixed Use (TCMU) zoning district

The City Attorney read Ordinance 19-07-LC by title; and then presented it to the Council on second reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING THE TOWN CENTER MIXED USE ZONING DISTRICT; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS"; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES"; AMENDING TABLE 7-3: "SCHEDULE OF DIMENSIONAL REQUIREMENTS IN ZONING DISTRICTS"; 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 portion and turned the matter over to the City Council for discussion and consideration.

Councilmember Menchel moved to approve Ordinance 19-07-LC on second reading; seconded by Councilmember Marler.

The Mayor asked if the reduction in density and units per acre at a level that could mitigate Bert Harris claims or the level of risks; to which the Land Use Attorney replied affirmatively.

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

E. Second reading of Ordinance 19-08-CN – Livery Vessel Moratorium

The City Attorney read proposed Ordinance 19-08-CN by title, and then presented it to the City Council on second reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO LIVERY VESSELS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR A TEMPORARY MORATORIUM ON LIVERY VESSEL PERMITS; DIRECTING STAFF TO DEVELOP RECOMMENDATIONS FOR REGULATION OF LIVERY VESSELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXPIRATION OF MORATORIUM; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mr. Travis Glaze, a Destin resident, stated that he has been in watersports business since 2009, and that he recently purchased a piece of property and moved this business at that location. He then reapplied for a business license this year but was denied because of this impending moratorium. He stated that he was authorized 10 pontoon boats, 10 JetSkis and two parasail boats. He maintained his parasailing business at a different location with the expectation of opening the rental portion of his business at the new piece of property he just purchased.

The City Attorney stated that Mr. Glaze's business should potentially fit under the exception in Section 4(b)(1) if he could demonstrate potential hardship by making a capital investment of $10,000 or more. He continued that the purchase of the property should qualify as capital investment, allowing Mr. Glaze to get additional pontoon boats under that exception. He also recommends removing the word "existing" from Section 4(b)(2) to allow more flexibility to address Mr. Glaze's situation and perhaps prevent some potential Bert Harris claims.

Councilmember Destin moved to approve Ordinance 19-08-CN on second reading and instruct the City's attorneys to make the appropriate amendment to Section 4(b)(2) by eliminating the word "existing"; seconded by Councilmember Overdier.

Councilmember Menchel noted that the staff report included a memo from the Community Development Director talking about the agreement they worked out with the Army Corps of Engineers (ACOE) with regards to the harbor capacity study. He stated that the ACOE will enter into an agreement with the City which would bring a lot of credibility to the study; and that the ACOE is also agreeing to pay for half the cost of the study.

Councilmember Menchel also mentioned that this issue was discussed during the joint meeting of the Harbor CRA Advisory Committee and Parks & Recreation Committee. They uncovered some troubling information when one of the committee's member inquired as to the formula used for livery vessel parking. They discovered some disparity; for instance, one company with three pontoon boats was only required to have one parking space. He added this is one of those bad situations which the current staff has inherited. They are trying to fix the problems, but it would probably take some time and so everyone just need to be patient.

Councilmember Braden asked which pontoon boat rental company is operating behind the Inn of Destin, located just west Marina Café, and if they are correctly permitted to operate.

The Code Compliance Manager Joey Forgione replied that the name of the company is not listed, but the address of the company is 402 Harbor Blvd. He also stated there is no registration information for that property.

Mr. Glaze noted there were pontoon boats on that site; but the City ordered the owner to move them last year; and so there should not be any more boats on that particular property since September of last year.

Mr. Forgione would investigate and provide some information to the Council as soon as possible.

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

F. First Reading of Ordinance 18-15-LC – Wheeled Vehicles on the Beach

The City Attorney read proposed Ordinance 18-15-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 LAND DEVELOPMENT CODE SECTION 11.08.02, AND CREATING SUBSECTIONS C(i) THROUGH C(v); 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.

Ms. Marcie Bell, a Destin resident, expressed her support for the proposed ordinance. She asked if the ordinance only allows one vehicle per vendor; and if so, could it be changed to allow more vehicles at the beginning and end of season for those who have multiple sites on the beach.

Councilmember Morgan recommends one vehicle per location, with a maximum of three vehicles per company.

Mr. Stephen Tatum, from Matthews and Jones law firm, agrees with allowing more vehicles per vendor minus the caveat that it is only during the beginning and end of season. He continued that each vendor should be allowed at least one vehicle for each section of the beach in which they operate at any time.

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

Councilmember Ramswell moved to approve Ordinance 18-15-LC on first reading with a condition that each vendor shall be allowed additional vehicles, one per location with a maximum of three vehicles, at any time; seconded by Councilmember Morgan.

Councilmember Marler wants to know how they plan to address individual private property that owns a pontoon boat.

According to the Code Compliance Manager, all vehicles need to be registered and would be required to have a sticker; and so his office and the Sheriff's Department would be able to enforce the ordinance on each individual owner. He added that for non-vending purposes, they would need to have a reason why they need to be on the beach and would be subject to restrictions.

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

G. First reading of Ordinance 18-30-LC – Creates definitions for commercial uses, commercial special events and commercial special event venues. Provides for amendments to Articles 3, 7 and 9 of the Land Development Code; amending Table 72, Table of Allowable Uses in zoning districts to prohibit commercial special event venues in all residential districts.

The City Attorney read proposed Ordinance 18-30-LC by title, and then presented it to the City Council on first reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO COMMERCIAL ACTIVITY IN RESIDENTIAL AREAS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; CREATING DEFINITIONS FOR COMMERCIAL USES, COMMERCIAL SPECIAL EVENTS, AND COMMERCIAL SPECIAL EVENT VENUES; PROVIDING FOR AMENDMENTS TO ARTICLES 3, 7, AND 9 OF THE LAND DEVELOPMENT CODE; AMENDING TABLE 7-2, TABLE OF ALLOWABLE USES IN ZONING DISTRICTS TO PROHIBIT COMMERCIAL SPECIAL EVENT VENUES IN ALL RESIDENTIAL DISTRICTS; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Overdier moved to approve Ordinance 18-30-LC on first reading; seconded by Councilmember Menchel. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

H. First Reading of Ordinance No. 19-02-LC – Zoning Map Amendment

The City Attorney announced this is a quasi-judicial hearing and people providing testimony would have to be sworn in. Also, they would need to combine this item with the following item (Ordinance 19-03-PC), and conduct one single hearing, with approval from the applicant.

The City Attorney sworn in the following individuals for testimonies:

Mr. Curtis Gwin, applicant
Ms. Lauren Witt, City Planner
Ms. Noell Bell, City Building Official

The City Attorney read proposed Ordinance 19-02-LC and proposed Ordinance 19-03-PC by title, and then presented both ordinance 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 75.08 ACRES OF THE SOUTHWEST PORTION OF PARCEL NUMBER 00-2S-22-0000-0046-0000, DESTIN, FLORIDA FROM RECREATION (REC) TO LOW DENSITY RESIDENTIAL-VILLAGE (LDR-V); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Lauren Witt noted that the proposed rezoning and future land use amendments are to change the land use designation on 75 acres of Indian Bayou Golf Course, a 9-hole golf course located directly east of the Destin Airport, from Recreation (REC) to Low-Density Residential – Village (LDR-V), and the future land use changed from REC to Low Density Residential (LDR). Staff has found the proposed designations as generally compatible and would match the zoning just north of the golf course and in support of both ordinances. There are several items that would need to be addressed in the course of the development review when additional required applications are submitted; such as how the proposed development would interact with the airport as well as its environmental impacts.

Mr. Curtis Gwin, the applicant, presented the project. He explained that the property was purchased in the late 70's and developed into its current state. He explained that the additional 9-hole golf course was installed in 1991, with the intention to eventually developing that area as well. He spoke of their desire to develop that area and the need to have the acreage rezoned from Recreation to Low Density Residential. He also noted that the property was originally zoned Medium Density Residential, and that it was unknown to the property owners how the property was rezoned to Recreation.

Mr. Gwin presented some documents to support his argument; nothing that these items were previously presented to the Local Planning Agency.

The Land Use Attorney has no objection to the documents being entered into the record.

The Mayor accepted the documents into the record.

Councilmember Ramswell requested that moving forward, when issues such as this is brought before the Local Planning Agency (LPA), that all the information presented to the LPA should also be provided to the Council.

The Mayor asked the City Manager to make this a standard operating procedure for all items brought before the City Council.

Mr. Gwin explained the contents of the documents.

Councilmember Braden asked why they did not close the 18-hole golf course and develop it.

Mr. Gwin replied there are existing homes around the 18-hole golf course that would be impacted.

Councilmember Braden inquired about the stormwater plan.

Mr. Gwin explained that stormwater currently filters through the wetlands and into the lake systems in Indian Bayou. If filters into four different lakes before it goes into the bay. He also stated there is a plan to utilize one of the lakes outlined in yellow in one of the documents provided to the Council, as a stormwater pond if it is permitted.

Councilmember Braden asked if there was a plan to make sure they avoid a similar problem in the past from people purchasing their homes located around the airport and then complaining about airport noise.

Mr. Gwin stated they cannot stop anybody from complaining but they ought to make everyone sign an avigation easement acknowledging the fact they are purchasing a property located next to the airport. They are also working with the airport and trying to do everything possible to avoid a similar problem. For instance, houses located near the airport fence will contain extra sound attenuation insulation materials.

Councilmember Braden asked if the City has anything in place that when someone obtains a permit that they are advised they are building something next to the airport or perhaps a night club.

The City's Building Official Noell Bell explained that there are certain standards for sound transmission and certain decibel levels that would have to be met during construction. The applicants would have to provide documents that would show how they plan to meet the sound transmission criteria.

Councilmember Ramswell noted that other people have expressed concern about the jet fumes, and she asked that it be taken into consideration as well. She also stated that she lives in one of the first houses on Country Club Road and that her backyard has become the low point of the entire subdivision. They have had to dig trenches along the side of the house after heavy rain so that the water gets to the road and not flood the house and then water spreads to all the neighboring houses. The water then heads into the golf course and down into the road. She wants to make sure they would not be tapping into existing lines and outfalls.

Mr. Gwin guarantees that this development would not affect that area in any way as they plan to take care of their own storm water. They would not be tapping into existing lines and outfalls. It would all be a standalone development.

Councilmember Ramswell stated that she appreciates the fact this area was originally zoned MDR and they are going a step lower to LDR. She also mentioned that at least two other properties in the same time period were rezoned and nobody knew anything about it.

Mr. Gwin stated that he looked at every comprehensive plan amendment and every ordinance adopted by the City of Destin and could find anything that rezoned their property.

Councilmember Menchel noted that the traffic study talks about the number of holes or trips generated to the golf course, but not trips generated to the houses.

Mr. Gwin explained that it takes into account the trips that were already generated to the golf holes and takes them off of the net positive effect they are going to get with the 80 or 90 homes.

The City Attorney stated it has come to his attention that the Council received an email from the Okaloosa County Airports Director Tracy Stage regarding this subject. He asked that this email including any attachments be entered into the record.

Councilmember Morgan asked if they have had some discussions with the people in the Anglican Church about this development and if they had any objections.

Mr. Gwin stated that he has spoken with Mr. Tommy Taylor from the Anglican Church about the development and he told him they have no objections.

Ms. Marcie Bell, a Destin resident, noted she was present at the LPA meeting when one member of the LPA discouraged the representatives from the airport from giving their testimony stating that the LPA's responsibility is to only make a recommendation to the Council for the adoption of the zoning change, and that the airport personnel should be presenting their arguments to the City Council. She suggests that the applicant invites the representatives from the airport for the second reading of this ordinance.

Councilmember Morgan moved to approve Ordinance 19-02-LC on first reading and direct staff to advertise for second reading; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

I. First Reading of Ordinance 19-03-PC – Land Use Map Amendment

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING COMPREHENSIVE PLAN: 2020; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR THE ADOPTION OF A LARGE SCALE AMENDMENT TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP TO INCLUDE A CHANGE IN FUTURE LAND USE DESIGNATION OF A PARCEL OF LAND FROM RECREATION (REC) TO LOW DENSITY RESIDENTIAL (LDR); PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion by Councilmember Morgan, seconded by Councilmember Menchel, to approve Ordinance 19-03-PC on first reading and direct staff to advertise for second

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

Councilmember Ramswell stated that people have approached her about potential public benefit. She asked if these people could reach out to Mr. Gwin to present their ideas as they move forward with the development.

Mr. Gwin stated they would be putting about 80 single-family residential lots in the market in Destin where there are none at this time. They are also converting a $4700 a year tax base into somewhere around $40 million; adding this should serve as a public benefit.

J. First reading of Ordinance 19-04-LC – Prohibiting Pay-to-Park Facilities from Collecting fees at Entrance to Facility

The City Attorney read proposed Ordinance 19-04-LC by title, and then presented it to the City Council on first reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA PROHIBITING PAY-TO-PARK FACILITIES FROM COLLECTING FEES AT ENTRANCE TO FACILITY; PROHIBITING BACKUP OF VEHICLES ONTO CITY, STATE AND FEDERAL HIGHWAYS, ROADS AND STREETS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR CREATION OF LAND DEVELOPMENT CODE SECTION 8.10.00; PROVIDING FOR CIVIL AND CRIMINAL PENALTIES; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE ATE.

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

Mr. Stephen Tatum, speaking on behalf of Harborwalk Holdings, announced that FDOT has approved a dual turn lane; a west bound right turn lane into Stahlman Avenue and a dedicated east bound right turn lane, with stacking, into Stahlman Avenue, in the plans to be implemented in this construction phase. He stated they are willing to comply with this ordinance even though they do not believe it will fix the problem. They feel it would be more beneficial to talk to the Sheriff's Department and come up with some ways to direct traffic at that intersection.

Councilmember Ramswell noted that according to past amendments in the development, it looks like once Phase 1 is complete, another traffic study is supposed to be done to determine the impact at that time. She asked it this was ever completed.

According to Mr. Tatum, he has never seen a document stating it.

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

Councilmember Menchel moved to approve Ordinance 19-04-LC on first reading, seconded by Councilmember Braden.

Councilmember Marler asked if they would be willing to waive any required permit fees for the properties that are currently collecting parking fees since they are already 5 weeks before

the Memorial Day weekend and they are expecting these properties to comply with this ordinance if approved; and that some of these properties may also have reconfigure their parking lot layout to comply with this ordinance.

According to the Land Use Attorney, there are currently no provisions for waivers; however, the Council can provide direction to put that into the ordinance if they so desire. She added it is at the property owners' expense to comply with this ordinance.

Councilmember Morgan asked if they would be assessing fines to those who are doing the right things and following the ordinance, but the traffic is still backing up.

The Land Use Attorney stated that the intent is not to assess fines if the rules are being followed and traffic is still backing up; but they need to give a clear direction in the ordinance.

Councilmember Menchel amended his motion to approve Ordinance 19-04-LC on first reading, adding the language that fines not be assessed if cars are backing up in the roadway as along as fees are being collected at the exit point in the facility; seconded by Councilmember Braden. Motion passed 6-1 (Council members Morgan, Destin, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Marler voted "no").

6. CONSENT AGENDA

A. Request for a single-family residential marine construction project at 415 Gulf Shore Drive, Unit 1.

B. Request for a single-family residential marine construction project at 504 Vera Cruz Drive

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

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

A. Councilmember Braden

Councilmember Braden asked staff to provide information to Council relating to the money transferred in and out of the unassigned fund balance from 2012 to present.

Councilmember Braden asked how many livery vessels businesses are still non-compliant.

Mr. Forgione noted there are a few businesses that are still under review. Once they close the moratorium, they would start moving forward with the businesses that are operating but have not registered.

B. Councilmember Ramswell

Councilmember Ramswell announced she presented a proclamation to the Boys and Girls Club in Destin last week and declared that it was the National Boys and Girls Club Week; adding it was an honor for her to be a part of the activities.

C. Councilmember Menchel

Asked staff to look into potential grants they could apply for a traffic capacity study for Destin.

D. Councilmember Overdier
E. Councilmember Marler

Councilmember Marler announced that Saturday, May 4th is Founders' Day in Destin.

F. Councilmember Destin

Councilmember Destin requested that "Traffic Capacity Study" and "Cemetery Parking" be placed under his name on the next meeting agenda for discussion.

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

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

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
MAY 1, 2017
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 Scott Fischer
Councilmember Chatham Morgan
Councilmember Parker Destin
Councilmember Cyron Marler
Councilmember Prebble Ramswell
Councilmember Tuffy Dixon
Councilmember Jim Foreman
Councilmember Rodney Braden

Destin City Staff

City Manager Carisse Lejeune
Public Information Manager Doug Rainer
Community Dev. Director Karen Haynes
Development Manager Steve Schmidt
Land Use Attorney Kimberly Kopp
City Clerk Rey Bailey
Finance Director Bragg Farmer
City Engineer David Campbell
IT Manager Webb Warren
City Attorney Jeffrey Burns

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Scott Fischer called the meeting to order at 6:00 PM. The Mayor called for a moment of silence; which was then followed by the Pledge of Allegiance.

SPECIAL PRESENTATIONS

1. Proclamation – Drinking Water Week (Destin Water Users) – Destin Water Users General Manager Lockwood Wernet

The Mayor read the proclamation designating May 7-13, 2017 as Drinking Water Week, and then presented it to the Destin Water Users General Manager Lockwood Wernet.

2. Proclamation – Building Safety Month, May 2017 – Destin Building Official Noell Bell

The Mayor read the proclamation designating May 2017 as Building Safety Month, and then presented it to the Community Development Director Karen Haynes.

APPROVAL OF MINUTES

3. Request approval of minutes of April 17, 2017 regular city council meeting

Motion by Councilmember Morgan, seconded by Councilmember Marler, to approve minutes of April 17, 2017 regular city council meeting passed 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

PUBLIC HEARINGS

4. Second reading of Ordinance 17-05-CN, vacating a portion of the Pine Street public right-of-way

The City Attorney read proposed Ordinance 17-05-CN by title; and then presented it to the Council on second reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR ABANDONMENT OF THE A NORTHERLY 0.156 ACRE SEGMENT OF PINE STREET RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Attorney explained this is a quasi-judicial hearing that was initiated by an applicant. He then swore in the following individuals for testimonies:

Mr. Timm Shores, Applicant
Mr. David Campbell, City Engineer

Mr. Shores explained that they bought the property on Pine Street and then divided it into lots. They built four houses and also remodeled a house located on the corner of Calhoun and Pine Street where there is a 20 foot driveway at the front of the house. He continued there was an issue with the City regarding the surface of the driveway; and that a former City employee Ashley Grana and former Interim Community Development Manager Steve Schmidt suggested that he applies for this vacation to solve a parking problem.

Mr. Campbell noted this request was to vacate 20 feet of a portion of Pine Street. There is currently a 100-foot right-of-way. The City's Land Development Code requires only collector roads require a 100-foot right-of-way, and that this is a residential street. The Public Services Department reviewed the request and determined that the following conditions have been met:

- The requested vacation is consistent with the comprehensive plan
- The right-of-way does not provide the sole access to any property. Remaining access shall not be by easement. Access is only to the adjoining property. No easement is required for ingress and egress.
- The vacation would not jeopardize the current or future location of any utility. All of the utility agencies have submitted clearance letters identifying no significant impact or have requested easements from the applicants as a result of this vacation.
- The proposed vacation is not detrimental to the public interest.

He also stated that the Local Planning Agency recommended approval of the request.

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

Mr. Michael Williams stated that his property is located on the corner of Calhoun and Pine Street. The right-of-way is wide with limited traffic; and that the request for vacation of a segment of the Pine Street right-of-way would not have a negative effect on his property.

Councilmember Braden moved to adopt Ordinance 17-05-CN on second reading; seconded by Councilmember Dixon.

Councilmember Ramswell asked why a document from Corporation Service Company dated December 28, 2004, was included in the packet.

Mr. Campbell explained it is a utility no longer in used by the company.

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

5. First reading of Ordinance 16-25-LC, providing for regulations of certain portable restroom facilities

The City Attorney read proposed Ordinance 16-25-LC by title; and then presented it to the Council on second reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, RELATING TO PLACEMENT OF PORTABLE RESTROOM FACILITIES; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AN AMENDMENT TO LAND DEVELOPMENT CODE SECTION 3.00.01. DEFINITIONS; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Manager explained that the purpose of the proposed ordinance is to provide some regulatory authority for the city to rely upon when atypical portable toilet situations occur. Because portable toilets are very well regulated by the Okaloosa County Health Department from the public health aspect, the City's intent is to ensure only that portable toilets are located appropriately in conformance with the Land Development Code. She also stated that under this ordinance portable toilets would be allowed through a construction permit or a special event permit.

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

Ms. Marcie Bell, a Destin resident, noted there was a vacant lot across the street from their house, and someone bought the property and decided to develop it. In the process a portable toilet was placed in front of the property. The situation was brought before the Special Magistrate and the Special Magistrate ruled in favor of the property owner but was not presented a picture showing the actual placement of the portable toilet.

The Mayor noted that the City is attempting to develop an ordinance to regulate portable toilets throughout the City and not this lot in particular.

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

Councilmember Ramswell moved to approve proposed Ordinance 16-25-LC on first reading and direct staff to schedule if for second reading. Councilmember Braden provided a second to the motion.

Councilmember Ramswell asked whether the phrase "construction project" under the definition of "Portable restroom" in Section 3.00.01of the proposed ordinance could be defined more clearly.

The Land Use Attorney stated it is all encompassing; however, they could try to clarify it further if Council does not feel it is clear enough.

Councilmember Marler asked whether they are trying to regulate a single porta-potty or trailers.

According to the Land Use Attorney, the proposed ordinance is intended for a single porta-potty; adding that trailers are covered elsewhere in the Land Development Code.

Councilmember Marler noted they just adopted a livery vessel ordinance; and that if restrooms are required to be placed on the property, he wants to make sure trailers with bathrooms are allowed to be brought in during the construction phase.

The Land Use Attorney noted that during a construction phase, porta-potties would be allowed if they have a permit; adding that construction trailers have a separate permitting process.

Councilmember Marler announced he would abstain from voting on this item.

The Mayor called for a vote on the motion, which passes 6-0 (Council members Morgan, Destin, Foreman, Dixon, Ramswell and Braden voted "yes"; Councilmember Marler abstained from voting).

PUBLIC OPPORTUNITY TO SPEAK ON COUNCIL PROPOSITIONS (Agenda items #6 thru #8 and #19 thru #22A)

Ms. Erin Peterson spoke on agenda item #8 - *Resolution 17-24 – City Council Meeting Procedures*. She suggests limiting the number of items on the agenda or limiting the number of items that would require a lot of discussions.

Mr. John Stephens spoke in reference to agenda item #20 – *Ordinance 17-10-CC – Amendment to Livery Vessel Regulation for restroom distance*. He suggests requiring only one restroom facility for two separate parcels with only one owner.

Ms. Leigh Moore, representing Howard Group, addressed agenda item #21 – *Ordinance 17-11-CN - Temporary Tree Cutting Moratorium*. She stated that Howard Group is a huge supporter of this proposed regulation. She also noted that in Section 2 of the proposed moratorium, removal of any tree from a homesteaded single-family property occupied by the owner is exempted from this ordinance. She recommends the Council strongly considers not exempting those properties from the moratorium as many of the trees that are being cut throughout the City are happening in those types of situations and having a tremendous impact on the tree canopy. She also noted that Section 4 – *Penalties,* contains general statements about potential penalties and method of enforcement; however, the specific penalties are not completely clear.

Mr. Allen French also spoke on agenda item #21 – *Ordinance 17-11-CN - Temporary Tree Cutting Moratorium*. He commended the City Council, staff and the Tree Board for all their efforts in trying to protect trees. He stated he agrees with Ms. Moore's comments; adding that Live Oaks that are 200 years old are as much a treasure for this city as their white sand beaches.

Mr. Shane Moody, President and CEO of the Destin Chamber of Commerce, commented on agenda item #22A – *Proposed Resolution from the Okaloosa County League of Cities for a Voter Referendum in Support of Half-Cent Sales Tax for Okaloosa County*. He stated that the Chamber Board does not have a position on this sales tax issue. He noted that the story that recently ran in the newspaper was misleading. It states that, "*late last year, local Chambers of Commerce and other groups led initiatives for two separate half-cent sales taxes that they say would help pay for county and school district infrastructure project.*" He stated that the Destin Area Chamber of Commerce was involved in the meetings and the discussions, but they neither support nor oppose

this initiative. He added they have asked on multiple occasions for the list of projects the money is going to fund, but it was never provided. He suggests the City asks for the same information before making a decision on whether or not to support the proposed sales tax because Destin will generate close to half if not the majority of the tax.

CONSENT AGENDA*

6. Citywide streets resurfacing of Indian Bayou Trail

Motion by Councilmember Morgan, seconded by Councilmember Marler, to approve Consent Agenda item #6, as printed above, passed 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

RESOLUTIONS

7. Resolution 17-20 – Crowder Gulf Joint Venture Amendment 1 – Disaster Recovery Services, and Continuing Services Contract extension

The City Engineer David Campbell explained that the Public Services Department has limited emergency response capability and is not equipped to perform major recovery projects, and so it is necessary to outsource the work to vendors who have the equipment and manpower. CrowderGulf Joint Venture, Inc. has satisfactorily provided these services under the current Disaster Recovery Contract and subsequent contract extension. He added that federal award recipients and sub-grantees are required to formally adopt federal procurement requirements; and that the City officially adopted the requirements on April 3, 2017 via a resolution.

Councilmember Morgan moved to formally adopt Resolution 17-20, approving Amendment No. 1 to the Agreement for Disaster Recovery Services with CrowderGulf Joint Venture, Inc., authorizing a renewal and extension of the Agreement through June 30, 2018, and further designates and confirms Carisse LeJeune, City Manager, to execute and deliver said agreements, and any related documents necessary to consummate the agreement and contact extension. Councilmember Destin provided a second to the motion. Motion passed 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

8. Resolution 17-24 – City Council Meeting Procedures

The City Manager presented the draft revised agenda format based on inputs provided by members of the Council. The goal is to allow for a smooth flow of information and create an efficient process for the Council to consider and craft policy decisions.

Motion by Councilmember Foreman, seconded by Councilmember Ramswell, to adopt Resolution 17-24 passed 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

9. Resolution 17-25 – National Fish and Wildlife Foundation, Sandalwood Drive Drainage – Award of Contract

The City Engineer explained that this project is for the storm water improvements to Sandalwood Drive. The improvements provide for the installation of storm water exfiltration piping under the roadway of the subdivision in the area prone to flooding. The project was advertised for

bid, and the City's Bid Committee is recommending Gulf Coast Utility Contractors, Inc. for this project.

Councilmember Marler moved to adopt Resolution 17-25 and authorize the City Manager to execute a contract with Gulf Coast Utility Contractors, Inc., for the Sandalwood Drive Drainage Improvements project in the amount of $381,668.75. Councilmember Foreman provided a second to the motion.

Councilmember Ramswell pointed out that the proposed contract contained two "Article 11" referencing two different subjects – *"Public Records"* and *"Public Entity Crimes."*

The City Engineer noted it was a typographical error and will be corrected.

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

COMMITTEE REPORTS
SCHEDULED PRESENTATIONS FROM THE PUBLIC **
PROJECT REPORTS AND COMMENTS FROM MAYOR AND COUNCIL

10. Councilmember Morgan

Councilmember Morgan asked the City Manager to place on the next meeting agenda discussion to cancel/reschedule the July 3, 2017 Council meeting.

11. Councilmember Destin

Councilmember Destin encouraged members of the public to attend a Special Council Workshop scheduled for Wednesday, May 3, 2017, at 5:30 p.m. at the Destin Community Center to discuss the City's Comprehensive Plan.

12. Councilmember Marler

Councilmember Marler announced Founder's Day on Saturday, May 13, 2017 at the Destin Community Center.

13. Councilmember Foreman
14. Councilmember Dixon
15. Councilmember Ramswell
16. Councilmember Braden

Councilmember Braden asked the City Manager to provide an alternative date to the July 3, 2017 Council meeting in case they decide to reschedule the meeting.

17. Mayor Fischer

STAFF REPORTS AND RECOMMENDATIONS

18. City Attorney comments
19. City Land Use Attorney comments

20. First reading of Ordinance 17-10-CC – Amendment to Livery Vessel Regulation for restroom distance

The City Attorney read proposed Ordinance 17-10-CC by title; and then presented it the City Council on first reading.

> AN ORDINANCE OF THE CITY OF DESTIN RELATING TO LIVERY VESSELS; PROVIDING FOR ADDITIONAL FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT OF SECTION 13-145 GENERAL REGULATIONS/STANDARDS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

According to Development Manager Steve Schmidt, staff was directed by Council to bring back a revision to the livery vessel regulation eliminating the 200 foot distance requirement for restrooms and providing that the restrooms only have to be on the same parcel of property. The proposed ordinance deletes the restroom distance requirements and replaces it with language that requires appropriate restrooms be located on the property on which the livery vessel docking location is located.

Councilmember Braden moved to approve proposed Ordinance 17-10-CC on first reading and direct staff to bring it back for second reading on May 15th; seconded by Councilmember Dixon.

Councilmember Marler asked how livery vessel areas with no restroom facilities would be able to place one on their parcel when FEMA does not allow anything without wheels.

Mr. Schmidt explained that the FEMA requirement only pertains to the flood plain. The flood plain does not cover even 200 feet of those properties because of the rise in elevations; adding any restrooms that would need to be constructed would be placed in the review process to make sure they are not in the FEMA flood zone.

Referencing earlier comments by Mr. John Stephens, Councilmember Ramswell asked if two restrooms are required – one for each two separate parcels – even if there is only one owner.

Mr. Schmidt noted that in this particular situation, a business currently operates on two contiguous properties under separate ownership. Under the current ordinance, each owner or property shall provide a restroom facility. However, the code also allows a shared restroom with a written permission from the adjoining property owner to use their restroom and it includes a statement that the restroom can support multiple uses under the code.

Councilmember Morgan stated that requiring a restroom facility is the cost of doing business and that it is not asking too much of a business. He continued this particular issue was discussed by the CRA Board, and there was a workshop with all the livery vessel owners. It has already been vetted several and yet they are discussing the same issues again.

Councilmember Dixon stated it would be very difficult to tailor this ordinance to every unique situation on the harbor.

Having no further comments from the Council members, the mayor called for a vote on the motion, which passes 6-1 (Council members Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes"; Councilmember Morgan voted "no").

21. First reading of Ordinance 17-11-CN - Temporary tree cutting moratorium

The City Attorney read proposed Ordinance 17-11-CN by title; and then presented it the City Council on first reading.

> AN ORDINANCE ENACTING A TEMPORARY MORATORIUM ON THE REMOVAL OF PROTECTED TREES WITHIN THE DESTIN CITY LIMITS, PENDING CONSIDERATION OF CHANGES TO CITY ORDINANCES; PROVIDING DEFINITIONS; PROVIDING FOR A TEMPORARY MORATORIUM ON PERMITS ALLOWING REMOVAL OF CERTAIN TREES; PROVIDING FOR EXCEPTIONS; PROVIDING FOR APPEALS; PROVIDING FOR PENALTIES, AND PROVIDING FOR AN EFFECTIVE DATE AND TERM.

Councilmember Destin asked if they could proceed with this moratorium and delete the homestead language; but, at the same time not to prevent someone with a Live Oak located in the middle of their property from building a home.

The City Manager pointed out that the following exemption has been included in the proposed ordinance based on consensus by Council not to prevent someone from building a home on their property:

> *"4. Any removal of a qualifying tree that is necessary in order to accommodate the construction of a single-family residential home, as long as the following are satisfied:*
>
> *a. The removal is approved as part of issuance of a building construction permit for the residence;*
>
> *b. The removal does not occur until after the building construction permit is posted and a notice of commencement is recorded;*
>
> *c. Only those qualifying tree(s) may be removed as are necessary to reasonably accommodate the approved building site plan including only building footprint, utilities, access and drainage."*

The City Manager also noted the following exemption was requested by Council and staff will delete it by a vote of Council:

> *"5. Removal of any tree from a homesteaded single-family property occupied by the owner."*

Councilmember Foreman stated any changes they make to this moratorium ordinance would bring it back to first reading and further delay it.

Councilmember Dixon suggests passing this moratorium now so they could have something in place, and then possibly amending it later on.

Councilmember Ramswell noted that according to the staff report, there are no funds currently budgeted for enforcement of this ordinance.

Councilmember Morgan stated he envisions having the current code enforcement personnel doing their normal job enforcing the penalties.

The City Manager stated they could site someone who cut down a qualifying tree and bring them before the Special Magistrate. If someone is in the process of cutting down a tree and the City is notified, they would go out and put a Stop Work Order on it. However, they do not have the staff to consistently patrol the entire City to make sure no one is getting ready to cut down a qualifying tree.

Councilmember Ramswell stated they would need to discuss this issue during their visioning session this month.

Motion by Councilmember Destin, seconded by Councilmember Morgan, to approve proposed Ordinance 17-11-CN on first reading and direct staff to schedule if for second reading passed 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

22. City Manager comments
    A. Proposed Resolution from the Okaloosa County League of Cities for a Voter Referendum in Support of Half-Cent Sales Tax for Okaloosa County

The City Manager stated that the Okaloosa County League of Cities (OCLOC) Executive Board is proposing a resolution urging Okaloosa County Board of Commissioners to pursue adding a November 2017 Voter Referendum to levy an additional half-cent sales tax for a period of five years to fund capital improvement projects. Each member municipality is being requested to address and consider this resolution during their May 2017 meetings to gage their support of this initiative.

The Mayor noted he had informed the OCLOC Executive Board he would not recommend support of this initiative to the Destin City Council. The distribution of money among the various cities is based on year-round population, which he feels is very inequitable to the City of Destin which is the largest contributor to the sales tax revenues. Also, the County did not provide specific information as to how the money will be spent.

Councilmember Morgan stated he would not be in favor of continuing to subsidize other cities and Okaloosa County; and having an inequitable share of the revenues return to Destin. He continued that Destin would pay 40 to 50 percent of the sales tax and only receive 6.6 percent of the money collected.

Councilmember Destin stated he cannot support this initiative not just based on unfair distribution of the money, but also because there is no accountability within the framework of how the money would be spent. He also stated that if this initiative is approved through a referendum, Destin will have to determine where to spend their share of the money.

Councilmember Foreman noted that the revenue distribution is statutory; which is based on the population of each individual city. He suggests they do not arbitrarily turn it down as a matter of principle.

Councilmember Morgan stated he can only support the sales tax consideration if the County can demonstrate they would do more for Destin.

Councilmember Ramswell noted that the distribution of funds by population is by State Statutes; and that doubling the proportionate share for Cinco Bayou, Laurel Hill and Shalimar was done by the Okaloosa County League of Cities with a joint agreement. She stated she cannot support the collection of additional sales tax because the City of Destin will contribute the most and the money will be dispersed amongst the County; with 57 percent of it going to Okaloosa County. She suggests at least asking the County to allow the City of Destin to have a sit on the table and have a voice on how the money will be spent.

COMMENTS FROM THE AUDIENCE

Ms. Carrie Harbaugh asked the Council to support her effort to convince the U.S. Coast Guard to replace the sea buoy damaged by oil during the BP oil spill.

Ms. Marcie Bell noted there is as parcel zoned residential in the City that is being used for commercial business. She also stated this particular lot should be zoned Conservation.

The City Attorney cautioned the Council there are some active code enforcement cases against this particular parcel regarding this issue; and that the Council cannot interfere in that process.

The Land Use Attorney clarified there is not an active code enforcement case yet; however, there have been some complaints received that would be investigated by the City.

Councilmember Ramswell stated the one thing they have always been seeking is additional beach access for the public. She suggests they entertain the possibility of purchasing Parcel B for public beach access. She also stated she has spoken to Mr. Dana Matthews about this possibility; and that Mr. Matthews will discuss it with his client.

Mr. Dana Matthews informed Council his client has authorized him to entertain a dialogue with the City regarding this issue.

Councilmember Ramswell asked for Council's support in directing the Land Use Attorney to be the City's designee to discuss with Mr. Matthews the possibility of the City obtaining that particular parcel.

Councilmember Marler suggests they place this item on the agenda for the next meeting to give staff time to do some background investigation.

There was a general consensus to place the potential purchase of Parcel B property for public beach access on the next meeting agenda for discussion.

Having no further business at this time, the meeting was adjourned at 8:06 PM.

ADOPTED THIS 19TH DAY OF JUNE 2017
By:

Scott Fischer

Scott Fischer, Mayor

ATTEST:

Rey Bailey, City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
[redacted] MARLER CYRON EUGENE	DESTIN CITY COUNCIL
MAILING ADDRESS: 524 KELLY STREET	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: DESTIN — COUNTY: OKALOOSA	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED: 5-1-17	MY POSITION IS: ☑ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, CYRON E MARLER, hereby disclose that on MAY 1ST 2017, 20 ___ :

(a) A measure came or will come before my agency which (check one or more)

___ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____ ;

___ inured to the special gain or loss of my relative, _____ ;

___ inured to the special gain or loss of MY EMPLOYER GFI / EMERALD GRANDE / HARBOR [illegible], by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

PORTABLE TOILET ORDINANCE

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

5-1-17
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
MAY 15, 2017
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 Scott Fischer
Councilmember Chatham Morgan
Councilmember Parker Destin
Councilmember Cyron Marler
Councilmember Prebble Ramswell
Councilmember Tuffy Dixon
Councilmember Jim Foreman
Councilmember Rodney Braden

Destin City Staff

City Manager Carisse Lejeune
Parks/Recreation Director Lance Johnson
Public Information Manager Doug Rainer
Community Dev. Director Karen Haynes
Development Manager Steve Schmidt
Land Use Attorney Kimberly Kopp
City Clerk Rey Bailey
City Planner Hank Woollard
Finance Director Bragg Farmer
City Engineer David Campbell
IT Manager Webb Warren
City Attorney Jeffrey Burns

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Scott Fischer called the meeting to order at 6:00 PM. Pastor Barry Carpenter of the Destin United Methodist Church gave the invocation; which was then followed by the Pledge of Allegiance.

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

The following items have been added on to the agenda.

- Triumph Funding Priorities
- Emergency Maintenance Dredging of the Old Pass Lagoon Channel
- Donation of mounted Blue Marlin

Motion by Councilmember Morgan, seconded by Councilmember Marler, to approve the agenda as amended passed 7-0 (Council members Destin, Morgan, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

1. **APPROVAL OF MINUTES**
   A. Approval of minutes of April 6, 2017 city council workshop
   B. Approval of minutes of the January 17, 2017 regular city council meeting

Motion by Councilmember Ramswell, seconded by Councilmember Destin, to approve minutes of April 6, 2017 city council workshop and January 17, 2017 regular city council meeting passed 7-0 (Council members Destin, Morgan, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

2. PROCLAMATIONS / RECOGNITIONS / **SPECIAL PRESENTATIONS / ANNOUNCEMENTS (NO PUBLIC COMMENTS)

A. Schedule presentation from members of the public – Indian Bayou drainage issue – Mr. Larry Szczur

Mr. Larry Szczur, a Destin resident, provided an update on the progress of the drainage project on Indian Bayou Drive. He stated, though things are not perfect, there have been a lot of noticeable improvements in the contractor's overall performance and in the quality of their work. He continued he was speaking in general terms, and that there are still a lot of angry homeowners out there that may not share his view. He then presented a list of unfinished work and work that needs to be re-accomplished; adding it is a compilation of both his observation and from direct comments he received from different homeowners. He added that a few of the listed items are potential safety hazards. He asked council to allow him to meet with the City Manager in two weeks to discuss the list to see where they stand. There were no objections from the Council.

Councilmember Braden asked when the project is due for completion to include the rain days.

According to the City Engineer, the project was to be completion this week. He also stated their punch list is similar to the list provided by Mr. Szczur.

3. PUBLIC COMMENTS ON AGENDA ITEMS THAT ARE NOT PUBLIC HEARINGS (*ALL AGENDA ITEMS OTHER THAN THOSE UNDER NUMBER 6*)

Ms. Leigh Moore, representing the Howards Group, addressed agenda item #4F – *Triumph Funding Priorities*. She noted that the tentative work program the Florida Department of Transportation (FDOT) submitted to the State included an engineering design and study program into the year 2021 for redesigning Harbor Blvd throughout Destin. She suggests the City considers applying for funds through Triumph Gulf Coast for this initiative so it could be moved up to a much earlier date. She continued this would be a great use of funds for something that is very critical for the economic development in Destin; and that they also feel it is a project that has a very good chance of being approved. She also added any structured parking for which there is a public-private partnership element and might alleviate some of the City's parking concerns should also be of high priority.

4. CITY MANAGER REPORTS

A. Schedule a CRA Board meeting

The City Manager asked for the Council's approval to schedule a CRA Board of Directors meeting on June 5, 2017 to continue the discussion of mobile vending.

