

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
DECEMBER 7, 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 Prebble Ramswell
Councilmember Rodney Braden	Councilmember Skip Overdier
Councilmember Terésa Hebert	Councilmember Kevin Schmidt
Councilmember Johnny King	Councilmember Dewey Destin

Destin City Staff

City Manager Lance Johnson	City Clerk Rey Bailey
Deputy City Manager Webb Warren	Public Services Director Michael Burgess
Community Dev. Director Louis Zunguze	Grants/Project Manager Jeffrey Cozadd
Public Information Officer Catherine Card	City Engineer Donald Smith
Parks/Recreation Director Lisa Firth	City Planner Traci Goodhart
Finance Director Krystal Strickland	IT Technician James Lauria
City Land Use Attorney Kimberly Kopp (Virtual)	City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

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

AGENDA

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

1. APPROVAL OF MINUTES

A. Approval of minutes of November 16, 2020 Regular City Council Meeting

Councilmember Hebert moved for approval of minutes of November 16, 2020 Regular City Council Meeting; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

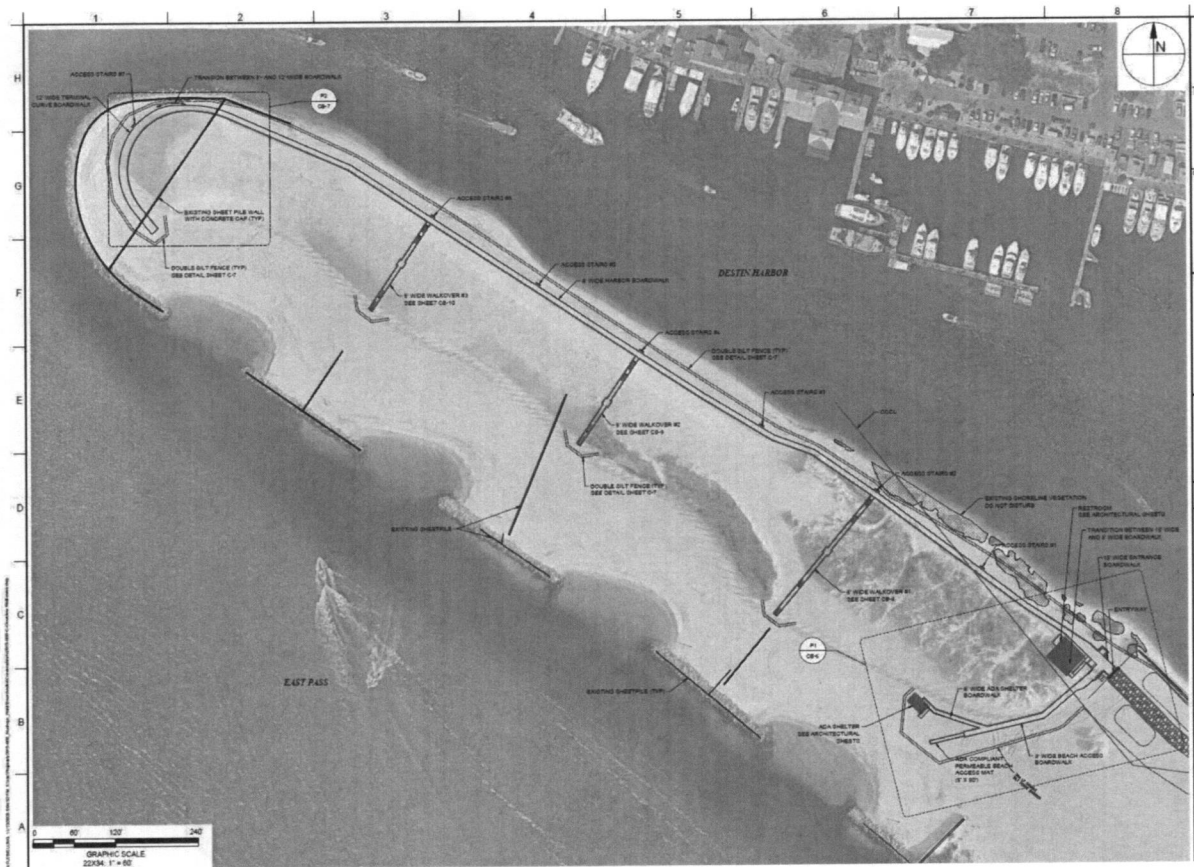
B. Approval of minutes of October 6, 2020 Special City Council Meeting

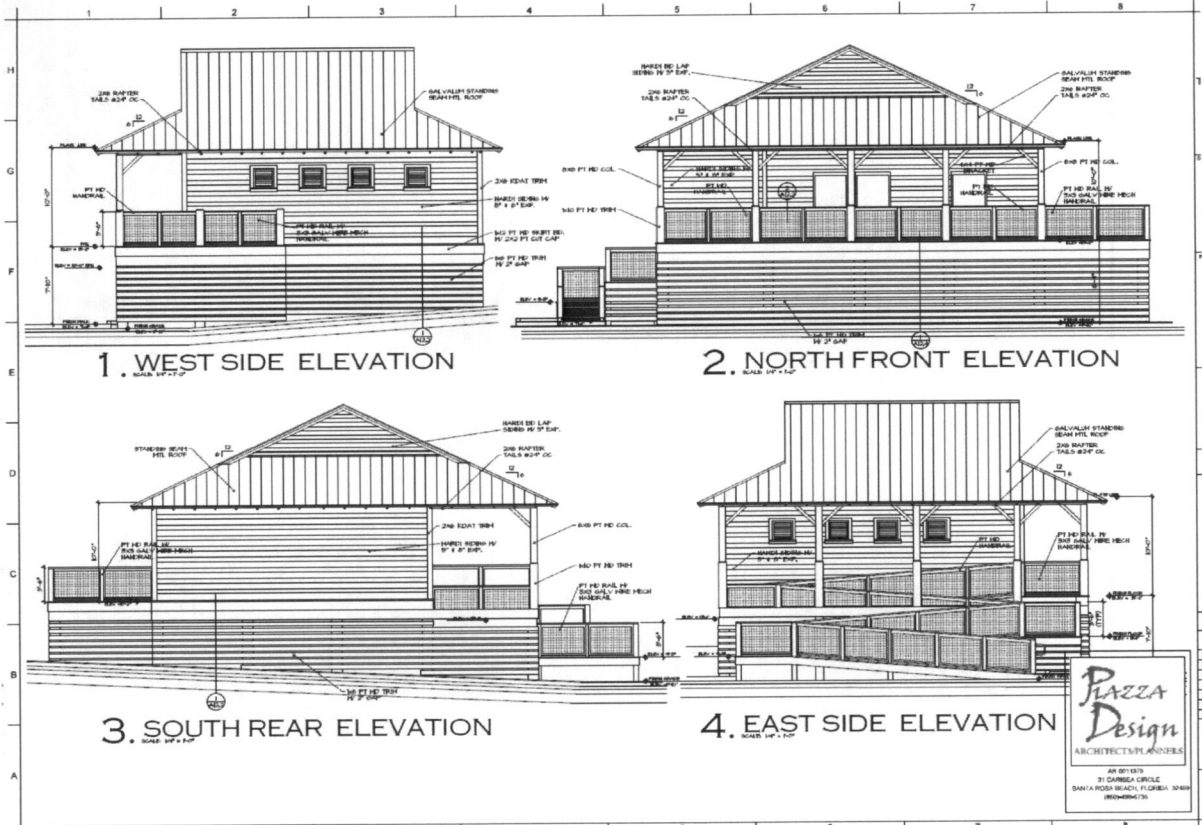
Councilmember Hebert moved for approval of minutes of October 6, 2020 Regular City Council Meeting; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