Councilmember Ramswell moved to schedule a CRA Board meeting on June 5, 2017, seconded by Councilmember Marler. Motion passed 7-0 (Council members Destin, Morgan, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

B. Potential purchase of Parcel B property

The City Manager noted that on May 1, 2017 regular council meeting, Councilmember Ramswell shared information that she has been in contact with Mr. Dana Matthews, the attorney that represents the owner of Parcel B to discuss the owner's interest in selling Parcel B to the City of

Destin to be utilized as an additional beach and waterfront access for the public. Councilmember Ramswell asked that this item be placed on tonight's agenda for the Council to authorize a designee to begin a dialogue for potential purchase and to bring that information back to Council at a later date. She continued that Councilmember Marler also requested that staff perform additional fact-finding regarding the potential purchase as part of the agenda item for tonight's meeting. She noted that the Ad Valorem Taxes paid for 2016, the purchase price (unqualified) in September 19, 2012, and the 2016 Just Market Value were all included in the staff report. She further stated that along with the potential purchase of the property for additional beach and waterfront access for the pubic, there are other considerations, as follows:

- Parcel B is currently "land-locked" with no public access from Gulf Shore Drive directly onto the property. Gulf Winds Court and Gulf Breeze Court are the only access roads to Parcel B from Gulf Shore Drive. Both roads are designated as Residential Commons Area on the Okaloosa County Property Appraisers map, and are privately owned. With an easement from the homeowners association (HOA) the City cold construct 5' sidewalks along either street for pedestrian traffic, and improved the right-of-way along Gulf Shore Drive for own-street parking. The current width of either street is not adequate to meet minimum City LDC right-of-way standards for vehicle traffic. Additional research is needed to determine the feasibility for receiving an easement from the HOA
- According to the Okaloosa County Property Appraisers website, the pedestrian access at Osteen Beach Access currently dead ends at Parcel C. There has been an undesignated "customary use" easement along the west side of the parcel, but would need to be legally designated as a public easement for the public to traverse this parcel to the water's edge. Additional research is needed to determine the feasibility of continued public access to the water from the Osteen Beach Access
- A public beach will also require an ADA compliant restroom facility, shade structure and access to the water

According to Councilmember Ramswell, it is of utmost importance not to disturb the easement or put any structure of any kind to this parcel that could cause a conflict with the Corps of Engineers.

Councilmember Dixon stated the City would never be able to afford to purchase this property; but, even if they were able to do so, they would not be able to stop the boating public from utilizing it. He suggests they not rush into trying to obtain this property.

Councilmember Braden stated they still need public beach accesses; but, he cannot support purchasing Parcel B.

Councilmember Destin suggests they continue to explore ways to obtain this land.

Councilmember Destin moved to direct staff to engage the Trust for Public Lands to see if Parcel B meets their parameters for acquisition of public land; for staff to discuss with potential seller the purchase price for the property and obtain copies of any surveys conducted on the property to determine location of spoils easement; seconded by Councilmember Ramswell.

Councilmember Marler announced he would abstain from voting as the subject parcel is partially owned by his employer.

Councilmember Ramswell stated she would be willing to go forward if they do not have to place any type of structures on this parcel.

According to the City Manager, they would be required to build a public restroom for a public beach access.

Councilmember Braden stated that City staff's time would be better spent looking for alternative pieces of property to purchase in the City.

Having no further comments from the Council members, the Mayor called for a vote on the motion, which failed 1-5 (Councilmember Destin voted "yes"; Council members Morgan, Foreman, Dixon, Ramswell and Braden voted "no"; Councilmember Marler abstained from voting).

C. Quarterly Financial and Investment Report

The City's Finance Director presented the quarterly financial and investment report as outlined in the staff report.

Councilmember Morgan moved to direct staff to explore other investment opportunities and bring back some options at the next Council meeting; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Destin, Morgan, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

D. Quarterly Performance Report

The City Manager stated the second quarter performance report is being brought forward for Council's review; adding this is the City's performance management system based on Best Management Practices and continuous quality improvement. She continued that in addition to the quarterly financial report to Council, it also includes the Sheriff's Activity Report, the 2017 Work Plan Progress and the Capital Projects Summary Sheets.

E. Announcements

- The City's Finance Department received the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award for the 16th year in a row
- West Florida Regional Planning Council Triumph Fund Overview and Workshop for all affected counties on Wednesday, May 17th, 5:30 p.m., at the Destin Community Center
- Lane closure – repaving of Indian Bayou Trail beginning May 15th
- All City facilities will be closed on Monday, May 29th, in observance of Memorial Day

F. (Walk-on item) Triumph Funding Priorities

The City Manager noted that on April 6, 2017, the City Council held a workshop to discuss the feasibility of projects that would be appropriate for Triumph Funding. The WFRPC facilitated the meeting, which was open to the public, and that a list of projects was compiled from the meeting. She informed the Council that on May 27, 2017, she and the Mayor will be attending a second workshop facilitated by the WFRPC and hosted by the City of Destin, to include stakeholders from the affected counties of Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin and Wakulla, to discuss Triumph Funding. On May 19, 2017, she and the Mayor will be attending another Triumph Funding meeting hosted by the Fort Walton Beach Chamber of Commerce for stakeholders in Okaloosa County. In order to appropriately represent the Destin City Council, there needs to be project priorities in place, prior to these upcoming meetings.

The City Council reviewed the following list of proposed projects and voted on which projects to designate as priority projects for consideration under Triumph Funding:

- Parking solutions (i.e., garages in commercial areas)
- Purchase land for public parks
- Improved broadband infrastructure/service
- High School
- Undergrounding Utilities
- Implementation of entire multi-modal plan
  - Calhoun Avenue multi-use path
  - Calhoun Avenue sidewalk extension under bridge
  - Major sidewalk repairs
- Landscaping along public roadways (US 98 top priority)
- Matching funds for US 98 redesign
- Harbor dredging and continuous pumping
- Completion of cross-town connector

From City's list of unfunded projects

- Mattie Kelly Blvd extension
- 98 Palms Blvd extension
- Gulf Power easement linear park

Councilmember Ramswell moved to designate the following projects receiving the most votes from the Mayor and Council as priority projects for consideration under Triumph Funding; seconded by Councilmember Morgan.

- **Destin High School**
- **Undergrounding of Utilities**
- **Completion of Cross-Town Connector**
- **Gulf Power Easement Linear Park**
- **US Hwy 98 Redesign**

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

G. (Walk-on item) Donation of Mounted Blue Marlin

The City Manager noted that a member of the City Council has been contacted to see if the City would receive a large, mounted Blue Marlin as a donation. The tail of the Blue Marlin has sustained some damage and needs to be repaired; but, there is currently no cost estimate for the repair. She continued that the City Council would need to determine if they want to accept the donation and make the repair, and where the Blue Marlin would be displayed. The City Council could also choose to accept the donation after the City receives a cost estimate for the repair.

Councilmember Dixon stated that according to a boat captain who used to mount fish, the damaged tail should be very easy to fix and relatively inexpensive. He also suggests displaying the Blue Marlin on the wall of the Council Chambers.

Motion by Councilmember Destin, seconded by Councilmember Morgan, to direct staff to accept the donation after they receive a cost estimate for repair of the Mounted Blue Marlin passed 7-0 (Council members Destin, Morgan, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

H. (Walk-on item) Emergency Maintenance Dredging of the Old Pass Lagoon Channel

According to the City Engineer, Dredging has been performed in the Old Pass Lagoon Channel, including around the tip of Norriego Point, in 8 of 10 prior years. As a rebuilt of storms and wind over the last few years, sand from Norriego Point, as well as from other sourced, has moved into adjacent water areas to the north and northeast resulting in significant additional shoaling of the Old Pass Channel adjacent to Norriego Point. City staff solicited quotes from 5 dredging contractors to remove the sand from the channel. This resulted in two submittals, with the low quote by Panhandle Machine & Supply in the amount of $82,000. Staff recommends Council's approval of Panhandle Machine & Supply for emergency dredging of Old Pass Lagoon Channel. He added there is currently $73,200 allocated in the FY 17 budget for dredging; and that $8,800 of additional funds will need to be authorized by Council and added to the 2017 budget.

Councilmember Morgan moved to authorize the City Manager to execute a contract with Panhandle Machine & Supply for emergency dredging of Old Pass Lagoon Channel and spoil (sand) placement on Norriego Point in the amount of $82,000, fund $8,800 from the City's ending fund balance account and make the appropriate budget amendment; seconded by Councilmember Marler. Motion passed 7-0 (Council members Destin, Morgan, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

5. FIRST READING OF ORDINANCES NOT REQUIRING PUBLIC HEARINGS (NO PUBLIC COMMENTS)

A. First reading of Ordinance 17-12-CC, prohibition of commercial activity in City Parks

The City Attorney read proposed Ordinance 17-12-CC by title, and then presented it to the Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO CITY PARKS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT OF CODE OF ORDINANCES CHAPTER 15, PARKS AND RECREATION, ARTICLE II STANDARDS OF BEHAVIOR AND OPERATION ON PUBLIC PARKS, SEC. 15-33, DEFINITIONS AND SEC. 15-39 MERCHANDISING, ADVERTISING AND SIGNS; PROHIBITING COMMERCIAL ACTIVITIES IN CITY PARKS; PROVIDING EXCEPTIONS; PROHIBITING THE OFFERING FOR BARTER, TRADE,

SWAP OR DONATION OF ITEMS OR THINGS IN PUBLIC PARKS; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The Community Development Director Karen Haynes noted that on September 9, 2016 the City Council adopted Ordinance 16-16-CC, which prohibited commercial concession activities on Norriego Point. Since then, the Council has directed staff to bring back an ordinance regulating and/or prohibiting commercial concession activities in City parks. Over the past several years, the City has experienced an increasing problem with individuals utilizing City parks as a place to conduct commercial activities for private gain. Such commercial activities cause unnecessary wear and tear on park and recreational amenities and interfere with use of park and recreational facilities by the general public. The proposed ordinance prohibits such commercial activities in City parks, with the following exceptions:

- Any activity or use that is conducted in any City park in an area designated and clearly marked for such activity or use by the City
- Commercial activity as part of a Special Event approved, or sponsored, by the City
- Any activity permitted by the City pursuant to license from the City, such as beach vending, nor shall it include concessions permitted by the City as part of sporting events
- Rental services for water related items such as kayaks and paddle boards, including related equipment, where such services are conducted pursuant to franchise granted by the City
- Properly licensed and registered commercial watercraft may be launched and or recovered at Joe's Bayou Recreation Area boat launce, and such activity shall not be considered commercial activity, provided:
  - A daily launch fee has been paid or the launching party has in their possession a valid annual commercial launch pass
  - The designated launch ramp is used
  - Commercial activities are not conducted during the launch and/or recovery of the watercraft and are not conducted on or about the Joe's Bayou Recreation Area

Councilmember Braden moved for approval of proposed Ordinance 17-12-CC on first reading and direct staff to schedule it for second reading, seconded by Councilmember Ramswell.

Councilmember Dixon stated he had been contacted by someone asking if this ordinance would preclude them from having a very small and simple beach wedding. He asked if the City has reached out to the people that could be affected by the passing of this ordinance.

According to the Land Use Attorney, this question appears to be a little bit of a grey area which they could clarify before second reading of this ordinance. However, it would probably be included as currently written.

The City Attorney agreed, stating the ordinance, as currently written, would preclude any wedding if it includes any commercial activity.

Councilmember Dixon does not want the City to be so restrictive so as to prevent a small number of people to go to the beach for a wedding for a short period of time.

The City Manager stated that prior to the second reading of this ordinance, they would look into the possibility of keeping the the non-vendor weddings separate and allowing the regular public to have access to beach weddings through a recreational permit process.

Councilmember Marler suggests they clearly define non-commercial weddings.

The City Manager stated they would not be able to come up with that definition tonight; adding if there is substantial change to the ordinance, they may have to bring it back for first reading.

Councilmember Marler noted that most weddings include a wedding planner, which would make it a commercial wedding.

Councilmember Foreman mentioned that weddings have become a major industry in this area; and that the TDC puts out wedding guide and promotes it on their advertising and marketing. He added there are many areas that are opened to commercial type weddings, and that they should re-examine this issue from a practical stand point to determine whether or not they are making a decision based upon a situation at Crystal Beach. He also suggests they come up with some alternatives because they could end up hurting many small businesses in this area.

The City Manager asks if the Council wants staff to bring proposed ordinance back for first reading and put weddings as an exception.

Councilmember Ramswell asked if the following language listed under exceptions to this ordinance, "*Any activity permitted by the City pursuant to license from the City...*" would apply to wedding officiants if they were licensed.

Ms. Haynes stated these wedding officiants are not licensed with the City.

The Mayor suggests they rewrite the ordinance to allow beach wedding at a couple of City parks.

The City's Parks and Recreation Director Lance Johnson noted the City has only two true beach parks, and that they are extremely limited area with extremely limited parking. Any group of 10 or 12 people in a wedding would take up all of the parking and a substantial area of the park.

Councilmember Dixon suggests they table this issue and allow staff time to reach out to the stakeholders to determine how this ordinance might affect them.

Councilmember Destin moved to continue first reading of Ordinance 17-12-CC to the next City Council meeting to allow staff time to reach out to some of the stakeholders to determine as to what extent this ordinance might affect them; and to bring back some sort of framework that could accommodate very small, short private weddings that may occur in the parks. Councilmember Ramswell provided a second to the motion. Motion passed 6-1 (Council members Destin, Morgan, Marler, Foreman, Dixon, and Ramswell voted "yes"; Councilmember Braden voted "no").

6. PUBLIC HEARINGS

A. Second reading of Ordinance 16-25-LC, providing for regulations of certain portable restroom facilities

The City Attorney read Ordinance 16-25-LC by title, and then presented it to the Council on second reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, RELATING TO PLACEMENT OF PORTABLE RESTROOM FACILITIES; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AN AMENDMENT TO LAND DEVELOPMENT CODE SECTION 3.00.01. DEFINITIONS; 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 Council for their discussion and consideration.

Councilmember Dixon moved to adopt proposed Ordinance 16-25-LC on second reading and direct staff to forward it to the Municipal Code Corporation for incorporation into the Land Development Code; seconded by Councilmember Ramswell.

Councilmember Marler announced he will abstain from voting on this matter as he is employed by one of the property owners involved on this issue, and one who had made a comment they were being specifically targeted by the City.

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

B. Second reading of Ordinance 17-10-CC, Amending Livery Vessel Ordinance establishing distance requirements for restroom facilities

The City Attorney read proposed Ordinance 17-10-CC, and then presented it to the Council on second reading.

> AN ORDINANCE OF THE CITY OF DESTIN RELATING TO LIVERY VESSELS; PROVIDING FOR ADDITIONAL FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT OF SECTION 13-145 GENERAL REGULATIONS/STANDARDS; PROVIDING FOR SEVERABILITY AND PROVIDING 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 Council for their discussion and consideration.

Councilmember Dixon moved to approve proposed Ordinance 17-10-CC on second reading; seconded by Councilmember Braden. Motion passed 6-1 (Council members Destin, , Marler, Foreman, Dixon, Ramswell and Braden voted "yes"; Councilmember Morgan voted "no").

C. Second reading of Ordinance 17-11-CN - Temporary tree cutting moratorium

The City Attorney read proposed Ordinance 17-11-CN, and then presented it to the Council on second reading.

> AN ORDINANCE ENACTING A TEMPORARY MORATORIUM ON THE REMOVAL OF PROTECTED TREES WITHIN THE DESTIN CITY LIMITS, PENDING CONSIDERATION OF CHANGES TO CITY ORDINANCES; PROVIDING DEFINITIONS; PROVIDING FOR A TEMPORARY MORATORIUM

ON PERMITS ALLOWING REMOVAL OF CERTAIN TREES; PROVIDING FOR EXCEPTIONS; PROVIDING FOR APPEALS; PROVIDING FOR PENALTIES, AND PROVIDING FOR AN EFFECTIVE DATE AND TERM.

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 Council for their discussion and consideration.

Ms. Aubrey Santucci, a Destin resident and owner of Coastline Tree Service and Landscaping, spoke first. She informed Council they have been serving the City for over 22 years. She asked the Council to consider grandfathering in any tree care company that is registered in the City limits, paying their City license and adhering to City code so they do not have to pay the $25.00 permit fee for each job. She also stated the tree cutting moratorium is premature as the hurricane season is approaching.

Ms. Myra Williams, a Destin resident and member of the City's Tree Board, noted that the topic of discussion tonight is the temporary tree cutting moratorium and not the draft tree ordinance which is currently being reviewed by City staff. She continued the temporary tree cutting moratorium is not designed to preclude anybody from doing emergency storm maintenance if there is a tree that is considered an imminent danger to an owner's property. She asked Council to implement the temporary tree cutting moratorium.

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

Councilmember Dixon wants to make sure that in the event of a hurricane and trees are knocked down, any company that is licensed to do business in the City of Destin can come in and cut those trees.

Mr. Johnson noted that item #17 in Section 2 of the proposed moratorium ordinance gives the Mayor the authority to temporarily waive the moratorium requirements during the period of an emergency such as hurricane, flood or any other natural disaster.

Councilmember Dixon wants to make sure the homeowner or business owner will be allowed to cut a tree down for insurance purposes regardless of the moratorium.

Mr. Johnson stated that they can base on the current language in the proposed ordinance.

Councilmember Dixon wants to make sure this moratorium will not prevent a property owner from removing a tree in order to build on their property.

Mr. Johnson replied affirmatively.

Councilmember Dixon wants to make sure the proposed moratorium will not preclude owners from pruning their trees.

Mr. Johnson replied affirmatively.

Councilmember Dixon stated he is not sure if it is legally acceptable to accommodate a request from a previous speaker to be exempted from having to pay the $25.00 permit fee just because their business has been in existence in the City for quite a while.

The Land Use Attorney pointed out the permit fee a previous speaker alluded to is not included in the proposed tree cutting moratorium ordinance that is before the Council tonight.

The City Manager recommends Council approves the proposed tree cutting moratorium ordinance, and then gives direction to staff as to what amendments to the tree ordinance to bring back for discussion.

Councilmember Morgan asks that Southern Magnolia be added to the list of protected trees and for the removal of item #5 in section 2-5 of the proposed temporary moratorium ordinance exemptions that reads, "*Removal of any tree from a homestead single-family property occupied by the owner.*"

Councilmember Morgan moved to approve proposed Ordinance 17-11-CN on second reading; and to direct staff to come back with the two proposed amendments to the temporary moratorium ordinance for Council's discussion at the next meeting; seconded by Councilmember Destin.

Councilmember Marler noted he cannot support the motion because of the property right issues involved in the proposed ordinance.

Councilmember Ramswell stated she will not support the motion because she does not think there is a way to enforce this moratorium. In addition, the City has three properties that are in the planning stages of development – the cement plant, Leonard Destin Park and the Heritage Park – and this moratorium would prohibit the City from clearing those lots for construction.

Councilmember Foreman stated he does not see any difference between the moratorium restriction and the tree ordinance restriction in terms of enforceability.

Having no further discussion from the Council members, the Mayor called for a vote on the motion, which passes 4-3 (Council members Morgan, Destin, Dixon and Braden voted "yes"; Council members Marler, Foreman and Ramswell voted "no").

D. First reading of Ordinance 17-08-LC, creating the Calhoun Mixed Use Village zoning district

The City Attorney read proposed Ordinance 17-08-LC by title, and then presented it to the Council on first reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA CREATING A NEW ZONING DISTRICT, CALHOUN MIXED USE – VILLAGE (CMU–V); CHANGING THE ZONING DESIGNATION OF AN AREA BETWEEN CALHOUN AND SIBERT AVENUES FROM RESIDENTIAL OFFICE INSTITUTIONAL-GENERAL DEVELOPMENT (ROI-GD) TO CMU–V; PROVIDING FOR AN AMENDMENT TO THE OFFICIAL ZONING MAP; PROVIDING FOR AN AMENDMENT TO TABLE 7-1 IMPLEMENTING ZONING DISTRICTS; PROVIDING FOR AMENDMENTS TO SECTION 7.12.06. ZONING DISTRICTS BY CREATING A NEW ZONING DISTRICT, CALHOUN MIXED USE–VILLAGE (CMU-V); PROVIDING FOR THE AMENDMENT OF LAND DEVELOPMENT CODE SECTION 7.12.06 ZONING DISTRICTS, TABLE 7-2: TABLE OF ALLOWABLE USES; PROVIDING FOR THE AMENDMENT OF SECTION 7.12.08 DIMENSIONAL REQUIREMENTS, TABLE 7-3: SCHEDULE OF DIMENSIONAL REQUIREMENTS; PROVIDING FOR AUTHORITY; 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.

City Planner Hank Woollard reported that Destin Comprehensive Plan: 2020 created a new Future Land Use Map designation, Calhoun Mixed Use Village (CMU-V). This Official Zoning Map amendment is necessary to make the zoning consistent with the Future Land Use Map designation. He explained that consistency between the Future Land Use Map and the Official Zoning Map is necessary to comply with Florida Statutes and the City's Comprehensive Plan: 2020. He also noted that the CMU-V district shall apply to the area bounded on the south by Zerbe Street, on the east by Sibert Avenue, on the west by Calhoun Avenue, and on the north by parcels fronting on the south side of Forest Street, but not including any parcels zoned Institutional (INST). It is the intent of the CMU-V zoning district to provide for similar, but less intense development than the CMU zoning district. The CMU-V zoning district specifically prohibits the following uses:

- Retail commercial goods and services
- Amusement, gambling and recreation Industries
- Drinking places (alcoholic beverages)

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

Mr. Dewey Destin, a Destin resident, asked for some clarification regarding "Food Services and Drinking Places" listed in the chart in the ordinance as a permitted use.

Mr. Woollard explained that the City is continuing to allow for restaurants and restaurants that serve for alcoholic beverages. However, bars are not permitted.

Mr. Destin also noted that there are sub-categories under the above main category listed as "Full-Service Restaurants" and Limited-Service Restaurants" and he asked what the differences are among all these categories.

According to Mr. Woollard, "Full-Service Restaurants" and "Limited-Service Restaurants" are permitted, but drinking places such as lounges and bars are not permitted. He continued that the distinctions between restaurants and bars have not changed; and that in this new zoning district, bars will not be permitted.

Mr. Destin noted that according to the charts, restaurants and rooming and boarding houses were not allowed in the old zoning district (ROI-GD) but they are permitted in the new zoning district. He argues that since they are supposed to be transitioning from a more intense use to a less intense use, they seemed to be going to the opposite direction because they are adding more uses to the new zoning district and it is not consistent with some of the elements of the comprehensive plan. He also noted that Calhoun is already badly congested and over the past several years, people have been using as an alternate route when US Hwy 98 is badly congested. If they add restaurants and the other more intense uses, they would degrade public facilities rather than improve them. He also pointed out the City is making this change because the law requires it; however, if the Council decides to amend the comprehensive plan as they intend to do, they would have to immediately change it back to the way it was originally. He added that making this zoning change is premature at this time.

The City Manager explained that staff is merely trying to reconcile the current zoning map with the Future Land Use Map designation based upon the current comprehensive plan.

Mr. Mike Shouts, a Destin resident, spoke next. He stated he is a stakeholder in the wedding industry and that he would like to be included in the conversation about allowing wedding ceremonies in City parks. He also stated he is in favor of the new zoning district because he owns two properties in that district; and that he has spent a lot of time, energy and money improving these properties with the intent of providing some lodging for the guests that are coming to the Bay House for an event. He continued they are also trying to support the multi-modal concept with their ideas and having the guests stay off the roads.

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

Councilmember Ramswell noted that the allowable uses are not provided for in the comprehensive plan when they created the new district as part of the comprehensive plan.

Mr. Woollard explained that the comprehensive plan provides the policies and the Land Development Code provides the implementation of policies.

Councilmember Ramswell maintains that the permitted uses are inconsistent with the idea of having less intense uses because this is a transitional zoning district.

Mr. Woollard explained that intensity in terms of planning involves floor area ratio or the size of a building relative to the lot. The Calhoun Mixed Use zoning district has a floor area ratio of 2, which means the building can be twice the size of the square footage of the lot. Calhoun Mixed Use-Village has a floor area ratio of 1, and so they are reducing the size of the building that can be put on the lot. He added there is no correlation intended between intensity in terms of building structure and uses.

Councilmember Ramswell noted there seemed to be more permitted uses for the Calhoun Mixed Use-Village than the Calhoun Mixed Use district.

Mr. Woollard stated they could come up with a tally of exactly how many more or how many less uses for which they are providing the new zoning district.

Councilmember Dixon moved to continue first reading of Ordinance 17-08-LC to June 5, 2017; seconded by Councilmember Ramswell.

The City Manager asked for some clarifications in terms of exactly what elements Council wants staff to study and specific language Council wants added or removed.

Councilmember Foreman suggests staff looks at the allowable uses and makes sure they do not create non-conforming situations with existing property.

Councilmember Ramswell asked staff to bring back a list of permitted uses for this particular zoning district.

Councilmember Destin would like to see the highest potential height for each permitted use being put into this zoning.

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

7. ***CONSENT AGENDA (NO PUBLIC COMMENTS)**
   A. Resolution 17-27 – Miscellaneous Fencing Continuing Services Contract
   B. Request approval to expand an existing 15-foot wide, 40-foot long mooring slip to 30-feet wide by 70-feet long / EBMK LLC / 500 Harbor Blvd / Marine Construction
   C. Request approval to construct a 12' x 23' finger pier / Craig Barker / 726 Beach Drive / Marine Construction

Consent agenda item #7A has been pulled from the agenda.

Motion by Councilmember Dixon, seconded by Councilmember Ramswell, to approve Consent Agenda items #7B and #7C passed 7-0 (Council members Destin, Morgan, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

8. **COMMENTS/PRESENTATIONS FROM MAYOR, COUNCIL, LAND USE ATTORNEY AND CITY ATTORNEY (NO PUBLIC COMMENTS)**
   A. Councilmember Braden

Councilmember Braden noted they have been waiting a year for the County to adopt an ordinance addressing the homeless issues in the area. He wants to know if the City can go ahead and move forward with an ordinance addressing the homeless issues in the City.

The City Manager would bring back sample ordinances that were adopted in South Florida for Council's discussion and consideration at a future meeting.

B. Councilmember Ramswell

Councilmember Ramswell asked if the Sheriff's Department has provided a report on spring break and whether or not all the funds were used this year.

The City Manager stated that Capt. Nix from the Sheriff's Office will give the report to Council on June 19th.

C. Councilmember Dixon

Councilmember Dixon thanked the City employees and everyone that participated in the Founder's Day Celebration. He stated it was an excellent event enjoyed by all.

D. Councilmember Foreman
E. Councilmember Marler

Councilmember Marler request that "Marler Memorial Cemetery" be placed on the next Council meeting agenda to discuss the possibility of the City taking over management of the cemetery.

F. Councilmember Destin

1) Zoning in Progress (Comp Plan Workshop)

Councilmember Destin postponed discussion of this item to the next City Council meeting.

G. Councilmember Morgan

1) Cancel/Reschedule the July 3, 2017 City Council Meeting

Councilmember Morgan moved to cancel the July 3rd City Council meeting and close all City facilities on this day; seconded by Councilmember Dixon. Motion passed 7-0 (Council members Destin, Morgan, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

H. Mayor Fischer
I. Land Use Attorney
J. City Attorney

COMMENTS/CONCERNS FROM THE AUDIENCE/PUBLIC ON ANY MATTERS CONSIDERED AT MEETING, OR ON ANY MATTERS NOT ON THE AGENDA

Having no further business at this time, the meeting was adjourned at 9:30 PM.

ADOPTED THIS 21ST DAY OF AUGUST 2017
By:

Scott Fischer

Scott Fischer, Mayor

ATTEST:

Rey Bailey, City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MARCER CYRUS EUGENE	DEXTER CITY COUNCIL
MAILING ADDRESS 328 KELLY STREET	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: DEXTER COUNTY: OKALOOSA	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 5-15-17	MY POSITION IS: ☑ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, CYRUS E MARZEA, hereby disclose that on MAY 15, 20 ___ :

(a) A measure came or will come before my agency which (check one or more)

___ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____ ;

___ inured to the special gain or loss of my relative, _____ ;

___ inured to the special gain or loss of TO MY EMPLOYM., by whom I am retained; or

___ inured to the special gain or loss of _____ , which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

POSSIBLE PURCHASE OF LAND ~~[illegible]~~ FROM MY EMPLOYER

ITEM 4B UNDER COPY MAYORS REPORT

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

5-15-19
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MARLER CYRON EUGENE	DESTIN CITY COUNCIL
MAILING ADDRESS: 528 KELLY STREET	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: DESTIN / COUNTY: OKALOOSA	NAME OF POLITICAL SUBDIVISION: N/A
DATE ON WHICH VOTE OCCURRED: 5-15-17	MY POSITION IS: ☑ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, CYRUS E. MARLER, hereby disclose that on MAY 15, 20 17:

(a) A measure came or will come before my agency which (check one or more)

___ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of MY EMPLOYER, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

REGULATING PORTABLE TOILETS IN THE CITY

STAFF REPORT USED MY EMPLOYERS PROPERTY AS AN EXAMPLE

AND WAS MADE KNOWN ON VISUAL MEDIA, THAT THEY WERE OPPOSED

ORD. # 16-25-LC

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

5-15-17
Date Filed

Cy Marler
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
SEPTEMBER 16, 2019
CITY HALL ANNEX COUNCIL CHAMBERS
6:00 PM

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

Destin City Council

Mayor Gary Jarvis
Councilmember Steven Menchel
Councilmember Cyron Marler
Councilmember Parker Destin
Councilmember Prebble Ramswell
Councilmember Chatham Morgan
Councilmember Skip Overdier
Councilmember Rodney Braden

Destin City Staff

City Manager Lance Johnson
Public Info Manager Catherine Card
Parks/Recreation Director Lisa Firth
Public Services Director Michael Burgess
City Planner Samantha Brisolara
Building Official Noell Bell
City Land Use Attorney Kimberly Kopp
City Clerk Rey Bailey
Deputy City Manager Webb Warren
Code Compliance Officer David Bazylak
Finance Director Bragg Farmer
Principal Planner Lauren Witt
Library Director Wen Livingston
City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM. Reverend Logan Landes of Grace Lutheran Church gave the invocation; followed by the recitation of the Pledge of Allegiance.

SPECIAL PUBLIC HEARINGS FOR FISCAL YEAR 2020 MILLAGE RATE AND BUDGET:

A. Second reading of Ordinance 19-21-CN – Adopting Fiscal Year 2020 Millage Rate

The City Attorney read Ordinance 19-21-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, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF DESTIN FOR FISCAL YEAR 2020; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Motion by Councilmember Overdier, seconded by Councilmember Marler, to adopt Ordinance 19-21-CN on second reading adopting the FY 2020 millage rate of 1.6150 mills

which is more than the rollback rate of 1.5447 mills passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voting "yes").

B. Second reading of Ordinance 19-22-CN – Adopting the Fiscal Year 2020 Budget

The City Attorney read Ordinance 19-22-CN by title, and then presented it to the City Council on second reading.

> AN ORDINANCE OF THE CITY OF DESTIN MAKING APPROPRIATIONS FOR CERTAIN EXPENDITURES, EXPENSES, CAPITAL IMPROVEMENTS AND CERTAIN INDEBTEDNESS OF THE CITY OF DESTIN, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Overdier moved to adopt Ordinance 19-22-CN on second reading to provide for a balanced budget for FY 2020; seconded by Councilmember Marler.

Councilmember Menchel requested that they allow the County to make their presentation before voting on this item because it will determine how he votes on the budget.

Councilmember Menchel offered a substitute motion to move agenda item 2A and allow the County to make their presentation ahead of the City's budget approval.

The City Attorney recommends they proceed to vote on the budget since the County TDC budget is already set for this fiscal year; adding that the City could always make a budget amendment later on, if necessary.

Councilmember Menchel withdrew his substitute motion.

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

AGENDA APPROVAL

Councilmember Marler moved for approval of the agenda; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voting "yes").

1. APPROVAL OF MINUTES

A. Approval of minutes of July 15, 2019 Regular City Council Meeting

Councilmember Marler moved for approval of minutes of the July 15, 2019 Regular City Council Meeting; seconded by Councilmember Destin. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voting "yes").

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

A. TDC Taxing District – Okaloosa County Administrator John Hofstad, Commissioner Kelly Windes and Attorney Greg Stewart

Okaloosa County Commissioner Kelly Windes discussed the proposed expansion of the TDC taxing district. He stated that there have been some inquiries from the northern cities and districts on what it would take to make it happen. They have similar problems. They have visitors and they have infrastructure needs and want to receive part of the money from the TDC. The only official request comes from the City of Niceville. He continued that they are still very early in the process; probably more than a year away from placing this item on the ballot for a referendum vote. An ordinance will have to be presented to the Board of County Commissioners (BOCC) for approval. He noted that the main point of contention has been the proportion, or the percentages of the money to be given to each district. The TDC Director is planning to hire somebody to make a more accurate and detailed measurement of these percentages; adding that this matter will not be put to a vote until they resolve this issue completely. He further stated that in accordance with the State Attorney General's opinion, the districts or areas wanting to come in, can each vote to do so. The existing districts will not have a vote on this matter.

The Mayor expressed concern that if they expand the taxing district, the City of Destin could lose their seat as a voting member.

Commissioner Windes stated it is a valid concern which they have already addressed; adding that the County Attorney has given his assurances that the City of Destin will retain its seat on the Council.

The Mayor requested that this issue be included in the ordinance that will be presented before the BOCC.

At this time, County Attorney Greg Stewart addressed the issue. He stated that he has been in communication with the Destin's Attorney and Land Use Attorney on this issue. If the taxing district is expanded, there must be two municipal representatives under the current statute, and the most populous city in the County is required to be represented; which will be the City of Crestview. However, they have looked at some language they could use to designate one of the tourist industry positions as a permanent voting member. This is to make sure that governmental entities that currently have a voice would still have that voice. In this case, the City of Fort Walton Beach and the City of Destin would continue to have a seat on the table, and the City of Crestview would have a seat on the table pursuant to State Statute.

Mr. Stewart also noted that if there is an expansion of the TDC boundaries, revenues that came from the southern part of the County will be used to provide services to that portion of the County. All the money currently in the reserves is required to be spent in the existing district boundaries; and that none of that money can be given to the northern districts. This will assure that the southern district will not be subsidizing the northern district, and vice versa. He also stated this is going to be a component of the ordinance or the revised Tourist Development Plan.

Councilmember Overdier asked if the percentage of revenue distribution is based on population.

The City Attorney noted that is true for the half-cent sales tax but not in this case.

Councilmember Destin expressed concern that the City of Destin will not forever be protected from losing the arrangements to which they have all agreed. He stated that the revised Tourism Development Plan would probably be memorialized in the form of a resolution or ordinance which would only require a 3-2 vote from a future BOCC to revise without it being codified at the State level. He recommends exploring a way to have the legislation re-codified so that it can be preserved in the future layout and provide some protection for the City of Destin.

Mr. Stewart explained there is no direction at this time to expand the taxing district, and so everything has been done conceptually. There are limitations under the constitution to be able to bind anything forever, and that they do not have direction from the BOCC on what they would consider other than they recognize and understand the City's concern. However, the goal is once a direction is given to go forward with the ordinance, the County would work with the City's legal counsel on the language to make sure the City retains its seat on the table, and there is accountability for the money collected in the south and the money collected in the north; and provide as much certainty as possible going forward. He added there would be further County Commission workshops on this subject which the cities could attend and make their feelings known.

Councilmember Ramswell noted that the information the County provided tonight was slightly different from the information they previously received in terms of the southern district not subsidizing the northern district. She continued that they have originally been told the City could potentially be used as a subsidizer for the remainder of the County.

Mr. Stewart stated that he does not know the source of that information. The issue relating to the potential expansion of the TDC taxing district came up during the County's budget workshop. The County Commission wanted to ensure there was accountability in terms of the northern revenues and southern revenues. The issue concerning the accumulated revenues is covered under State law which must be followed. He added there was a consensus of the 5 County Commissioners that this matter be incorporated in the ordinance.

The City Attorney noted that the information Councilmember Ramswell mentioned was included in the agenda item report that he drafted at the previous Council meeting. Since then, he and Mr. Steward has discussed the issue, and that Mr. Stewart assured him he will work with the City in drafting a language that would protect the City. He also stated that Councilmember Destin's concerns are valid; however, he is not sure if they can bind a future County Commission to that ordinance. Destin could potentially be used as a subsidizer for the north end of the County sometime in the future.

Councilmember Ramswell stated that according to State Statute, the accumulated revenue by the special taxing district is equitably split amongst the members of that district.

Mr. Stewart noted that according to the Tourist Development Tax Statute, accumulated revenue must be spent within the district for tourism related purposes. If there is an expansion of

the TDC boundaries, then 5 cents will be collected on a County-wide basis. The County Commission maintains that if the money is to be used for infrastructure, money will not be taken from the south to build or pave roads in the north.

According to Councilmember Ramswell, what he meant was as it stands now, the bed tax could not be spent in Niceville or Crestview because they are currently outside the boundaries of the special taxing district. A city must be a member of the taxing district in order to receive a portion of the accumulated funds.

Councilmember Ramswell also stated that she shares Councilmember Destin's concern that there is no guaranteed protection for the City of Destin. It worries her that Destin could potentially be used as a subsidizer for other portions of the County sometime in the future.

Mr. Stewart stated that the County wants to engage in a partnership with the City of Destin, which is why they want to work with the City in drafting the language to the ordinance so they could see how the County is trying to protect the City's interest and the entire County's interest.

Councilmember Ramswell noted that the County used to put out a monthly and a yearly report that listed the amount each district brought in as well as the source of that revenue (i.e., short-term rentals, condominiums). She asked why the County stopped publishing that information.

Mr. Stewart stated that the County's Tax Collector collected the Tourist Development taxes for several years. A few years ago, the County transferred that task to the Department of Revenue because they do not charge any money to do it. Revenue has confidentiality requirements by which they must abide in terms of identifying the revenue sources. He would suspect that is the reason a more detailed information is no longer available. He continued they are looking at developing an internal system where they could replicate that same information.

Councilmember Morgan asked for an estimate amount of revenue percentagewise they could expect to receive from the north end of the County if the expansion of the TDC boundaries passes.

According to County Administrator John Hofstad, they can expect approximately 20 percent.

Councilmember Menchel noted that according to the report they received from the Sheriff's Office, there were 29,349 calls for service in 2018, and that 80 percent of those calls were tourists related. From January to August 2019, there were 952 calls for service for which non-City-contracted deputies responded to Destin to assist the Destin contracted deputies. He stated that based on this data, they certainly need more deputies in Destin.

Councilmember Ramswell stated there have been some communications between the City Attorney Kyle Bauman and County Attorney Lynn Hoshihara regarding the additional 10 percent TDC funding available to public safety and first responders that would not supplant current funding for these uses. It appears they received guidance from Ms. Hoshihara to start gathering some data and actually putting in a request for additional funding from the TDC.

According to Mr. Steward, they have a process established which is tied to their budget cycle. The next deadline to submit an application for funding is April 2020. He stated that Ms. Hoshihara sent an email to Mr. Bauman suggesting gathering some data and submitting an application for funding to the TDC for additional law enforcement services for the City of Destin.

Councilmember Menchel stated that Council will instruct staff to prepare a request for additional funding from Okaloosa County TDC for law enforcement services for the City of Destin prior to the April 20, 2020 deadline.

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

Mr. Ken Wampler, a Destin resident and member of the Destin Chamber of Commerce Board, stated that he and Councilmember Braden sat on the County's Floating Structure Committee. The Committee has approved a Floating Structure Ordinance that will now go before the Board of County Commissioners in the form of a workshop on October 22, 2019. He noted that the main recommendation is to not allow floating structures on Crab Island by the end of the year 2020. He recommends the Destin City Council takes a position on the proposed recommendations.

It was the consensus of the Council to place this item on the next Council meeting agenda to discuss and possibly take a position on the proposed revisions.

4. CITY MANAGER REPORTS

A. Resolution 19-16 Fund Balance Policy

Finance Director Bragg Farmer explained that during the Fiscal Year 2018 audit, the City auditor formally recommended that the City Council establishes a written policy that establishes minimum fund balance benchmarks which would provide for a stable tax levy for future budgets. Adoption of Resolution 19-16 will complete the recommendation of the City Auditor and comply with Government Accounting Standard Board (GASB) Statement No. 54, which addresses the establishment of a fund balance policy.

Councilmember Overdier moved to adopt Resolution 19-16; seconded by Councilmember Marler.

Councilmember Destin stated that the Council has an unfettered and unrestricted oversight over the budget, and so he would not support this type of a resolution.

Councilmember Braden asked why staff is just now coming up with this resolution when the auditor's recommendation was made in Fiscal Year 2018.

Councilmember Overdier noted this is something the City has always done, and they are formalizing it by memorializing it in the form of a resolution. It would not necessarily restrict Council for accessing available funds, if necessary.

Mr. Farmer explained that the main recommendation in the resolution involves the amount in the unassigned fund balance the City would try to maintain on an annual basis; adding they could always change the verbiage into something more amenable to the Council. He stated that he developed the language by reviewing about 10 other cities, counties as well as the State and Government Finance Officers Association (GFOA) recommendations on a fund balance policy and came up with a summation of best practices for a fund balance resolution.

Councilmember Ramswell pointed out that these changes were requested to be made back in 2009. She asked why they are just now trying to incorporate this policy.

According to Mr. Farmer, they have been breaking out their fund balance with the categories listed in the proposed resolution in their final audit report since 2010. This is the first auditor that recommended to the City to establish a formal written policy on how they record those funds and how much they want in the unassigned fund balance.

Councilmember Ramswell wants to make sure there is nothing illegal or incorrect in the way things are currently being handled; and that they simply want to put it in writing.

Mr. Farmer stated that not having a fund balance policy is not a violation of State statutes; it was simply the auditor's recommendation to have a formal written policy. .

The Mayor called for a vote on the motion which <u>failed</u> 2-5 (Council members Marler and Overdier voted "yes"; Council members Morgan, Destin, Menchel, Ramswell and Braden voted "no").

B. Proposed Settlement Agreements in Bert Harris Cases Relating to Short-Term Rentals at 84 and 86 Hutchinson Street

The Land Use Attorney explained that this item involves two pre-suit notices of claim and proposed settlement agreements involving 84 and 86 Hutchinson Streets. The buildings were recently constructed. Staff is recommending the Council considers the proposed settlement agreement. The property owner requested to have a maximum occupancy of 34.02 on the property. The City's Building Official recommends 32.84 (round-up to 33 occupants).

Councilmember Ramswell moved to direct the Land Use Attorney to enter into a settlement agreement for 84 and 86 Hutchinson Street based on 33 persons occupancy on the property; seconded by Councilmember Menchel. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voting "yes").

C. DO 93-29 Destiny PUD Minor Change Order

The City's Principal Planner Lauren Witt explained that the Destiny Planned Unit Development (PUD) has a required 25-foot waterfront setback that should be applied to all homes built in the Destiny community. Due to an inadvertent oversight over the passed few decades, this requirement has not been consistently followed. The original development order was executed in 1993. Staff is proposing to amend the development order to reduce the waterfront setback to 10 feet; which is consistent with the rear setback. Approximately half of the waterfront homes

currently in the Destiny development that do not meet the 25-foot setback requirement. This would also correct a lot of the existing non-conforming homes.

Councilmember Overdier moved to direct staff to prepare an amendment to the Destiny PUD (DO-93-29) to include the following setbacks:

- **Front: 20 feet**
- **Side: 5 feet**
- **Rear: 10 feet**

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

D. Resolution 19-21 Cost Sharing for the Harbor Carrying Capacity Study

Ms. Lauren Witt noted that the proposed resolution is a follow up from the City's previous discussion and action regarding the cost-sharing with Corps of Engineers for the Harbor Carrying Capacity Study.

Councilmember Ramswell asked if cost-sharing is a normal procedure for this type of study.

Ms. Witt explained that typically it is a 50 percent cost share of the total cost between the City and the Corps of Engineers.

Motion by Councilmember Menchel, seconded by Councilmember Ramswell, to approve Resolution 19-21 and the associated Cost Sharing for the Harbor Carrying Study between the City of Destin and the Army Corps of Engineers passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voting "yes").

E. Extension of Livery Vessel Moratorium

The Land Use Attorney Kimberly Kopp explained that the current moratorium is due to expire on November 1, 2019. The Council just authorized the Harbor Carrying Capacity Study, and that the result of that study will go into what they do on the livery vessels. She for 1 9-12-month extension of the moratorium.

Councilmember Menchel moved to direct staff to bring back an ordinance extending the Livery Vessel Permitting Moratorium for 12 months; seconded by Councilmember Ramswell.

Councilmember Marler asked staff to bring back a livery vessel report for 2019 at the next meeting.

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

F. Announcements:

The City Manager made the following announcements:

- The County Commission has voted to approve applications for both Capt. Royal Melvin Heritage Park and Clement Taylor Park. Final applications can now be submitted to the US Treasury. The US Treasury has indicated to staff their goal is to get the applications processed within 3 months
- CRA Board meeting scheduled for October 7th at 5:45 p.m. to adopt the CRA budgets
- City facilities will close on Friday, September 20th, beginning at 11:00 a.m., for Staff Appreciation Day
- Visioning Session – November 7th, 8:00 AM to 5:00 PM. Mr. "Buzz" Eddy will facilitate
- The City received over $37,000 from AT&T's sub-contractor to repair damage in the City ROW on Hutchinson Street. Damaged was caused by contractor utilizing un-prescribed uncontrolled boring or "pneumatic missile" technique for the fiber installation project

Motion by Councilmember Destin, seconded by Councilmember Marler, to close City facilities on Friday, September 20th, at 11:00 a.m., for Staff Appreciation Day passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voting "yes").

Motion by Councilmember Destin, seconded by Councilmember Overdier, to direct staff to move forward with the Hutchinson Street repair passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voting "yes").

5. PUBLIC HEARINGS

6. *CONSENT AGENDA

A. Animal Control Services Contracts: Resolutions 19-12, 19-13, 19-14
B. Resolution 19-18: Temporary Closing of US Hwy 98 for the December 14, 2019 Destin Christmas Parade
C. Request for approval of one 8' x 41' dock for a single-family residence located at 821 Cross Street
D. Resolution 19-17: Renewal of Exclusive Concessions Agreement between the City of Destin and Greek's Catering and Events, Inc.
E. Parking Improvements – Gulf Shore Drive
F. 2019 Destin Seafood Festival Co-Sponsorship
G. Resolution 19-19: Renewal of the Exclusive Contract Agreement between the City of Destin and Pyro Shows, Inc, for the Destin Independence Day Fireworks on July 4, 2020
H. Approval of selected vendors for Engineering Consulting Services for the City of Destin
I. Authorization to renew FDOT Right-of-Way Maintenance Agreement with Ferrovial Services Infrastructure, Inc.
J. Update: Municipal Software Project
K. Membership Appointment – Destin Youth Council

Councilmember Menchel requested that Consent Agenda item 6A be pulled for discussion.

Councilmember Destin moved for approval of Consent Agenda items B thru K, as printed above, seconded by Councilmember Menchel. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voting "yes").

Councilmember Menchel requested that moving forward they include in the contract all the information regarding the work to be performed. He stated that the contract with Feline Friends of Destin does not include removing leftover cat food from feeding stations and not leaving it there overnight. This could attract other animals such as coyotes, which is currently a big problem with the City. He recommends discussing this item in the future.

According to the City Manager, they have met with Feline Friends of Destin and made a request not to leave left over cat food overnight; and that when the food is out to elevate it to a point that only the cats could get to it. They are already included in the new contract and will be the requirements when the new contract goes into effect on October 1st.

Councilmember Menchel moved for approval of Consent Agenda item 6A; seconded
Mr. Farmer stated they may have it in their GIS system, and they will follow up on it

Councilmember Menchel noted that the City received money to repair the damage in the City right-of-way on Hutchinson Street. caused by contractor utilizing un-prescribed technique for the fiber installation project. He asked if they have identified any other damages since the last Council meeting two weeks ago that are related to this project.

Public Services Director Michael Burgess stated they have not identified any other damages. They would look at all the boring permits they have issued over the past 6 months and conduct as assessment.

Councilmember Menchel inquired as to the status of the City's street sweeper that is under repair.

Mr. Burgess noted that the street sweeper is still under repair at Mobile, Alabama. After it is done at the body shop at Mobile, it will be driven to Pensacola for engine repair.

Councilmember Menchel requested an update on the status of the code compliance issues on Beach Drive.

According to Code Compliance Officer David Bazylak, the property had been identified as a long-term rental and they are currently trying to get it registered. Furnitures that were left out on site for a long time have been removed. There were several junk vehicles on the property. They were either properly tagged and registered or removed. With regards to trash being left out for a long period of time, all property owners from Legion Drive to Beach Drive have been notified regarding the proper times to put their trash out. In addition, they have identified 3 trash cans on the property that do not belong on the property. The cans came from Mattie Kelly Blvd. They have contacted Waste Management and they will be removing the trash cans.

Councilmember Menchel expressed his appreciation to the City's Code Compliance Officer Murray Casey for his lifesaving action. He recommends inviting Officer Casey to attend a future meeting to be properly recognized by the Council.

A. Councilmember Overdier
B. Councilmember Marler

Councilmember Marler asked staff to notify the County there is still no streetlight at the Henderson Beach Drive and Commons Drive intersection.

C. Councilmember Destin
D. Councilmember Morgan
E. Mayor Gary Jarvis
F. Land Use Attorney

1) Monthly TRC Update

There are currently two projects under review by City staff – The Charles and The Oaks at Old Town.

2) Recommendation of Harbor Advisory Board to circulate letter to harbor front property owners regarding code compliance

The Land Use Attorney requested they delay discussion of this item to the next Council meeting so that the Code Compliance Manager could participate in the discussion and make the same presentation he made at the Harbor Board to the Council.

The Mayor asked staff to bring back a draft copy of the letter the Harbor Board proposes to circulate to the harbor front property owners.

G. City Attorney

The City Attorney Kyle Bauman reported that the legal counsel for Coleman Kelly Trust contacted the City to see if the City was interested in purchasing some land owned by Coleman Kelly Trust. One parcel is located adjacent to the Morgan Sports Center and is encumbered by utility easement. The other parcel is in Crystal Beach. It is an east-west connector that is encumbered by a utility easement.

It was the consensus of the Council to instruct the City Attorney to further investigate the two properties the legal counsel of Coleman Kelly Trust is offering for sale to the City and bring some information back at the next Council meeting.

Councilmember Ramswell asked staff to also investigate any reason they would want to purchase land they cannot use.

Mr. Bauman noted that one potential use for his land is for bicycle trail as part of the multi-modal process; but they would investigate further to see if there are other possible uses for this land.

The City Manager pointed out that one of the parcels is located directly behind the parking area from Morgan's Sports Center; and that it has become the overflow parking lot for the big tournaments.

8. PUBLIC COMMENTS

Having no further business at this time, the meeting was adjourned at 7:44 PM.

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
OCTOBER 7, 2019
CITY HALL ANNEX COUNCIL CHAMBERS
6:00 PM

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

Destin City Council

Mayor Gary Jarvis
Councilmember Steven Menchel
Councilmember Cyron Marler
Councilmember Parker Destin
Councilmember Prebble Ramswell
Councilmember Skip Overdier
Councilmember Rodney Braden
Councilmember Chatham Morgan - (arrived at 6:20 p.m.)

Destin City Staff

City Manager Lance Johnson
Public Info Manager Catherine Card
Code Compliance Manager Joey Forgione
Community Dev Department Louis Zunguze
Parks/Recreation Director Lisa Firth
Code Compliance Officer Murray Casey
Public Services Director Michael Burgess
City Land Use Attorney Kimberly Kopp
City Clerk Rey Bailey
Deputy City Manager Webb Warren
Building Official Noell Bell
Library Director Wen Livingston
Code Compliance Officer David Bazylak
Finance Director Bragg Farmer
City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

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

AGENDA APPROVAL

Councilmember Destin asked to set aside Mr. Ronnie Bell's presentation until his arrival at this meeting.

Councilmember Destin requested that the following items be placed under his name for discussion / action:

1) Heritage Park/Treasury
2) Second reading of Election Ordinance

Councilmember Ramswell requested that Consent Agenda items A-G be pulled for discussion.

Motion by Councilmember Destin, seconded by Councilmember Braden, to approve the agenda incorporating all the above changes passed 6-0 (Council members Destin,

Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Morgan was not present during the voting).

1. APPROVAL OF MINUTES

A. Approval of minutes of July 10, 2019 City Council Workshop

Motion by Councilmember Menchel, seconded by Councilmember Marler, to approve minutes of July 10, 2019 City Council Workshop passed 6-0 (Council members Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Morgan was not present during the voting).

B. Approval of minutes of July 1, 2019 Regular City Council Meeting

Councilmember Marler moved for approval of minutes of July 1, 2019 Regular City Council Meeting; seconded by Councilmember Overdier. Motion passed 6-0 (Council members Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Morgan was not present during the voting).

2. PROCLAMATIONS/RECOGNITIONS/SPECIAL PRESENTATIONS/ANNOUNCEMENTS

A. Presentation of Certificate of Achievement to Mr. Murray Casey and Mr. David Bazylak, from the City of Destin Code Compliance Department

The Mayor presented a Certificate of Achievement to Mr. Murray Casey and Mr. David Bazylak, City of Destin's Code Compliance Officers, recognizing their life saving actions in the line of duty. Mr. Casey was recognized for rendering aid to a distressed swimmer in the Gulf of Mexico while on code compliance patrol. Mr. Bazylak rendered aid to two distressed kayakers in the Destin Harbor while on code compliance patrol.

Following this item, the next item discussed was agenda item 4A

B. Ronnie Bell from Waste Management Update on Recycling and Rates

Mr. Ronnie Bell from Waste Management, Inc., provided an update on recycling and rates. He informed the Council that on September 17, 2019, the Okaloosa County Public Works Director presented the following three options to the Board of County Commission for the future of recycling in the unincorporated Okaloosa County:

1) Leave service as is with delivery of recyclable material to the Emerald Coast Utility Authority (ECUA) with an increase of $1.00/month for each unincorporated Okaloosa County residential customer
2) Divert collected recyclable material to the Waste Management waste-to-energy facility at the Springhill landfill facility in Jackson County
3) Eliminate the recycling program

Mr. Bell noted that the County Commission voted to continue recycling and divert recyclable materials for the unincorporated Okaloosa County to the Springhill facility in Jackson County, which became effective October 1, 2019. The County Commission has scheduled a workshop to discuss recycling on October 10, 2019 at 5:00 PM at the Shalimar Courthouse to hear from citizens and discuss the recyling options in more detail and allow the public ample opportunity to speak on the subject.

Mr. Bell pointed out that no recyclables from the City of Destin would be taken to the Springhill facility. They would be going to a recycling facility in Montgomery, Alabama, called Re Power South (RPS). Waste Management has signed a contract with RPS, and they would be transporting the recyclables from the City to the Montgomery site. The processing fee at RPS is $45 per ton, and a total of $111 per ton including the transportation cost; however, the City is not being asked to approve a rate increase tonight as they are not completely sure of the total cost at this time. They would be developing the cost and will be coming back soon to ask the City for an amendment to the contract for a rate increase and whether they want to continue recycling. He noted that RPS takes mix paper, cardboard, plastic and aluminum. They do not normally take glass; but since they will be in a transition period, they would be willing to work with the cities and accept minimal glass until the cities reach a decision. If the City of Destin decides to continue with the program, Waste Management will continue to work with City staff and with the public and educate the citizens about the glass situation.

Councilmember Braden asked who determines the contamination percentage in the recycled materials and what is the estimated amount of materials collected from Destin that is contaminated.

Mr. Jake Alderfer of Waste Management replied that the recycling facility determines the amount of contamination. He continued that ECUA has been providing the contamination percentage to Waste Management; and that Waste Management has conducted studies based on that information and could attest to the fact that the City of Destin has been the best recycler out of all their contracts. The amount of contaminated materials from Destin has been very minimal.

Councilmember Ramswell pointed out that the unincorporated areas of Okaloosa County would include Regatta, Kelly, Legacy and other areas in Destin; which provides more incentive for passionate recyclers to annex into the City.

Councilmember Menchel stated they should not make any decisions with regards to a rate increase without public input.

Councilmember Destin stated that in addition to a rate increase, he would also want to discuss options of not exclusively using a single recycling source.

Following this item, next item discussed was agenda item 5C

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

4. CITY MANAGER REPORTS

A. Crab Island Proposed Actions

Councilmember Braden, the Council's representative to Okaloosa County's Floating Structures Committee presented the Committee's recommendations to the Board of County Commissioners (BOCC), as outlined in a proposed ordinance. The BOCC will discuss the recommendations at a workshop on October 22, 2019. Councilmember Braden stated that the Destin City Council may elect to take a position on these proposed revisions and present them to the BOCC for consideration.

Councilmember Braden moved to recommend approval of the proposed changes to the County's Floating Structures Ordinance that were approved by the Floating Structures Committee to the County Commissioners; seconded by Councilmember Overdier.

Councilmember Ramswell's findings/recommendations relative to the proposed ordinance:

- Page 3, line 5-6: refers to "principal floating structure"; but ordinance only provides definition for "primary floating structure"
- Page 5, Section 19-83(2)(a) – discusses floating structures permanently moored to a dock as having alcoholic beverage prohibition. Suggests changing to "permanently and temporarily" to avoid any loopholes
- The proposed ordinance referenced a "map of the area" as an attachment, but the map is not provided.

The City Attorney will address above findings/recommendations with the County Attorney.

The Mayor called for a vote on the motion, which passes 5-1 (Council members Destin, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Marler voted "no"; Councilmember Morgan was not present during the voting).

B. Development Review Software Update/Request for Public Closure of Community Development Department on Fridays

Deputy City Manager Webb Warren provided a Development Review Software update. He stated that Energov has assembled its software implementation team and is targeting November/December 2019 for the beginning of the implementation of the project. The document scanning contract has been executed with an outside company based in Mobile, Alabama. They have picked up the first load of sorted documents and they have been transferred to their facility.

Community Development Director Louis Zunguze noted that as part of his department's automation initiative effort, they have to dedicate a big part of their work week to the software migration to help achieve maximum results with the Energov project. He asked for Council's authorization to close his department to the public on Fridays.

Councilmember Destin moved to authorize the Community Development Department staff to close to the public on Fridays and dedicate their resources to implementing the development review software and scanning project; seconded by Councilmember Menchel.

Councilmember Destin asked Mr. Zunguze to work with the City's Public Information Manager to announce the closure on social media so that the public would be fully informed. He asked if the increase in short-term rental budget assessment would be enough to hire more staff so that the department could come back to full schedule in a matter of months.

Mr. Zunguze noted that the short-term rental budget increase is primarily dedicated to the Code Compliance Department; however, there is a life safety issue that needs to be addressed with the Building Department with the short-term rental program. They would be able to hire more staff if approved by Council. He added that with their current level of resources, they expect the scanning portion of the project to take approximately 8 months; but they would be able to access the information live on a 20 percent increment. He added that in the meantime, they would still be conducting scheduled inspections and walk-in customers would not be tuned away.

The Mayor called for a vote on the motion, which passes 6-0 (Council members Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Morgan was not present during the voting).

C. Announcements

The City's Public Information Manager Catherine Card provided the following update on the upcoming Open House:

- Thursday, October 24th from 11:30 – 1:00 PM @ the Destin Community Center
- Theme is "Looking Back, Moving Forward"
- Shred truck on site from 11:00 to 2:00 PM
- Parking fees at the Community Center will be waived from 10:00 AM to 3:00 PM

5. PUBLIC HEARINGS

A. First reading of Ordinance 19-16-LC - Establishment of a "Change of Use" process which regulates changes of previously approved land uses.

The City Attorney read proposed Ordinance 19-16-LC by title, and then presented it to the Council on first reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA ESTABLISHING A PROCESS FOR REGULATING AND REVIEWING CHANGES OF PREVIOUSLY APPROVED LAND USES IN THE CITY OF DESTIN; PROVIDING FOR AMENDMENTS TO ARTICLE 2 ("ADMINISTRATION") OF THE LAND DEVELOPMENT CODE; DEFINING "CHANGE OF USE"; PROVIDING FOR AMENDMENTS TO ARTICLE 3 "DEFINITIONS" OF THE LAND DEVELOPMENT CODE; 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 portion of this item and turned the matter over to the City Council for their discussion and consideration.

Councilmember Menchel moved for approval of Ordinance 19-16-LC on first reading; seconded by Councilmember Ramswell.

The Land Use Attorney noted that staff has made one change to the proposed ordinance based on the recommendation by the Local Planning Agency. They have included specific language which basically constitute a *Prima Facie* case on page 3, paragraph B – *Prima Facie Evidence of Change of Use*. The Local Planning Agency did not recommend specific numbers with regards to square footage of gross floor area. Staff came up with the actual criteria in the ordinance.

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

B. First reading of Ordinance 19-19-LC - Process of development application review.

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

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO THE PROCESS FOR DEVELOPMENT APPLICATION REVIEW; PROVIDING FOR AMENDMENTS TO ARTICLE 2 ("ADMINISTRATION") OF THE LAND DEVELOPMENT CODE; PROVIDING FOR AMENDMENTS TO ARTICLE 7 "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS") OF THE LAND DEVELOPMENT CODE; MODIFYING THE TECHNICAL REVIEW COMMITTEE PROCESS; AMENDING NOTICE REQUIREMENTS FOR DEVELOPMENT APPLICATIONS; AMENDING THE CONDITIONAL USE PROCESS; AMENDING THE THRESHOLDS FOR MAJOR DEVELOPMENT ORDER REVIEW; 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.

Attorney Stephen Tatum of Matthews and Jones stated that he is speaking on behalf of Mr. Shane Cannon who owns a particular piece of property that will be heard later on in the meeting with another ordinance. One of the potential uses of that property will now become a conditional use based on this particular ordinance. He noted that on page 16, paragraph G – *Criteria for Conditional Uses*, of the proposed ordinance that reads:

"i. *Land use compatibility.* The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity."

According to Mr. Tatum, there is no specific description of the terms "compatible" and "harmonious" in the proposed ordinance; adding they are so vague it would be hard for a developer or a private property owner to gauge their future actions upon these terms. Something that is "harmonious" and "compatible" to one person may not be the same with another. He also stated the current zoning districts already have similar compatible uses as allowable or conditional uses within those areas.

Mr. Tatum also referred to the following paragraph on page 17 of the proposed ordinance:

"v. *Avoid Over Proliferation of Uses.* An over-proliferation of similar uses within a zoning district shall not be permitted."

Mr. Tatum stated that zoning districts are designed to have similar uses within them; and so it seemed they would always have an over-proliferation of uses within a zoning district because everything within a zoning district should be a similar use. He continued that the property he is representing is being rezoned to ROI-DR. If the owner of that property wanted to put some townhomes on that piece of property, he would have to show there is not an over-proliferation of townhomes in that zoning district. He added that the term "over-proliferation of uses" is vague and would make it difficult for a property owner to gauge their future action based on that term. He urged the Council not to adopt an ordinance with such vague language such as the one before them; or add some language in the ordinance that allows for a conceptual review approval such as the one they have at Walton County.

According to the Land Use Attorney, this proposed ordinance is legislative and applies City-wide and not specific to anybody's property within the City. It would not be appropriate to discuss any specific property in the context of this ordinance. This ordinance has standard language with objective criteria with room for flexibility. If they put in only objective language as criteria, it would not be possible for staff to address any situation that comes up. She also stated that she had previously spoken to Mr. Tatum about the concept idea. She extremely opposes the conceptual review approval. To have the City Council approve a concept is problematic from a legal perspective. If they give someone an approval early on, the property owner could then proceed to spend money and then potentially sue the City if the project does not move forward. She added that the City has a process that includes a pre-application meeting where staff goes into all the details with the property owners and developers before they spend any money.

Councilmember Ramswell asked for the reason "Abutter Notices" as outlined in the staff report did not include written notices for development order amendments.

According to Mr. Zunguze, any development order amendment is either a major or minor deviation, which are included in the abutter notices.

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

Councilmember Overdier moved for approval of Ordinance 19-19-LC on first reading, with the conditional use approval to be at the City Manager, Community Development Director, or at the Local Planning Agency level; seconded by Councilmember Marler.

Councilmember Destin stated that he is apprehensive to delegate the review authority from the City Council back on the staff as every single decision will have a significant public policy or quality of life impacts. He added that staff's job is to implement Council's policies and the Council is accountable to the citizens.

Councilmember Marler stated they have a diverse Council with various fields of expertise. They hired staff that is versed in exactly what they are trying to implement.

Councilmember Ramswell stated that the Council is in charge of establishing division of the City and making sure they follow a path they all deemed proper and best suited for the City. For these reasons, she feels they should be making the decisions regarding this matter.

Councilmember Menchel stated he would not support delegating the Council's authority.

Motion <u>failed</u> 2-5 (Council members Marler and Overdier voted "yes"; Council members Morgan, Destin, Menchel, Ramswell and Braden voted "no").

Motion by Councilmember Ramswell, seconded by Councilmember Braden, to approve Ordinance 19-19-LC on first reading passed 6-1 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier voted "no").

<u>At this time, Mr. Ronnie Bell of Waste Management has arrived at the meeting.</u>

Motion by Councilmember Menchel to set aside the order of the day and allow Mr. Ronnie Bell from Waste Management, Inc. to give his presentation was seconded by Councilmember Destin and passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

<u>The next item discussed was agenda item 2B</u>

C. First reading of Ordinance 19-23-LC - Amending the Land Development Code, Section 7.12.01(A)2 Zoning Maps to include a change in the zoning designations of parcels from Medium Density Residential Village (MDR-V) to Residential, Office and Institutional Village Residential (ROI-VR)

The City Attorney read proposed Ordinance 19-23-LC by title, and then presented it to the 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 DESIGNATIONS OF THE PARCELS DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM MEDIUM DENSITY RESIDENTIAL (MDR) TO RESIDENTIAL, OFFICE AND INSTITUTIONAL-VILLAGE RESIDENTIAL (ROI-VR); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Attorney Stephen Tatum of Matthews and Jones noted that the proposed ordinance converts the ROI-GD land use zoning district to ROI-VR zoning district; thereby making everything that was a permitted use in ROI-GD a conditional use. One of their main concerns is multi-family attached dwelling units being a conditional use. They believe one of the main reasons for this conversion was the amount of apartment buildings that have been built in the City recently. He also pointed out there is a conflict that exists between the Comprehensive Plan and Land Development Code in terms of the definition for multi-family dwelling units. He asked that Table 7-2 of the ordinance that covers multi-family attached dwelling be broken down into two categories; one being apartments; and the other to multi-family dwelling units. This would take care of the conflict regarding definition as well as the Council's concern that apartments do not provide the same sense of ownership as do duplexes, tri-plexes and townhomes.

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

Councilmember Ramswell moved for approval of proposed Ordinance 19-23-LC on first reading; seconded by Councilmember Menchel.

According to Mr. Zunguze, staff is aware of the potential conflict that exists in terms of definition for multi-family dwelling units; however, they believe the best way to approach it is to handle it at the comprehensive plan level. If they amend the definition in the comprehensive plan, everything else will follow. He continued that the proposed ordinance that is currently before the Council is a step in the right direction.

Councilmember Ramswell noted there is a statement on page 2, Section 3, of the proposed ordinance that obviously need to be deleted. The statement reads, "*Lauren, please insert Parcel ID nos. here and use a revised Ex. A which removes the institutional parcel.*"

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

D. First reading of Ordinance 19-24-LC - Relating to changes to the Zoning Map, which changes the zoning of multiple parcels from Residential, Office, Institutional General Development (ROI-GD) to Residential, Office Institutional Village Residential (ROI-VR)

The City Attorney read proposed Ordinance 19-24-LC by title, and then presented it to the 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 DESIGNATIONS OF THE PARCELS DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM RESIDENTIAL, OFFICE AND INSTITUTIONAL-GENERAL DEVELOPMENT (ROI-GD) TO RESIDENTIAL, OFFICE AND INSTITUTIONAL-VILLAGE RESIDENTIAL (ROI-VR); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Menchel moved for approval of Ordinance 19-24-LC on first reading; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

E. First reading of Ordinance 19-25-LC - Amending Article 7 of the Land Development Code to establish conditional uses in the Commercial General (CG) zoning district.

The City Attorney read proposed Ordinance 19-25-LC by title, and then presented it to the Council on first reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING THE COMMERCIAL GENERAL (C-G) ZONING DISTRICT; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS"; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES"; ESTABLISHING CONDITIONAL USES IN THE COMMERCIAL GENERAL (C-G) ZONING DISTRICT; 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 portion of this item and turned the matter over to the City Council for their discussion and consideration.

Councilmember Ramswell moved for approval of Ordinance 19-25-LC on first reading; seconded by Councilmember Menchel. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

F. First reading of Ordinance 19-26-LC - Relating to changes to the Zoning Map, which changes the zoning of one parcel from Institutional (INST) and Commercial General (CG) to entirely Institutional (INST).

The City Attorney read proposed Ordinance 19-26-LC by title, and then presented it to the 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 DESIGNATIONS OF THE PARCEL DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM INSITUTIONAL (INST) AND COMMERCIAL GENERAL (C-G) TO INSTITUTIONAL (INST), ONLY; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Ramswell moved for approval of Ordinance 19-26-LC on first reading; seconded by Councilmember Menchel. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

G. First reading of Ordinance 19-27-LC - Relating to changes to the Zoning Map, which changes the zoning of multiple parcels from Commercial General (CG) to Town Center Mixed Use (TCMU), to match the future land use designation assigned in the Comprehensive Plan.

The City Attorney read proposed Ordinance 19-27-LC by title, and then presented it to the 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 DESIGNATIONS OF THE PARCELS DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM COMMERCIAL GENERAL (C-G) TO TOWN CENTER MIXED USE (TCMU); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Motion by Councilmember Braden, seconded by Councilmember Ramswell, to approve Ordinance 19-27-LC on first reading passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

H. First reading of Ordinance 19-28-LC Consolidation of the Residential, Office, Institutional General Development (ROIGD) and Residential, Office, Institutional Village Residential (ROI-VR) zoning districts.

The City Attorney read proposed Ordinance 19-28-LC by title, and then presented it to the 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); 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 portion of this item and turned the matter over to the City Council for their discussion and consideration.

Motion by Councilmember Menchel, seconded by Councilmember Ramswell, to approve Ordinance 19-28-LC on first reading passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

I. First reading of Ordinance 19-29-LC - Relating to changes to the Zoning Map, which changes the zoning of one parcel from multiple zoning districts (Recreation, Institutional, and Residential, Office, Institutional General Development) to Institutional (INST).

The City Attorney read proposed Ordinance 19-29-LC by title, and then presented it to the 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 MULTIPLE ZONING DISTRICTS TO ONE ZONING DISTRICT; SPECIFICALLY, FROM INSTITUTIONAL (INST), RESIDENTIAL, OFFICE AND INSTITUTIONAL-GENERAL DEVELOPMENT (ROI-GD), AND RECREATIONAL (REC) TO INSTITUTIONAL (INST), ONLY; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS;

PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Motion by Councilmember Ramswell, seconded by Councilmember Overdier, to approve Ordinance 19-29-LC on first reading passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

J. First reading of Ordinance 19-30-CN - Livery Vessel Permitting Moratorium Extension

The City Attorney read proposed Ordinance 19-30-CN by title, and then presented it to the Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO LIVERY VESSELS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR A TWELVE MONTH EXTENSION OF ORDINANCE 19-08-CN (TEMPORARY MORATORIUM ON LIVERY VESSEL PERMITS); DIRECTING STAFF TO DEVELOP RECOMMENDATIONS FOR REGULATION OF LIVERY VESSELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXPIRATION OF MORATORIUM; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Overdier moved for approval of Ordinance 19-30-CN on first reading; seconded by Councilmember Ramswell. Motion passed 6-1 (Council members Morgan, Destin, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Marler voted "no").

6. CONSENT AGENDA

A. Request approval of contract extension for the Asphalt Services with H&T Contractors
B. Request approval of contract extension for Concrete Services with SH Hayes Enterprises
C. Request approval of contract extension for Fencing Services with SH Hayes Enterprises
D. Request approval of contract extension for Road Striping Services with Emerald Coast Striping d/b/a Coastline Striping
E. Request approval of contract extension for Security and Fire Safety with Advanced Protective Technologies

F. Request approval of contract extension for Stormwater Maintenance with Florida Septic and Sewer

G. Request approval of contract extension for Miscellaneous Generator Continuing Services with RONCO Electric Service, LLC
H. Request for use of city streets for McGuire's Irish Pub 5k/10k Run
I. Resolution 19-22, FY 20 Law Enforcement Agreement
J. Contract for FY19 Audit Services

K. Resolution No. 19-23, Interlocal Agreement with the Destin Fire Control District for Beach Safety Services and Lifeguard Services
L. Agreement with the Choctawhatchee Basin Alliance for Continuing Services
M. Authorization to make Repairs to Matthew Blvd roadside parking, contractor damage
N. Resolution Number 19-24 Regarding Extension of Development Orders
O. Resolution 19-25 Execution of 2020 Okaloosa County Public Library Cooperative Interlocal Agreement

Consent Agenda items 6A thru 6G have been pulled for discussion.

Councilmember Destin moved for approval of Consent Agenda item 6H thru 6O; seconded by Councilmember Marler. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

With regards to Consent Agenda items 6A thru 6G, Councilmember Ramswell pointed out that these are all contract extensions, but copies of the original contracts have not been attached. She stated that Council needs to see the original contract so they know the terms that are included in that contract and could intelligently approve the extension of that contract.

The City Manager noted it was an oversight on the part of staff, and that copies of original contracts will be provided to the Council.

Consent Agenda 6A – *Request approval of contract extension for the Asphalt Services with H&T Contractors*

Councilmember Ramswell asked how often they use the Asphalt Services contractor and how they are compensated for their services.

Public Services Director Michael Burgess noted that H&T Contractors are currently resurfacing Gulf Shore Drive and Restaurant Row. They have resurfaced 5 streets for the City this year; which is about the average number every year. He continued that $400,000 in estimated work was approved in the Fiscal Year 2020 budget for concrete services. They put this services out to bid in December 2017 and received about 5 respondents. The City's Bid Committee selected H&T Contractors based on price and availability, among other things; and this is a request for extension of that existing contract with no changes. It is a one-year contract which is eligible for renewal 4 times.

Councilmember Ramswell noted that since the effective date of the original contract was December 2017, it expired 9 months ago in December 2018.

According to Mr. Burgess, the contract has been renewed once. This is a request for a second contract extension.

Finance Director Bragg Farmer explained that for the most part, all continuing services contracts run on a fiscal year basis. They are renewed in October through the next September.

The City Attorney noted he has reviewed all the continuing services contracts and proposed extensions last Thursday and approve of them as to form and legal sufficiency.

Councilmember Menchel asked if they rebid the contract since December 2017 for a better price.

Councilmember Menchel moved to re-bid all continuing services contract on a yearly basis.

Mr. Burgess explained it is the standard operating procedure for the City to extend the contract if the vendor provides good product in a timely manner.

Councilmember Menchel stated that rebidding the contract could provide the City a similar service for a cheaper price. He recommends rebidding all the continuing services contracts. He also asks that all information be provided to the legal counsel for review a lot sooner than 2 business days before a scheduled Council meeting.

The City Manager noted that all these contracts were vetted and approved last year by the City's legal counsel; however, he will make sure they are provided to the City Attorney much earlier.

Councilmember Destin asked if there was any risk of jeopardizing this and any of the other contracts by waiting another two weeks to review and approve them.

The City Attorney noted all the contracts expire the end of this fiscal year (September 2019); however, there is usually a grace period for municipal governments.

The City Manager noted that on certain occasions in the past Council has authorized a month-to-month extension; adding they could extend the contracts for one month which would allow them to get projects done while the Council reviews the contract extensions.

Councilmember Destin recommends extending each of the contracts for another month while they are being reviewed and considered for an extension.

The City Attorney stated they need to extend each contract by a motion individually.

Councilmember Menchel withdraws his current motion on the floor.

Councilmember Destin moved to instruct City staff and City Attorney to communicate to H&T Contractors the Council's desire to extend the term of the contract

for the Asphalt Services to a month-to-month arrangement, and for staff to bring the item back at the next regular City Council meeting; seconded by Councilmember Menchel.

Councilmember Ramswell asks how often they rebid contracts.

The City Manager noted that several years ago, a previous City Attorney opined they should only allow up to 4 yearly contract extensions before they are rebid. In many cases in the past, they were getting a better price by renewing rather than rebidding a contract.

Councilmember Menchel stated that moving forward, staff should also include any supplemental reports to each contract.

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

Consent Agenda 6B – *Request approval of contract extension for Concrete Services with SH Hayes Enterprises*

Councilmember Braden noted that some people are parking and driving their vehicles on these sidewalks, and they are not designed to take this kind of abuse. He recommends changing the specifications on the concrete services contract for 6' to 10' sidewalks to the following:

- 4000 psi instead of 3000 psi
- Wire reinforcement
- No more than 4 slumps on concrete

Councilmember Destin moved to instruct the City Attorney to communicate to SH Hayes Enterprises the Council's desire to extend the term of the contract for Concrete Services to a month-to-month arrangement, and for staff to bring the item back at the next regular City Council meeting passed. Also to instruct staff to reach out to SH Hayes Enterprises and discuss all the issues Councilmember Braden brought up and bring proposals back to Council for review and cost analysis so Council can decide whether to stay with the current contract or amend the contract to include Councilmember Braden's proposals. Councilmember Ramswell provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

Consent Agenda 6C – *Request approval of contract extension for Fencing Services with SH Hayes Enterprises*

Councilmember Destin moved to instruct the City Attorney to communicate to SH Hayes Enterprises the Council's desire to extend the term of the contract for the Fencing Services to a month-to-month arrangement, and for staff to bring the item back at the next regular City Council meeting; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

Consent Agenda 6D – *Request approval of contract extension for Road Striping Services with Emerald Coast Striping d/b/a Coastline Striping*

Councilmember Destin moved to instruct the City Attorney to communicate to Emerald Coast Striping d/b/a Coastline Striping the Council's desire to extend the term of the contract for Road Striping Services to a month-to-month arrangement, and for staff to bring the item back at the next regular City Council meeting; seconded by Councilmember Braden.

Councilmember Menchel recommends doing a cost analysis to determine if it would be more cost effective to rent the road striping machine and hire a road striping crew as opposed to outsourcing the road striping services.

Councilmember Destin offered an amended motion to instruct the City Attorney to communicate to Emerald Coast Striping d/b/a Coastline Striping the Council's desire to extend the term of the contract for Road Striping Services to a month-to-month arrangement. Also, to instruct staff to conduct a cost analysis to determine if it would be more cost effective to rent the road striping machine and hire a road striping crew as opposed to outsourcing the road striping services as recommended by Councilmember Menchel; and then bring the information back at the next regular Council meeting for Council's review. Councilmember Braden provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

Consent Agenda 6E – *Request approval of contract extension for Security and Fire Safety with Advanced Protective Technologies*

Councilmember Menchel wants to know what kind of service they are getting for the $15,000 they are paying for this contract.

According to Mr. Burgess, they have an alarm system, card readers and fire monitoring system in all City facilities; and that the $15,000 is a monitoring fee.

Councilmember Menchel stated that $15,000 monitoring fee is way too much especially if they own the equipment. He continued they have been extending this contract since 2015, and that he feels they can save the City some money by rebidding this service.

Councilmember Menchel moved to instruct City staff to communicate to Advanced Protective Technologies the Council's desire to extend the term of the contract for Security and Fire Safety to a month-to-month arrangement; and for staff to put this service out to bid, and to bring this item back at the next regular City Council meeting. Councilmember Destin provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

Consent Agenda 6F – *Request approval of contract extension for Stormwater Maintenance with Florida Septic & Sewer*

Councilmember Destin moved to instruct the City Attorney to communicate to Florida Septic & Sewer the Council's desire to extend the term of the contract for Stormwater Maintenance to a month-to-month arrangement, and for staff to bring the item back at the next regular City Council meeting. Councilmember Menchel provided a second to the motion.

Councilmember Ramswell noted that Destin Water Users should be covering the City's sewer system.

Mr. Burgess explained that Destin Water Users cover the sanitary sewer system, and this is for storm sewer maintenance. Basically, for the cleaning of large diameter storm sewers and removal of sediment from the City's stormwater treatment units.

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

Consent Agenda 6G – *Request approval of contract extension for Miscellaneous Generator Continuing Services with RONCO Electric Service, LLC*

Councilmember Menchel noted they have been extending this contract since 2013 and so they should seriously consider rebidding this contract.

Councilmember Menchel moved to instruct the City Attorney to communicate to RONCO Electric Service, LLC the Council's desire to extend the contract for Miscellaneous Generator Continuing Services to a month-to-month arrangement; to put this item out to bid; and to bring this item back at the next regular City Council meeting. Motion seconded by Councilmember Ramswell.

Councilmember Ramswell pointed out this is the only item which included a copy of the original contract. The contract that was approved in 2013 was only supposed to be a 6-month contract and it did not include a language that allows for an extension. Even if extensions are allowed, they should have already exceeded the maximum number of extensions of four.

The City Attorney explained that since RONCO Electric Service, LLC is the service provider of the City's generator called Generac, it is the sole source for this service. However, it is the Council's discretion to go out to bid. He continued that he has not seen the other extensions. They may be operating without a contract, which is not totally uncommon.

Councilmember Ramswell also pointed out that page 1 of the proposed extension to the contract showed a recommended one-year extension from "October 1, 2019" thru "October 1, 2019."

The City Attorney noted it was a typographical error; however, if the current motion passes, they may not actually be entering into this contract. They would be asking for a month-to-month contract extension and put the services out to bid.

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

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

A. Councilmember Braden

1) Concrete Continuing Services Contract discussion

Item was discussed earlier in the meeting.

2) Joe's Bayou Boat Launch and Boat Parking (Old Cemex Plant)

According to Councilmember Braden, the City spent approximately $50,000 hiring a contractor to clean up the Old Cemex Plant, the property the City purchased a few years back. However, to the best of his knowledge, the contractor sold the 57 stones and crushed and sold all the concrete that were on the property and left. Since then, more concrete, dirt and debris have been dumped at that location and it is in worst shape than it was prior to the cleanup. And so, he and Mr. Mike Buckingham arranged for CW Contracting, a firm that was doing a road work on US Hwy 98, to provide a bulldozer at no cost which they used to push all the dirt and debris down and place them in the dumpster. The firm also left $30 to $40,000 worth of asphalt millings to be used for temporary parking until that area is developed in about 3 years.