2. PROCLAMATIONS / RECOGNITIONS / SPECIAL PRESENTATIONS / ANNOUNCEMENTS

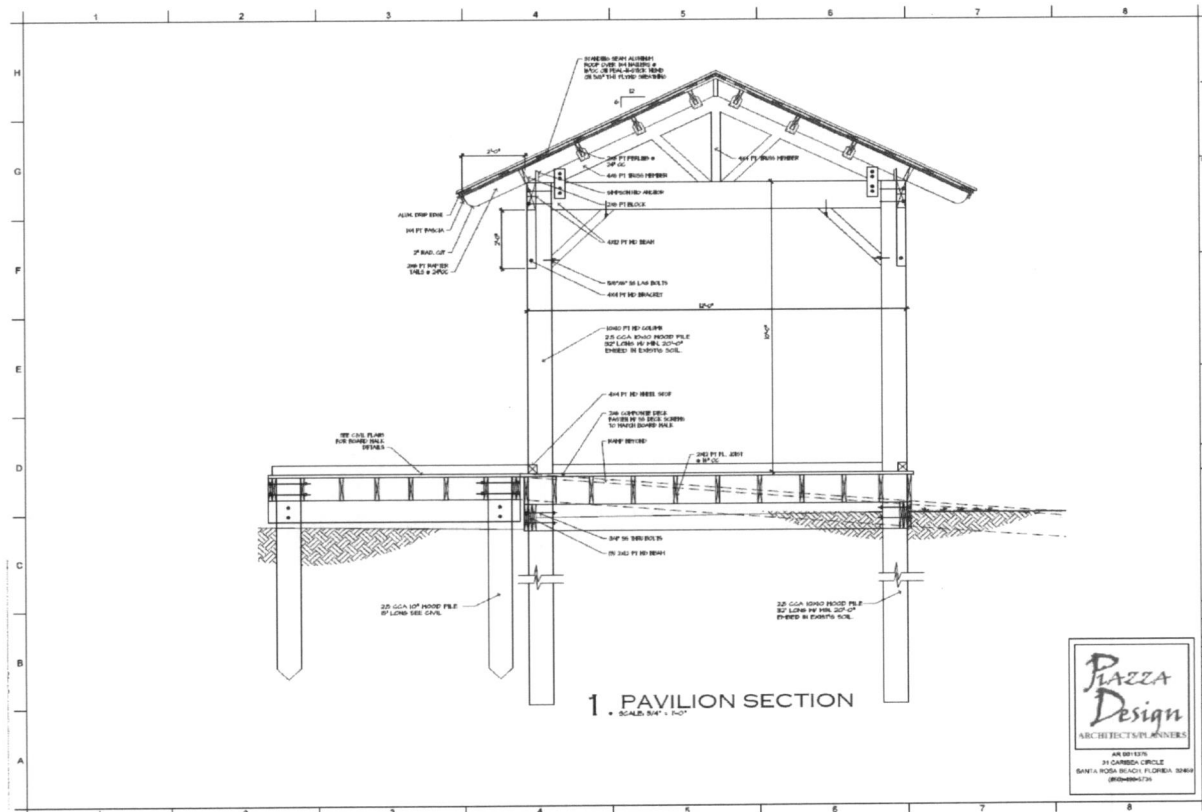
A. Norriego Point Park Phase 3 Improvements Update

Mr. Pierce Barrett from Florida Department of Environmental Protection (FDEP) and Project Manager for Norriego Point Improvement Project referred to the following slides as he provided a brief update on the phase 3 of the project:





Piazza Design
 ARCHITECTURAL PLANNERS
 AN 801575
 21 CAROLINA CIRCLE
 SANTA ROSA BEACH, FLORIDA 32480
 (904) 246-1274



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 ARCHITECTURAL PLANNERS
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 (904) 246-1274

Mr. Barrett briefly described the following ADA accessible structures of the project as shown above: the boardwalk along the harbor side all the way to the tip of Norriego Point, boardwalk access going down to the first embayment, restroom facility, the pavilion off to the north, and the three dune crossover along the point. He emphasized the importance of the Recreational phase of the project, stating that without it the project would not have become a NRDA project funded under a BP early restoration. He also noted that all permits have been received on the project. Plans and specifications will be submitted this week for review. The project will be put out to bid following a review by the City's Building Department. They expect to put the project out to bid in January 2021 and receive bid proposals by February 2021. Issuance of the Notice to Proceed is scheduled for April 2021, with the completion of the project expected around December 2021.

Councilmember Ramswell reported seeing a certified filed copy of the 95 percent plans on the FDEP website as of September 8, 2021. She stated that the plan was dated August 28, 2020 while the plan being shown tonight is dated October 2020. She asked why a plan the Council has not seen and the elements of which they have not discussed would be filed with FDEP. She also asked about the difference between the two plans besides the dates.

According to Mr. Barrett, he does not know why the 95 percent plans are filed with FDEP. He stated that the plans the Council is seeing now are not much different than what they saw at the 60 percent plan as the elements of the project have not changed. There was a change in the details of the project as the FDEP coastal unit requires they obtain the Constant Construction Control Line (CCCL) permit. He added that the date differences between the two plans may have been the condition put on the design regarding the issuance of the CCCL permit as those changes need to be added to the plans.