Councilmember Braden asked for the opinion of the rest of the Council as to the intended use of the property; whether it is for the extension of the boat ramp property or for overflow parking and greenspace. He stated they would like to convert it to temporary parking and possibly redo the entrance to the boat ramp, but he has been informed by staff that parking was not part of the grant funding to be used to develop that park.

The City Manager stated he is unaware of the source of that information; and that additional parking on that property is part of the $12 million grant they are supposed to received but are not exactly sure of the exact location. He continued that the State plans to put out a request for qualification this month, and then begin short-listing their professional firms for the design. They were to provide that information to the City around late November or early December this year, and then hire a professional design firm by January 2020. They were also planning of scheduling a workshop to get the public's input on how they want to use this property.

According to Mr. Burgess, there is not a current plan in place for that parking area. The conceptual drawing that accompanied the grant application showed some parking. He continued that he has previously conveyed to Mr. Buckingham that there is available parking on the other side of the street. There is about 10 or 12 parking spots for boat trailer parking as well as

automobile parking area. He added these are the only parking provided in the conceptual drawing.

The City Manager recommends waiting until they get through the conceptual drawing with the State before doing any major changes on the property. He also mentioned that the existing Joe's Bayou parking was designed for small vessels of the past. The entire space would have to be redesigned to accommodate the large vessels of today.

According to Councilmember Morgan, the Council voted to purchase the property 3 years ago; but they never memorialized any intent to add more parking. He also stated that he does not support the expansion of Joe's Bayou Boat Ramp parking on the new parcel because he does not believe it is the best use of that land. He continued that he cannot support spending millions of dollars purchasing the CEMEX Plant to accommodate overflow parking for boaters 5 weekends out of the entire year. The boat ramp is not going to be fully utilized for the next several months.

Councilmember Destin recommends that moving forward, any difference in opinions with regards to jeopardizing any grant funding be vetted through the City attorneys for their legal opinion to assure anything they are doing on the property would not become an issue.

Councilmember Ramswell asked staff to search for an Environmental Impact Study that was conducted possibly around 2013/2014 to satisfy other people's concern about fly ash in concrete.

3) LDC Amendments for Simplified Lot Split Process

Councilmember Braden noted that he recently applied for a lot split of his property to make two lots. However, he had to submit a similar application as for someone building a 100-lot subdivision; except he paid $1,300 instead of $1,500. There were a lot of information in that application that did not apply to him. He recommends simplifying the process so that someone submitting a simple application such as his does not have to go through the entire plotting process.

According to the Land Use Attorney, staff could formulate an ordinance simplifying the lot-split process so that someone who is simply splitting a lot from one to two does not have to go through the whole plotting process since Chapter 177 of Florida Statutes only apply to 3 lot splits or more.

Motion by Councilmember Braden, seconded by Councilmember Ramswell, to direct staff to formulate an ordinance adding a simplified lot-split process in the Land Development Code passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

B. Councilmember Ramswell

1) Letter of Support for the Destin High School

Councilmember Ramswell announced that Destin High School is moving forward. They are working with the public to continue seeking donors and sponsors. They are trying to obtain letters of support from various community leaders and wanting to see if the City of Destin could provide a letter of support for the school.

It was the consensus of the Council to authorize the Mayor to provide a letter of support for the Destin High School on behalf of the City.

According to Councilmember Ramswell, when they discussed the Norriego Point restoration project with FDEP back in August 2019, it was brought up that the construction of the permanent road has not been paid for and staff was to investigate whether there is a contingency plan in place if they do not come to an agreement with the property owner. She asked for an update on this issue.

The City Manager noted that the State is prepared to put in a temporary construction road to allow them to complete the construction of phase 3 of the project, which would include the restroom and boardwalk. The temporary road will become the property of the City upon completion of the project. The City would then have the option of keeping the road or removing it or using the base material for the permanent road. They have an available funding source with the half-cent sales tax as well as available plans as part of Norriego Point Improvements Project.

Councilmember Ramswell pointed out that the developer was responsible for constructing the road as a public benefit because they were going to build condominiums. Otherwise, the road may not even be necessary.

According to the City Manager, the City does not necessarily need the road, but they need a way to get handicapped individuals from the existing parking lot to the new restroom facility.

Councilmember Destin noted that the owner was attempting to build a marina prior to constructing the condominium. The City had a favorable decision at the Board of Adjustment hearing, and so the owner could file an appeal at the circuit court. He suggests doing nothing in terms of the road issue at this time and see how their relationship with the applicant progresses.

Councilmember Ramswell noted that one potential option might be to go ahead and allow FDEP to put in the temporary road, and then the City builds the permanent road. Then, if the developer decides to build the condominiums, they would have to either renegotiate the public benefit or reimburse the City for the costs of building the road.

The Land Use Attorney replied affirmatively. She stated that because of all the complications with that property at this time, she would suggest taking things one step at a time and making the decision as they come up.

Next, Councilmember Ramswell noted there were changes requested at first reading of the ordinance regulating wheeled vehicles on the beach that were not included when the ordinance was adopted on second reading. She inquired as to the status of the amendment to that ordinance.

The Land Use Attorney replied they are sending the ordinance back to the Local Planning Agency this month; and then to the City Council for adoption.

C. Councilmember Menchel

Councilmember Menchel inquired as to the status of the Low Speed Vehicle (LSV) policy update.

The City Manager noted it would simply be an update of the roads and map of the City where they would allow the operation of LSVs for the benefit of the public since State Statutes govern where these vehicles can and cannot travel.

Councilmember Menchel asked staff to invite the FAA, when possible, to attend a Council meeting to address the drone issue.

Councilmember Menchel asked staff to continue their effort of obtaining an inventory of all City street lights from Gulf Power to verify their electric bills sooner rather than later.

Councilmember Menchel requested an update of the maintenance of the curve on Airport Road.

The Mayor noted that since the City was unable to handle the project through the RFP process, he and the City Manager met with the FDOT Secretary and the secretary agreed FDOT will resurface that area and will handle the project from start to finish.

Councilmember Menchel noted he has been working with Captain Nix of the Sheriff's Office, through his IT Department, about the potential of having body cameras for the City Code Compliance Officers. He continued this is something they would need to discuss between now and next season.

D. Councilmember Overdier
E. Councilmember Marler

Councilmember Marler asked staff to provide the status of the traffic light at the intersection of Henderson Street and Commons Drive.

Mr. Burgess noted he has had some communications with the County's Traffic Engineer who informed him they have had some difficulty securing the easement for the installation of that light. They are anticipating completion of the job by May 2020.

According to the Mayor, he will meet with County Commissioner Windes regarding this subject and then report back to Council.

F. Councilmember Destin

1) Heritage Park/Treasury

Councilmember Destin moved to instruct the Land Use Attorney to reach out to the legal counsel for the Treasury Department to obtain a tangible answer to the Heritage Park issue whether the RFP process would jeopardize the awarding of the grant; seconded by Councilmember Braden. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

2) Second reading ordinance amending election day in the City of Destin

Councilmember Destin announced they have received some assurances that the City of Destin will be provided the State Attorney General's opinion regarding moving the City election from March to November of even numbered years before the end of this month.

Councilmember Destin moved to instruct staff to schedule second reading of Ordinance 19-11-CC, amending the Election Day for the City of Destin from March to November, on the first meeting in November; seconded by Councilmember Braden. Motion passed 6-1 (Council members Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Morgan voted "no").

Councilmember Destin noted that since the complexity of the redesign of the crosstown connector project for a two-lane right-of-way acquisition may not be that great, he agrees with the Deputy City Manager's opinion that it might be a faster process to go with one of the City's 4 continuing services providers rather than going through the RFP process for the redesign.

It was the consensus of the Council that instead of going out to RFP to get an engineer to redesign the crosstown connector project for a two-lane right-of-way acquisition, to reach out to the City's continuing service provider – Dewberry, Volkert, Baskerville-Donovan and Jenkins Engineering – to perform the redesign, and bring it back to Council in November 2019.

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

8. PUBLIC COMMENTS

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

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
OCTOBER 21, 2019
CITY HALL ANNEX COUNCIL CHAMBERS
6:00 PM

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

Destin City Council

Mayor Gary Jarvis
Councilmember Steven Menchel
Councilmember Cyron Marler
Councilmember Parker Destin
Councilmember Chatham Morgan
Councilmember Rodney Braden
Councilmember Prebble Ramswell

Destin City Staff

City Manager Lance Johnson
Public Info Manager Catherine Card
Code Compliance Manager Joey Forgione
Community Dev Department Louis Zunguze
Public Services Director Michael Burgess
City Land Use Attorney Kimberly Kopp
City Clerk Rey Bailey
Deputy City Manager Webb Warren
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 Ramswell, seconded by Councilmember Menchel, to approve the agenda passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

1. APPROVAL OF MINUTES

A. Approval of minutes of August 5, 2019 Regular City Council Meeting

Councilmember Marler moved for approval of minutes of August 5, 2019 Regular City Council meeting; seconded by Councilmember Menchel. Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

2. PROCLAMATIONS/RECOGNITIONS/SPECIAL PRESENTATIONS

A. Proclamation – City of Destin 35th Anniversary Celebration

The Mayor read the proclamation for the City of Destin's 35th Anniversary, and then presented it to the Public Information Manager Catherine Card.

B. 2020 Census in Destin – Ms. Nisha Barron – Census Bureau

Ms. Nisha Barton of the US Census Bureau urges the City of Destin to partner with the US Census Bureau in raising awareness and increasing participation in the 2020 census. She then provided the following presentation.

2020 Census

- The United States Census is a decennial census mandated by Article 1, Section of the United States Constitution
- Participation in the Census is the civic responsibility of all US residents
- Census 101: What You Need To Know
  - Law
    - The US Constitution requires a census every 10 years. The census covers the entire country and everyone living here
  - Power
    - Every 10 years, the results of the census are used to reapportion the House of Representatives, determining how many seats each state gets
  - Money
    - Census data determine how more than $675 billion are spent, supporting state, county and community's vital programs
  - People
    - The census counts every person living in the US once, only once and in the right place
    - After each census, state officials use the results to redraw the boundaries of their congressional and state legislative district, adapting to population shifts
  - Bottom Line
    - Census data are used to determine the allocation of federal funds to states for dozens of programs including:
      - Transportation, Roads and Highways
      - Medicaid
      - Children's Health Insurance Program
      - Pre-K or Head Start
      - Section 8 Housing Assistance
      - Emergency Response
    - Completing the census is required. It is a way to participate in the democracy and say "I COUNT"
- City of Destin
  - Population Est. – 14,077
  - Median Age – 39.5
  - Men – 6,627

- Women – 6,794
- Veterans – 1,616
- Children under 5 – 642
- Median Household Income - $71,407
- High School Graduate or Higher – 95.8%
- Persons without health insurance – 16.1%
- Persons in poverty – 7.1%
- Percent of households with internet- 67.9%

- Census Confidential
  - Under Title 13 of the US Code, the Census Bureau is required by law to protect any and all personal information collected and keep it strictly confidential
  - Your responses cannot be shared with other government agencies and cannot be used against you by any government agency or court in any way
- Census Security. The Census Bureau
  - Never asks for full social security number
  - Never asks for money or a donation
  - Never sends requests on behalf of a political party
  - Never requests PIN codes, passwords or similar access information for credit cards, banks or other financial accounts
- Preparing for 2020 Census
  - Create or join a Complete Count Committee
  - Become a Census Partner to help raise awareness
  - Encourage yours peers to get involved
  - Find out all you need to now at www.census.gov
- What is a Complete Count Committee?
  - It is comprised of a broad spectrum of government and community leaders from advocacy, education, business, healthcare, faith-based and hard to count populations. It should have members to represent and have knowledge and/or influence on your community
- Complete County Committee Support Census Awareness
  - Host promotional events
  - Display census information
  - Include census messages on correspondence
  - Post on their social media sites
  - Network with community and business leaders
- 2020 Census Challenges
  - Educating the population
  - Residency Questions
  - Hard to Count Communities and Populations
  - Limited Internet and Phone Access
  - Security Concerns
  - Funding

Councilmember Destin noted the City has its library and the resources in that facility available to assist.

Ms. Barton noted she has had preliminary discussion with the Library Director Wen Livingston. Ms. Livingston has offered having dedicated stations for the census where people and potential employers could come and watch videos about census taking; training on how to fill out the census form; and a conference room for group meetings

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

Mr. Jim Wood, a Destin resident, noted he was the Complete Count Committee Chairman in Destin in the 2010 Census; and that they conducted the on-the-ground count. He stated that not getting the right count has a long-term effect for the next 10 years; and so, it is critically important for everyone to get involved.

Councilmember Destin asked that an agenda item be placed on the next meeting's agenda about potentially putting together a volunteer committee in support of the 2020 Census.

Mr. Wood noted he would be glad to volunteer again for the 2020 Census.

Ms. Carrie Harbarger, a Destin resident, noted that Main Street and Spring Lane shares a mixed-use zoning with limited commercial. There is a Tom Thumb Store located on that site which they enjoy. She asked if that store will be affected by the adoption of proposed Ordinance 19-27-LC.

Councilmember Destin explained that specific site is a grandfathered use, or a non-conforming legal use. Once that store seizes to exist as a community store, that site will go back to the designation around it which is residential.

The Land Use Attorney noted that the parcel in question was not a part of proposed Ordinance 19-27-LC.

4. CITY MANAGER REPORTS

A. Request approval of contract extension for Concrete Services with SH Hayes Enterprises

The City Manager noted that at the previous Council meeting, Councilmember Braden asked that they obtain additional quotes from SH Hayes Enterprises with regards to the concrete services. That quote has been provided and is referenced on page 79 of the attached contract which provide the prices for strengthened concrete.

Councilmember Braden stated that after reading the contract and after making a few phone calls, he now agreed with the current contractor that 4000 psi with fiber sidewalk would be sufficient. He also added the ADA brick pavers at crosswalks.

Councilmember Braden moved for approval of the contract extension for miscellaneous concrete services with S.H. Hayes Enterprises, LLC for one year, with the following amendments:

- **4" thick 4000 psi with fiber sidewalk - $5.75/sf – or –**
- **6" thick 4000 psi with fiber sidewalk - $8.75/sf**
- **ADA brick pavers at crosswalks - $36.00/sf**

Councilmember Ramswell provided a second to the motion, which passes 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

B. Request approval of contract extension for Road Striping Services with Emerald Coast Striping d/b/a Coastline Striping

According to the City Manager, Council directed staff at the last meeting to bring back additional information regarding, rental striping equipment cost, and the use of internal staff to operate the equipment; and that the staff report outlines the breakdown of the costs. He recommends extending the contract for an additional year and outsourcing these services as staff is not prepared to perform this type of work internally.

Councilmember Braden noted that they budgeted $60,000 for restriping of programmed roadways. He asked how much striping they could accomplish for this amount.

Public Services Director Michael Burgess noted that part of the $60,000 was for reconstruction of Beach Drive; half of which was supposed to occur this year. The other half would be completed by the next fiscal year. It does not include reflective pavement markers, delineators, and other requirements for road striping. He added they would be able to accomplish about 2 miles of striping for this budget year.

Councilmember Ramswell asked whether the estimate calls for a regular road paint or thermoplastic paint.

Mr. Burgess replied the estimated price is for thermoplastic paint, which typically has a service life of 7 to 8 years.

Motion by Councilmember Destin, seconded by Councilmember Ramswell, to approve the contract extension for miscellaneous road striping services with Emerald Coast Striping d/b/a Coastline Striping, Inc. for one year passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

C. Request approval of contract extension for Security and Fire Safety with Advanced Protective Technologies

The City Manager stated that Council directed staff to bring back some additional information relating to this contract at the previous meeting; which is provided. He also stated that currently underway at City Hall is security enhancement being provided by Advanced Protective Technologies (APT) for approximately $10,000. They are putting security mechanisms at the front of the building to limit access to the back side of the building. Also, APT is currently monitoring all City facilities. They only have one extension left on the contract and he recommends the last renewal option and then going out to bid for this service for Fiscal Year 2021.

Councilmember Menchel asked what is being inspected at Buck Destin Park where they do not have any security monitor, fire monitor, fire sprinkler system or fire alarm inspection according to the contract and yet they are paying $240.00 for inspection.

The City Manager noted they are providing fire extinguisher service in that facility.

Councilmember Menchel also noted they are paying a lot of money for just an alarm system monitoring for their facilities; and that he had asked the City Clerk to provide him some information related to these inspections.

Councilmember Destin moved for approval of the contract extension for miscellaneous alarm/fire safety services with Advanced Protective Technologies for one year; seconded by Councilmember Marler. Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

D. Announcements

The City Manager announced that he, the Land Use Attorney and Councilmember Braden participated in a conference call with US Treasury and an Okaloosa County representative regarding Capt. Royal Melvin Heritage Park and Clement Taylor Park to get the answer to the following questions:

"*Can the city perform the work prior to the US Treasury awarding the grant?*

The City received the following responses:

- The City can proceed with the work. If the City incurs cost before the grant is issued officially by the US Treasury, the cost will be on the City
- If the City performs work before the grant is issued, the risk will be on the City to perform the work

"*Can the City start the procurement process without putting the grant award in jeopardy*" (LUA)

The Land Use Attorney noted that US Treasury responded "yes." The risk to the City is if they get any unanticipated condition put on the grant award, once the RFP is out, it could

potentially affect the awarding of the grant. The City could also put some language in the RFP making everything contingent on the award.

The Land Use Attorney also noted that the US Treasury offered to review the RFP contingency language and provide input to the City. This is a two-part process: The awarding of the grant and obtaining permission to construct. The US Treasury is sending a checklist to City staff on how to proceed with these processes simultaneously. The City needs to respond to the County's question on whether the park is ADA compliant; after which, the County will give information back to the US Treasury so they could provide a much more definite and less contingent timeline for the park in general.

Councilmember Braden asked that the Land Use Attorney be copied on anything related to the park going forward.

Councilmember Destin moved to instruct the Land Use Attorney to work with City staff in drafting the RFP contingency language and transmitting it to the US Treasury; and in filling out the checklist from the US Treasury and communicating simultaneously with the County, and then bringing the RFP back to the Council for review and approval; seconded by Councilmember Marler. Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

City Manager announcements:

- Short-Term Rental Task Force meeting on Tuesday, October 22nd, at 4:00 PM
- Pre-visioning session meeting with Mr. Buzz Eddy on Wednesday, October 23rd
- City's Open House on Thursday, October 24th, 11:00 AM to 1:00 PM, at the Destin Community Center
- Annual Pin Fish Children's Tournament, Saturday, November 2nd, on the docks behind AJ's
- Visioning Session on Thursday, November 7th , at the Destin Community Center

5. PUBLIC HEARINGS

A. Amendments to Destiny Planned Unit Development (PUD) Orders

The City Attorney sworn in the following individual for testimony:

Louis Zunguze, Community Department Director

The Land Use Attorney noted that the purpose of this proposed change is to facilitate a consistent urban design within the Destiny Planned Unit Development. Currently if an owner of one of the 25 non-conforming structures located in the Destiny PUD request to make any changes to the rear of their property, they would be required to apply for a variance and appear before the Board of Adjustment for failure to meet the 25 foot waterfront setback. The Council has directed staff to amend the Major Development Order deleting the 25-foot setback requirement from the lake within the PUD.

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

Councilmember Destin moved for approval of the requested Destiny Planned Unit Development Minor Deviation to a Major Development Order; seconded by Councilmember Menchel. Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

B. Second reading of Ordinance 19-16-LC - Establishment of a "Change of Use" process which regulates changes of previously approved land uses.

The City Attorney read proposed Ordinance 19-16-LC by title, and then presented it to the Council on first reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA ESTABLISHING A PROCESS FOR REGULATING AND REVIEWING CHANGES OF PREVIOUSLY APPROVED LAND USES IN THE CITY OF DESTIN; PROVIDING FOR AMENDMENTS TO ARTICLE 2 ("ADMINISTRATION") OF THE LAND DEVELOPMENT CODE; DEFINING "CHANGE OF USE"; PROVIDING FOR AMENDMENTS TO ARTICLE 3 "DEFINITIONS" OF THE LAND DEVELOPMENT CODE; 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 portion of this item and turned the matter over to the City Council for their discussion and consideration.

Motion by Councilmember Destin, seconded by Councilmember Ramswell, to approve Ordinance 19-16-LC on second reading passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

C. Second reading of Ordinance 19-19-LC - Process of development application review.

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

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO THE PROCESS FOR DEVELOPMENT APPLICATION REVIEW; PROVIDING FOR AMENDMENTS TO ARTICLE 2 ("ADMINISTRATION") OF THE LAND DEVELOPMENT CODE; PROVIDING FOR AMENDMENTS TO ARTICLE 7 "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS") OF THE LAND DEVELOPMENT CODE; MODIFYING THE TECHNICAL REVIEW COMMITTEE PROCESS; AMENDING NOTICE REQUIREMENTS FOR DEVELOPMENT APPLICATIONS; AMENDING THE

CONDITIONAL USE PROCESS; AMENDING THE THRESHOLDS FOR MAJOR DEVELOPMENT ORDER REVIEW; 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 portion of this item and turned the matter over to the City Council for their discussion and consideration.

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

D. Second reading of Ordinance 19-23-LC - Amending the Land Development Code, Section 7.12.01(A)2 Zoning Maps to include a change in the zoning designations of parcels from Medium Density Residential Village (MDR-V) to Residential, Office and Institutional Village Residential (ROI-VR)

The City Attorney read proposed Ordinance 19-23-LC by title, and then presented it to the 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 DESIGNATIONS OF THE PARCELS DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM MEDIUM DENSITY RESIDENTIAL (MDR) TO RESIDENTIAL, OFFICE AND INSTITUTIONAL-VILLAGE RESIDENTIAL (ROI-VR); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Ramswell moved to approve Ordinance 19-23-LC on second reading; seconded by Councilmember Braden. Motion passed 6-0. (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

E. Second reading of Ordinance 19-24-LC - Relating to changes to the Zoning Map, which changes the zoning of multiple parcels from Residential, Office, Institutional General Development (ROI-GD) to Residential, Office Institutional Village Residential (ROI-VR)

The City Attorney read proposed Ordinance 19-24-LC by title, and then presented it to the 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 DESIGNATIONS OF THE PARCELS DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM RESIDENTIAL, OFFICE AND INSTITUTIONAL-GENERAL DEVELOPMENT (ROI-GD) TO RESIDENTIAL, OFFICE AND INSTITUTIONAL-VILLAGE RESIDENTIAL (ROI-VR); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Ramswell moved to approve Ordinance 19-23-LC on second reading; seconded by Councilmember Braden. Motion passed 6-0. (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

F. Second reading of Ordinance 19-25-LC - Amending Article 7 of the Land Development Code to establish conditional uses in the Commercial General (CG) zoning district.

The City Attorney read proposed Ordinance 19-25-LC by title, and then presented it to the Council on first reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING THE COMMERCIAL GENERAL (C-G) ZONING DISTRICT; AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS"; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES"; ESTABLISHING CONDITIONAL USES IN THE COMMERCIAL GENERAL (C-G) ZONING DISTRICT; 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 portion of this item and turned the matter over to the City Council for their discussion and consideration.

Councilmember Marler moved to approve Ordinance 19-25-LC on second reading; seconded by Councilmember Menchel. Motion passed 6-0 (Council members Morgan,

Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

G. Second reading of Ordinance 19-26-LC - Relating to changes to the Zoning Map, which changes the zoning of one parcel from Institutional (INST) and Commercial General (CG) to entirely Institutional (INST).

The City Attorney read proposed Ordinance 19-26-LC by title, and then presented it to the 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 DESIGNATIONS OF THE PARCEL DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM INSITUTIONAL (INST) AND COMMERCIAL GENERAL (C-G) TO INSTITUTIONAL (INST), ONLY; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Menchel moved to approve Ordinance 19-26-LC on second reading; seconded by Councilmember Marler. Motion passed 6-0. (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

H. Second reading of Ordinance 19-27-LC - Relating to changes to the Zoning Map, which changes the zoning of multiple parcels from Commercial General (CG) to Town Center Mixed Use (TCMU), to match the future land use designation assigned in the Comprehensive Plan.

The City Attorney read proposed Ordinance 19-27-LC by title, and then presented it to the 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 DESIGNATIONS OF THE PARCELS DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM COMMERCIAL GENERAL (C-G) TO TOWN CENTER MIXED USE (TCMU); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR

CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Ramswell moved to approve Ordinance 19-27-LC on second reading; seconded by Councilmember Marler. Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

I. Second reading of Ordinance 19-28-LC Consolidation of the Residential, Office, Institutional General Development (ROIGD) and Residential, Office, Institutional Village Residential (ROI-VR) zoning districts.

The City Attorney read proposed Ordinance 19-28-LC by title, and then presented it to the 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); 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 portion of this item and turned the matter over to the City Council for their discussion and consideration.

Councilmember Marler moved to approve Ordinance 19-28-LC on second reading; seconded by Councilmember Braden. Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

J. Second reading of Ordinance 19-29-LC - Relating to changes to the Zoning Map, which changes the zoning of one parcel from multiple zoning districts (Recreation, Institutional, and Residential, Office, Institutional General Development) to Institutional (INST).

The City Attorney read proposed Ordinance 19-29-LC by title, and then presented it to the 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 MULTIPLE ZONING DISTRICTS TO ONE ZONING DISTRICT; SPECIFICALLY, FROM INSTITUTIONAL (INST), RESIDENTIAL, OFFICE AND INSTITUTIONAL-GENERAL DEVELOPMENT (ROI-GD), AND RECREATIONAL (REC) TO INSTITUTIONAL (INST), ONLY; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Marler moved to approve Ordinance 19-29-LC on second reading; seconded by Councilmember Marler. Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

K. Second reading of Ordinance 19-30-CN - Livery Vessel Permitting Moratorium Extension

The City Attorney read proposed Ordinance 19-30-CN by title, and then presented it to the Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO LIVERY VESSELS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR A TWELVE MONTH EXTENSION OF ORDINANCE 19-08-CN (TEMPORARY MORATORIUM ON LIVERY VESSEL PERMITS); DIRECTING STAFF TO DEVELOP RECOMMENDATIONS FOR REGULATION OF LIVERY VESSELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXPIRATION OF MORATORIUM; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Menchel moved to approve Ordinance 19-30-CN on second reading; seconded by Councilmember Destin. Motion passed 5-1 (Council members Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Morgan voted "no"; Councilmember Overdier was absent from the meeting).

6. CONSENT AGENDA

A. Development Review System Software - Update
B. Main Street Betterment Alliance, Inc. Veteran's Day Run/Walk
C. Request approval of contract extension for the Asphalt Services with H&T Contractors

D. Request approval of contract extension for Fencing Services with SH Hayes Enterprises

E. Request approval of contract extension for Stormwater Maintenance with Florida Septic & Sewer

F. Request approval of contract extension for median maintenance with Gulf Coast Environmental Contractors, Inc.

G. Request approval for contract extension for HVAC and other mechanical services

Motion by Councilmember Marler, seconded by Councilmember Destin, to approve Consent Agenda items 6A thru 6G, as printed above, passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

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

A. Councilmember Braden

Councilmember Braden asked how many of the sprinkler wells on the medians on US Hwy 98 between the Marler Bridge and Main Street are inoperable.

According to the City Manager, all the sprinkler wells are inoperable. They were instructed by FDOT to remove or shut them down until after completion of the 3R Project.

Councilmember Braden asked staff to find out why the well in front of Goodwill Store and another in front of CVS Pharmacy have been inoperable since nothing is being done to the medians in front of those locations.

According to Mr. Burgess, FDOT will redo the landscaping on the median on US Hwy 98 from the Marler Bridge to Airport Road. They budgeted $1.2 million for the landscaping project.

Councilmember Destin stated it was reported to him that the pump that feeds the majority of the landscaping up and down Mountain Drive is also down.

Mr. Burgess stated that he will check on the accuracy of that report.

1) Crystal Beach Right-of-Way Encroachments

Councilmember Braden noted there is a similar issue in about every street at Crystal Beach where the white picket fence was built next to the sidewalk. One lady was trying to sell her home but the sale was being held up because staff wanted her to move her fence back; but every fence at that location had their fence next to the sidewalk.

According to the Land Use Attorney, these properties are not in compliance with the code if their fence is into the right-of-way. Certain property owners were issued permits and they placed their fence correctly on the permit plans that shows it on the property line; however, they are about 4 feet into the right-of-way. If the City sends letters and direct staff not to force the owners to come

into compliance now but wait until the sidewalk is widened, they might want to record them or at least put it in the City's open permit file so that any future purchasers will be aware of the issue when they purchase the property.

Councilmember Braden suggests they handle this issue in the same manner they handled the issue at Hutchinson Street.

The Community Development Director, through collaborative efforts with the Land Use Attorney and Public Services Department, will bring back some recommendations for a community-wide solution.

B. Councilmember Ramswell

According to Councilmember Ramswell, she received a call from someone concerned about the intersection of Matthew Blvd and Old Hwy 98. This area used to be a dedicated public right-of-way space when they built The Henderson; but now someone is building on that property. She asked staff to check into it.

Councilmember Ramswell asked staff to contact the County and encourage them to mow and landscape the right-of-way along Commons Drive because that area is looking pretty bad.

Councilmember Ramswell also noted that the City needs to trim the bush or tree located on the side street near Goodwill Store. It is a safety hazard for motorists wanting to make a right-hand turn from that street on to US Hwy 98.

C. Councilmember Menchel

Councilmember Menchel followed up on the following requests:

- Invite an FAA representative to a Council meeting to discuss drones

The Deputy City Manager noted they have contacted the FAA. They will inform staff when they can attend a Council meeting to address this issue. Additional details will be provided shortly.

- Streetlight inventory from Gulf Power

Mr. Burgess stated they have not received the inventory but will follow up again.

Councilmember Menchel commented they cannot keep paying their electric bill without an inventory.

Councilmember Destin noted they will have a public meeting scheduled with Gulf Power and will bring up this issue.

- Update on the status of the Airport Road project

The City Manager stated they have not received an updated timeline for the project.

Councilmember Menchel asks that staff provide an update on status of Airport Road project at every Council meeting.

Also, according to Councilmember Menchel, the issue regarding body cams for Code Compliance Officers is a work in progress; and that it will be discussed at the Visioning Session.

D. Councilmember Overdier
E. Councilmember Marler

Councilmember Marler stated that due to some personal issues, he recently discovered that the previous owner of his residence did not properly permit his accessory dwelling unit, and that he is currently working with the City's Building Department to handle this issue. He continued that in the process, he also discovered he was not the only one that is non-compliant with the code.

According to the Land Use Attorney, Councilmember Marler's code enforcement potential issue is not related to this because he is working on coming into compliance on his property; however, with respect to the zoning district at-large, which is Low Density Residential, the code does not currently allow accessory dwelling units. For this reason the Council could either direct staff to look at this issue and determine how many problems there are in the district; or the Council could direct staff to prepare an ordinance to change the code to allow accessory dwelling units in the zoning district if they feel they have enough information at this time.

It was the consensus of the Council to instruct staff to evaluate the zoning district and gather some information to see if it is appropriate to allow accessory dwelling units in Low Density Residential District.

F. Councilmember Destin

1) FDEP/Norriego Point Land Use Conference

Councilmember Destin announced they have met with FDEP and discussed the Norriego Point issue and came up with a good compromise regarding docking for vessels. He stated that FDEP did not ask the City to put in any kind of infrastructure. The compromise involves the City designating 3 of the 4 embankments for swimming only and leaving the fourth one open for docking of non-commercial vessels.

Councilmember Braden requests they also look into the map FDEP put out where they are claiming they own a section of the harbor.

According to the City Attorney, all the spoils probably belongs to FDEP and the rest belongs to the City. However, they did not specifically discuss the delineation of where the City land ends and the FDEP spoils begin; but the Council could direct them to do so.

Councilmember Ramswell noted it was never made public, nor the Council was advised, that one of the embankments was going to be used for boat docking; adding she has major concerns about using the embankment for which it was never intended. She continued that Parcels B and C

are an option because their primary purpose was for spoils easement and support of the jetty system. She also pointed they are already allowing boats to dock on the northeast side of Norriego Point, which should provide enough access for vessels. She asked who will pay for prop dredging that could become necessary if they allow boats in one of the embankments.

Councilmember Destin noted that the Memorandum of Understanding that was executed several years ago when the grant application was put in for this project did include vessels. He also stated they addressed the issue regarding prop dredging that may occur in the embankment, but it was not fully discussed as FDEP did no show much concern about it. He added that he feels comfortable with the compromise that they reached with FDEP.

Councilmember Ramswell asked why a compromise was necessary.

Councilmember Destin explained that FDEP is very pro-access and seemed to want all the embankments open for swimming or boating; and so they came up with a safety compromise to only keep one of the embankments open for vessels; but with the understanding that they reserve the right to close the embankment if they face prop dredging or public safety issues. Also, if they are overrun with commercial vendors trying to utilize that area for commercial purposes, which is a similar issue they are having on Crab Island, they reserve the right to try to regulate it or close it.

Councilmember Ramswell stated that she has major concerns with all sorts of ancillary issues that could emerge; adding that someone would have to monitor the situation closely to make sure there are no swimmers in the embankment for vessels, and no vessels in the other 3 embankments reserve for swimmers.

Councilmember Destin moved to direct staff to draft a resolution in line with a compromise of keeping 3 of the embankments closed for public swimming only and leaving the bottom embankment open for vessels; but also reserving the City's right to close that embankment in the event of commercial activity and public safety hazard; seconded by Councilmember Menchel. Motion passed 5-1 (Council members Morgan, Destin, Marler, Menchel and Braden voted "yes"; Councilmember Ramswell voted "no"; Councilmember Overdier was absent from the meeting).

2) City Manager Vacation Terms

Councilmember Destin moved to direct the City Attorney to negotiate some sort of a buyout with the City Manager for his unused leave time and bring the negotiated amount in the form of a budget amendment for Council's consideration at the next Council meeting; seconded by Councilmember Ramswell. Motion passed 6-0 (Council members Morgan, Destin, Marler, Menchel, Ramswell and Braden voted "yes"; Councilmember Overdier was absent from the meeting).

Councilmember Destin announced they received a letter from Gulf Power relating to their negotiations and the undergrounding agreement they are trying to negotiate. They have been asking Gulf Power for their estimate of the cost to underground the electric utilities for the entire City.

They are still working hard at the transition of taking over the company. They have a public meeting scheduled for November 19th at 1:30 PM at City Hall and he is urging everyone to attend.

G. Councilmember Morgan

Councilmember Morgan requests they place on the next meeting agenda a budget amendment to spend $30,000 on a batting cage for the Little League Park, in lieu of the $40,000 for a Pickle Ball Court.

H. Mayor Gary Jarvis
I. Land Use Attorney
J. City Attorney

8. PUBLIC COMMENTS

Having no further business at this time, the meeting was adjourned at 7:55 PM.

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
NOVEMBER 2, 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 Gary Jarvis
Councilmember Parker Destin
Councilmember Cyron Marler
Councilmember Chatham Morgan
Councilmember Prebble Ramswell
Councilmember Rodney Braden
Councilmember Steven Menchel
Councilmember Skip Overdier

Destin City Staff

City Manager Lance Johnson
Deputy City Manager Webb Warren
Public Info Manager Catherine Card (Virtual)
Code Compliance Manager Joey Forgione
Finance Director Krystal Strickland
Parks/Recreation Director Lisa Firth (Virtual)
HR Manager Karen Jankowski (Virtual)
Community Dev. Director Louis Zunguze
City Clerk Rey Bailey
Public Services Director Michael Burgess
Grants/Project Manager Jeffrey Cozadd
IT Manager Matthew Pace
City Engineer Assistant II Joe Bodi
IT Technician James Lauria
City Attorney Kyle Bauman
City Land Use Attorney Kimberly Kopp

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

The Mayor called the meeting to order at 6:00 PM; which was then followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Morgan requested that *"Marler Street Parking Lot"* be added as agenda item 7G(1).

Councilmember Braden requested that agenda item 7A(1) be redesignated as agenda item 2B.

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

1. APPROVAL OF MINUTES

A. Approval of Minutes of October 19, 2020 Regular City Council Meeting

Councilmember Marler moved to approve minutes of October 19, 2020 Regular City Council Meeting was seconded by Councilmember Destin and passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted "yes").

B. Approval of minutes of October 19, 2020 Council Executive Session

Councilmember Marler moved for approval of minutes of October 19, 2020 Council Executive Session was seconded by Councilmember Overdier and passed 7-0 Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted "yes").

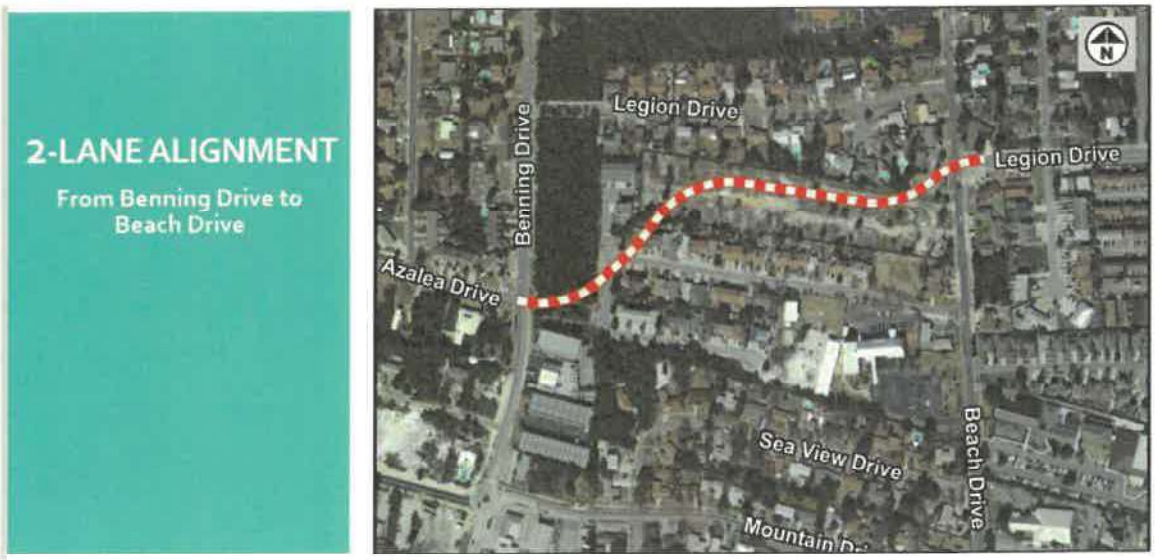
2. PROCLAMATIONS / RECOGNITIONS / SPECIAL PRESENTATIONS / ANNOUNCEMENTS

A. Presentation of Cross-Town Connector approach and timeline

Community Development Director Louis Zunguze noted that on June 1, 2020, City Council discussed the reduction of the current proposed crosstown connector from a four-lane to a two-lane road section; and that at the conclusion of the Council discussion, staff was directed to proceed to obtain the redesign, new scope of work, and quote for a two-lane road. The City then entered into a contract with Atkins North America, Inc to undertake the redesign.

Ms. Jessica Golema, Atkins Project Engineer, gave a brief presentation of the crosstown connector approach and timeline:

- This road was studied and designed several years ago to be an ultimate 4-lane facility. Since that time the decision was made to design only a two-lane road

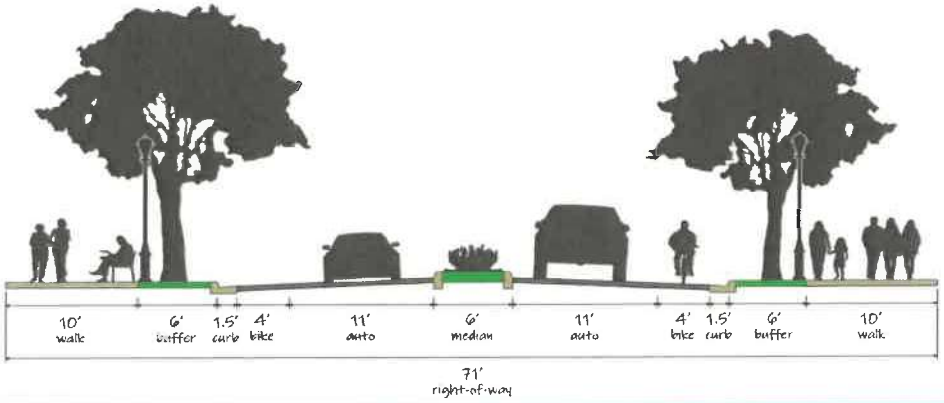


- Once this connection between Azalea Drive and Legion Drive is made, there would be a continuous alternative to US Hwy 98, from Stahlman Avenue to State Road 293



Cross Town Connector
the missing link for a continuous alternative to US 98

- Below is an example of a typical section that complies with the Land Development Code. This would be used as a starting point for the new design



Proposed 2-Lane Typical Section
71' Right-of-Way

- Another look at the proposed alignment showing proposed pond locations and previous study



- Project Schedule. Right-of-way acquisition partially funded through FDOT TRIP Grant which reimburses the City at 50 percent for all acquisition costs. Construction currently expected to be funded through the TDC, but they are currently researching additional grant opportunities



B. Request to terminate consideration of Fire District Lease at Clement E. Taylor Park based on mutual decision from the City Council and Destin Fire Control District

Councilmember Braden moved to terminate consideration of Fire District Lease at Clement E. Taylor Park based on mutual decision from the City Council and Destin Fire Control District; seconded by Councilmember Ramswell.

Councilmember Menchel commented that everybody in the City is very much aware of the importance of having a fire department on the west side of Destin. He inquired as to Destin Fire Control District (DFCD) future plans to make that happen.

Fire District Chief Sasser stated they have been working extensively on the Clement Taylor Park lease. They would need to discuss this matter with the Fire District Commissioners to determine the direction they wish to pursue. The need exists, and so they will continue to move forward with their efforts to place a fire station on the west side of Destin.

Councilmember Menchel noted he has recently talked to Mr. Lockwood Wernet, Executive Director of Destin Water Users (DWU) regarding their property by the water tower. Mr. Wernet stated that if DFCD would provide DWU with the design plan, they could still work things out and make that property available to them.

The Land Use Attorney stated that DFCD still has an application pending, and so DFCD needs to state for the record they are withdrawing that application based on mutual decision between DFCD and the City Council.

Chief Sasser stated that DFCD is withdrawing their application based on a mutual decision between them and the City Council.

Councilmember Braden commented that the City and the Council are still behind DFCD 100 percent and will support their future endeavors to place a fire station on the west side of town.

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

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

Ms. Danielle Piper, a Destin resident, noted that the Main Street Park and Mattie Kelly Park have become overgrown with bamboo, which is a non-native plant. She has contacted the Florida State University extension service and determined it is a pestilence plant. She asked Council to take the necessary steps to mitigate the situation by possibly removing it or cutting it down as they have noticed an increase in rodents and pests because of it.

Ms. Marcie Bell, a Destin resident, noted that if DFCD continues to pursue a park dock, it would take a portion of the City's submerged land lease and the City would need to have some type of upland ownership. She recommends not allowing any type of lease at Clement Taylor

Park. She also expressed concern for the tourists and any member of the public that might have used the COVID trailer operating across the street from AJ's Restaurant; that they may have been provided erroneous testing results and personal information such as their social security numbers may have been compromised. She asked whether permitting or licensing to operate this fraudulent mobile unit was obtained from the City.

The Land Use Attorney noted that this particular mobile unit did not receive any permitting or licensing from the City; adding it was a subject of code enforcement matter.

4. CITY MANAGER REPORTS

A. Update on Main Street/Kelly Intersection

According to the City Manager, in response to the Council direction, City administration has begun to take initial steps to address the safety concerns at the Main Street and Kelly Street intersection. Public Services Department has installed 3 Pedestrian Crossing Ahead signs – two on Main Street and one on Kelly Street. Staff also met with the County Engineer for an initial appraisal of the intersection, and that his initial recommendation was to place Pedestrian Crosswalk signs (with back to back signage) at the crosswalks. The signage has been ordered. In addition, the Community Development Director has reached out to Dewberry Engineering firm to complete a warrant study and intersection design recommendations to make the intersection function safely and efficiently as all All-Way Stop controlled intersection. It has been requested that the study be completed within two weeks.

B. Code Compliance End of Fiscal Year Review Snapshot

Code Compliance Manager Joey Forgione provided the following statistics:

- Total Activities
  - FY 2019 – 6693
  - FY 2020 – 13,917
- Total Code Files
  - FY 2019 – 4665
  - FY 2020 – 5748
- Code Files Statistics – 5748 (FY 2020)
  - Registrations – 1,544
    - Wheeled Vehicle – 10
    - Short Term Rentals – 1202
    - Long Term Rentals – 278
    - 20 Livery Businesses (521 Vessels)
    - 12 Beach Vendors Businesses (34 locations)
  - Cases – 4,204
    - Parking – 1,892
      - Pay-to-Park Citation – 941
      - Parking Warnings – 780
      - Parking Citations - 171
    - Miscellaneous Violations – 1,306

        - Signs – 449
        - Trash – 316
        - Stop Work – 153
        - Noise – 82
        - Vehicles Towed – 6
- Code Citations Statistics – 289
    - Monetary – 157
    - Warnings – 132
- Sheriff's Office – 903
    - Noise Violations – 655
    - Parking Violations – 248
- Beach Citations – 20
    - Warnings – 18
    - Monetary – 2
- Beach Compliance – 438
    - Glass on Beach – 171 (48%)
    - Vendor Complaints – 61 (17%)
    - Animal on Beach – 33 (9%)
    - Emergency Access Blocked – 27 (8%)
    - Structure on Beach – 29 (8%)
    - Driving on Beach – 19 (5%)
    - Trash – 9 (3%)
    - No Vendor Permit – 7 (2%)
- 2020 Enforcement – Harbor Waterways – 1768 activities
    - Idle Speed Warnings – 1182
    - Livery Vessel Inspections – 525
    - Miscellaneous Violations – 197
    - BTR Violations – 47
    - Transient Boat Slip Violations – 10
    - Abandoned Vessels – 4
- Harbor Citations – 134
    - Warnings – 108
    - Monetary Citations – 26
- Livery Vessels Registrations
    - Total Registered in County
        - Destin Livery Jet Skis – 274
        - Destin Livery Pontoons – 247
        - Destin Livery Businesses – 20
- City of Destin Rental Registrations – 1,480
    - Short-Term – 1,202
    - Long-Term – 278
- Short-Term Rental Activities – 3,126
    - Registration -1,202
    - Sign Inspections – 975
    - Parking – 506
    - Trash Violations – 233
    - Notice of Violations – 154

- ❖ Noise – 32
- ❖ Events – 14
- ❖ Miscellaneous – 10

➢ COVID-19 Shutdown

- ❖ March 1, 2020 thru May 31, 2020 – Total Activities – 5,271
  - 655 STR Registrations
  - 120 LTR Registrations
  - 12 Livery Registrations
  - 1 Beach Vendor Registration
  - 394 Code Cases
  - 3,642 Persons Removed from Beach
  - 446 Vessels Removed from Beach

C. Complaint Policy Status & Updates

Human Resources Manager Karen Jankowski stated that staff is continuing to work on this policy. They received additional feedback from the City's Labor Attorney a few days ago and they are working on additional policy to cover whistleblower laws and rights.

D. Findings of Geotechnical Investigation, Direction from Council

The City Manager explained that as part of the Stahlman Avenue and US98 Traffic Assessment, Council asked that alternative paths for pedestrians be explored to include an overpass or tunnel. Preliminary data (geotechnical queries) collected by Volkert Engineering indicated that the water table was too high to consider a tunnel at this location. At Council's request, staff asked that a geotechnical investigation be performed in this area to determine the elevation of the water table in the field. Preliminary findings by the geotechnical firm that performed the field work are that the water table is at least 14' below the surface, deep enough that Volkert Engineering believes a tunnel is possible. Staff requests direction from Council whether to direct Volkert Engineering to prepare conceptual layouts for possible tunnel locations and footprints. The estimate for the conceptual plan is $4,500.

Councilmember Ramswell inquired as to why the numbers are so drastically different now with regards to the water table than when the Council originally recommended a tunnel be placed at that location.

Public Services Director Michael Burgess explained that Volkert Engineering did not do any borings initially as part of their assessment. They relied on the information they collected from other engineering firms.

Councilmember Ramswell moved to authorize the City Manager to execute a Task Order with Volkert Engineering as described in the Scope of Work for the conceptual design of a pedestrian tunnel under US Hwy 98 in an amount not to exceed $4,500. Councilmember Menchel seconded the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted "yes").

E. Announcements

The City Manager made the following announcements:

- Staff appreciates Council's support for the Celebration of Life for Kholton Ward held at Dalton Threadgill Park
- November 7th – Kickball tournament will be held at Morgan's Sports Center with all the proceeds benefitting Kholton Ward's family. Appreciates Council's support by waiving off all fees associated with it
- He will be up north at Missouri, Illinois during Thanksgiving Week
- A new City Engineer will be in place within the next 10 days
- The City has officially purchased the very first property of the Public Beach Acquisition Project

5. PUBLIC HEARINGS

A. Second reading of Ordinance 20-30-CC – Amending Section 13-149 of the Code of Ordinances on renewals and expiration of permits for livery vessels

The City Attorney read proposed Ordinance 20-30-CC, and then presented it to the City Council on second reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING ARTICLE 13 OF THE CODE OF ORDINANCES RELATING TO LIVERY VESSELS; AMENDING SECTION 13-149 "RENEWALS AND EXPIRATION OF PERMIT"; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Ramswell noted that a member of the public brought forth some concern at the last meeting about the legality of their livery vessel ordinance. She asked whether the Land Use Attorney has had the chance to investigate that concern.

According to the Land Use Attorney, she was able to examine the opinion of the individual that Florida Statute Chapters 327-60(2)(d), which deals with discrimination against personal watercraft, was violated by the City's ordinance. She stated that by statute, the definition of personal watercraft is basically Jet Skis, and that the City's ordinance does not discriminate against Jet Skis. She also stated that she disagrees with that opinion and opined that the City's livery vessel ordinance is perfectly legal.

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

Ms. Sheri Andrews, a Destin resident and livery vessel business owner, addresses the section of the ordinance pertaining to the transfer or sale of their current medallions. She stated that she has been operating in the harbor for 11 years; and though she is not ready to sell, she is ready to downsize. There are other vendors that would like to purchase those medallions, but it is currently prohibited with the current ordinance.

According to the Land Use Attorney, the proposed ordinance changes the registration date giving livery vessel owners more time to register for their permit.

Mr. John Stevens, a Destin resident and livery vessel business owner, asked whether the two changes he recommended at the last meeting have been added for the second reading of this ordinance.

The Land Use Attorney explained that the proposed ordinance is for the benefit of livery vessel owners and staff did not want it to go back to first reading; and so, the other issues that have been brought up will be addressed following adoption of this ordinance.

Mr. Mike Abadie, a Destin resident and livery vessel business owner, stated that he has no issue with the change of registration date for permitting; however, he has some concern with the renewal process. It is a burdensome, onerous, and complicated process. It seems the idea is to make it very difficult for livery vessel owners to apply for renewals of their permit. He recommends making it as simple as the business tax receipt renewal process. He also argues that the City of Destin livery vessel ordinance contains some illegal provisions which the City should investigate.

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

Councilmember Menchel moved to adopt Ordinance 20-30-CC; seconded by Councilmember Overdier.

Councilmember Menchel urges City staff and future Council to consider streamlining the renewal application process making it less complicated for livery vessel owners.

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

B. Second reading of Ordinance 109.10 Providing for amendment to Section 35.1, *Scheduling of Vacation Leave*, and providing for amendment to Section 35.3, *Carryover of Annual Leave,* of Ordinance 109.

The City Attorney read proposed Ordinance 109.10 by title, and then presented it to the Council on second reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENT OF ORDINANCE 109, AS AMENDED, PERSONNEL RULES AND REGULATIONS, PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO SECTION 35.1, SCHEDULING OF VACATION LEAVE; PROVIDING FOR AMENDMENT TO SECTION 35.3, CARRY-OVER OF ANNUAL LEAVE; 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. John Green, a Destin resident, warned against allowing staff to accumulate enough vacation time where they could take a year of leave time upon their retirement which could be burdensome to the City.

The City Manager explained that approval of this ordinance caps the number of hours a City employee could carry over from one calendar year to another from 160 to 240 hours. Anything beyond 240 hours not used by the end of a calendar year would be lost.

Councilmember Ramswell moved for approval of Ordinance 109.10 on second reading; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell, and Braden voted "yes").

C. First reading of Ordinance 20-33-CN – Providing for a twelve-month extension of Ordinance 19-30-CN (Temporary Moratorium on Livery Vessel Permits)

The City Attorney read proposed Ordinance 20-33-CN by title, and then presented it to the City Council on first reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO LIVERY VESSELS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A TWELVE MONTH EXTENSION OF ORDINANCE 19-30-CN (TEMPORARY MORATORIUM ON LIVERY VESSEL PERMITS); DIRECTING STAFF TO DEVELOP RECOMMENDATIONS FOR REGULATION OF LIVERY VESSELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXPIRATION OF MORATORIUM; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Ms. Maya Shulder, a Fort Walton Beach resident and business owner in Destin, noted that several individuals expressed some legal concerns about the City's livery vessel ordinance during the previous meeting. To proceed with the adoption of livery vessel temporary moratorium without first addressing any of those concerns is unfair as they will continue to penalize those people in the industry for another year or more depending upon when the Harbor Capacity Study is completed. They cannot transfer, sell, or move their property during a moratorium. She asked Council to allow the people in the industry to have a seat at the table and their voice to be heard, possibly at a workshop session, before voting on another moratorium.

The Land Use Attorney clarified that this proposed ordinance does not prevent existing businesses from selling, moving, or transferring their businesses. It prevents them from expanding the number of vessels they currently have. It also prevents new businesses from starting up.

The Community Development Director agreed it was a misconception as far as having the ability to transfer, sell or move a business as these are not affected by this ordinance at all.

He continued that one of the City's major concerns was the overpopulation of the vessels in the harbor, which was expressed by both the City's Harbor Waterways Board as well as the Harbor CRA Advisory Committee. He added that the federal government has been slow in releasing resources to complement the City's resources, but the Harbor Capacity Study is tremendously important, and he feels they are heading the right direction.

The Land Use Attorney added that the City has no livery vessel ordinances that prohibit anyone from selling, moving, or transferring their business.

Ms. Shulder maintains that the legal opinion from an attorney they have consulted to review the City's livery vessel ordinance was that the transferability aspect of business is extremely vague and prohibits it outright in certain instances; which is why they are asking for some clarifications before approval of another moratorium extension.

The Land Use Attorney noted that the City Council set the policy and they are administering that policy. The Council's policy was not to allow new vessels in the harbor pending the Harbor Capacity Study to ensure safety and the benefit of all the existing business owners, tourists, and residents alike. Nothing is being taken from existing businesses. The owners have the right to sell their business; however, whoever they sell the business to cannot expand it during the moratorium period and until the Harbor Capacity Study tells them what can really be safe at the harbor.

Mr. Greg Fish, Santa Rosa Beach resident, noted that Ms. Peggy Matthews who spoke during a previous Council meeting has 40 years' experience as a lobbyist for water sports and boat rental companies. She stated that there are no cities or counties in Florida that has a moratorium on the medallion system. He also noted that the watersports had already exceeded the fishing industry in terms of revenue this year; and that if boat operators receive half as much as the support the fishing industry gets, it will be quite a benefit to the community.

According to Mr. Mike Abadie, what makes the moratorium illegal is that it targets Jet Skis and pontoon boats. The City is not being fair with livery vessel operators. He stated that every vessel in the harbor, private and commercial, should be included in the moratorium. Also, the Harbor Capacity Study should include every vessel in the harbor. He recommends scheduling a workshop soon to discuss this issue further before Council votes on another moratorium extension.

Ms. Keri Harbarger, a Destin resident, noted that the Charter Boat industry receives Coast Guard inspections and pays outrageous insurance premium; adding it is outrageous to compare watersports with charter boats.

Mr. Freddy Ortega, a Shalimar resident, noted that he applied for livery vessel permit two weeks before the first moratorium 3 years ago and has not received a permit. He also stated that he called the City but has not received an answer from anyone.

Code Compliance Manager Joey Forgione stated that he would talk with Mr. Ortega following this meeting.

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

Councilmember Destin moved for approval of Ordinance 20-33-CN on first reading and direct staff to advertise it for second reading; seconded by Councilmember Marler.

Councilmember Marler noted that because of where he works, he witnesses safety violations on the harbor daily from livery vessel operators. Some are not well-trained operators and do not know how to operate the vessel, and some just simply ignore the rules. They could watch the safety video all day long and it would not matter. He stated this is not just the rental companies' problem, but it is everyone's problem. He also stated they have a congestion problem at the entrance to the harbor, the East Pass, and on Crab Island. Every step needs to be taken to make sure everyone follows the rules.

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

Councilmember Destin recommends staff brings back proposed dates for a workshop to occur in early December to discuss the livery vessel ordinance in general.

6. CONSENT AGENDA

A. Adopt-A-Street Program Update

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

Councilmember Menchel recommends having scheduled mandatory clean up days for Adopt-a-Street volunteers as it has worked well in the past.

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

A. Councilmember Braden

B. Councilmember Ramswell

1) Norriego Point Property Line Review/Status Update

Councilmember Ramswell asked for a status update on the Norriego Point property line review.

According to the City Attorney, with regards to the shared boundary line, there had been a survey ordered which they could overlay with the existing survey to see whether there are any potential issues. He also reported having some discussions with FDEP's General Counsel, Chad Stevens; and that Mr. Stevens assured him FDEP is also looking at this matter. He continued

that FDEP have been sharing the information they had with the City and they are asking the City to do the same. They have also agreed to meet once they have gathered all their information. He added that Mr. Stevens assured him there are no threats to the City's NRDA funding or to any federal funding at this time.

2) Norriego Point Survey

Councilmember Ramswell noted that the City Clerk provided the Council a printout of the Norriego Point survey just before the start of tonight's meeting. It appears that this survey has all the right information in terms of highlighting different things, but it is not utilizing the deed.

The City Attorney pointed out this is just a preliminary survey. Public Services Director Michael Burgess has been in contact with the surveyor, and that he understands he needs to use the 1998 and 2010 deeds, which will be presented at the final survey.

3) Communications Issues
4) Completion of Council-directed Tasks

In addressing the above two items, Councilmember Ramswell noted that there have been some patterns of miscommunications among City staff in terms of the information being provided to Council. Things are being delayed and it seems not everyone is in sync on certain issues. For instance, not everyone that ought to be involved in the completion of the Norriego Point survey is being consulted. She added this was not an isolated incident and that the City Manager should address this issue with staff.

5) Status of Kelly/Main Street signage and related traffic study

Councilmember Ramswell stated that she is glad to hear about the progress they are making based on earlier discussion regarding this issue and that she expects the rest of the signs to go up soon.

6) Norriego Point Project Status Update

Grants/Project Manager Jeffrey Cozadd reported that Phase III of the project will take place after January 1, 2021, but they have not received any definitive dates from FDEP. Plans will be presented to the City prior to FDEP putting the project out to bid. He continued he is not aware of any plans newer than the 90 percent plan, but it is what they anticipate getting from FDEP before they move forward with the project.

Councilmember Ramswell noted that the FDEP website shows 95 percent plan approved and filed with FDEP. These plans were actually completed and were by the FDEP on September 8th. She continued it was disconcerting to her because the plans had the wrong property line, and which is not in accordance with the deed that was previously discussed.

Parks and Recreation Director Lisa Firth stated that the 90 percent plans were supposed to go to the City's Building Department; and that she was not aware of any plans newer than the 90 percent.

Councilmember Ramswell stated she will forward a copy of the 95 percent plans to City staff and the Council. She asked staff to find out which deed was utilized for the 95 percent plans.

C. Councilmember Menchel

1) Archaeological Dig Clement Taylor Park

Councilmember Menchel stated that part of this issue has been resolved because of the proposed lease at Clement E. Taylor Park being terminated on mutual decisions from the City Council and the Destin Fire Control District. However, a citizen presented an archaeological information to Council and a lot of questions asked and not answered at their last meeting. A lot of artifacts have previously been discovered at the park site, and some findings had been presented that they are not permitted to build at that park. He asked if staff has been able to verify this information.

The City Manager stated he had tasked City staff to look into all the records provided by the public at the last Council meeting. He continued that they are allowed to replace the items that are in that park; and so, their renovation project should not be impacted by these findings. The initial survey that was done was only related to the seawall area. There will also be a full archaeological survey completed before they break ground with their renovation, which is federally funded. It would most likely not affect their ability to complete the renovation project.

Councilmember Menchel asked whether a fire station would have been constructed at that site, had the lease been approved, based on what they know now.

According to the City Manager, the full archaeological survey should provide an answer to that question.

2) Submerged Land Lease Norriego Point Review and Status Survey area tasking to include: The 2010 Norriego Point deed, and the 1998 Gulf Shore Drive City of Destin deed

Councilmember Menchel asked when the tasking went out with regards to the survey they received tonight prior to the start of this meeting.

The City Manager replied it was on Wednesday, October 28th.

Councilmember Menchel pointed out they have been asking for this survey for 6 months; and that it has been tasked repeatedly. The new survey still is not representative of what this Council has requested based on the information they possess. Nothing has changed since May 4, 2020, when Council gave the initial tasking for this survey.

According to the City Manager, he believes staff has coordinated with Councilmember Ramswell on multiple occasions, and that they believed they reached an understanding.

The Mayor asked if there have been some ambiguity or conflict between the 2010 Norriego Point deed, and the 1998 Gulf Shore Drive City of Destin deed.

The City Attorney stated that the survey has evolved over time. Part of the current direction is to have the survey indicate the 2010 Norriego Point deed, and the 1998 Gulf Shore Drive City of Destin deed and plot it accordingly, and which had been ordered by staff.

Councilmember Menchel noted that the 2010 Norriego Point deed, and the 1998 Gulf Shore Drive City of Destin deed have not been superseded by anything.

The City Attorney explained that the preliminary survey was necessary because it takes a lot longer to plot the specific GIS coordinants than it does to get a preliminary draft survey. The surveyor just wanted to make sure everything was on the right track due to past confusion.

Councilmember Ramswell believes the initial tasking should have gone to the Land Use Attorney who is a specialist in that area rather than the Park and Recreation Director who really has no experience on this matter.

3) Deed and Dedication Title Search

   A) Staff to outline the steps that will be taken by the City to enforce its property lines

   B) Staff to discuss the actions the City will take to rectify any and all property encroachments relating to the property identified in the Deed

Councilmember Menchel asked staff to address the steps they plan to take to accomplish the above taskings.

The City Attorney noted the following actions:

- The survey has been ordered and received and will be compared
- It will be compared to existing surveys to determine if there is any title policy and any potential claim.
- The City Attorney and City Manager will meet with the County on November 4th
- The City Attorney has met and agreed to exchange information with the FDEP general counsel and then meet with FDEP.

Councilmember Menchel stated that the new Council should follow up on this matter and find out when the County will put in the mandated road and provide the maintenance they are required to provide based on the dedication.

4) City Council Recap Part 2

Councilmember Menchel addressed his evaluation of City staff and City Manager's performance during his tenure as member of the Council.

- Resolution 19-27 dated November 4, 2019 states that each City Council member and Mayor shall be issued a cellular mobile phone by the City. At this point, not all the members have been issued a cell phone and staff failed to comply with Resolution 19-27
- All the Council including the City Manager has received complaints from Mr. Gene Earley on a variety of issues. The City Manager refused to act on these issues. He also failed to respond to an email from the lead investigator from the Florida Board of Professional Engineers asking if the City was investigating the complaints filed by Mr. Earley. He discussed this issue at a previous Council meeting and asked the City Manager to directly respond to the inquiry. The City Manager responded to the inquiry by merely providing a copy of the July 20, 2020 City Council meeting minutes and failed to answer the direct questions
- The City Manager is in direct violation of Section 12 of his contract by failing to investigate criticisms, complaints and suggestions and report his findings back to the Council within a reasonable time, not to exceed one month
- As a result of his review of the City's continuing services contract, not only did they find the City overpaid for services not received, but he also identified critical inspections that have not been completed. He prepared a chart that shows work that have and not have been performed by the vendors over the past 3 years. He has previously communicated this information with the City Manager and Deputy City Manager, but neither one has taken any action
- On May 4, 2020, Council directed staff to have a submerged land lease application completed on Norriego Point. It has been 6 months and this task still has not been completed
- The City Manager, City Land Use Attorney and City Council member travelled out of town to meet with a representative from FDEP and no trip report or recap of that meeting was presented to Council
- The City Manager failed to document his phone conversation with FDEP representative despite his numerous requests to do so
- The City has failed to enforce a 1961 Norriego Point dedication to include the mandated Okaloosa County installed and maintained roadway

Councilmember Marler stated that Mr. Gene Earley does not live or own any property in the City of Destin and in his personal opinion, Mr. Earley does not have standing in the City of Destin

5) City Manager

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

Councilmember Morgan recommends the new Council considers waiving all parking fees at the Marler Street Parking Lot. He stated that the Marler Street Parking Lot revenues have been dismal, and he feels the City would benefit more by having free parking at that lot rather than the $13,000 it makes annually. It does not benefit Destin residents in terms of revenue, and it does not benefit Destin residents in terms of parking since the lot is constantly empty.

H. Mayor Gary Jarvis
I. Land Use Attorney
J. City Attorney

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 9:30 PM.

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

MINUTES
HARBOR COMMUNITY REDEVELOPMENT AGENCY
ADVISORY COMMITTEE/PARKS & RECREATION MEETING
APRIL 10, 2019 - 5:30 PM
DESTIN CITY HALL BOARDROOM

1. CALL TO ORDER:

Chairman Buckingham called the meeting to order at 5:30 p.m. on Wednesday, April 10, 2019 in the Destin City Hall Board Room.

2. ROLL CALL:

HCRA-AC Members Present
Mike Buckingham
James Green
Barbara Mizell
Casey Jones
Jan Best
Mike Raim

Staff Present
Kim Montgomery D. Clerk
Dawn McDonald Planner
Louis Zunguze CD Director
Steven Bauman, City Attorney

Parks & Rec Members Present
Teresa Hebert
Myra Williams
Dot Jones
Matthew Sweetser

3. MINUTES FOR APRROVAL:

- **March 13, 2019**

Motion to approve the minutes of the March 13, 2019 as written was made by Committee member Green with Committee member Raim providing the second, passed 6-0.

4. OLD BUSINESS:

A. Capt. Royal Melvin Heritage Park and Plaza Proposed Design and Site Plan

Chairman Buckingham welcomed the members of the Parks & Recreation Committee to the meeting and asked for their input regarding the current plan/design for the park.

Chairwoman Hebert thanked the Chairman for their invitation to attend and provide input as well as acknowledging all their hard work that they have put into the process. She stated that they have had a chance to review the plans and are happy with the results and ready to get it going in the right direction to get the park completed.

Committee member Williams with Parks & Rec asked if the bathrooms are going to look like how they are depicted in the plans. According to the Chairman, the structure of the building will not change and the only thing that may change is the artwork on the outside of the walls; which is the educational component that is required by the State.

Chairman Buckingham advised all members that the plans they are now reviewing, if they all agree,

will go to Council for their final approval.

Committee member Jones, of the Harbor CRA-AC Committee asked if the screen is removable up on the bandstand so that when bands are playing, people at the ground level will be able to see them. The Chairman stated that he would get with the designer at the Engineering Firm to be sure that inner panel is bolted so it can be removed but leaving the upper rail in place for safety purposes.

Committee member Green agreed with the removable railing suggestion so that people at the ground level can see the bands that will be playing up there during events such as the Seafood Festival.

Committee member Raim spoke of how long this park has taken to get to this point and how much he is in favor of the plans.

Chairman Buckingham also agreed and called for a motion of support.

Committee member Green made the motion to recommend to City Council that the final plans for Captain Royal Melvin Heritage Park be approved by Council and moved forward. With committee member Jones providing the second. The motion passed 6-0.

B. Pontoon Boat/Livery Vessel List

Committee member Best informed the Chairman that she had made a request to Mr. Forgione to provide a list of the companies that have registered their vessels with the city. She spoke of some issues she has asked for clarification for the formula because based on the list, some of the companies do not seem to have the correct number of parking spaces as required in the Code.

According to Mr. Zunguze, the numbers are based on the number of passengers and the staff on board; as well as a series of different calculations. Adding that he would bring those to them as well as a presentation on how the code is written and interpretations and suggestions for changes at their next meeting.

Chairman Buckingham – Pointed out how currently the planning staff only has the files and what's on the applications to go by and going site by site to update each.

Committee member Best asked about the bathroom requirements and why some businesses are making their customers use facilities across Highway 98 the moratorium ordinance appears to be longer than what the committee's originally meant for it to be. She also wants any information that can be provided regarding shared parking requirements. And lastly, she spoke of how they requested at their last meeting for the livery vessel moratorium to only be as long as the saturation study is conducted and completed but it appears that it will be longer than the board intended.

According to Mr. Bauman, from a drafting standpoint, having a logical end date allows for a reasonable extension of time; should the saturation study not be completed or Council needed additional information in order to make an informed decision on how to proceed. Adding, that was the logical way of dealing with those situations to make is less vulnerable to any sort of legal attack.

Committee member Best then asked to look back at the numbers that they were given regarding the number of registered vessels, which is more than the numbers they were provided.

According to Mr. Forgione, the numbers differ because the moratorium ordinance has not been adopted and in place yet and they had some new businesses get registered.

Committee member Green pointed out that although the livery vessels increased, the number of registered jet skis decreased. According to Committee member Best, she understood that change in numbers, she just wanted to make that information is made available to the public.

Chairman Buckingham spoke of the number of pontoon business owners that are in support of the moratorium and attended the initial reading of the ordinance because they are concerned about the industry due to the ones that are not running their businesses fairly which causes the reputable businesses to look bad.

5. COMMITTEE MEMBER COMMENTS:

Harbor CRA-AC Members:

- Committee member Green thanked the Parks and Recreation Committee for attending the meeting and how glad he is that they are finally moving forward.
- Committee member Raim – Spoke of being glad that the moratorium is in place but also pointed out that there is still a lot of work to do to get the vessel operators educated because people are still speeding and cutting through the lanes they are not supposed to be and cutting off fishing lines.
- Committee member Jones - Thanked the members of the Recreation Committee for attending the meeting. And how glad he is to have David Bazylak back on staff.
- Committee member Mizell – Inquired about the companies that are not registered and what's the amount of vessels. She was informed of the two businesses and the numbers.
- The Chairman asked staff, so that this committee can better understand the steps staff has to take; to bring with them at their next meeting what the steps are, from the beginning to the end, to register vessels with the City.

Parks & Recreation Members:

- Committee member Williams asked what it's going to take now to get the Royal Melvin Heritage Park plans approved and to move forward and the timeline for development

According to the Chairman, he understands that the plans go to Council again for final approval and then they can go out to bid with another chance for them all to have a set of plans to be able to refer back to.

Committee member Williams asked what the timeline is to get the park under construction to finish.

Motion by Chairman Buckingham that if the plans get the final approval by Council, to allow the City Manager to move forward and send the park plans out for RFP to receive bids; with Committee member Green providing the second. The motion passed with a roll call vote of 6-0.

The City Manager explained that the funds for the park are still at the County level and reminded the members that initially, this project was number five out of twenty two but it is now at the bottom of the list because the application was withdrawn few months ago.

Committee member Green asked if it would help to have a letter written to the County asking them to expedite the funds for the park. The City Manager stated that it certainly wouldn't hurt.

Motion by Committee member Green to recommend City Council to reach out to the County and ask them to expedite the application the application process for funding on the Captain Royal Melvin Heritage Park and Clement Taylor Park. Chairman Buckingham provided the second to the motion. A roll call vote of 6-0 was taken and the motion passed unanimously.

6. DIRECTOR'S REPORT:

- **Code Compliance in Harbor Area**

According to Mr. Forgione, his department was able to get another livery vessel business into compliance by the name of Big Daddy's, who has 30-pontoon boats. He also explained that Mr. Bazylak will be the "go to" person for everything that has to do with businesses on the harbor. In regards to the businesses themselves, staff will be going through each file and looking for parking, restrooms, physical inspections, etc.

Mr. Bazylak backed Mr. Forgione's statement up by adding that in this process, anything that find that is up to code, will ultimately fall back on the property owner to bring it up to the standards of the code.

Mr. Forgione informed the members that the part time Beach Compliance Office has been hired, he's retired Navy Special Ops and works for the Sheriff's Office and well as being swimming and lifesaving training. He will be working on David's off day so there will be coverage 7-days a week.

- **Capt. Andrew Nelson, Navy Special Ops – Harbor Cleanup Efforts**

Spoke to the members that he and his group are combat controllers and are experts in air traffic controllers/paradivers/advanced dive teams and recovery diving efforts. He explained that this opportunity allows his group to provide their services to the community with their clean up expertise and it also provides his 20-man team them the means to conclude their training by providing the necessary community services needed to graduate the Airforce Combat Diving Team.

He explained that they are planning to provide this service to the city on May 8th and will be working closely with local law enforcement, the Coast Guard, and have also reached out Emerald Coast Scuba who will be providing support by keeping their tanks filled with air. Additionally all the divers will have full facemasks to be able to communicate fully with each other and the teams under the water and on the surface.

Motion by Committee member Green, seconded by Committee member Jones the member voted 6-0 to recommend to City Council that the cleanup operations be conducted on the north shore on the boardwalk corridor and secondary, south of the navigable channel along the shoal.

- **Update on Moratorium & Harbor Capacity Study**

Mr. Zunguze informed the members that the moratorium ordinance should pass this coming Monday at the Council Meeting and his office has contacted the Army Corp of Engineers and they have agreed to conduct the Harbor Capacity Study to find out what the maximum number the harbor can sustainably handle, impacts of commercial activities and all other environmental aspects associated with land use development in the Harbor District.

Committee member Best asked for this item to stay on their monthly agenda under project updates so they will be involved in the process.

- **State of Florida Legislative Update re: CRAs**

Mr. Zunguze spoke of his concern regarding a couple of Bills that are going before the Legislature that if passed, some could be positive, and others could potentially be harmful for the operations of all CRA's in the State.

- Required Ethics Training for all CRA members
- Additional reporting and voting requirements for all the work CRA perform
- Adopting requirements for anyone associated with activities or projects
- Any new CRA's created after October of this year would have to get a 2/3 majority vote from the entire county voters, which could be onerous to achieve

He suggested they look them over and contact their Legislators to express their concerns.

7. ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 6:50 PM.

Adopted and approved this 8th day of May 2019.

Mike Buckingham, Chairman

Kim Montgomery, Deputy City Clerk

MINUTES
HARBOR COMMUNITY REDEVELOPMENT AGENCY
ADVISORY COMMITTEE MEETING
SEPTEMBER 14, 2016 - 5:30 PM
DESTIN CITY HALL BOARDROOM

1. CALL TO ORDER:

Chairman Buckingham called the meeting to order at 5:30 p.m. on Wednesday, September 14, 2016 in the Destin City Hall Board Room.

2. ROLL CALL:

Members Present	**Staff Present**
Mike Buckingham	Deputy City Clerk Kim Montgomery
James Green	Steve Schmidt, Interim Comm. Dev. Dir
Sandy Trammell	
Mike Raim	
Jan Best	
Casey Jones	
Tom Case	

3. APPROVAL OF MINUTES: July 13, 2016

On a motion by Committee member Trammell, seconded by Committee member Raim, the members voted 6-0 to approve the minutes of the July 13, 2016

4. OLD BUSINESS:

- **Regulation of Rental Vessels Workshop**

The Interim Community Development Director briefly explained how at their last meeting, the floor was opened to allow the business owners of pontoon boats and wave runner rentals to provide their input and how it was determined that they should get together and come up with alternative recommendations to present at this work shop.

The Chairman stated that that he has not had the chance to review the information that was emailed to them for this meeting and prefers to not make any decisions tonight. He explained that what he would like to do is hear what is being proposed and then take time to read and take it all in and then come back next month for any further discussions and make the necessary recommendations for Council's consideration.

The Interim Community Development Director explained that the initial plan to issue stickers or medallions was deemed too difficult for staff maintain without a fulltime Harbor Master or staff member assigned to those duties and added that what staff is looking into, is similar to how the short term rental program is handled, which puts the onus on the property owner to meet the requirements and enforce the rules with their clients.

→Mike Abadie, 530 Harbor Blvd – Representative for the Livery Industry

Mr. Abadie encouraged anyone in their line of business to apply to sit on this board to be a representative for them when a vacancy becomes available.

He then spoke of the yearly meeting for all of the Parasailing businesses and representatives that is called and generally takes place at one of the meeting rooms at the airport where they go over the rules and regulations the FAA has for parasailing and suggested that possibly they do the same for the vessels for hire industry in Destin, before the season and invite the Sheriff, Marine Patrol, Coast Guard, Florida Fish & Wildlife to provide them with input on the rights and wrongs of the business.

He reviewed with staff and the committee members a sheet of bullet points from Watersport checklist that was provided to the members and staff via email as well as read over the CRA Recommendations that the industry came together and worked on

He spoke of how each property owner would have to designate to their tenants how many slips they can have and how much parking they should have in comparison to how many boats or watercraft they rent.

He spoke of how the demographics have changed in regards to the size of vehicles that people are now driving such as the large SUV's that can hold 12 or more people and because of this, would like to suggest that the City consider changing the requirements from 3 vehicle spaces per boat to 2 spaces per boat. He also asked that the chase boats not be considered in the parking requirements. According to the Interim Community Development Director, the chase boats have never been counted as part of the parking requirements in the first place.

He spoke of creating a video that they will have in place before the new season starts that will be shown to their customers that incorporates all the rules and regulations as well as discouraging people where they can and can't go on the waterways. Committee member Trammell asked that they also include the emergency corridor that was created at Crab Island. As well as making them aware of the fact that the large charter and party boats don't have the maneuverability like smaller vessels do and they have the right-of-way.

He spoke how any boat driver born after January 1, 1988 has to have a Florida Boaters license in order to operate a vessel legally and that date is now set by law. He also suggested requiring all employees of rentals to be CPR certified with the exception of the employees that run the ticket booths.

He also spoke of how no one is in favor of the moratorium and gave an example of the possibility a business closing or moving out and not being able to replace that business with another. It was pointed out that the moratorium was only temporary.

He spoke of a proposed method for the City to accumulate funds to hire a Harbor Master or an additional Sheriff's patrol for the harbor by either charging $50.00 per slip per year that could be charged to either the business license or to the land owner to be used to hire someone to patrol the harbor as well as having a yearly fee. He also proposed that the city could charge all businesses south of Highway 98 in the harbor district from Gulf Shore Drive to the Marler Bridge a fee of $3-500.00 to the

business license to help fund the necessary positions. And lastly, another method of raising funds is allowing vessel for hire businesses to purchase a yearly launching license at $500.00 per trailer, because currently, he cannot afford the City's fees and launches his boats at Side's Marina, pointing out that a lower fee directed to the industry, a lot more might use the facility to launch from.

Committee member Trammell asked what type of category does the man that has the jet pack fall under. According to Sherry Andrews, in the audience, he has both a pontoon and wave runner business and is based out of Marbella.

Committee member Green brought up the winter vessel storage that in the past, have been stored in the parking lots of the businesses that front Highway 98 and how this committee would like assurance that the boats do not impede the requirements of parking for those businesses. According to Mr. Abadie, the group did discuss this issue and almost of them shut their businesses down for the winter season and store their vessels in their parking lots, he added that with Destin being a water based community with boat businesses such as Ship's Chandler, Galati's and a working harbor, as well as quoting Committee member Green's article in the Destin Log who said, "Our town is a working coastal community and we have a water based culture and lifestyle," it is what it is and they need to store their boats in their parking lots in the winter months. According to the Chairman there are ways to clean them up to enhance the sites visually.

Mr. David Schuesler spoke of the need to tie up the loop holes so that the ones that say they can get around the rules won't be able to and he agrees with the idea that the businesses pay a license fee to help fund the needed positions.

Mr. Guy Tadlock of 502 Norriego Road spoke of wanting to work with Mr. Abadie to discuss and make a plan on how to make the vessel deliveries to the rental homes on Holiday Isle to ensure that they are delivered to the correct slips so that rental tenants do not trespass on neighboring homeowner's property. He also spoke on the medallion plan saying that the idea has merit, should be transferrable to replacement vessels and he would be glad to provide input on this as well.

Committee member Trammell spoke of the need to ensure that there are proper trash receptacles and bags onboard the rental boats so that their customers won't litter. She also thought that providing a crab net on each boat for the customers to net any trash they encounter would also be a good idea as well and it's something that she has on her own personal vessel.

Committee member Case spoke of not appreciating the term "Carnival Atmosphere" in regards to the businesses adding that he works hard with his business to make a respectable living. He also said that he is not sure that enforcing more fees is the answer either.

Committee member Jones stated that as most know, he has a mobile food truck and any motion that was made regarding these businesses, he abstained from voting and was absent at the last meeting when they discussed and voted on the moratorium on mobile vending, adding that even if he was present, he would never vote against anyone trying to open a business, ever.

Committee member Trammell explained that she was at the Council meeting when Council discussed the Harbor Master position and why that terminology does not fit. She added that she has asked the Interim Community Development Director to use her time to explain the terminology that City

Council is using and why, so that it can be clear. According to the Interim Community Development Director, there is a general misconception regarding the powers of a Harbor Master that needs to be cleared up. A Harbor Master does not have any regulatory powers on the water; they cannot stop people for speeding, breaking the no wake zone rules, boating under the influence, etc. All which lies under the purview of the Sheriff's Department, and the FWC. And even though Council finally understood, after having FWC personnel at the last Council meeting answering their questions the absence of a Mooring Field, they finally understand that a Harbor Master and City personnel do not have any powers to remove derelict boats so Council made the decision to only hire an additional Sheriff's Deputy to patrol the harbor to order to help mitigate the issues on the water.