Councilmember Ramswell asked where the ADA accessible sidewalk begin.

Mr. Barrett explained that the way it was presented by the City several years ago, there will be an access road and sidewalk between the entrance to the park and the ending of the paved roadway that is currently in existence at the end of Norriego Point. Any construction of the roadway and sidewalk was to be funded by the City or through a developer's development order for that portion. He continued that the boardwalk which is funded by the NRDA project begins right at the entrance of the park itself. It goes to the shelter or pavilion and down towards the beach. The boardwalk that goes all the way around the harbor side of Norriego Point are all ADA accessible.

Councilmember Ramswell inquired as to the location of the handicapped parking.

According to Mr. Barrett, handicapped parking would be located in that portion of Norriego Point to be constructed by the City. There were plans that account for the actual handicapped parking spaces on that section of the roadway, but are not included in this project.

Councilmember Ramswell noted that in terms of the road and the question as to who is responsible for its construction is currently being investigated by the City's attorneys.

Councilmember Ramswell also pointed out that the property line, at least on the 95% plans presented to the FDEP, is not the property line shown on the deed or on the dedication legal description. She stated that ensuring property lines are in the proper property and parcel needs to be part of the plans. She added that the City's attorneys are also continuing to examine this issue.

Councilmember Ramswell asked which entities are listed in the CCCL permit. Mr. Barrett replied the City of Destin is the only entity listed in the CCCL permit.

Councilmember Hebert asked whether the 3 walkovers were still part of the project.

According to Mr. Barrett, their goal at this time is to build all 3 walkovers. They are included in the plans and bid documents; but, they could be presented as alternatives. If the bids come in a lot higher than anticipated, they would probably need to determine how many they could construct with the budget and additional funds they could acquire from the trustee group.

Councilmember Schmidt inquired as to the parties responsible for dealing with the erosion of the swimming swale areas on the western side of the point, which could potentially impacts the boardwalk.

Mr. Barrett explained that the embayments are designed to erode in small amount so they create a slope that dissipates the energy of the wave action. They cannot guarantee what type of storm may hit this area in the future, but with the storm action they have seen within the past two years, they do not expect these embayments to erode much more than they see them right now. He continued that the City of Destin is responsible for maintaining these embayments. Norriego Point, with the exception of a portion of it, belongs to the City of Destin.

Councilmember Braden pointed out that Mr. Matt Trammell of Taylor Engineering told them a few years ago that he had no idea how much these embayments would erode; and that it would depend on the type of storm that hits this area. He added they would need to determine how to maintain these embayments if and when that happens.

According to Councilmenber Ramswell, it was her understanding that a section of the northern tip, and quite possibly the eastern side of the point, have slightly eroded already. She wanted to know the reason for that erosion and whether it was intentional.

Mr. Barrett stated that the erosion, or outwash of sand, may have been the result of the northeastern part stabilization of the point. Some sand washed out from behind the stabilization structure; however, they do not believe it was enough to compromise the stabilization structure. He added that when they build the restroom facility and other structures, there will be some grading of sand in that area and more than enough to be used to fill the area that has washed out behind the stabilized portion of the point. There is also sand that would become available through the Corps of Engineers dredging that would take place within the next 6 to 12 months.

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

Mr. Parker Destin, a Destin resident, noted that the City has a lot in their code that promote growth, and with too intense of a growth in certain areas. A contentious development review at a previous meeting was a prime example. They had to approve a development which they thought had too much density and lacking enough parking spaces because it met the code. He continued that the code is old and needs to be updated. They will continue to have these problems unless they act immediately. If they do not like the idea of too much density, they need to regain their leverage and instruct staff to bring back a proposed ordinance that addresses units per acre in a lot of the transition areas around town. The majority of this Council believes that single family residential is the way to go. He also stated that they desperately need to overhaul the Multi-Modal Transportation District (MMTD) policies and the types of credits that are being handed out due to a system that will never work in the City of Destin.

Mr. Destin also recommends the City tries to obtain the Old Tyme Pottery property and turn it into something this community wants; perhaps, a recreational type facility that was previously discussed by this Council. Otherwise, they could find themselves being forced to approve a 500-unit apartment complex or similar development. He continued that they need a cohesive approach in trying to obtain this property, with Council instructing staff and a Council representative to approach County Commissioner Mel Ponder who would then talk to the County's Tourist Development Council. Together, they approach the Trust in Public Land or Triumph Gulf Coast for assistance in acquiring the property. He added that the School Board may eventually be asking the City for more space at the recreational facility near the Destin Elementary School as they will need to expand over the next several years now that they have the half-cent sales tax. The City could potentially be losing ballfields, and that the Old Tyme Pottery property would be a good place to start.

Attorney John Dowd, Jr., with Dowd Law Firm, speaking on behalf of the Destin Yacht Club Owners' Association, pointed out that the City's LDC and Comprehensive Plan contain a requirement in the South Harbor Mixed Use District (SHMU) for commercial component to be included in any residential structure. Currently, residential uses are prohibited in the SHMU area unless such residential area incorporates a minimum of 4500 square feet of public releasable commercial space, which creates excessive turmoil for the Association. He stated that the Yacht Club structure was developed before this requirement was enacted and even prior to the incorporation of the City of Destin. He requests amending the City's LDC, and if necessary, the Comprehensive Plan removing the 4500 sq. ft. of commercial space requirement for development.

Councilmember Destin stated that while the code requires the SHMU District to include a commercial component in any residential structure, they should reevaluate this issue and at the very least determine what type of commercial space to allow. Having a night club or a restaurant underneath a residential property could turn into a nightmarish experience for people who live there and create a bigger problem that they would need to address. He believes this rule only affects one condominium property and so any action they take would not affect any other projects. would be willing to offer a motion in this regard at the end of the public comment period.

Mr. Terry Dana, a Destin resident, expressed concern over dark sections of US Hwy 98 where there are no streetlights for 500-1000 feet, creating serious problems for motorists and pedestrians alike. There are existing streetlights that are not working. There are major developers with no streetlight in front of their property while their development orders require them to have it. He stated there is a website that provides access to every streetlight in the City and determine whether it is operable. He stated that he did an inventory of streetlights from Calhoun Avenue to Airport Road in March and learned that 18 lights were out. He addressed this issue with Public Works/Safety Committee, and that the committee promised to check into it. A recent inventory which he conducted revealed 30 streetlights are now out. He further stated this is a safety and welfare issue which this Council needs to address immediately to avoid any liability for any fatalities that may occur due to road conditions.

Councilmember Schmidt noted he was a member of the Public Works/Safety Committee and recalled the time this item was presented to the committee; and that the direction given at the time was to ask City staff, especially the Code Compliance staff, to take note of any street lights that are out as they drive around the City. He would like to address this issue further during his portion of the agenda.

Having no further comments from the public, the Mayor closed the public comments portion of the agenda.

At this time, Councilmember Destin brought back an issue which Attorney John Dowd addressed earlier regarding a code requirement for SHMU District to include commercial component in any residential structure.

Councilmember Destin moved to direct staff to work with Attorney John Dowd, who represents the Destin Yacht Club Owners' Association, and to come back with a feasible solution to the problem which Attorney Dowd has identified; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted "yes").

Mr. Matthew Trammell, a Destin resident, noted he was the engineer of record on the stabilization component of Norriego Point. They have lost some institutional knowledge since several members of City staff have left over the past few years; but he would like for everyone to know what went into that design. He stated it was a very robust T-groin system and sheet pile walls both parallel and perpendicular with the shoreline. The functions of those structures is to be pre-filled and then on an average weight condition they will reach the point of equilibrium. Erosions within the embayments will slow down. He would also like to set the record straight with regards to Councilmember Braden's comments earlier about him not having any idea what the shoreline would look like in the future when the question was asked of him. He stated that his response to that question has been taken out of context. What he meant was he cannot say definitively what the shoreline would look like two years from now without the knowledge of the coastal conditions. However, he is confident that if they do not get any major hurricanes, it would look similar to the way it looks today. He also stated that they would need to dredge the Destin Harbor entrance to the channel. It was dredged a few years ago prior to the Norriego Point stabilization project, and it was dredged every year for 3 years. The intent of the design

was when they dredge the mouth of the Destin Harbor, that sand can be cost-effectively dredged in place within the embayments.