According to Committee member Green, the issue he has is not with someone operating a jet ski, what he and this committee has been concerned with is the people that are operating their businesses illegally. The Interim Community Development Director explained there are several issues that come into play and the main one is getting the "loopholes" out of the Codes so that the Code Enforcement Officers can enforce the Codes and in conjunction with this effort, staff is working on the ability to enforce Business Tax Receipt (BTR) violations and working on ways to make the existing Code Enforcement Officer's job easier and trying to come up with the flexibility to have a Code Enforcement Officer down on the harbor at all times. He also spoke of how BTRs are not regulatory and they cannot use it to enforce the Codes therefore, they are planning another work shop with those businesses to come up with ways to create a separate registration that requires livery vessel operations on the harbor to have to follow standards in order to operate.

The Environmental Manager explained to the members that currently, the way the Code is set up, the property owner is not responsible for their lessees not having their BTR's on their property and mostly, the corporate officer of each company is the one responsible and when they do get their BTR, the only penalty right now is a 25% fine of the cost for the BTR. Once the Code is changed to finding the property owner responsible, that will be the "teeth" needed and will enable the City to take them before the Special Magistrate and the Code will become enforceable.

Committee member Trammell spoke of there not being any temporary or conditional BTRs and feels that is something they should look at and send a recommendation to City Council to give direction for creating temporary BTR's to someone that is looking to do business short term in the harbor district and in the City and how with it in place, it should help to tie up all the loopholes in the Codes. She then asked Mr. Abadie, in regards to the Watersport Checklist he provided, if there is anything on the list that can be done before the season starts back up again in the spring. Mr. Abadie stated that he is looking to have them all in place by the first of March. The Interim Community Development Director reiterated that the BTR's are not regulated and nothing can be tied to them and is why he is looking at them as being a separate registration process adding that they are tracking all the new ordinances to help close up the loopholes that are out there.

Committee member Best spoke to the audience how she has heard different terms people use to describe the harbor such as how it's become the "Wild, wild, west" and a "Carnival Atmosphere" and how she even heard someone say that if there is a new law, they will find a way around it; adding that to her, those descriptions are correct and is why they need to get a handle on the situation. She also said that all of them sitting on this board realize that a majority of them, the business operators, are following the regulations and those few that are not are the ones they have been referring to in their discussions.

The Interim Community Development Director explained there was a lot of fear generated about the temporary moratorium and mostly being the uncertainty of it all but assured them that it is only temporary and is not designed to run anyone off, it was simply put in place so that staff could get direction from Council and work on a solution.

Committee member Green added that it was put in place to protect those that are running their business the right way and was created to give staff a chance to create regulations with there not being anything currently in place.

Committee member Trammell spoke of getting the word out to everyone and advertising that it was coming up to give the ones the chance to come in and apply or if there was anyone in que they would still be able to get their approval; adding that it being in place only during the off season where the businesses are slow so it shouldn't really be that big of an impact on anyone.

Leigh Moore, Howard Group feels that getting the Codes right and enforceable is very important but they also feel that the number one thing the City needs to be looking into doing is undergrounding the utilities on Highway 98 and should be kept as a top priority that they support 100 percent.

Darryl Shelton, 18 Norriego Road defended the Mayor in regards to the comments that were made that he said that the harbor has become a carnival atmosphere, pointing out that it's been written in the papers and a lot of other people have said that as well.

Mr. Abadie said that it's ridiculous to him that the City has a Business Tax Receipt that cannot be enforced.

Erin Peterson, 424 Kokobolan Drive who has a food truck on the harbor and has license from the State, the County and the City says that she thinks the people that are running their businesses the right way and following the regulations are the ones that are getting hurt by the talk about the ones that are not and feels that some accolades to the ones that are going by the rules would go a long way in making them feel better. She also asked where on the website the meetings are posted so that she can know when to come to them. She also spoke of how there was never any mention of the people that already have businesses on the harbor will not be affected by the moratorium and they were all thinking they would get put out of business.

According to Committee member Best, they have been discussing the issues down on the harbor for years and no one has ever attended the meetings until this committee started talking about the moratorium, which turned out to be exactly what was needed to finally get their input.

Ms. Peterson also mentioned how important it is to get the information on the meetings and workshops posted and tweeted through social media.

Steve who operated Kona Ice on the harbor mentioned how the harbor is always changing but it's a lot better than it used to be before, and spoke of how they used to have to shut down at 8:00 p.m. because of all the inebriated people walking the dock and how now, it's an entirely different environment for the better.

ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 8:10 PM.

Adopted and approved this _____ day of _____ 2016.

_____ _____

Mike Buckingham, Chairman Kimberly Montgomery, City Clerk

MINUTES
HARBOR COMMUNITY REDEVELOPMENT AGENCY
ADVISORY COMMITTEE MEETING
JANUARY 13, 2016 - 5:30 PM
DESTIN CITY HALL BOARDROOM

1. CALL TO ORDER:

Chairman Raim called the meeting to order at 5:30 p.m. on Wednesday, January 13, 2016 in the Destin City Hall Board Room.

2. ROLL CALL:

Members Present	**Staff Present**
Mike Raim	Deputy City Clerk Kim Montgomery
Mike Buckingham	CRA/Dev. Manager Steve Schmidt
Jan Best	
Tom Case	
Casey Jones	
James Green	

3. APPROVAL OF MINUTES: August 12, 2015 & December 9, 2015

On a motion by the Chairman, seconded by Committee member Jones, the members voted unanimous 6-0 to approve the minutes of both the August 12, 2015 as amended and the December 9, 2015 minutes as written.

4. OLD BUSINESS:

The CRA/Development Manager reported that their Annual Report and Work Plans were approved by the CRA Board without comment. The Chairman added that it was pretty obvious that the pathway under the Marler Bridge is high on everyone's list. The members discussed the possibility of short term options to have something available until the owner decided to develop his property. The CRA/Development Manager explained that the City already offered to extend the boardwalk along the water portion of his property but he was not interested and there is not anything else that can be done until he decides to develop his property. There was also a brief discussion regarding the property on Siebert Avenue next the Zerbe Street overflow parking lot.

The CRA/Development Manager informed the members that Capt. Eller has resigned and his seat would not be filled until after the elections, since Councilmember Trammel is terming out in March. The Chairman stated that with all her knowledge, he would like to see Sandy come back onto their committee.

The members discussed the parking problems on the harbor and again spoke of the initiative to have a sticker or medallion in place before the spring busy season starts.

Committee member Jones questioned if the amount of businesses on the harbor have sufficient parking required and what could be done to find out. The CRA/Development Manager explained the process that the Code Enforcement Department is taking in regards to the requirements of the Business Tax Receipts say each should have. He spoke of the issue of the Code not having a provision for outdoor

seating and how that seems to be what has caused the parking issues in the busy season with restaurants adding outdoor seating to their establishments but not the additional parking needs.

Committee member Buckingham feels they need to get this item fast tracked before the new Council is seated this spring.

Committee member Best also stated that she would also like to find out if the City keeps up with the parking contracts to ensure they are being enforced and not expired.

Committee member Buckingham made the motion to aggressively pursue a decal or some kind of sticker requirement to be adhered to the various watercraft vessels that are rented based on the businesses parking and Business Tax Receipts in order to regulate the number of commercial watercraft on the harbor. After a lengthy discussion on this issue, Committee member Buckingham removed his motion and asked Committee member Green to make the motion.

Committee member Green made a motion for the CRA Board aggressively pursue a medallion or decal program to help identify authorized livery vessels to aid in Code Enforcement Inspections for parking compliance. Committee member Jones provided the second to the motion. A roll call vote of 6-0 was taken and the motion passed.

Committee member Jones spoke of the various businesses that are using their parking lots as storage facilities for their vessels and feels that something should be done to ensure that they are on proper DOT trailers. After a discussion on how these businesses on the harbor along the highway are not appealing and not up to what the vision of Destin should be, **Committee member Jones made a motion to direct staff to create an ordinance to ensure that out-of-service vessels in the Harbor district are on movable DOT approved trailers and should not be allowed to impact the businesses required parking. Committee member Green provided the second and the motion passes 6-0**

Committee member Buckingham spoke of the speed limit reductions with the new pedestrian crosswalks that are soon to be installed and how even though most know the speed limit is 35 mph a majority goes a lot faster. He spoke of how he, the Sheriff's Department and FDOT have met and agree that they would like to have the speed limit reduced to 25-30 mph.

Committee member Green asked if the speed limit is to be decreased would that affect the installation of the deceleration lanes that have been discussed. There was a brief discussion on this topic.

Committee member Buckingham made the motion for the CRA Board to endorse the reduction of the speed limit in the Harbor District only to 25-30 mph, whichever FDOT recommends. Chairman Raim provided the second, motion passes 6-0.

ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 5:50 PM.

Adopted and approved this 10th day of February 2016.

Mike Raim, Chairman

Kim Montgomery, City Clerk

MINUTES
HARBOR COMMUNITY REDEVELOPMENT AGENCY
ADVISORY COMMITTEE MEETING
FEBRUARY 10, 2016 - 5:30 PM
DESTIN CITY HALL BOARDROOM

1. CALL TO ORDER:

Chairman Raim called the meeting to order at 5:30 p.m. on Wednesday, February 10, 2016 in the Destin City Hall Board Room.

2. ROLL CALL:

Members Present	Members Absent	Staff Present
Mike Raim	Tom Case	Deputy City Clerk Kim Montgomery
Mike Buckingham		Development Manager Steve Schmidt
Jan Best		
Casey Jones		
James Green		

3. APPROVAL OF MINUTES: January 13, 2016

On a motion by Committee member Green, seconded by Committee member Jones, the members voted unanimous 5-0 to approve the minutes of the January 13, 2016 as written.

4. OLD BUSINESS:

The Development Manager informed the members that at the recent CRA Board meeting, it was agreed to push the committee's recent recommendations regarding the vessel decal/medallion initiative to the first meeting in April for the new CRA members to determine what action to take. Committee member Best asked who made the suggestion. According to the CRA/Development Director, the suggestion was made by CRA Boardmember Trammell.

Committee member Green stated that in his opinion, he feels this does not stand with the "Commitment to Values and Goals" which happens to be this month's Core Value, pointing out that if they push this back to April there is no way that it could get accomplished and ready by June; adding that the newly elected Council members will have so much going on, trying to wrap their head around their new responsibilities. He asked that they revisit this discussion at the end of the meeting so that he could give some additional thought to it.

5. NEW BUSINESS:

- **Royal Melvin Heritage Park Update**

According to the Development Manager, the City has hired an outside attorney to handle City Council's request for an additional mediation which is scheduled for February 19th. He explained further that staff met with FDEP and Florida Communities Trust in Tallahassee and clearly understands what the requirements would be in regards to a property swap. He explained the FCT standard required the City would have to get more than what they are giving for the actual area and the value of property being

swapped and it can't result in a lower recalculated score for the grant. Approval for such a swap has only been approved by the FCT board one time before. The proposed terms of the mediation will determine the results. The members asked for clarification on the property swap. The Development Manager relayed that the adjoining owner had proposed a transfer of a portion of a dock to provide transient slips and that bathrooms for the park was mentioned in a news interview, which had not been discussed before.

- **Food Trucks**

The Development Manager explained that the Community Development Department is asking for their input on the food trucks and trailers that have shown up on the harbor and do they feel some kind of policy should be put in place similar to the design standards they adopted for the kiosks on the boardwalk, as there has been a daily increase in requests for business license for these types of uses and do they feel there needs to be some regulations in place before the harbor starts looking like a carnival.

There was a discussion regarding usage of parking spaces and the requirements for parking and if a food truck uses a parking space is that considered a leased parking space and how many are currently available. Committee member Jones was asked how his business is set up with the City and his requirements. He explained that he has an agreement with the Fisherman's Fleet to use one of their spaces for no more than a certain timeframe in the morning for breakfast only; adding that he had to apply for a Building Permit to be able to operate in the City of Destin. There was questioning of the rational of that requirement. He explained that the City does not have any regulations for food vendors in the Code and at the time, a Building Permit was the only action they determined needed to be taken.

Committee member Jones explained it's a very simple process in other local cities except for Destin and as long as he is invited to the property and is self-contained, all that is necessary is a mobile vending license with Okaloosa County; adding the City of Fort Walton Beach has the same regulations and only requires the license to be from the County; as well as abiding by the Fire Codes and the Food Management guidelines.

According to Committee member Buckingham, they need to be careful with how they word the guidelines for mobile vendors so as not to confuse them with the kiosks that are down on the harbor.

Committee member Best suggested that they look at Okaloosa County and the City of Fort Walton's regulations before they try to reinvent the wheel. Committee member Buckingham agreed stating that they need to do a little homework. The members all agreed to discuss this further at their next meeting.

On a motion by Committee member Green, seconded by Committee member Buckingham, the members voted 4-0 to table the discussion on mobile vending units until next meeting and to direct staff to provide information on the State guidelines for mobile vending units. Committee member Jones abstained from voting on the issue due to a conflict of interested that he owns and operates a mobile vending business.

The Chairman asked for an update on the pedestrian operated crosswalks on Highway 98. According to the Development Manager, FDOT has been out surveying the crosswalk areas and everything should be up by Memorial Day.

The Chairman asked the members if they wanted to revisit the earlier discussion regarding the boat decals. Committee member Green stated that that he respectfully wants to convey to not wait until April especially as there will most likely be a learning curve for the businesses. Additionally, he feels that the members going off Council should set some standards and get the ball rolling for the new members. He requests that the Development Manager bring this back up before the CRA Board for their consideration once more.

Committee member Best agreed and spoke of the clinic that was presented to them by Councilmember Trammell regarding their responsibilities and duties as a member of the committee and how the ideas should come from them and not staff. For the record, she respectfully requests that the CRA take this under consideration now and not later pointing out how very important this is to the businesses in the harbor district. And if put off, it would be another year before it would have a chance to be reviewed again. She spoke of the importance of the current members finessing this and passing it on to the new members of Council with their wisdom. The Development Manager informed the members that this could not be presented to the CRA until the second meeting of the month since it's too late to schedule one for this next meeting on Tuesday, further explaining the requirements of crafting agenda items and advertising requirements.

On a motion by Committee member Green, seconded by Committee member Best; the members voted unanimously 5-0 for the CRA Board to respectfully reconsider the Harbor CRA-AC's recommendations from the January meeting, due to the urgency of the approaching tourist season and not to be postponed until after the elections. The following recommendations are:

- **To aggressively pursue a medallion or decal program to help identify authorized livery vessels to aid in Code Enforcement Inspections for parking compliance**
- **to direct staff to create an ordinance to ensure that out-of-service vessels in the Harbor district are on movable DOT approved trailers and should not be allowed to impact the businesses required parking**
- **the CRA Board to endorse the reduction of the speed limit in the Harbor District only to 25-30 mph, whichever FDOT recommends**

ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 5:50 PM.

Adopted and approved this 11th day of May 2016.

Mike ~~Reim~~ Buckingham, Chairman

Kim Montgomery, City Clerk

File w/ 2/10/16 minutes

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Walker Jones Stanley	Harbor CRA-AC
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: Harbor CRA-AC
3830 Indian TR	☒ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY
CITY: Destin — COUNTY: Okaloosa	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED: 2/10	MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his special private gain. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained (including the parent organization or subsidiary of a corporate principal by which he is retained); to the special private gain of a relative; or to the special private gain of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WLL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form must be provided immediately to the other members of the agency.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Walter Jones Jr, hereby disclose that on 2/10, 2016:

(a) A measure came or will come before my agency which (check one)

X inured to my special private gain;

X inured to the special gain of my business associate, _____;

___ inured to the special gain of my relative, _____;

___ inured to the special gain of _____, by whom I am retained; or

___ inured to the special gain of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Date Filed 2/10/2016

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1991), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $5,000.

MINUTES
HARBOR COMMUNITY REDEVELOPMENT AGENCY
ADVISORY COMMITTEE MEETING
FEBRUARY 13, 2019 - 5:30 PM
DESTIN CITY HALL BOARDROOM

1. CALL TO ORDER:

Chairman Buckingham called the meeting to order at 5:30 p.m. on Wednesday, February 13, 2019 in the Destin City Hall Board Room.

2. ROLL CALL:

Members Present	Members Absent	Staff Present
Mike Buckingham	Sandy Trammell	Kim Montgomery Deputy City Clerk
Casey Jones	James Green	Dawn McDonald Planner
Jan Best		Louis Zunguze Community Dev. Director
Mike Raim		Kyle Bauman, City Attorney
Barbara Mizell		

The Chairman welcomed Mr. Louis Zunguze and asked him to provide a summary of his background.

Committee member Best motioned to amend the agenda to add to Old Business, Pontoon Boats for discussion with Committee member Jones providing the second. A roll call vote of 5-0 was taken and the motion passed.

3. MINUTES: September 12, 2018

Motion to approve the minutes of the September 12, 2018 as written was made by Committee member Raim with Committee member Jones providing the second, passed 5-0.

4. OLD BUSINESS:

- **Pontoon Boat/Livery Boat Ordinance – Mr. Ed Rogers, Sunshine Watersports**

Mr. Rogers expressed his concern regarding the over saturation of the harbor with pontoon and jet ski/wave runners and how dangerous it's becoming. He spoke of how he feels that there are enough rules in place, they just need to be enforced because there are business owners that are again buying up more boats and wave runner/jet skis than allowed.

The Chairman spoke of a study for how many boats a harbor can safely hold and how he would like that to be addressed.

based on what they've heard about safety issues, water quali
and overcrowding in the harbor,

Committee member Best suggested the need for a short moratorium to be placed to not allow anymore new pontoon boats and wave runner/jet skis businesses and based on what was given out last year until an the harbor water quality evaluation can be brought back to them.

Short? mb

And have a baseline on the folks that we legal la year

Motion to recommend to Council a moratorium on issuing any new license ~~for~~ ONS pontoon rental boats based on last year's licenses until the harbor water quality information is brought back to the committee. Committee member Raim providing the second. Committee member Jones stated

that he does not agree with the moratorium. **The Chairman called the vote and the motion passed 4-1, with committee member Jones dissenting.**

5. NEW BUSINESS:

➢ Sunshine Law Update – City Attorney, Kyle Bauman

The City Attorney provided the members with a quick review of the Public Records Act, Florida Statutes, Chapter 119 and Government in the Sunshine Law and answered questions from the members.

➢ Code Compliance Update – Joey Forgione

Mr. Forgione provided the members with his background in serving in the military and enforcement career before his employment with the city. He spoke of his plans to get the Code Compliance Department functioning more efficiently for the city. And of the new equipment purchased for his staff's vehicles which will improve turnaround of cases by staff not having to come into the office so much. He also spoke of the two additional staff members he will be asking Council for who will assist in the harbor and waterways as well as the business districts and asked for their endorsement for his endeavors.

Motion by Committee member Jones, seconded by Committee member Best to support Mr. Forgione's efforts and his plan to hire a Harbor Compliance Officer. The motion passed 5-0.

➢ Capt. Royal Melvin Heritage Park Updated Plan

The Chairman explained they now have the redesigned plan for the park with the items they previously requested to be implemented:

- Restrooms at the bottom of the hill
- Switchbacks for ease of use for handicap
- Not removing the bluff
- Saving all trees

He spoke of the need to provide a consensus to Council so this plan can move forward with the funding to ultimately get it built.

Motion by Committee member Best to recommend to send forward to Council as a working plan but to come back to this committee as needed. Committee member Raim provided the second and the motion passed 5-0.

6. COMMITTEE MEMBER COMMENTS:

- **Committee member Best** – Asked about the status of the Structured Parking initiative and what direction it is planned and that they should be included and be able to provide input. The City Attorney explained that the item was tabled by Council. She asked that they just be

kept informed if it is ever revived again.

- **Chairman Buckingham** requested that any project that are in the Harbor District to be brought before them first for discussion. He also asked staff to provide them the water quality results of the harbor at their next meeting.

    - There was a discussion about the work plans and the CRA Master Plan and the need to get started working on those again once staff is ready.

    - All the members thanked staff for their work and information they provided.

7. RECOGNITION OF VISITORS:
None

8. ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 6:50 PM.

Adopted and approved this 13th day of March 2019.

Mike Buckingham, Chairman

Kim Montgomery, Deputy City Clerk

MINUTES
HARBOR COMMUNITY REDEVELOPMENT AGENCY
ADVISORY COMMITTEE MEETING
MARCH 13, 2019 - 5:30 PM
DESTIN CITY HALL BOARDROOM

1. CALL TO ORDER:

Chairman Buckingham called the meeting to order at 5:30 p.m. on Wednesday, February 13, 2019 in the Destin City Hall Board Room.

2. ROLL CALL:

Members Present	**Staff Present**
Mike Buckingham	Kim Montgomery Deputy City Clerk
James Green	Dawn McDonald Planner
Sandy Trammell	Louis Zunguze Community Dev. Director
Casey Jones	Lance Johnson, City Manager
Jan Best	Samantha Brisolara, Planner
Mike Raim	Kyle Bauman, City Attorney
Barbara Mizell	

3. MINUTES FOR APRROVAL:

- **July 11, 2018**

Motion to approve the minutes of the February 13, 2019 as amended was made by Committee member Raim with Committee member Best providing the second, passed 5-0.

- **February 13, 2019**

Motion to approve the minutes of the February 13, 2019 as written was made by Committee member Raim with Committee member Jones providing the second, passed 5-0, as amended.

4. OLD BUSINESS:

➢ **Code Compliance Presentation - Joey Forgione**

Mr. Forgione informed the members that all of the necessary items to get his department up and running efficiently have been purchased and are in place, with the exception of the top for marine unit boat. He informed the members Council approved the position for the Harbor Compliance Officer, David Bazylak, who started on February 25th and has 25-years of experience. He spoke of how much having Mr. Bazylak back will assist in building the policies and procedures with his knowledge of all the docks on the harbor. Additionally, Council also approved a part time Beach Code Compliance Officer to assist them with beach issues.

A. **Pontoon Boat/Livery Boat Moratorium**

The City Attorney explained that Council was very interested in the short moratorium that Ms. Best recommended and spoke briefly of the legal process, which consists of first passing an ordinance.

Mr. Zunguze spoke of a necessary study in order to justify the findings and what happens after

it's adopted to build a framework for staff to adhere and spoke the necessary efforts towards enforcement in the area.

The City Attorney spoke of the legal standard that would need to be in place to have a rational basis for the moratorium and evidence that it's needed for the public's health, safety and welfare. He also suggested including Mr. Ed Rogers, who came before them at their February meeting, to be a witness and testify to Council as to the need for the pontoon moratorium.

Committee member Best spoke of her concern that July 4th arrives and there is no Code or moratorium in place to hinder the usual perpetrators. She mentioned properties on Mountain Drive that have pontoon boats stored that she knows for a fact by the list provided to them of pontoon businesses who have a lot more boats than what is listed and registered.

Mr. Forgione stated that may be the case but, the city is only giving out so many livery stickers to each business; they are colored coded for rentals and their chaser boats. He explained further that they would have to make a determination later regarding how to deal with the boats that need to be replaced when they are damaged or break down.

Committee member Best asked if they could still work on the code in the meantime and the City Attorney informed her that they could.

Motion by Best to recommend to City Council to pass a moratorium and begin working on a code with Committee member Raim providing the second.

Committee member Green asked if she wanted to take any action on the property on Mountain Drive that has pontoon boats stored on it. According to Committee member Best, she did not, she just wanted it known. She also spoke of a business that had doubled their amount of pontoon boats who has no intention of registering them and replaces his boats as they are rented during the day.

Committee member Green asked for the process if someone has a pontoon boat that is broken down and needs to replace it with a working how would the business get it properly registered with the city and get the sticker in order to operate it for rentals.

According to Mr. Forgione, they would have to replace the FL # of the replacement boat with the one that is in the system and possibly pay for another sticker. Adding that at this point, they don't have a policy in place yet for that particular circumstance.

Committee member Trammell explained how submerged land leases that are permitted by the State are based on the amount of shadow they cast on the water and if a business didn't have the length of boats registered when they acquired their submerged land lease to what they now have with their pontoon boat business and those boats are casting longer shadows on the water; then that would be a way of proving they have more than what their lease allows for.

The Chairman stated that based on the list of pontoon boat businesses they were provided; it cannot possibly be all of the pontoon/water craft businesses in the harbor; that to him, there are a lot

more.

Mr. Forgione stated the list is all the businesses that are registered with the city for 2017 & 2018.

5. NEW BUSINESS:

A. Harbor Capacity Study

The Chairman stated that living on water he now understands all the past concerns voiced by Holiday Isle homeowners because now, those type of businesses are coming around into the bayou and spoke of how shocked he the thinks everyone will be when the saturation study comes back.

Committee member Green spoke of how he feels putting the moratorium ordinance in place before the study is basically putting the cart before the horse and cannot support the motion until the results of the study come back. Adding that if the study does come back proving that the harbor is oversaturated, he will gladly support it; but not until.

The Chairman asked how the situation would be handled if the study does come back and proves there are too many pontoon boat businesses than the harbor should be able to handle. How would those businesses that have too many be handled.

According to the City Attorney, they would be handled through attrition by not allowing new businesses to open and then when eventually the existing businesses shutter, they are taken out of the pool and this would continue until the number is obtained of what should exist.

Committee member Trammell spoke of how the existing businesses would be grandfathered in if the study does prove that there are too many and would be included in the new ordinances that are written and adopted by Council.

Committee member Green asked about any legal ramifications that may involve the city. According to the City Attorney, if there was no evidence for Council to pass the moratorium there could be a valid legal challenge. But as long as the evidence is in the minutes or the record, the city is legally insulated.

With no further discussion on the matter, the Chairman called for the vote, the motion passed 5-2 with Jones and Green voting no.

Mr. Zunguze spoke of the need for support from this committee in the form of a motion for the capacity study.

Committee member Best made the motion to request that the CRA Board commission a capacity study on the Destin Harbor, with Committee member Green providing the second.

The City Attorney suggested to amend the motion by recommending to City Council engage someone to perform the capacity study in the harbor.

Committee member Best amended her motion to recommend City Council commission a harbor capacity study to consider aesthetics, socioeconomic, quality of life and community character issues including population concentration, availability of open space, habitat diversity, and the diversity and health of existing species with Committee member Green providing the second to the motion.

Committee member Raim asked to include the Calhoun area as well.

Committee member Green suggested to make it easier by amending it to say the entire Harbor CRA District.

Committee member Best suggested including a tourism component as well.

Committee member Best amended her motion to read: to recommend City Council commission a harbor capacity study to consider aesthetics, socioeconomic, quality of life and community character issues including population concentration, availability of open space, habitat diversity, and the diversity and health of existing species. As well as a tourism component for the entire Harbor CRA District with Committee member Green providing the second to the amendment. The motion passed 7-0.

Mr. Zunguze suggested to include a budgeted amount. The decision was made to make that as a separate motion.

Motion by to designate a funding source for the study was made by Committee member Green seconded by Committee member Jones. The motion passed unanimously with a 7-0 vote.

B. Water Quality Testing

Ms. McDonald explained Choctawhatchee Basin Alliance is the entity that provides water testing and the resulting analysis to the city.

Committee member Raim stated that his property has serious water quality problems that he feels are effected by the massive amounts of people out at Crab Island and how he will not allow his grandchildren to get in the water unless the tides are high and the water is clear.

C. Chairman Buckingham – Capt. Royal Melvin Heritage Park Updated Plan

The Chairman handed out a revised set of plans of the park for the committee members spoke of how they are the next phase for their review and provide input. Explaining they are a footprint of the park showing how the switchbacks, bathrooms, and other implementations that they have previously discussed and are required by the State.

Motion by committee member Best to amend the agenda to add this item under New Business, Item C., with Committee member Green providing the second. The motion passed 7-0.

There was a lengthy discussion among the members on what was amended on the plans.

Committee member Green questioned why the plans are not drawn to the motions that he made and were passed last year and then went on to Council for their consideration, which they approved. He pointed out that the building is not facing the direction that was originally agreed upon. Another long discussion commenced on the changes made from what was previously discussed at an earlier meeting.

Committee member Trammell stated that she feels that one more stall should be added to the ladies restroom and feels that there is room to add another one.

Committee member Raim just wants the plan to go forward with the design with just the minor adjustments discussed.

Committee member Mizell would like the stairs wider to allow people to sit on them if they want.

Committee member Best stated that Committee member Green is correct with the differences in the plans that what was recommended to Council and pointed out they are in the minutes they approved from the July meeting. Adding that she agrees with Committee member Mizell for the wider stairs and with Committee member Green to have the building built into the bluff as much as possible.

Committee member Trammell also agreed with Committee member Green and feels that if the building is placed back to its previously agreed location then a window could be installed.

Motion by Committee member Trammell to return the bathrooms back to the original suggestion as agreed upon at the July 18, 2018 HCRA-AC Committee meeting, with Committee member Green providing the second for discussion.

Committee member Green made a substitute motion.

Committee member Green made the substitute motion to move the sidewalk to the west property line as far as the easement allows, expand the staircase to accommodate the vacated area by the rail, and approve the plans as it stands, with Chairman Buckingham providing the second.

Committee member Best spoke of how no one is will go to the back and use the resource room as drawn and without it being turned and accessed from the landing. **The motion passed with a 5-2 vote with Committee members Best and Trammell voting no.**

6. COMMITTEE MEMBER COMMENTS:

- **Committee member Jones** – spoke of how the sidewalks on Calhoun Avenue from Clement Taylor Park to 98 are in a state of disrepair as well as from Zerbe Street to Calhoun Avenue and asked when they would be repaired. He also suggested that Zerbe Street be a one-way street only as well. And, what the status of the seawall and other damaged items at Clement Taylor Park.

According to Mr. Johnson, the city is back in the que with the US Treasury for $750k grant

money for Clement Taylor Park however the city is now at the end of the line. In regards to the seawall damage at the park, the city is working closely with FEMA they will reimburse the city 75% of the cost, the state will pay 12.5% and the city will have to cover the remaining 12.5 %. The City Manager also explained the plans for the sidewalks and the extension under the Marler Bridge of the boardwalk are a LAP Project and are in que for 2020 funding. Adding that the initial plans for the project were drawn by Tetra Tech prior to being let go by Council.

The Chairman asked if they should recommend that the plans be redrawn by the current contract holder. The City Manager stated that more than likely since the funds are Federal that have to go through the State, they will insist that they be redrawn.

Motion by Chairman Buckingham, seconded by Committee member Green to ask Council to allow staff to go forward with the Continuous Services Engineering Contractor to finish the plans for the crosswalk under the bridge. The motion passed 7-0.

The City Manager reminded the members that they need to include the Parks & Recreation Committee to provide comment and input on the Captain Royal Melvin Heritage Park prior to going before Council for approval.

Committee member Trammell suggested inviting the Parks & Recreation Committee to their next meeting to go over the plans.

7. RECOGNITION OF VISITORS:
None

8. ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 7:30 PM.

Adopted and approved this 10th day of April 2019.

Mike Buckingham, Chairman

Kim Montgomery, Deputy City Clerk

MINUTES
HARBOR COMMUNITY REDEVELOPMENT AGENCY
ADVISORY COMMITTEE MEETING
MAY 8, 2019 - 5:30 PM
DESTIN CITY HALL BOARDROOM

1. CALL TO ORDER:

Chairman Buckingham called the meeting to order at 5:30 p.m. on Wednesday, May 8, 2019 in the Destin City Hall Board Room.

2. ROLL CALL:

HCRA-AC Members Present
Mike Buckingham
James Green
Barbara Mizell
Casey Jones
Jan Best
Sandy Trammell
Mike Raim

Staff Present
Kim Montgomery D. Clerk
Dawn McDonald Planner
Louis Zunguze CD Director
Kyle Bauman, City Attorney
Joey Forgione, Code Compliance Mgr.

3. MINUTES FOR APRROVAL: April 10, 2019

Motion to approve the minutes of the April 10, 2019 as corrected was made by Committee member Best with Committee member Jones providing the second, passed 6-0. Committee member Raim was not present for the vote.

4. OLD BUSINESS:

A. Pontoon Boat/Livery Vessel Ordinance Application Review Process

Mr. Zunguze briefly explained to the members they were provided with current process that the applications are reviewed by staff as well as staff's proposed improvements to the review process. And ultimately, they will be asking for the board's recommendations to the CRA Board for improvements to the review process.

Ms. McDonald explained that they have in their binders the information that is required to be filled out for the entire review process. She cited Chapter 15, Section 13 in the Code of Ordinance that explains the current for the Livery Vessel application review process and what staff's responsibilities are.

- Address location,
- The business owner
- Property owner acknowledgment letter
- Submerged land lease information for the address.

Additionally, their responsible to ensure the safety component to the review process such as:

- The FWC livery vessel operator's certificate/card
- The boating certification/card
- Proof of Insurance
- Parking plan drawn to scale showing compliance to the LDC
- Location of restrooms and garbage cans

- Department of Revenue Annual Sales Certificates

Building Division requirements:

- Business Tax Receipt Form
- List of vessels to for required stickers requires:
  - Registration #'s
  - Number of passengers
    - Permit Fee paid to obtain permit to operate and sticker for each vessel

- Code Compliance Dept Review
  - Review to be deemed compliant with codes before going to the Planning Dept.

- Planning Department Review and Analysis
  - Parking Analysis review with drawn-to-scale parking plan
  - Parking is reviewed on a site-by-site basis
    - LDC Article 806.10, Table 8-6 Number or Vehicle and Bicycle Spaces
      - 1-Space per 4 passengers or 1-Space per 4 personal watercrafts
      - List of vessels is required

Ms. McDonald then presented the members with the following and asked for recommendations to improve the review process:

- **Ordinance Issues and Solutions:**

  - Issue: There is no submittal requirement which provides staff with an inventory of all existing uses on a property.
    - **Solution: Amend Section 13-144 of the Code of Ordinances to include as a requirement of application for the applicant to provide a complete list of current and existing uses on property, including size/quantity of each use, signed by the property owner in the form of a notarized affidavit.**

Motion by Committee member Green, seconded by Chairman Buckingham to recommend to the CRA Board to direct staff to inventory all existing uses on a property as recommended by staff.

Committee member Trammell asked to amend the motion to include, not limited to livery vessels but to all other uses on the property. Committee member Green accepted the amendment and the Chairman provided the second to the amendment. The motion passed 4-2 with Committee members Green and Jones voting no and Committee Raim was not present for the vote.

The Chairman spoke of being a Fire Commissioner and a concern that was recently broached at a Commissioners Meeting by the Fire Department is with the boat captains who bring in their own fuel for their boats in containers that are not approved for refueling over the water, such as out at Crab Island, and without an approved refueling plan drawn up by a certified engineer.

Committee member Jones read the language from the Land Development Code Section 8 that speaks of the requirements for a fuel plan and how it already requires exactly what the Destin Fire Control District wants.

Committee member Trammell pointed out that the burden is on the applicant to get their approval from the Fire Chief.

- **Ordinance Issues and Solutions:**
  - Issue: Currently, there are not adequate definitions for all vessel types (such as, charter fishing boats, fare-carrying vessels, and sailboats), operating within the City of Destin. Staff requires clarification for determining parking requirements and zoning compliance.
    - **Solution: Amend the Land Development Code to include specific definitions for all water vessel types.**

Committee member Green spoke of how he feels that the (1) one-space per four per jet skis and (4) four-spaces per person for fare carrying vessels is bias towards the fare carrying vessels and it should be the same for both. He then asked staff what exactly they needed. Mr. Zunguze stated that if they agree with the itemized changes presented, then staff will make the changes and bring a proposal back.

Committee member Trammell suggested adding all the types of vessels that are now present on the water i.e. the floating bars.

Committee member Best made the motion to have Captain Green work with the staff members to make a definition of each vessel so that when it comes back to the board, they've got the expert involved in the process. The motion failed for lack of a second.

Committee member Green made the motion to have the Land Development Code amended, specifying definitions for all types of vessels; rental, charter, or fare carrying. Committee member Jones provided the second. The motion passed 7-0.

- **Ordinance Issues and Solutions:**
  - Issue: There is not enough specificity regarding the requirement for permanent bathrooms for use by livery vessel patrons.
    - **Solution: Amend Section 13-145(4) to require permanent Florida Building Code – accessibility/ADA compliant restrooms.**

Committee member Trammell spoke of how they have discussed this too much but did point out that she feels that the responsibility of the restroom requirements should be put on the property owner and not the owner of the livery vessel rental business or any other types of business owners that lease property on the harbor. Also, the property owner should be the responsible party to submit the plan showing that they have enough restroom facilities for the uses on their property.

There was a lengthy discussion regarding the restroom requirements and the need to get everyone up to standard to be fair for all businesses on the harbor regarding permanent facilities.

Motion by Committee member Green seconded by Committee member Jones to recommend the CRA to direct staff require permanent Florida Building Code – ADA accessible restrooms that are open during hours of operation; with Chairman Buckingham providing the second. Committee member Trammell suggested staff to bring back to them language regarding specificity to the requirement. Mr. Zunguze agreed and stated that he would. Committee member Raim spoke of how it has become a problem with the businesses on the other side of Highway 98 where people are coming in to use those restroom facilities. **The motion passed 6-1 with Committee member Green dissenting.**

The Chairman spoke of how he feels that the business operator/applicant should have to be required to submit a parking plan by a certified engineer for the permitting process that they obtain from the property owner who they lease from to operate their business.

Motion by Committee member Best to recommend the CRA Board to adopt a requirement to amend section 13-1449 of the Code of Ordinances to include as part of the requirements of application for the applicant to provide a complete list of current and existing uses on property, including size/quantity of each use, and a notarized affidavit signed by the property owner prior to obtaining their business tax receipt to operate. With Committee member Green providing the second.

Committee member Green expressed wanting assurance that the responsibility of the parking plan should fall on the property owner and not the applicant. Committee member Best stated that was her intention with her motion and to only require the property owner sign it with the current date acknowledging that it has not been altered. **The motion passed 7-0.**

Committee member Green made the motion to recommend a standard template for parking agreements being made as a city form to include specific required contents such as parking agreements, lease terms, and other conditions. With Committee member Trammell providing the second. Committee member Best spoke of having to do this in the past 15-years but folks before then have not had to and asked how they are going to get compliance out of properties on the water that have been in operation long before those requirements were in place.

Mr. Forgione explained that in staff's investigation, they found that there were no trigger mechanisms in place for staff to realize that there was overlapping businesses in operation without the proper parking agreements in place. And this will help close that gap to where staff will be able to see who has a parking agreement with whom during all hours of operation. **The motion passed 7-0.**

Committee member Green made the motion that the affidavit of no changes be eliminated citywide with Chairman Buckingham providing the second.

There was a brief discussion regarding short term rentals and how the members should stay within the purview of their committee responsibilities.

Committee member Best made the substitute motion that the affidavit of no changes be eliminated for the application of livery vessels. With Committee member Trammell providing the second. The motion failed with a vote of 3-4 with Committee members Buckingham, Green, Raim, Jones, voting no.

***Back to the original motion by Committee member Green;* that the affidavit of no changes be eliminated citywide with Chairman Buckingham providing the second. The motion passed 5-2 with Committee members Best and Trammell voting no.**

Committee member Best asked if the motion includes short term rentals. According to Mr. Zunguze, staff interpreted the motion to be intended only for Livery Vessels.

- Issue: Currently, an applicant's first stop to obtaining a livery vessel permit is a Business Tax Receipt (BTR). There is a misconception among members of the public that once you have received your BTR, the City has approved the use and business.

- Solution: The process will be rearranged so that a livery vessel application is reviewed in the following order: 1) Code Compliance/ Acceptance of documents; 2) Planning/ Parking review; 3) Building/Bathroom review & BTR (verify existing uses), Code Compliance /Inspection & Permit Issuance).

The Chairman made the motion to accept the solution for the review process of livery vessel applications to be rearranged, in the following order: 1) Code Compliance/ Acceptance of documents; 2) Planning/ Parking review; 3) Building/Bathroom review & BTR (verify existing uses), Code Compliance /Inspection & Permit Issuance). With Committee member Raim providing the second. Committee member Trammell asked how long they anticipate the process to take for someone to obtain their business tax receipt. According to Mr. Zunguze, they anticipate it to take about 2-3 weeks for the review process.

Committee member Green asked staff what all departments would be involved in the review proves. According to Mr. Zunguze, it would be Code Compliance and the Community Development Department which includes all the internal departments involved in the review process Community Development. **A roll call vote of 7-0 was taken and the motion passed.**

- Issue: There is no current inventory of all existing livery vessel rental operators within the City of Destin.
  - Solution: A city-wide, site-by-site inspection from the eastern city limit to the western city limit is necessary to determine how many personal watercraft and livery vessels are operated within the city. (This detailed inventory will be conducted in two ways: 1) Physical inspections of rental locations; and 2) Verification of the inspection data through the Capacity Study.)

Committee member Green made the motion for the recommend solution to complete a city-wide, site-by-site inspection from the eastern city limit to the western city limit to determine how many personal watercraft and livery vessels are operated within the city. (This detailed inventory will be conducted in two ways: 1) Physical inspections of rental locations; and 2) Verification of the inspection data through the Capacity Study.) With Chairman Buckingham providing the second.

Committee member Trammell asked for assurance that this would include north and south and not just east to westward. Mr. Zunguze replied that staff understands that.

Committee member Best asked Mr. Forgione why they would want to go east to west instead of west to east. Pointing out that in her opinion the western end of the harbor is where most of the problems exist. According to Mr. Forgione, he did not specifically choose any end and stated that wherever they prefer for him to start, he will.