4. CITY MANAGER REPORTS

A. United States Army Corps of Engineers/Coast Guard Station Dredging Request for Sand Placement

The City Manager informed Council that the United States Coast Guard and the United States Army Corps of Engineers (USACE) need to dredge the Coast Guard Station ship channel and basin. They would like to place beach quality dredged sand within the boundaries of Norriego Point Park with Council's approval. The placement of the sand could be between the swimming area embayments and the vegetated dune, and possibly along the eroded area. The USACE has indicated they have other possible permit options for sand placement in the east jetty/finger point area if Norriego Point Park is not available.

Councilmember Hebert moved to authorize the sand from the US Coast Guard station and channel basin dredging project to be placed within Norriego Point Park as proposed; seconded by Councilmember Schmidt.

Councilmember Destin expressed concern over the sand color not matching existing white sand on Norriego Point; adding that if they spread this sand, it would be the first thing people would notice as they go over the bridge and into Destin.

Mr. Waylon Register from the USACE, participating online, addressed Councilmember Destin's concern stating there is no real way to give a 100 percent guarantee regarding the exact color of sand until they get the sand. However, they have dredged the basin in East Pass and spread the sand on the Coast Guard Station. It was a pretty white sand and they feel this sand will be quite similar. He also stated that the alternative sand placement was not exactly in the east jetty but in the deep water in the tip of the west jetty.

Councilmember Ramswell noted that according to Florida Statute, the Inlet Management Plan, and the critically eroded beaches summary dated June 2019, sand that is dredged should be placed in the most critically eroded areas. Currently, the most critically eroded section is the inlet by the Osteen Beach access. It is followed by the Holiday Isle Gulf front, and then the area near The Crab Trap. The inlet by the Osteen Beach access has eroded back to the point where an inland parcel is now waterfront. She recommends placing the sand in this area.

Councilmember Schmidt wants to make sure the Council has the option to recommend a different spot for the placement of sand than what has been proposed to the City.

Mr. Register replied affirmatively, stating they are currently looking for a place to put the sand and they would like for the sand to go to some sort of beneficial use.

Councilmember Destin noted they usually got the sand to go back to the embayments from dredging the middle of the channel, and that they never had a problem with the color of that sand. Since according to an earlier statement, they cannot guarantee color, he would not be

comfortable placing the sand being offered on the beautiful project they have just completed on Norriego Point.

Councilmember Schmidt stated that since this Council is being given the option of where to place that sand, he recommends they entertain Councilmember Ramswell's recommendation and offer a motion in that regard.

Councilmember Ramswell made a substitute motion to authorize the placement of sand from the US Coast Guard station and channel basin dredging project to the inlet area near the Osteen Beach Access in the finger jetty. Councilmember Hebert provided a second to the motion.

Councilmember Destin noted that the City has a White Sand Ordinance that requires staff to look at the sand and determine if the sand is white enough to be used as fill material. He asked at what point in the process should staff conduct this check to make sure they are following the ordinance.

Deputy City Manager Webb Warren stated they will be coordinating with the US Coast Guard and USACE as this process moves on to make sure they are in compliance with the ordinance.

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

B. COMPASS (Energov) Update

The IT Manager Matthew Pace provided a brief implementation update on the COMPASS (Energov System). He announced that COMPASS testing and training are currently ongoing. Adjustments are being made as necessary to correct any issues or process adjustments. The additional support provided by the EnerGov team has continued to provide tremendous support to the departments. Although the City has had some setbacks due to COVID-19, all efforts are being made to get the implementation back on track by staff as well as third-party vendors. At this point, the focus is on Community Development and Code Compliance staff to continue validation and testing in anticipation of the go-live in January 2021.

C. Appointment of City Council representatives to local/regional committees

The City Clerk noted there are several area-wide committees and organizations for which the City of Destin is represented by a member of the City Council. A new Council has been seated and appointments or re-appointments to these committees and organizations will need to be made.

The City Council made the following appointments:

Local and Regional Committees	Appointees
Economic Development Council Policy Board	<u>Primary</u> – Overdier <u>Alternate</u> – Ramswell
Northwest Florida League of Cities	<u>Primary</u> – Ramswell <u>Alternate</u> – Hebert
Northwest Florida Military Sustainability Partnership	<u>Primary</u> – Jarvis <u>Alternate</u> – Ramswell
Northwest Florida Regional TPO	<u>Primary</u> – Overdier <u>Alternate</u> – Schmidt
Okaloosa-Walton Transportation Planning Organization	<u>Primary</u> – Overdier/Braden <u>Alternate</u> – Hebert
Okaloosa County League of Cities	<u>Primary</u> – Jarvis <u>Alternate</u> – Destin
Okaloosa County Public Library Cooperative	<u>Primary</u> – Braden <u>Alternate</u> – King
Okaloosa County Public Transit Cooperative	<u>Primary</u> – Overdier <u>Alternate</u> – Braden
Tourist Development Council	<u>Primary</u> – Overdier <u>Alternate</u> – Hebert
Walton/Okaloosa/Santa Rosa Regional Utility Authority (RUA)	<u>Primary</u> – Jarvis <u>Alternate</u> – Braden
West Florida Regional Planning Council	<u>Primary</u> – Overdier <u>Alternate</u> – Ramswell