According to Mr. Zunguze, they will also factor in where the most complex locations where the issues are located the most, they would want to tackle last so to not get bogged down in an area for an extended period. According to Committee member Green, most of the issues in the eastern end are mostly internal capture. **The motion passed 7-0.**

Committee member Green made the motion for the Land Development Code's parking requirements for personal watercrafts be adhere to the US Coast Guards approved fare carrying

passenger vessel requirements. With Committee member Trammell providing the second. The motion passed 7-0.

Mr. Forgione brought to the committee's attention that currently charter boat captains and their mates are required to provide a parking space but fare carrying boats are not and asked if they should make that requirement for both.

Chairman Buckingham made the motion to include fare carrying vessel parking requirements for their staff to be the same requirements as it is for charter boat industry. Committee member Green provided the second for discussion.

Committee member Green questioned why they must state fare carrying or charter boat when no matter what type of vessel it is, it still has passengers such as a ferry, a cruise ship, and a charter boat. He prefers that they use the word passenger vessel which would cover all types of vessels and would require inspections based on the number of passengers their COI allows.

Committee member Best asked if these requirements included Livery Vessels.

To keep the issue from getting confused, Committee member Green made a substitute to the earlier motion that all definitions for charter boats, fare carrying vessels be removed and replaced with passenger vessels in the Land Development Code. Chairman Buckingham provided the second and the motion passed 7-0.

Mr. Forgione asked the members if they wanted to make the same parking requirements for Livery Vessels employees as well. Committee member Best stated that is exactly what she meant earlier. There was a discussion regarding the floating bars and if they are captained boats or not. Mr. Forgione explained that they do and fall under the same category as fare carrying vessels. Committee member Green pointed out that Livery Vessels are rented vessels that has no professional crew.

Motion by Chairman Buckingham, seconded by Committee member Trammell to require the livery vessels have to provide parking for their staff as well. Committee member Best questioned if this is on property or leased off property. According to the Chairman, this for all Livery Vessels on property. Committee member Green stated that it should not matter as long as there is a parking agreement and the proper amount of spaces are provided for everyone. The Chairman agreed with that statement adding that the parking agreement can be on and/or an agreement off site. Committee member Green then asked staff how they determine the difference between a business's staff numbers to what it's required number of parking should be. According to Ms. McDonald, Charter Fishing Boats in the parking Code require one parking space per four passengers. However, they also require 2.2 spaces per crew for 7 or more passengers. And that number depends on the zoning district and the type of use which is how the parking standards are established. NO VOTE WAS TAKEN!

B. Mobile Vendor Ordinance 17-15-CC & 17-16-LC Review Requirements

Ms. McDonald outlined the following:

- Mobile Application
- Temporary Mobile Vending Application
- Map of Allowable Zoning Districts

- Provide satisfactory proof that all the required licenses, permits, and inspections by Federal, State, or Local Regulatory Agencies have been obtained.

She then explained the definition of Mobile Vendor in the Code is a person that is in the business to sell food, beverages, or flowers, or other merchandise or services from a vehicle. Except however that the provisions or this ordinance shall not apply to mobile caterers. Additionally, she explained that the LDC was amended to include Mobile Vending. And for planning reviews the following is required:

- Proper Location
- Location and Size of Property for Mobile Vending Operation
- Number of Current Mobile Vendors on Property
- Parking Impacts
- Connection to Utilities
- Amount of Water Frontage

According to Ms. McDonald, Mobile Vending has two categories:

- Long Term, which is more than 72-hrs and is only allowed in the South Harbor Mixed Use Zone and Calhoun Mixed Use Zoning District.

- Short Term is only allowed in the South Harbor Mixed Use, Calhoun Mixed Use, North Harbor Mixed Use, Commercial Trades & Services, Industrial, Institutional, Residential Office, Institutional Development, and in Town Center Mixed Use Zoning Districts.

She then provided the members with the rest of the general requirements as outlined in the Code and in their binder. And staff has come to realize that the Livery Vessel Ordinance is missing some key elements in the review process and proposes the following:

- **Ordinance Issues and Solutions:**

  - Issue: The Code of Ordinances definition only includes "vehicles" as mobile vendors and there is no definition of "Mobile Vendor" in the Land Development Code.
    - **Solution: Revise Article 7.21.00., Land Development Code, to include a definitions section of the LDC that clarifies the definition of a mobile vendor and that addresses all vendor types (i.e., trucks, trailers, carts, etc.).**

Motion by Committee member Trammell to revise Article 7.21.00., Land Development Code, to include a definitions section of the LDC that clarifies the definition of a mobile vendor and that addresses all vendor types (i.e., truck, trailer, cart, etc.) with Committee member Raim providing the second. The motion passed 6-0, with Committee member Jones abstaining from voting due to a conflict of interest.

- **Ordinance Issues and Solutions:**

  - Issue: There are no special event guidelines or process outlined in the Land Development Code for public or private vendors.
    - **Solution: Revise Article 7.21.03., Land Development Code, to incorporate special events regulations and to establish criteria for an associated special event.**

Motion by Chairman Buckingham, second by Committee member Trammell to revise Article 7.21.03., Land Development Code, to incorporate special events regulations and to establish criteria associated with special events passed 6-0, with Committee member Jones abstaining from voting due to a conflict of interest.

- **Process Issues and Solutions:**

  - Issue: The Mobile Vending Application includes site plan requirements but does not have an itemized list of all applicable Land Development Code requirements.
    - **Solution: Revise the Mobile Vending application to establish a review process, which includes site plan guidelines, a checklist of required documents and example site plans to assist customers.**

Motion by Chairman Buckingham, seconded by Committee member Trammell to revise the Mobile Vending application to establish a review process, which includes site plan guidelines, a checklist of required documents and example site plans to assist customers passed The motion passed 6-0, with Committee member Jones abstaining from voting due to a conflict of interest.

- **Process Issues and Solutions:**

  - Issue: The Mobile Vending Application does not include a fee for administrative tasks for Building Division and Planning Division reviews.
    - **Solution: Incorporate fees for the Mobile Vending Application in the City's schedule of fees.**

Motion by Chairman Buckingham, seconded by Committee member Raim to incorporate fees for the Mobile Vending Application in the City's schedule of fees. The motion passed 5-1, with Committee member Jones abstaining from voting due to a conflict of interest.

- **Process Issues and Solutions:**

  - Issue: There is no special events permit application.
    - **Solution: Create a special event permit.**

Motion by Chairman Buckingham to recommend to the CRA to direct staff to create a special event permit with Committee member Green providing the second. The motion passed 6-0, with Committee member Jones abstaining from voting due to a conflict of interest.

- **Quality of Submittal Issues and Solutions:**

  - Issue: The Land Development Code does not clearly state requirements for a site plan to be included with a mobile vending application, and the level of quality therefore varies from application to application.
    - **Solution: Provide applicants with additional information regarding the level of detail expected for site plans and have appropriate site plan examples available for applicants.**

Motion by Chairman Buckingham to recommend to the CRA to direct staff to provide applicants with additional information regarding the level of detail expected for site plans and have

appropriate site plan examples available for applicants with Committee member Green providing the second for discussion.

Committee member Jones asked if this provision is for long term or short term when it comes to a site plan. According to Mr. Zunguze, it is intended for all application and they are requiring more of a location site and not to be confused with a full-blown site plan of the property.

The motion passed 5-1, with Committee member Green dissenting and Committee member Jones abstaining from voting due to a conflict of interest.

C. CRA REDEVLOPMENT PLAN:

Ms. McDonald informed the members that the plan was provided to them in May of last year where they discussed the Street Scape improvement on page 18 and tabled pages 21-34. She spoke of how those changes were made and the document was returned to them for input at their September meeting. And now, at this point, page 21-34 needs to be addressed.

Committee member Best stated that she asked this be added to this meeting's agenda explaining that was put on hold last year after their September meeting. She added that she would like them to be more involved in the rewriting of the document and feels that they should ask the CRA Board's permission for an extension on the deadline to be able to get this finished.

Motion by Committee member Best to ask the CRA Board for an extension on the committee's input into the CRA Development Plan. Mr., Zunguze explained that this is one of the items on his list to bring up to Council at their Visioning Session on May 15th. **The motion died for lack of a second.**

Committee member Raim spoke of his concern with the way the State is trying to mandate the direction that local cities are trying to make in regards to decisions and improvements.

5. NEW BUSINESS:
None

6. COMMITTEE MEMBER COMMENTS:

- The Chairman – Thanked the staff for all that they are doing and the improvements they have made regarding to providing them with their binders and presentations
- Committee member Green – Echoed what the Chairman said
- Committee member Raim – Spoke of his work plan item to improve traffic issues for all vehicles, bicycles, scooters etc. and speeding. He spoke of how something needs to be done to get the information out to the public regarding following the rules of the road. The Chairman suggested having staff address these concerns with the Sheriff's Department rather then this board, since they are not the law. Mr. Forgione stated that he would address those concerns with the Sheriff's Department.
- Committee member Jones – Stated that if staff has any questions regarding Mobile Vending that he is available to assist.

- Committee member Trammell – Suggested to Mr. Zunguze to address Council at the Visioning Session, how this board has made the request for an extension of the deadline for the CRA Redevelopment Plan. She also suggested that Mr. Raim go before the Public Works/Public Safety Committee with his traffic concerns.

7. DIRECTOR'S REPORT:

- **Code Compliance in Harbor Area – Water Taxi issues**

Mr. Forgione asked the members to give staff a chance to review and look into the concerns of Water Taxis picking up and dropping people off at picnic tables and the sand bar at Crab Island. He also asked the members to provide his staff with any incidents that they witness. There was a discussion regarding what the current regulations are, and the time needed to investigate if there are any State regulations already in place.

- **Harbor Cleanup**

Mr. Forgione explained there is a plan in the works to get the Navy to clean up the harbor 5-times a year as part of their training curriculum.

- **Harbor Capacity Study**

Mr. Zunguze explained that he is meeting with the ACOE this week to go over the scope of work for the plan and will present to them this committee's recommendation. He will provide them with an update at their next meeting. He explained further that they have already applied for the funding from the Federal Government for their half of the cost. And staff will be presenting to Council at the next meeting to get the approval for the city's responsibilities of the cost.

He also spoke of the need to get backing from the community and the needs to create some sort of Advisory Committee to provide input and suggested that members of this committee and the Harbor and Waterways Board members be comprised for the Advisory Committee.

8. ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 8:15 PM.

Adopted and approved this 11th day of September 2019.

Mike Buckingham, Chairman

Kim Montgomery, Deputy City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Jones Walter S	Harbor board CRA
MAILING ADDRESS 3830 Indian TR	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY Destin COUNTY Okaloosa	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 5/8/19	MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

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INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

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APPOINTED OFFICERS (continued)

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Walter Jones Jr, hereby disclose that on 5/8, 20 19:

(a) A measure came or will come before my agency which (check one or more)

__X__ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I own a mobile vending vehicle

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

5/8/19
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

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LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Jones Walter S	Harbor Board CRA
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
3830 Indian Tr	☐ CITY ☑ COUNTY ☐ OTHER LOCAL AGENCY
CITY / COUNTY	NAME OF POLITICAL SUBDIVISION:
Destin / Okaloosa	
DATE ON WHICH VOTE OCCURRED	MY POSITION IS:
5/8/19	☐ ELECTIVE ☑ APPOINTIVE

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* * * * * * * * * * * * * * * * *

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WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

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APPOINTED OFFICERS (continued)

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___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

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I own a mobile vending vehicle

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5/8/19
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FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Jones Walter	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Harbor CRA
MAILING ADDRESS 3830 Indian Trail	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY Destin COUNTY Okaloosa	NAME OF POLITICAL SUBDIVISION: Harbor CRA
DATE ON WHICH VOTE OCCURRED 5/8/19	MY POSITION IS: ☐ ELECTIVE ☑ APPOINTIVE

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* * * * * * * * * * * * * * * * *

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APPOINTED OFFICERS (continued)

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, [redacted], hereby disclose that on _____, 20 ____ :

(a) A measure came or will come before my agency which (check one or more)

/ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____ ;

___ inured to the special gain or loss of my relative, _____ ;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am a Mobile Vendor

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

5/8/19
Date Filed

[redacted]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Jones Walter	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Harbor Board CRA
MAILING ADDRESS 3830 Indian TR	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY Destin COUNTY OKALOOSA	NAME OF POLITICAL SUBDIVISION: HARBOR CRA
DATE ON WHICH VOTE OCCURRED 5/8/19	MY POSITION IS: ☐ ELECTIVE ☑ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, [redacted], hereby disclose that on 5/8, 20 19:

(a) A measure came or will come before my agency which (check one or more)

✓ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Income or Mobile Vending

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

5/8/19
Date Filed

[redacted]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Jones Walter S	Harbor CAA
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
3830 Indian R	☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY / COUNTY	NAME OF POLITICAL SUBDIVISION:
Destin / Okaloosa	
DATE ON WHICH VOTE OCCURRED	MY POSITION IS:
5/8/19	☐ ELECTIVE ☑ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Walter Dow, hereby disclose that on 5/8, 20 19:

(a) A measure came or will come before my agency which (check one or more)

X inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I own a mobile Vendor

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

5/8/19
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Jones Walter S	Harbor Clerk
MAILING ADDRESS 3830 Indian TR	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY Destin COUNTY OKALOOSA	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 5/8/19	MY POSITION IS: ☐ ELECTIVE ☑ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, W Alexander, hereby disclose that on 5/8, 20 19:

(a) A measure came or will come before my agency which (check one or more)

X inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I Am a mobile Vendor

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

5/8/19
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Jones Walter S	Harbor CRA
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
3870 Indian Tr	☐ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY / COUNTY	NAME OF POLITICAL SUBDIVISION:
Destin / Okaloosa	
DATE ON WHICH VOTE OCCURRED	MY POSITION IS:
5/8/19	☐ ELECTIVE ☑ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Walter Jones, hereby disclose that on 5/8, 20 19:

(a) A measure came or will come before my agency which (check one or more)

X inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I own a Mobile Vendor

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

5/8/19
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Jones Walter S	Harbor CRA
MAILING ADDRESS 3830 Indian Te	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY Destin COUNTY Okaloosa	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 5/8/19	MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Walker Jones, hereby disclose that on 5/8, 20 19:

(a) A measure came or will come before my agency which (check one or more)

- [x] inured to my special private gain or loss;
- [ ] inured to the special gain or loss of my business associate, _____;
- [ ] inured to the special gain or loss of my relative, _____;
- [ ] inured to the special gain or loss of _____, by whom I am retained; or
- [ ] inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I own a Mobile vendor Vehicle

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

5/8/19
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Jones Walter S	Harbor CRA
MAILING ADDRESS 3870 Indian TR	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY Destin COUNTY Okaloosa	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 5/8/19	MY POSITION IS: ☐ ELECTIVE ☑ APPOINTIVE

WHO MUST FILE FORM 8B

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* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

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APPOINTED OFFICERS (continued)

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Walter Jones Jr, hereby disclose that on 5/8, 20 19:

(a) A measure came or will come before my agency which (check one or more)

- [x] inured to my special private gain or loss;
- [ ] inured to the special gain or loss of my business associate, _____;
- [ ] inured to the special gain or loss of my relative, _____;
- [ ] inured to the special gain or loss of _____, by whom I am retained; or
- [ ] inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I own a Mobile Vendy vehicle

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5/8/19
Date Filed

Signature

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FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Jones Walter S	HARBOR CRA
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
3830 INDIAN TR	☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY / COUNTY	NAME OF POLITICAL SUBDIVISION:
DESTIN / OKALOOSA	
DATE ON WHICH VOTE OCCURRED	MY POSITION IS:
5/8/19	☐ ELECTIVE ☑ APPOINTIVE

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* * * * * * * * * * * * * * * * *

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

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X inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

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___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I own Mobile Vending Vehicle

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5/8/19
Date Filed

Signature

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Jones Walter S	Harbor CRA
MAILING ADDRESS 3830 Indian TR	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY Destin COUNTY Okaloosa	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 5/8/19	MY POSITION IS: ☐ ELECTIVE ☑ APPOINTIVE

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MINUTES
HARBOR COMMUNITY REDEVELOPMENT AGENCY
ADVISORY COMMITTEE MEETING
JULY 13, 2016 - 5:30 PM
DESTIN CITY HALL BOARDROOM

1. CALL TO ORDER:

The Interim Community Development Director called the meeting to order at 5:30 p.m. on Wednesday, July 13, 2016 in the Destin City Hall Board Room.

2. ROLL CALL:

Members Present	Members Absent	Staff Present
Mike Buckingham	Sandy Trammell	Deputy City Clerk Kim Montgomery
James Green		Planner, Hank Woollard
Casey Jones		
Mike Raim		
Jan Best		
Tom Case		

3. APPROVAL OF MINUTES: May 11, 2016

On a motion by Committee member Raim, seconded by Committee member Green, the members voted 5-1 to approve the minutes of the June 8, 2016 as amended on page 2, with Committee member Case dissenting being that he was not present at the meeting and was unable to read them beforehand.

4. OLD BUSINESS:

The Planner informed the members that when the CRA Board met last month to discuss the committee's items and it was determined that they would need more time to spend than just 30-minutes so they tabled the discussions until their next meeting on July 25th at 5:30 p.m.

- **Food Truck Standards**

The members asked for Committee member Jones' input.

Committee member Jones reiterated that parking spaces are obviously the main issue on the harbor and all the rules should relate them. He explained that he is only at his site on the harbor for 3-hours, then he is gone; but noted that some that are out there now all the time using those spaces 24-7, which in his opinion is a restaurant not a food truck. He stated that if it's mobile, it needs to be mobile. He explained that currently, if someone goes to the City to try to get a license, for instance at Harborwalk Village, they would have to show that the parking would sustain the business however, if someone just sets up and down there and starts operating, nothing is done and that's not right and something needs to be done about it.

He suggested the following items to be outlined in the ordinance:

- Time restrictions - no more than 5 hrs. in one spot

- No overnight parking
- Produce proof of when and where waste water and oil is disposed

Committee member Raim asked how the food trucks are regulated. According to Committee member Jones, they are regulated by BPR, Business of Professional Regulations however, they are only regulated on their cleanliness and where they dump their water and their used oil.

Committee member Case stated that there is no way the businesses that are operating right now on the harbor are operating to the standards that were set forth by this committee in regards to the DMV road ready requirements with only the 3-inch size tires that some have. He added that every week they proliferate and more and more keep showing up. He feels that they should be made to leave or be towed out and how there needs to be some sort of enforcement. According to the Planner, if they are operating how Committee member Case just explained, then they are not incompliance and do not have a business tax receipt to operate.

The Chairman spoke of the recommendation that he made last month to hire off duty deputies to assist the City by patrolling the harbor to ensure that everyone is adhering to the regulations.

According to Committee member Best, she recommends that the CRA should decide on a certain timeframe for all of the food truck vendors to come into compliance and once an ordinance is in place the timeframe for those standards should be a very short period of time and if after that short window of time, if they still are not in compliance then assess an enormous fine. Noting that if it affects their profits maybe they will change their mind and leave. Adding that they have been talking about this problem for half the year and still nothing has been done and she is tired of this lawlessness and want to see some action.

Chairman Buckingham agreed and added that the current $250.00 a day fine is not enough. All members agreed that whatever the fine amount is determined, those dollars should be used to hire additional staff.

Committee member Green feels that the timeframe given to bring the business into compliance should be shortened as well as shutting down the operations that are not operating appropriately until they are brought into compliance.

Committee member Case spoke of how the same rules should come into play for these types of businesses as for construction sites. When they are red tagged they have to stay shut down until they are brought into compliance.

Committee member Best pointed out that since the City hasn't set the fines or the timelines yet to even take the cases to the Special Magistrate, what exactly should be the next step. Committee member Green clarified their discussion is for all businesses that are operating inside the CRA Harbor District.

On a motion by Committee member Best, seconded by Committee member Case, the members voted 6-0 to recommend the CRA adopt a list of rules and regulations to be enforced for all businesses in the Harbor District. Motion passes with a vote of 6-0.

The members discussed what all businesses this motion pertained to. According to Committee

member Best, it's should also be for the ones operating with a business tax receipt to rent 10 pontoon boats but in actuality, they are renting out 15 or 20 that are causing the parking problems.

Committee member Best stated that she may have made that motion too soon as she has invited Mr. Ed Rogers, owner of Sunshine Pontoon Rentals of Destin, LLC to provide his input regarding the various pontoon & Jet Ski businesses on the harbor.

Motion by Committee member Best, seconded by Committee member Jones to table the above motion for the CRA to adopt a list of rules and regulations to be enforced for businesses on the Harbor front. Motion passes with a unanimous vote of 6-0.

Mr. Ed Rogers owner of Sunshine Pontoon Rentals of Destin, LLC handed out to the members what he called Talking Points for Pontoon and Jet Ski business operations in the Destin harbor. He spoke of the issues that he encountered with the City after he purchased his property on the harbor and started operating his business. He explained that it wouldn't be so annoying if everyone followed the same rules but stated that is not the case. He mentioned the landscaping requirements that he had to follow regarding planting trees out front of his business but the same kind of business just down from his is allowed to have nonworking jet skis out in front of their business; adding that those attract more customers than trees. He spoke of the average revenue this type of businesses draws during the season and how if the City would simply assess a surcharge it would benefit the numerous issues the City is experiencing. He spoke of the privateer businesses that don't even have businesses in the City that bring their pontoon boats to Destin and meet their customers either at Norriego Point, restaurant docks or private docks and feels that the City should place a moratorium on these types of businesses unless they purchase an operating business. He spoke of the proliferation of pontoon boats in the harbor and how even though businesses are supposed to offer 90% public docking there is none available because all of them are full of pontoon boats, adding that there are some out there that are 3 boats deep and even infringing on the shallow edge of the channel and how the harbor is over capacity at this point. He suggested a possible moratorium on allowing any further similar type businesses and only allow another business if one is sold but no more new ones.

Committee member Green noted that 3-boats deep are legal according to FDEP in accordance to the location of the day marker and the navigational channel. He then stated that in his opinion, the moratorium idea would not work and if someone owns property and meets the requirements of operating a business like his then they should be able to operate. He pointed out that parking is the biggest issue and if that is enforced then that would cut down on the amount of these type businesses on the harbor.

Leigh Moore of the Howard Group spoke of how there is a Harbor Capacity Study somewhere and that the safety of the harbor is very important and agreed that today, it probably is overloaded and on a safety and environmental standpoint, asked what is a healthy mix; and feels that maybe another study needs to be done to find out what is a healthy capacity. She also brought up the possibility of a parking garage and if one is built then that could potentially increase the capacity as well.

The Chairman asked if a study is done and proves that the current capacity is too much, who dictates who can stay and who has to leave.

According to Ms. Moore, she doesn't have an answer but did state that she feels everything needs to be taken into consideration and the two most important factors above all else is safety and the health of

the environment.

Committee member Best stated that in her opinion, Destin was first a fishing village, not a tourist industry and if they want to do a study, fine but she wants something decided now because her main concerns are safety, commerce, lawlessness, and parking.

According to Committee member Green until the government, whoever that may be, does something about the road runoff during and after heavy rains that dumps into the harbor from Highway 98, he doesn't feel like anyone can say anything about the environmental health of the harbor; pointing out that if you stand at the pagoda at AJ's, about every 200-300 feet there is a slick you can watch that is created from the dirty water being dumped off the street directly into the harbor as well as behind Tailfins and 2 or three more eastward.

Committee member Best made the motion for the Chairman to attend the CRA Board on July 25th and present the following concerns and recommendations regarding Pontoon and Jet Ski businesses:

- **The enforcement of the current parking requirements**
- **Take under advisement the medallion plan for every livery vessel with a business tax receipt and the medallions to be able to be removable in order to transfer to another vessel when replacement is necessary. The motion passes 6-0 with Committee member Raim providing the second.**

Motion by Best, seconded by Raim to recommend the CRA Board, at their July 25th meeting add requirements to the annual permitting process for all Pontoon/Jet Ski livery vessel businesses to have to provide a lease agreement from the property owner proving that there is adequate parking for their business to operate.

According to Committee member Green, a verbal agreement is considered a binding contract in the State of Florida. Therefore requiring proof of lease is not necessary.

Committee member Case stated that he has concerns over giving lease agreement information with all the issues regarding the lack of parking spaces and how that requirement could potentially make anyone's agreement no longer binding and up for grabs to anyone who is willing to pay more for the spaces. He suggests amending the motion to require an affidavit instead of a lease agreement.

The Chairman suggested having all the requirements on the application for the business license so that when the file is pulled up it shows all the requirements regarding how many parking spaces are required for the address, how many people are allowed on each type of boat, if boats are leased at the address, and so forth.

The Planner explained staff has gone out and inventoried how many parking spaces each property is required to have available and how they put that information into a spreadsheet that shows each business at that property address and their business tax receipt detailing what the type of business it is, its parking requirements, and the number of spaces that are allocated; explaining further that once that address is at capacity, no more business licenses are issued for that property address until one closes and opens up additional spaces. And then the only a new business is allowed if it meets those same parking requirements.

According to Committee member Green, the checks and balances are already in place and the problem is not with the application process, it's with the enforcement side of it. He pointed out that the problem is when a property that is only supposed to have for example, 16 boats adds more after they obtain their business tax receipt and now has 20 boats, their parking is always full so people start parking on the adjacent property's parking spaces that causes the problems.

According to the Chairman what they need to do is to set an amount per boat for the parking requirements and suggested 2-spaces per boat. Committee member Best stated that currently, the Code is 3-spaces per boat. Everyone agreed that 3- spaces per boat is fair. According to the Planner, the requirements are based on the authorized passenger capacity per the U.S. Coast Guard.

Committee member Best agreed to amend her motion from requiring the parking lease agreement to providing a parking affidavit from the property owner when the business license receipt is purchased.

The members discussed how important the parking regulations for Pontoon Boats and Jet Ski businesses are and if the rules are already in place then they need to be enforced.

The Planner spoke of a Blue Ribbon Panel that was created by City Council with representatives from charter boat captains, boat rental businesses, and business owners on the harbor who met monthly for a time to determine the correct amount of parking for properties which was then presented to Council in the form of a recommendation that Council adopted.

Committee member Best amended her motion to simply require the current parking requirements that is in the Code be enforced. Committee member Raim provided the second to the amended motion and the motion passed with a 6-0 vote.

Committee member Best made the motion to recommend to the CRA Board to adopt a $5.00 a day surcharge per boat/Jet Ski to be assessed so that the City can hire Code Enforcement to enforce the Codes. Committee member Raim provided the second for sake of discussion.

Committee member Jones suggested that they instead charge a percentage of the businesses yearly income, such as 1% per medallion and that should be enough to hire additional staff to enforce the Codes. Committee member Green suggested a flat rate per medallion pointing out how hard it would be to prove if someone actually rented their boats daily or not. It was suggested that the daily charge per boat may be a way for some of the older boats that are not being properly cared for and insured get removed and up the quality.

The Chairman asked for the motion to be repeated. Upon doing so, Committee member Best changed the motion to reflect; **to recommend to the CRA Board to adopt a $5.00 surcharge per boat/Jet Ski per day to fund Code Enforcement. Committee member Raim provided the second for sake of discussion.**

There was a question regarding how and when that charge would be assessed. During discussion it was determined to just be charged during the season. According to Kimberly Mergler of 3598 Waverly Circle, Destin she feels that a flat fee per boat per year would be easier to collect. The

Planner pointed out that the City has no way of knowing how much a business is taking in per day and agrees that a per year fee would be easier to collect.

In discussion, the members decided that the motion should be amended to $500.00 per year vessel for each medallion per year to fund Code Enforcement for the Harbor District. The motion passes with a 6-0 vote with Committee member Best agreeing to the amendment and Committee member Raim providing the second to the amendment.

According to Committee member Best, she wants to make sure that the cases go before the Special Magistrate and not the Court System for 1st offence, 2nd offence 3rd offence and asked the members for input. According to Committee member Green, he recommends the adoption an ordinance with a shorter timeline for correction of violations and stiffer penalties for habitual offences in reference to all businesses in the Harbor District. With the members agreeing to that; **Committee member Green made the motion to recommend the CRA Board to adopt new ordinances that have shorter timeline for correction of violations and stiffer penalties for habitual offences in reference to all businesses in the Harbor District. Committee member Best provided the second. The motion passes 6-0.**

- **Project Updates:**

The Planner announced that the pedestrian crosswalks have been activated and are operational. According to Committee member Green, they work and people are using them and now when people are leaving the parking lot at AJ's, there is time for people the parking lot to empty as well as there is time for cars to come in and it fills in again. He then asked if there is any status of their recommendation to lower the speed limit in the Harbor District. The Chairman stated that he should make that in the form of a motion again.

Motion by Committee Green, seconded by Committee member Jones; the members voted 6-0 to recommend that the CRA Board expedite the lowering of the speed limit to 25 mph on Highway 98 in the Harbor District.

The Planner explained to the members that only FDOT has the authority to make that change not the City and they did preform a speed study in the past and it was not warranted to reduce the speed limit. The Chairman stated that from what he understood, FDOT knows that City and the Okaloosa County Sheriff wants the speed limit reduced but FDOT wanted to wait until after the new crosswalks are installed and then they could bring that request back.

Committee member Case questioned if they think that the new crosswalks will solve the problem. According to Committee member Green, he feels that it's warranted for the short area that will be affected. Committee member Raim stated that he thought the speed limit reduction for the 5,000 feet from Stahlman Ave to Benning was warranted before the crosswalks were installed.

5. NEW BUSINESS:

None

6. DISCUSSION:

- Committee member Comments

- Committee member Best recommend having Mr. Rogers attend the July 25th CRA Board meeting
- Chairman Buckingham asked the members to think about suggestions to enhance the Harbor District esthetics in regards to lighting and signage standards to discuss at their next meeting
- Committee member Green reported that the navigation channel is awesome since the dredging
- Committee member Raim asked for thoughts on safety standards for rentals. According to Mr. Rogers he uses colored arm bands similar to the ones that are given out at AJ's for the person's authorized to operate jet skis so that the FWC can identify if the right person is operating them
- Committee member Case is good with the new pedestrian operated lights and feels that the roadway will be safer for people crossing and hopes the incidents of people getting hit will cease
- Committee member Jones reported the following:
  - Trash builds up at the Zerbe Street Parking Lot as well at the parking lot at the Oaks Apartments as a result of the end of the week events and something needs to be done to address the problem
  - Several tree limbs that need to be trimmed up on the Mountain Drive sidewalks for people on bicycles so they don't have to go out into the roadway to get around them, which is a safety hazard
  - Feels that the City should start charging for parking as a revenue source to fund additional staff as needed
  - Would like to discuss the 5k events and trash buildup along their paths

ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 8:10 PM.

Adopted and approved this 10th day of August 2016.

Mike Buckingham, Chairman

Kimberly Montgomery, City Clerk

MINUTES
HARBOR COMMUNITY REDEVELOPMENT AGENCY
ADVISORY COMMITTEE MEETING
OCTOBER 26, 2016 - 5:30 PM
DESTIN CITY HALL BOARDROOM

1. CALL TO ORDER:

Chairman Buckingham called the meeting to order at 5:30 p.m. on Wednesday, October 26, 2016 in the Destin City Hall Board Room.

2. ROLL CALL:

Members Present	Members Absent	Staff Present
Mike Buckingham	Tom Case	Deputy City Clerk Kim Montgomery
James Green		Steve Schmidt, CRA/Dev. Manager
Sandy Trammell		
Mike Raim		
Jan Best		
Casey Jones		

3. APPROVAL OF MINUTES: September 16, 2016

On a motion by Committee member Trammell, seconded by Committee member Raim, the members voted 6-0 to approve the minutes of the September 16, 2016.

4. OLD BUSINESS:

- **Registration of Rental Vessels**

The CRA/Development Manager explained that this is a culmination of a couple of workshops this group has had over the last few months for vessel rental registrations and explained that the draft ordinance that has been circulated is a work-in-progress. He explained that the outline is very similar to what was done for the short term rental ordinance, which helps give staff consistency and is easier to keep up with. Adding that most likely there will be several revisions made to the document before it is ready for adoption by City Council.

Committee member Trammell commented that under Formal Application Required, she would like to add the following:

- On page one - *The owner of the corporation* because in the State of Florida, an owner is not required to be registered and the owner can do other things besides their designee
- On page four - Application for Registration proof of the landowners right to conduct business on their land.
- #7, *Copy of Livery Operators Certificate of Completion from FWC for Owners and all employees* - she asked if that is meant for at the time of application with updates provided by the company for all new employees hired (i.e. they should be brought to the city within x number of days upon receiving it from FWC).
- #9 – *Proof of Insurance* - she asked Mr. Schmidt if the city is listed as a co-insurer.

According to Mr. Schmidt, the city does not have to be listed because of their statutory requirements for FWC and, it's not necessary.

- #11, *Restroom Facilities* - Expressed concern for the 150' bathroom requirement and how that number may be too close to Highway 98.

According to Mr. Schmidt, 150' is actually not anywhere near 98 and the language is referring to permanent restroom facilities to ensure portable toilets don't show up, even though there is an ordinance being crafted now against them; with the exception of special events such as the Seafood Festival. He also reminded the members that FEMA would not allow habitable structures, which bathroom facilities fall under that category, to be built below the base flood elevation. He spoke of the issues that the City is currently dealing with in regards to the bathrooms being built for the Royal Melvin Heritage Park because of those guidelines. After further discussion, the members decided to make the change from 150' to off site for the restroom requirements.

The Chairman asked to see the language from the Feds regarding that regulation because he has a hard time believing that is a true statement.

- On Page 2, Committee member Trammell questioned the March 1 expiration date for registration, and then later the language that says, "but given a 2-month period to renew the fees" and asked if that is across the board for all.

Mr. Schmidt stated that language came directly from the short term rental ordinance.

According to Committee member Trammell, she feels that there should just be one deadline date to keep it simple.

Committee member Best provided the members a highlighted document with her suggestions that were made a part of the record.

According to Committee member Best, on page 6 she would like to add the following:

- "Limiting one vessel per slip" her reasoning being, not all docks have a submerged land lease and there are recreational docks and are running commercial businesses out of them.

According to Committee member Green, if docking is such a premium, he would hate to limit someone's property being utilized.

According to Committee member Best, her concern is where someone has 4 pontoon boats that are sticking out into the channel and two large boats meeting each other, that would cause a navigational problem. She suggested changing it to "limited within the boundaries of the submerged land lease."

Mr. Schmidt referred them to look at #6 under the Application for Registration where it specifically specifies that one of the requirements of application is a copy of their evidence from the State of Florida Submerged Land Lease drawing to scale delineating their boundaries.

Committee member Best pointed out that #10, under Application for Registration, is a little vague regarding shared parking. According to Mr. Schmidt, the Code provides an opportunity for properties that have multiple businesses on them and in some cases some are opened only at night and the others are opened only during the day so it allows for a parking study and submitted to the City for review and those businesses can get exemptions for shared parking. Committee member Best suggests the customer show proof of where they are staying with a room key in order to provide a break in the fees. After a brief discussion on the issue, the decision to recommend between 50% & 75% was made and leave that decision to the CRA Board for the final percentage.

Committee member Green asked how all they are going to be enforced. According to committee member Best, she feels that an iPad, an Excel Spreadsheet and Code Enforcement to get out there and do the necessary legwork to make sure everyone is in compliance. Adding that she understands that the first year is going to be hard but afterwards it should get easier learning what to expect from the first year.

Committee member Green feels that the 75% rule is impossible and not enforceable and with no data collection, no one would be getting the parking exemption in the first year but they could for the following years.

Committee member Best stated that she feels that it'll all have to be negotiable. She suggested rewarding the ones that can prove to the City that they have all the parking they are required to have and proof that their customers are staying at their hotels and/or condos with exemptions.

The Chairman pointed out that it will ultimately be up to the CRA Board what the decision will be so they may as well leave it in the 50-75% range.

General Regulations: #7 each livery vessel shall have legible information with letters at a minimum of 3" in height and to include the company name and telephone number. She would like to add Boat ID # as well as the City of Destin Registration number on a medallion and fixed to the port and starboard of each vessel and suggests that wave runners and similar vessels should be distinguished with different or separate serial numbers.

The members and staff discussed different options to identify the vessels such as a placard to attach to the front and back of the vessel with each year being different colors. They also spoke of how easily they could be to transferable to another vessel if the one that it is currently registered breaks down. There was a suggestion for a yearly sticker that when adhered to the placard would shred when removed and how they could not transferable or can be sold to another livery business.

According to the Chairman, this is a benefit to all business owners because one, the owner cannot be blamed for another businesses errors and two, the renters are told that is how their business is identifiable and they better follow the rules. He said that this may make the cognizant to the property and adhering to the rules.

According to Committee member Green, the chase boats need to be registered as well and instead of a VIN number, they should have "Chase" visibly displayed on either side of the vessel. He also suggested that instead of the placard that has to be adhered to the vessels with screws, he suggests stickers instead and reasoned that the placard could possibly be knocked off by grazing against something such as a dock.

Committee member Jones inquired how the sticker would be transferred to another boat if the one with the sticker is down for maintenance. According to Committee member Green, their backup boats are registered with the City as well and if they had to replace one with a new vessel then they would have to come to the City and purchase another sticker for that new vessel.

There was discussion on how to make the stickers easily identifiable for City staff when necessary. Committee member Green suggested leaving that decision up to the CRA Board to determine how the stickers should be identified.

Fees for Registration: According to Committee member Best, she feels that a $1.00 per boat per day for a total of $365.00 per year per boat for registration should be put in place to help fund the extra Code Enforcement Officer that is going to be needed for this undertaking. The members discussed at length whether there should be fees or not and what the amount of the fees should be.

Committee member Green stated that he does not agree with that fee. He feels that the oversaturation of pontoon boats and Jet Ski businesses is the City's fault to begin with and doesn't think that the businesses should be at fault.

The Chairman stated that from what has already been discussed from the industry, he doesn't think Committee member Best's suggestion is out of line, considering that their representative initially suggested a much higher fee at the first meeting and also, its ultimately is up to the CRA Board to make that decision.

According to Committee member Trammell, she feels they are wasting time with this discussion since it already states that CRA Board will address reasonable fees, which puts them out of it.

Mr. Schmidt pointed out that the city is not in business to make money, the intent is to just offset the cost of the program and if it's determined that an additional Code Enforcement Officer is needed, then staff and Council will figure out how to fund it.

Issuance or Refusal of Registration: Committee member Best stated that for redundancy, she would like to see added a #6 – *Proof of required parking spaces* whether on or off sight by virtue of the rental agreement or proof of ownership or contract with owner for shared parking; as approved by the city. She said that she realizes it's already in there but feels it should be added again in this part as well.

Territory Embraced: Committee member Best would like for it to stipulate, ***"Livery vessels shall not conduct businesses in any residentially zoned areas in the City of Destin."*** The members discussed similar situations at length in regards to livery operations in and around Marler and Joe's Bayou. Committee member Trammell suggested that they change the wording to stipulate that they are not to be operated in residentially zoned or city property as well and add ***"and all city property"*** to the statement.

Criminal Properties: Committee member Best stated that she and Mr. Schmidt both discussed this and depending on if it's allowable by the Florida Statutes, she would like to address 1st, 2nd, & 3rd offences in regards to repeat violators. She pointed out that to her, each boat operated by that business should be a violation or a count. She also would like to see a revocation of their license to operate for one year if the business gets three violations. Committee member Green asked for clarification on what she

meant. According to Committee member Best, she means that each time the business is cited, with the third time being cited, their license is revoked to operate in the city for a year.

Committee member Green stated that he just wants to make sure that the owners have the ability of appeal if deemed necessary but he also wants to ensure that they do not escape the fines if they are operating their business out of compliance. According to Mr. Schmidt, it's clearly written and understandably written in the Enforcement Section of the document. Committee members Green suggested leaving it at a tiered level for the severity of the fines and then the decision for the fines up to the CRA Board.

John Stevens with Luther's Pontoons: Mr. Stevens first complimented the members with the way the meeting has been going. He explained that when people go onto the FWC's website to take their test, they get their certificate emailed right away and it can be provided to the city very quickly. In referencing #11 under **Application for Registration**, he asked how the city would verify that the appropriate bathrooms are available per business. According to Mr. Schmidt, the necessary documentation and a drawing to scale showing where the restrooms and garbage disposal are located will be required at the time of the permit application. There was a brief conversation regarding fuel and oil disposal and spill plan and how most are required by the State.

Mr. Guy Tadlock spoke on a number of issues regarding regulating the use of wave runner type vessels in the canals of Holiday Isle. He spoke of how two-letter identification on the rentals is a lot easier to make out when it's necessary to report to authorities. He spoke of how critical it is to have some sort of identification on the rental vessels and thanked the members for working towards a solution. He spoke of the need for the city to control the number of vessels that can be docked in a slip and each having the appropriate amount of upland parking. He thanked the members for what they are doing and stated that this may be what is needed to discourage the unregistered and bootleg rentals as well as being advantageous to the ones that are trying to run a reputable business in the City.

5. New Business:

- **Work Shop for Mobile Vendors**

Mr. Schmidt explained this initiative will not be addressed the same way as the registration process for all mobile vendors and that staff has been directed by the CRA Board to create certain standards in order to make the necessary changes to the Land Development Code before March 1, 2017. He explained further that one standard that staff is working on is creating an ordinance that regulates portable toilets, unless they are associated with a permit construction or for a special event. He explained that currently there are "bootleg" type businesses that are setting up card tables, tents, and canopies and as a city; we are responsible for ensuring the health and welfare of the citizens. He spoke of the dangers of fast moving storms with possible downbursts that could cause damage with that type setup and how the only reason they need to be down there would be during special events, such as the Destin Seafood Festival. He also spoke of food trucks and how important it is to ensure that all are following the correct regulations and there needs to be a good description of what a food truck and a portable trailer is. He spoke of how hard they all worked to come up with a good description of what a portable building is as well as they created the process to address the FEMA restrictions in the Flood Zone and the same needs to be done for this industry.

According to Mr. Schmidt, the two priorities that the CRA has directed staff to look into is the proliferation of mobile vendors on the boardwalk in the Harbor District and to ensure that the aesthetics

are maintained in order to keep the harbor an attractive and desirable place for families to want to visit. He spoke of how successful the livery vessel workshops were and how he would like to do the same with these discussions.

According to Boardmember Green both are easily defined by a food truck being something that moves on its own and a food trailer is something that has to be towed. He spoke of how he loves the Seafood Festival and was part of the group that brought it back to the harbor however, that is not the atmosphere that he wants to see year round and agrees that the aesthetics; especially for food trailers needs to be addressed. He suggests reclassification and limitations to the ones that come in short time, the ones that are moved from time-to-time and the ones that are permanent fixtures; but regardless they all should have to abide by what the City wants for the vision of the harbor.

Committee member Trammell stated that they can set design standards for what they want to see down on the harbor just like they did with the kiosks.

Committee member Jones asked what he meant by permanent fixture. According to Committee member Green, that would be any of those that don't move for the season and have a lease.

According to Mr. Schmidt, there is not anything in the Code that defines what a Food Truck is so when someone comes to get a permit for a permanent one, they have nothing to go by to regulate them and is the reason for this workshop.

Committee member Green asked Committee member Jones what his requirements are to operate his Food Truck. According to Committee member Jones, he is not required to have a commissary because he is self-sufficient and has a sticker from the State that designates that status.

Mr. Schmidt pointed out that what they need to consider is what regulations, if any, they want the vendors to adhere to in regards to aesthetics. Do they want them to match the existing portable buildings standards and if so, they need to set standards to the various tiers or types mobile vendors. They also need to consider parking requirements as well.

Committee member Trammell agreed that parking does need to be addressed and Council is also grappling with the issue in regards to outdoor seating at restaurants. She pointed out that obviously trucks don't have seating and if a building is portable, then it needs to be aesthetically pleasing.

Committee member Green spoke of how the vendors that are going to be in the same place for an extended amount of time should have to follow standards as well as providing a parking plan for their employees.

The Chairman opened the public portion of the meeting.

Erin Petersen of 424 Cocobolo Drive, Santa Rosa Beach explained that regardless of a food truck or trailer, a MFV sticker is issued by the State and then under that is categories that the business is listed and they are:

- Full Self Sufficient
- Partially Self Sufficient
- Not Self Sufficient

She also explained that if packaged food is sold, then a commissary is not required and there are some cases where one is necessary and those are categorized under the type of tag (which is actually stickers)

that are issued by the State and are of a certain color, height, with reflective numbers for mobile trailers that are towed or independently driven and suggest keeping them all the same as the State does to prevent any confusion.

She pointed out that although there needs to be certain standards set, a big part of the appeal for the product you are selling ties in with the look of your truck or trailer and that will be hard to set guidelines.

Committee member Green agrees they need to be subjective and make it fair for all. He then asked Ms. Petersen how long does her truck sit down at the harbor and if she has a lease.

According to Ms. Petersen, she does have a lease agreement with the property owner and her truck can sit at its location for months at a time and she only moves it when she attends festival events outside of the city.

According to the Chairman, they need to determine how to set the regulations for the ones that sit long term as well as the ones that do not so staff can come up with regulations that are fair for everyone.

Ms. Petersen said she has some ideas that she would be glad to provide them with as well as all the requirements that are set forth from the State of Florida.

According to Committee member Green, what they are tasked to look at are:

- Parking
- Aesthetics
- Density
- Lease agreement

As well as what is required for their certifications from the State similarly to what is offered at restaurants. He also feels that they should be looking at the regulations that the city needs to set, and design standards.

Committee member Trammell spoke of a situation where someone came onto her property on the harbor and set up without their permission and either on their way in or out, their oil container was not properly closed and spilled their grease all in their parking lot that they were responsible for cleaning up. She feels they need to make it clear that if the property owner is going to allow short term use of their property, then they are responsible for anything that may happen on their property.

Committee member Best suggested that they supply the members with a list of lease versus non lease recommendations and bring them to the next meeting.

Melissa Aiken suggests keeping the short term standards very minimal. She spoke of the lack of Code Enforcement by the city is a big issue and nobody wants to be overregulated but they don't want undesirable businesses just coming in and out either. She spoke of how parking is a community issue and everyone is aware of it and feels the city needs to move forward with the parking garages that have been an ongoing discussion for some time now. She feels that they would help the city's economy and eliminate the strain burden of doing business responsibly.

Committee member Green asked her since she has a portable building if she was required to provide parking for her employees. She stated that she is required to provide and does provide parking for her employees.

She said if short term businesses are allowed to come in then they should be held to the same standards that the long term ones are and if they want to achieve a certain aesthetic standard it's not likely going to happen by allowing people to come in on a temporary basis of just 90-days.

Committee member Green asked her to clarify what she meant by that statement.

Ms. Aiken said that the ones that are not being upheld to the same licensing and regulation requirements that the rest are required to fulfill on a daily basis, and that is the loophole. Allowing vendors that are not local or from out-of-state to come in make their money and leave after the tourist season is over is what she meant.

Committee member Trammell stated that we need to protect our local vendors.

Committee member Best pointed out that they don't have the same commitment to the city either.

Ms. Aiken's stated that they really don't know and that is where Code Enforcement comes in to find out if they are paying sales tax, and state taxes, as well as the logistics of how they operate their business. She spoke of how food trucks are a unique and diverse business and it's going to be a challenge to determine how to regulate them.

According to the Chairman, it's the property owner's responsibility to know the rules and regulations of the City and the State and they should not allow any vendor onto their property that are not following them.

Mr. Schmidt pointed out that the parking problems that the City is experiencing on the harbor is not all the vendors fault and falls on the property owner by not adequately providing enough parking for the businesses on their property. He added that staff is on the path to make it better and spoke of how hard it is for Code Enforcement if the Codes have loop holes that don't allow them to enforce them properly.

Mr. Steve Rowe of Kona Ice spoke of how he is on a lease and is down at the harbor almost all the time and how the environment and customers has changed since he first set up 5-years ago. He spoke of how there are more families with kids. He also spoke of how he wants the money to flow to the local trucks and mentioned a truck that sat during the summer had Texas plates how he was not very happy with the fact that they took money back to Texas.

Allen French of Trees Destin spoke of how he was reading comments on Facebook and there was comments about how there is not shade and asked if they had any interest in coming up with a tree plan. He added that he's not sure if trees could be planted but is willing to help.

According to Boardmember Trammell, back when the City was negotiating with the property owners it was determined that planting trees would take away from the parking spaces and no one wanted to take away and parking and that is why there is not any.

The Chairman suggested he bring that item up again at the next meeting and to work with Mr. Schmidt on his ideas. Committee member Trammell suggested that he also meet with the property owners and find out if they would be interested in having any trees as well as finding out if there is enough room for a tree with the water table and any utilities that may be present.

Erin Petersen asked about the outcome of the parking study that was done a few years ago.

According to Mr. Schmidt, the parking study was done in 2014 by staff and how with the ever changing dynamics of the businesses in the harbor district, that by the time it was finalized, the parking had already changed. He also spoke of the challenges that staff encountered when inventorying the parking garage, they found a lot of the spaces were being used for storage.

ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 8:10 PM.

Adopted and approved this 13th day of December 2016.

Mike Buckingham, Chairman

Kimberly Montgomery, City Clerk

MINUTES
HARBOR COMMUNITY REDEVELOPMENT AGENCY
ADVISORY COMMITTEE MEETING
NOVEMBER 13, 2019 - 5:30 PM
DESTIN CITY HALL BOARDROOM

1. CALL TO ORDER:

The City Attorney called the meeting to order at 5:30 p.m. and asked for a motion for a Chairman Pro-Tem since both the Chairman and the Vice Chairman are absent.

Committee member Raim made the motion to nominate Committee member Sandy Trammell as the Chairman Pro-Tem with Committee member Jones providing the second. A roll call vote of 5-0 was taken and the motion passed.

2. PLEDGE OF ALLEGIANCE AND ROLL CALL:

HCRA-AC Members:

Present	Absent	Staff Present
Sandy Trammell	Mike Buckingham	Kim Montgomery, Deputy City Clerk
Jan Best	James Green	Traci Goodhart, Planner
Casey Jones		Louis Zunguze CD Director
Mike Raim		Kyle Bauman, City Attorney
Barbara Mizell		Joey Forgione, Code Compliance Mgr.

3. MINUTES FOR APRROVAL: September 11, 2019 Minutes

Motion by Committee member Raim, seconded by Committee member Jones the members approved the minutes as written with a 5-0 vote.

4. NEW BUSINESS:

- **Meeting Notification Discussion**

The members and staff briefly spoke of staff's timeline they will be following to obtain a quorum from the members and how they prefer to be notified by staff.

- **Livery Vessel Presentation and Recommended Action Items**

The Community Development Director introduced Traci Goodhart, the city's new Planner to the members. He then spoke of the recommendations that they made at their last meeting and staff is now asking them to review the policy changes staff created as a result of that meeting and ultimately make a recommendation to Council to direct staff to write ordinances for those changes.

Mrs. Goodhart explained to the members that Chapter 13, Section 13-144 of the Code of Ordinance is the chapter for the application and the requirements for the review process. She explained that initially, the application is forwarded to the Code Compliance Division for its initial review, it is then forwarded to the Planning Division for the parking review. She spoke of how the parking review standards are based out of Article 8.06.04, where they ensure that the correct number of parking spaces are available per person/per vessel or watercraft (1-parking space per every 4-passengers or 1-parking space per every 4-personal watercraft). The next step, is the application is then forwarded on to the Building Department to ensure it

meets the Florida Building Code Requirements. And lastly, the application is forwarded back to the Code Compliance Department so inspections of Livery Vessels can be conducted prior to the issuance of the permits. She then presented the members with the following issues and solutions:

- **Issue:** There is no submittal requirement which provides Staff with an inventory of all current and existing uses on a property.

Solution: Amend Section 13-144 of the Code of Ordinances to include as a requirement of the application, a complete list of current and existing uses on the property, the size/quantity of each use, and a notarized acknowledgment by the property owner.

Harbor CRAAC Recommendation: Inventory all existing uses on a property, not limited to livery vessels but to all other uses.

Fix: **Amend Section 13-144, Code of Ordinances to require a list of ALL current and existing uses on property to be submitted with application, to include:**

- **List of ALL seasonal, current, and existing uses on property (i.e., size and quantity)**
- **Requires notarized form of acknowledgement from property owner**

Committee member Best suggests adding the word ***"yearly"*** between ALL and seasonal to the bullet point to read, ***"List of ALL yearly to include: seasonal, current and existing uses on property (i.e., size and quantity).***

- **Issue:** There are not adequate definitions for all vessel types (i.e., charter, rental, private vessels) operating within the City of Destin. Staff requires clarification for determining parking requirements and zoning compliance.

Solution: Amend LDC to include one general definition for water vessel types; operating as a charter, livery, or private vessel.

Harbor CRAAC Recommendation: Amend LDC to include one general definition for "passenger vessel," operating as a charter, livery, or private vessel.

Fix: *Amend Article 3, LDC and Section 13-141, Code of Ordinances* to include an umbrella definition for passenger vessel to include the following:

1. ***Passenger vessel*** **- a marine vessel whose primary function is to carry passengers to and from, and can further be defined as:**

    a) ***Charter*** **– a marine vessel that is for hire; operated by a licensed Captain**

    b) ***Livery*** **– a marine vessel (i.e., pontoon or personal watercraft) that is rented by the hour or daily basis.**

    c) ***Private*** **- a marine vessel not engaged in business (business includes, but is not limited to, transportation of passengers for hire or commercial fishing).**

Committee member Best asked what category the floating bars fall under. According to the Code Compliance Manager, Joey Forgione; they would fall under the Charter category since they are considered fare carrying vessels. Committee member Best questioned whether the two floating tiki type bars that she has seen are captained by someone that actually has their license per the Coast Guard guidelines. Chairman

Pro-Tem Trammell stated that they may have just the one license that is used for all of their vessels. Mr. Forgione stated that he would check into this and report back to them with what he finds out.

Committee member Raim spoke of witnessing right after sunset in the summer months several pontoon boats being towed in from the direction of Crab Island into Joe's Bayou en masse and perhaps being parked behind residential homes every night.

According to Mr. Forgione, what he is not sure of is if these boats are being rented in the city jurisdiction or if they're just being stored. According to Committee member Raim that is correct and mentioned that none of the boats he's seen being towed in have any commercial markings on them, so he is not sure either. Mr. Forgione stated that once he can get the night shift on staff he should be able to get better intel on how to direct his harbor unit.

- **Issue:** There is not enough specificity regarding the requirement for permanent bathrooms for use by livery vessel patrons.

Solution: Amend Section 13-145(4), Code of Ordinances to require permanent Florida Building Code – Accessibility/ADA compliant restrooms. Committee member Best asked to add the word "on-site" after restroom to read, *Accessible ADA compliant restrooms onsite.*

Harbor CRAAC Recommendation: Amend Section 13-145(4) to require ADA compliant restrooms, during hours of operation per Florida Building Code.

Fix: Amend Section 13-145(4), Code of Ordinances to include a requirement for permanent restroom facilities to meet and comply with the Florida Building Code for ADA accessibility.

Chairman Pro-Tem asked for clarification that the Code still reads that the restrooms have to be within 100-feet of the waters edge and wants assurance that this amendment would not negate that rule.

Sec. 13-145. - General regulations/standards.
(4) Permanent ADA accessible restrooms and business-owned trash and recycling receptacles must be provided on the property on which the livery vessel docking location is located.

- **Issue:** The only requirement concerning the parking plan is that it must be drawn to scale and must "demonstrate compliance". There are no requirements in place which indicate what specifically should be included as a part of the parking plan that demonstrate compliance with Article 8, LDC.

Solution: Amend Section 13-144(9) to include a specific list of requirements for a submitted parking plan, such as aisle dimensions, stall dimensions, specific allotted spaces, and the uses.

Harbor CRAAC Recommendation: Amend Section 13-144(9) to a specific list of requirements on the submitted parking plan, such as aisle dimensions, stall dimensions, specific allotted spaces for uses, etc.

Fix: Amend Section 13-144(9), Code of Ordinances to include a list of requirements for submitted parking plans, drawn to scale, and submitted by property owner:

- Aisle and parking stall dimensions
- Total number of spaces provided on property

- Identify spaces used by ALL subject business on parking plan (i.e., restaurant, livery)
- Use (i.e., customer or employee parking, storage, etc.)

❖ **Issue: Parking standard requirements are not the same for ALL passenger carrying vessels (i.e., charter boats, livery, and personal watercraft).**

Solution: Amend Article 8.06.04, LDC to require the U.S. Coast Guard rated passenger capacity of 1 space per 4 passengers for all "passenger vessels"

Harbor CRAAC Recommendations:

Amend Article 8.06.04, to use the U.S. Coast Guard rated passenger capacity of 1 space per 4 passengers as the parking review standard for both livery and charter vessels. In addition, amend the LDC to require all passenger vessels have the same parking standards and require staff parking for livery vessels.

Fix: Amend Article 8.06.04, LDC to Require all passenger vessels (newly defined) have the same parking standard to match the Coast Guard rated passenger capacity of 1 space per 4 passengers.

1. Require all passenger vessels (newly defined) have the same parking standard to match the Coast Guard rated passenger capacity of 1 space per 4 passengers.

2. Require Staff parking for livery vessels

    a) 1 space per employee

According to Committee member Best, there is no reference to on or off site parking and asked if they are referencing a requirement to have onsite parking; like the bathroom facilities. Adding that the businesses should be able to rent off site spaces for their employees; if necessary.

Chairman Pro-Tem stated that it should be dedicated in the businesses parking plan submittal.

According to Mrs. Goodhart, all the applicant would need to do is to note the locations and inform Code Compliance where their employee parking is located, whether on or off site, and if off site; where it's located.

Committee member Best asked for clarification regarding the personal watercrafts that they can have four passengers for one parking space. According to Ms. Goodhart, currently that is the ruling however staff is wanting to change that parking review standard to match the US Coastguard's one space per four passengers.

Committee member Jones pointed out that on the jet ski, there should be a medallion that states how many passengers it will carry.

According to Committee member Best, the way the parking requirements read and how their comprehended does not sound the same and both she and Chairman Pro-Tem Trammell agreed that the languages needs additional work so that it reads the way it's intended; or, staff will be challenged.

In discussions the members all agreed that the Fix should be amended to read: ***"Require all passenger vessels have the same parking standard to match the Coast Guard passenger rated capacity of 1 space up to 4 passengers."***

- **Issue:** Parking Agreements that are submitted for other properties are not in a standard form, and therefore the content included, and the time periods vary from property to property. Additionally, staff has no way to determine if properties have more than one parking agreement per site.

Solution: A City form or template for parking agreements will be created, to include the number and location of parking spaces being used, and the lease term and other parking agreements.

Harbor CRAAC Recommendation: A standard template for parking agreements will be created as a City form. This will include specific required content such as other parking agreements, lease term, other conditions, etc.

Fix: City Staff will create a standardized form for parking agreements submitted by the property owner to include:

- Copies of all parking agreements on property
- Total number and location of parking spaces being used
- Lease term
- Notarized and recorded form of acknowledgement from the property owner

According to Ms. Goodhart, the parking agreement and plans is on the property owner since they are the ones that are entering the leasing agreements with others.

Committee member Best asked for clarification that what staff will do, is look at the form and compare it to what was required when the building was originally built. According to Mr. Zunguze, that is correct, and it will have to be consistent and approved by the city. Adding that the requirement for recording the acknowledgement was advised by the Land Use Attorney, Kim Kopp or otherwise the documents are meaningless.

In regards to the different businesses that are using one property for parking; Committee member Mizel asked if staff intended to list them all individually by property to make the determination how many are using the spaces. According to Mr. Zunguze, the owner has to declare how many businesses he has on his property and his dedicated parking.

Committee member Raim spoke of multiple businesses at a location and the overlapping component that comes into play and how is that going to be handled.

The Chairman Pro-Tem added that if a business is adding a new venue that requires parking, would they be under the new requirements or the old parking requirements.

According to Mr. Zunguze, there is no grandfathering anymore and the parking spaces for all the businesses would be required per the new regulations; which should be in place before this coming summer season.

- **Issue:** As part of a shared parking agreement, different businesses utilize the same space during various operating hours (i.e., day or night). Currently, the Code Compliance Department has

no way to enforce shared parking during site visits.

Solution: As part of the application process, in addition to, a parking plan and parking agreement provided by the property owner, the livery business will provide its personnel and patrons with parking passes to be displayed in vehicle.

According to Mr. Forgione, staff will conduct site inspections and if there is a car parked that does not have the proper pass; the property owner will be in violation. Committee member Best stated that she has been doing this at her business for two years now and spoke of how it works. Adding that someone will only forget to put their pass up once or park illegally after getting towed.

The Chairman Pro-Tem asked if the city has the authorization to tow a vehicle.

According to Mr. Forgione, the city does not but they do have the authority to write a Notice of Violation (NOV) and take the business owner to the Special Magistrate.

Committee member Raim asked what the fines are. According to Mr. Forgione the fines, after not coming into compliance are:

- $500.00 Administrative Fee
- $500.00 per day for the business until the business comes into compliance

Citations are:

- $50.00 per violation that go up $50 per violation with a maximum of $300.00

The Chairman Pro-Tem mentioned she sees a problem with the people that rent the pontoon boats having to walk back up to place the parking pass in their car. According to Mr. Forgione, he sees it as this would force the business owner and the property owners to self-enforce their parking lots. Adding that there may be some push back this upcoming year, but staff believes it will work out.

Fix: Livery businesses will provide a copy of the parking pass to the City as part of the livery application package.

- **Issue:** The application currently includes an "Affidavit of No Changes" that is not a notarized document. These applications go through a less stringent review.

Solution: Remove the "Affidavit of No Changes"

Harbor CRAAC Recommendation: Eliminate the "Affidavit of No Changes" for livery vessel applications, City-wide.

Fix: Amend the Livery Application form, removing the "Affidavit of No Changes." The Property Owners will be required to submit a detailed parking plan, ALL parking agreements for subject property, and a notarized form of acknowledgment for each year.

- ***Issue:*** An applicant's first stop to obtaining a livery vessel permit is a Business Tax Receipt (BTR). There is a misconception among members of the public that once you have received your BTR, the City has approved the use and business.

Solution: Concurrent application and review of BTR and livery vessel applications run concurrently.

Harbor CRAAC Recommendation: Change the review process so that a livery vessel application is reviewed for completeness in the following order:

- Code Compliance – receives application package, completeness review
- Planning – parking and BTR review
- Code Compliance - parking verification inspection
- Building – confirms proper facilities, i.e. restrooms, trash receptacles then they will issue the BTR
- Code Compliance – permit issuance and final inspection of parking plan and decal placement is in the correct location on the vessel.

Fix: Change the internal review process, as listed above. In addition to, educating operators of the proposed change.

❖ **Issue:** There is no current inventory of all existing livery vessel rental operators within the City of Destin.

Solution: A City-wide, site-by-site inspection is necessary to determine how many personal watercraft and livery vessels are operated within the City by**:**

- Physical inspections of rental locations
- Verification through the Harbor Capacity Study (to be conducted)

Harbor CRAAC Recommendation: Complete a City-wide, site-by-site inspection to determine how many personal watercraft and livery vessels are operated within the City.

Fix: A detailed inventory was conducted from May – Oct 2019:

- Yearly inventory will be conducted by code compliance
- Physical inspections of rental locations found:
    - 19 – Businesses
    - 276 – Pontoons
    - 228 – Jet skis
    - 140 – violations discovered, all brought into compliance
    - Verification through the Harbor Capacity Study
        - Pending Federal funding

Committee member Best asked why the Harbor Capacity Study is pending Federal Funding pointing out that they asked City Council to approve the study.

Mr. Zunguze reminded the members that the city partnered with the Army Corp. of Engineers. The $200k has been appropriated by the city but the other $200-$300k is still in Washington, D.C. at the Federal Level; since the study will take about $500k altogether.

Committee member Best then asked if there is going to be funds available for Mr. Forgione to increase his staff. According to Mr. Forgione, he will need to go to Council to get direction from them to increase his staff in order to have evening shifts.

Committee member Best made the motion for the Harbor CRA-AC to recommend City Council to direct staff to amend the city codes with the following 8 motions below; with the additional changes made as discussed throughout the presentation. Chairman Pro-Tem Trammell provided the

second; the motion passed with a unanimous vote of 5-0. Chairman Buckingham and Vice Chairman Green were absent.

1. ***Harbor CRAAC recommends City Council to direct Staff to amend 13-144, Code of Ordinances to require an inventory of all existing and current uses on the property as part of the livery application process.***

2. ***Harbor CRAAC recommends City Council to direct Staff to amend 13-145(4), Code of Ordinances, to include a requirement to provide accessibility/ADA compliant facilities per Florida Building Code for livery operations.***

3. ***Harbor CRAAC recommends City Council to direct Staff to amend Section 13-144(9), Code of Ordinances to include a list of all yearly uses including seasonal requirements on submitted parking plans: (a) aisle dimensions, (b) stall dimensions, (c) number of allotted spaces and the use, and to (d) require such parking plans be notarized by the property owner.***

4. ***Harbor CRAAC recommends City Council to direct Staff to amend Article 8, of the LDC to require one parking standard for all passenger vessels based on the U.S. Coast Guard rated capacity of 1 parking space per 4 passengers.***

5. ***Harbor CRAAC recommends City Council to direct Staff to create a standardized template for parking agreements, and such agreements to be notarized and recorded.***

6. ***Harbor CRAAC recommends City Council to direct Staff to include parking passes as part of the livery application package.***

7. ***Harbor CRAAC recommends City Council to direct Staff to eliminate the "Affidavit of No Change" for livery vessels.***

8. ***Harbor CRAAC recommends City Council to direct Staff to review Business Tax Receipts (BTR) simultaneously with a submitted livery application.***

Committee member Best also spoke of how they previously discussed not allowing boats, trailer, jet skis, etc. to be stored in the off winter season on Highway 98 and asked staff what's the status and do they need to make a recommendation to City Council. According to Mr. Forgione, its already in the Code of Ordinance and all of the business owners have been informed that its going to have to stop. Adding that he and his staff will be enforcing the code.

Chairman Pro-Tem Trammell asked how that affects the boat dealership on the southside Highway 98. Mrs. Witt explained that according to the site plans for the Development Order there is no dry storage of boats and all the boats will be in the water. Committee Trammell asked about Galati's. Mr. Forgione, stated they are a dedicated boat yard and all their storage is behind their building.

Mr. Zunguze spoke up and informed the members that staff would check the Development Orders and report back with their findings. There was also the question of The Ship's Chandler business and if they are in violation as well. According to Mr. Forgione, they are not actually storing boats and is not the same as what the livery vessels are doing.

Committee member Mizell asked if this includes cleaning and repairing of businesses boats.

According to Mr. Forgione, those businesses cannot put their boats in parking spaces for any reason. Committee member Mizell then asked how this would apply if there is a hurricane warning. According to Mr. Forgione, when the city is declared and under a State of Emergency; different rules will apply.

5. COMMITTEE MEMBER COMMENTS:

- Committee member Raim – Spoke of how well run the Visioning Session was recently and was well received.

- Committee member Jones – Thanked staff for the presentation and if they need anything to call him.

- Committee member Mizel stated that she learns something new at each meeting and that is a good thing.

- Chairman Pro-Tem Trammell – Attended the Visioning Session as well and spoke of the following:
  - Architectural Guidelines that the Council wanted to discuss for the CRA's
  - Continuity of streetlights; especially on Highway 98
  - Signage for the west end of the city to look at for next year
  - they don't feel they are getting the meeting minutes soon enough
    - whenever anything is discussed at their level; such as what was discussed at this meeting. Everyone on the committee should try to attend the Council meetings to answer any questions they may pose.
      - She asked for staff to let them all know when their discussed issues go to Council so they attend; if they can.

6. DIRECTOR'S REPORT: Redevelopment Conference Update:

Mr. Zunguze informed the members that he attended the Florida Redevelopment Association Conference and the topics covered were similar to Destin's regarding focusing on redevelopment since he does not perceive any annexations taking place anytime soon. He feels they need to go back and revisit their current Master Plan to look for things they can focus on that fall under redevelopment. He spoke of the Wayfinding Master Plan that has recently been finalized and presented to Senior Staff will be coming before them and the Town Center CRA soon for their input to help refine prior to going to City Council.

The Chairman Pro-Tem asked for a bullet list for them to review at their next meeting of items that need to be addressed. Mr. Zunguze agreed and would have his staff to provide them with those prior to their meeting in their packets.

Civic Clerk Agenda Packets:

Mrs. Goodhart explained the new process of how all city committees and boards will start getting their information packets via email through Civic Clerk. Adding that it is the same process City Council gets their information and each member will get their own email address to conduct all city business through to avoid any potential Sunshine Violations.

7. ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 8:15 PM.

Adopted and approved this 8th day of January 2019.

Sandy Trammell, Chairman Pro-Tem

Kim Montgomery, Deputy City Clerk

MINUTES
HARBOR COMMUNITY REDEVELOPMENT AGENCY
ADVISORY COMMITTEE MEETING
DECEMBER 14, 2016 - 5:30 PM
DESTIN CITY HALL BOARDROOM

1. CALL TO ORDER:

Chairman Buckingham called the meeting to order at 5:30 p.m. on Wednesday, December 14, 2016 in the Destin City Hall Board Room.

2. ROLL CALL:

Members Present	Member Absent	Staff Present
Mike Buckingham	James Green	Deputy City Clerk Kim Montgomery
Sandy Trammell		CRA/Development Manager Steve Schmidt
Mike Raim		
Jan Best		
Casey Jones		
Tom Case		

3. APPROVAL OF MINUTES: 10/26/2016 & November 9, 2016

10/26/2016:

Motion by Committee member Raim, seconded by Committee member Trammell the members approved the minutes as written passes 6-0.

11/9/2016:

Motion by Committee member Raim, seconded by Committee member Jones, the members approved the minutes as amended passes 6-0.

4. OLD BUSINESS:

A. Approval of 2017 Work Plans

Mr. Schmidt pointed out that he created three work plan items for the committee to work on for the 2017 year. There seemed to be some confusion whether or not the work plans for 2017 have actually been approved or not at the meeting in November.

Committee member Best pointed out that they are responsible for generating their own work plan items and any time they have items that they want addresses, they need to bring them before the CRA Board to get approval to start working on them.

Mr. Schmidt pointed out that there is no rule that stipulates that they cannot work on things that are specifically not in a work plan.

Motion to approve the 2017 work plan items as presented passed 5-1 with Committee member Trammell dissenting.

B. Discussion/Workshop for Mobile Vendors

According to Mr. Schmidt, parking and aesthetics were the main discussions at the last meeting.

Committee member Jones spoke of the industry brainstorming session that took place and how

they felt they should separate the long term from the short term units and determine how many people they actively employ in comparison to their parking needs.

The Chairman pointed out that the concern is both parking and enforcement in recognizing the parking problems.

Committee member Best suggests stickers with identifiable numbers and if someone is parked without the sticker, and with the owner of the property being responsible for their own parking, then should make them vacate their property.

According to Committee member Trammell there are two different issues:

- 3-spaces have to be available, two spaces for the truck and one for the employees and no matter where the truck goes, and they have to have those three spaces in order to be able to operate.
- The attraction of the venue and how many people they are going to serve is where the parking requirements come into play.

Mr. Schmidt pointed out that another problem that they are having right now is that they do not have outdoor seating standards in place. Pointing out that for most cases, properties have mixed uses, which the codes recognize and there are exceptions for those with the only requirement is that they have to provide a parking study that shows the daytime and evening uses don't overlap. Pointing out that there are portable building requirements in place but what the City doesn't have, because of its relative newness, is regulations that address food trucks, trailers, tents, and so forth; adding that once the rules are in place, they will apply citywide even though most will be directly related to the businesses on the harbor because of the Festive Market Place designation.

There was a discussion regarding the number of spaces required depending on the size of the truck, some may need only two but other larger trucks would need 3 plus one each for their employees.

Committee member Trammell pointed out that there will have to be an overlap of time for employees coming on to work and leaving and suggests:

1-2 active employee 1 - space
2-3 active employees – 2 - spaces
4-6 active employees – 4 - spaces

Committee member Trammell also pointed out that the actual number of spaces is not based on the vendor sitting in the room, but the property owner.

In regards to short term, the members all agreed that they feel that the business owner is not going to allow more spaces used than is necessary and it will pretty much police itself.

According to Committee member Trammell, if it's a trailer, it will need at least one extra space for the truck that pulls the trailer.

In regards to the aesthetics, they all agree that it should be up to the discretion of the property owner. However, Mr. Schmidt pointed out that unless the business is a franchise that has requirements they should have examples that need to be followed. Committee member Best suggested that since Committee member Trammell has a vested interest, have her get with the industry folks to discuss and come up with ideas and bring back to the next scheduled meeting.

Committee member Trammell suggested that what she thinks ought to be in place is only long term with the basic requirements such as no visible rust, the doors not falling off, the poles have to be wrapped, no tires laying around; something in the way or safety and security. As well as not having

people sitting at a picnic table selling beer out of a cooler either. Whatever is easily mobile adding that anyone can build a fake front to their operation easily; but agrees that there should be some kind of aesthetic standards set for down there.

According to Mr. Schmidt, the interest is to move this along because the temporary moratorium that is in place is just until March 1st. He pointed out that they don't have to make all the decisions and can advocate any part they want or just the recommendations that are important to them. He pointed out that there are several different issues: short term food trucks, long term food trucks, trailers, tents, tables, and there are a lot of things that fall under the mobile vending that they are trying to address. There was a discussion regarding how unsafe tents are with the unpredictable summertime weather and how they all agree that they should not be allowed on the harbor.

On a motion by Committee member Trammell, seconded by Committee member Raim; the members voted 4-1 that tent structures should not be allowed, with Committee member Jones abstaining from the vote and Committee member Case voting dissenting.

In discussing the requirements for both parking requirements for long and short term units, Committee member Jones read the following into the record, (as defined in 11/01/2016 CRA brainstorming session notes previously submitted):

Number of spots vendor vehicle occupies (if said spots are counted as designated parking areas)

Employee's spots are as follows:
1- active employee – 1 - spot
2-3 active employees – 2 - spots
4-6 active employees – 4 - spots

The nature of this business does not require more based on the size of trucks, i.e. a truck takes up 2 designated spots. Two employees working at the same time equals two spots.

Short term units as defined at the 11/01/2016 CRA brainstorming session (notes previously submitted):

Number of spots vendor vehicle occupies, if said spots are counted as designated parking areas.
Example: Truck takes up two designated parking spots = 2
Two employees working the same truck = N/A
Total parking spots requirements = 2 parking spots
Trailer requires additional parking for the truck that pulls the trailer = a total of 3-spots

It is the responsibility of the property owner to ensure that applicable parking spaces are available as part of the agreement process between the vendor and the property owner.

Aesthetics: All aesthetics and appearances are up to the discretion of the property owner but to keep it classy such as: No visible rust, no flat tires, no visible leaks, no falling in of roof, tires must be covered, no unsecured awnings and covering of the wheels.

The Chairman called the question.

Committee member Raim motioned the above that was read into the record by Committee member Jones.

Committee member Trammell made the motion to wait on the aesthetics at their next meeting and just do the parking.

The Chairman pointed out that he was thought she was ok with what Committee member Jones just read into the record.

With no second, her motion died.

Committee member Trammell then amended motion to add to the statement regarding agreement process between the vendor and the property owner by adding at the end: ***", and City requirements." So that it would read, "It is the responsibility of the property owner to ensure that applicable parking spaces are available as part of the agreement process between the vendor and the property owner, and City requirements.***

The motion passes 5-0 with Committee member Jones providing the second, agreeing to the amendment by Council member Trammell. Committee member Jones abstained from the vote due to a conflict of interest.

According to Committee member Best, the vendor industry further requests, and read from a white paper the following: *The CRA Advisory Committee recommends to the CRA Board and in turn to City Council that funding (including grants) be pursued for a parking structure to accommodate visitors, residents, business owners, and the community as a whole. And furthermore, we as business owners strongly encourage this to be a paid parking system that allows the City of Destin to increase their revenue streams.*

According to the Chairman, he disagrees with the paid parking statement because the parking lot is not being used enough with the exception of the Thursday evening events. Committee member Trammell pointed out that she believes they meant when there is a parking structure in place.

Mr. Schmidt informed the members that at the last City Council meeting it was approved and staff was directed to move forward with the bidding process for a pilot program for mobile paid parking providers to determine if it will be feasible and pursuable at the Marler Street Parking Lot.

5. NEW BUSINESS:

Overview of Proposed Ordinance

A. Watercraft Regulations

According to Mr. Schmidt, they were tasked with taking the watercraft regulations before Council with a report on mooring fields with opportunities and options, in an effort to try to get control of the harbor with respect to floating structures and liveaboards vessels, etc. He explained that the Florida Statutes have changed in regards to livaboard vessels where, if it can be navigated from where it's anchored; it is not considered to be livaboard. He explained that in researching he discovered that a mooring field would not serve the needs of the harbor however, he did discover that there were two options that could be pursued with the State, one being designated as a Port, which would allow for the harbor to be zoned and mapped with a Master Plan enabling more control over what is and is not allowed in the harbor as well as potentially obtaining significant funding to allow for the realignment of the navigational channel and the pass. He spoke of how Destin having the largest fishing fleet of charter boats in the State and possibly the country, as well as the impacts of tourism with sightseeing boat tours and such, and the soon-to-be-built 6-near shore snorkeling reefs is all very significant to help with Port designation. He also spoke of a possible Harbor and Waterways Port District designation that would allow the city more control of the waterways in the confines of the city limits and Council has approved and directed staff to go to the necessary departments with the State to find out the estimated cost to move forward with those options. He also informed the members that he has been working on crafting

ordinance 17-01-CC regarding watercraft regulations that will replace Chapter 5 of the Code of Ordinance and it is currently with the Land Use Attorney being reviewed for legal sufficiency. He added that this is not something that is going to happen quickly and will have to have support from the community as well.

Committee member Best commended Mr. Schmidt for the initiative and supports it completely.

On a motion by Committee member Best seconded by Committee member Trammell, the members voted 6-0 to support the initiative presented by Mr. Schmidt and draft ordinance 17-01-CC.

B. Ordinance 17-02-CC Registration of Livery Vessels

According to Mr. Schmidt, there are a few items that need to be worked out but this ordinance will change Chapter 13 of the Code of Ordinance and addresses their recommendations.

In review, Committee member Best noted that on page 4, she does not see where territory is addressed and also, under Criminal Properties, she doesn't see the revocation of business license if a business has a third offense. According to Mr. Schmidt, in the vetting process with the Land Use Attorney, they cannot revoke someone's license but they could revoke their registration. Committee member Best also asked how they planned to restrict the extra vessels if there is not going to be a medallion or sticker program as discussed. Mr. Schmidt stated that staff has discussed several options such as going out in the morning to count the vessels as well as the possibility of putting up a drone to fly over for the count. He also spoke of several other options that staff is working on to ensure compliance as well as the new enforcement requirements in the Ordinance that once implemented, will help staff on the enforcement side that they have not had in the past.

Committee member Best asked about the off season pontoon boat storage they previously addressed regarding properties along the harbor that pull out their boats and park them in business parking lots. According to Mr. Schmidt, if the property is permitted for pontoon boat rentals there is not a whole lot the city can do to restrict it. He also spoke of one business that does not provide bathrooms and once the ordinance is in place they may be out of operation if they cannot make that provision.

Committee member Trammell asked if wasn't it a change of use when a pontoon rental business is now storing the boats on the property.

Committee member Raim spoke of potential fire hazards and spoke of how access to the harbor was being blocked by the boats being stored on the property. Mr. Schmidt stated that would be up to the Destin Fire Control District to make that determination.

6. COMMITTEE MEMBER COMMENTS:

The Chairman asked about the Feasibility Study from FDOT for Highway 98 in the Harbor District. According to Mr. Schmidt, that has not be formalized and sent to the State yet and Staff is still waiting for direction from Council.

Chairman Buckingham made the motion to have the CRA Board direct staff to send a letter to FDOT requesting that they conduct a Feasibility Study on redesigning U.S. Highway 98 from Airport Road to the Marler Bridge to improve vehicle traffic flow as well as a safety study to include pedestrians, cycling, greenscapes and sidewalks. Committee member Jones provided the second and the motion passed with a 6-0 vote for approval.

- **Public Input for Vendor Trucks and Trailers**

According to Erin Petersen, she is confused as to why they were not allowed to provide input at this meeting and asked if they want their opinion or should they wait and address their concerns to the CRA Board.

The Chairman stated that he understood that Committee member Trammell would be meeting with them since she has a vested interest in the industry and bring what will be discussed to their next scheduled meeting. Ms. Petersen stated that she has some concerns regarding what they voted on earlier. The Chairman asked her to go ahead and voice her concerns.

She pointed out that if restaurants are held to square footage requirements, then why are they not held to the same requirements. Committee member Trammell explained because restaurants only have that requirement for indoor seating, something food trucks do not have. Adding that currently there is not a requirement for outdoor seating for restaurants, which is what they use. Explaining further that up to this point, restaurants were never used in the off season when the weather was cold until recently when heaters were added for outdoor decks. And with that change of the dynamic, staff is working on changing those requirements in the Code for parking.

Ms. Petersen stated that once those restaurants are held responsible to provide enough parking for their outdoor seating it will eventually affect her and other truck vending businesses. Committee member Best pointed out that she is not the responsible party, the property owner that she leases from is responsible. Ms. Petersen countered stating that it still will eventually affect her and the others.

Committee member Trammell pointed out to Ms. Petersen that depending on where she is parked, her parking requirements can be included in shared parking and there is also off-site parking allotments that are included as well.

According to Mr. Schmidt, he is familiar with the property that Ms. Petersen leases and it is one that has done a parking study and get benefits from internal capture and gets multiple uses but there is still a lot of work to do and additional meetings for public input where their concerns can be addressed.

Ms. Petersen also addressed aesthetics and how they are suggesting wheels to be covered but wheels are a part of a food truck appeal along with those that are franchised businesses, they have all kinds standards that they are required to follow that will have to be considered.

Jamie Jones 3830 Indian Trail, spoke of concern that the regulations will be retroactive to the businesses that have already been in operation. She also spoke of how the long term trailer are being brought in and dropped off so there is not an extra vehicle that has to be considered for parking. Committee member Trammell stated that they only required the extra parking for short term.

ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 7:40 PM.

Adopted and approved this 11th day of January 2017.

Mike Buckingham, Chairman

Kim Montgomery, Deputy City Clerk