D. Appointment of members to citizen volunteer committees and boards

The City Clerk explained that in conjunction with the timing of the newly seated Council, the terms of several volunteer members of boards and committees have expired. All committee members with an expired term were notified in writing and were instructed to re-submit an application if they intend to seek a re-appointment to their respective committees. According to City code, each Council member is entitled to make one nomination to each committee, and the entire Council votes to appoint the member. The term of each appointed member runs concurrently with the term of the nominating Council member.

The City Council made the following appointments to the City's boards and committees:

Board/Committee	Appointees	Nominated by:
Board of Adjustment	David Emerson	Schmidt
Parks and Recreation Committee	Leslie Schmidt Nikki Johnson Daniella Piper Sandy Trammell	Schmidt King Hebert Destin

Harbor/Waterways Board	William McKissick Casey Jones John Stephens	Hebert King Destin
Harbor CRA Advisory Committee	Mike Buckingham Capt. Jim Green III Sandy Trammell Ian Blaise	Destin King Hebert Schmidt
Local Planning Agency	Jim Wood Marcie Bell Karen Drexler	Destin Hebert King
Public Works/Safety	Anthony Ramswell Richard Hickey Shirley Perman Marcie Bell	Schmidt Hebert Destin King
Town Center CRA Advisory Committee	Lockwood Wernet Michel Sandstead Delores Morrell	Overdier Hebert Destin

- E. Council factfinding representative to Gulf Power for new franchise agreement and undergrounding of utilities

The City Manager noted that the City is currently working with Gulf Power in matters relating to a new electric franchise agreement and undergrounding of its utilities. The Council previously delegated fact-finding authority on these matters to Councilmember Parker Destin, who would then report his findings to the council.

Motion by Councilmember Hebert, seconded by Councilmember Ramswell, to delegate fact-finding authority on matters relating to the Gulf Power franchise agreement and utility undergrounding project to Councilmember Dewey Destin passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted "yes").

- F. Announcements

- 1) FY2021 Visioning Session

The City Manager announced the upcoming Council visioning session is tentatively planned for mid/late January 2021, pending consensus from the Council.

It was the consensus of the Council to schedule the Council Visioning Session in mid/late January 2021 and to have Mr. Buzz Eddy as the lead facilitator.

Staff will bring back proposed dates for the session.

Councilmember Braden recommends each department head bring in their priority list of projects and ideas for Council to consider for the next budget cycle.

5. PUBLIC HEARINGS

- A. First reading of Ordinance 20-18-LC – Amending Article 3 "Definitions" and Article 8 of the Land Development Code to prohibit motorized scooter rental businesses, offices, and other related land uses within the City of Destin

The City Attorney read proposed Ordinance 20-18-LC by title, and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING ARTICLE 3 "DEFINITIONS" OF THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 8 OF THE LAND DEVELOPMENT CODE TO PROHIBIT MOTORIZED SCOOTER RENTAL BUSINESSES, OFFICES, AND OTHER RELATED LAND USES WITHIN THE CITY OF DESTIN;; 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.

Ms. Marcie Bell, a Destin resident, noted she had already seen several such vehicles going up and down Holiday Isle. She expressed concern over the safety of the riders of these vehicles.

Councilmember Schmidt stated that this issue went before the Local Planning Agency when he was still a member of that committee. According to City staff, these scooters are street legal and could legally be driven on US Hwy 98. Though they can prohibit scooter rentals in the City of Destin, they cannot stop Walton County and other places not within the jurisdiction of the City of Destin from doing so.

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 Hebert moved for approval of proposed Ordinance 20-18-LC on first reading and direct the City Clerk to advertise it for second reading; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted "yes").

- B. First reading of Ordinance 20-31-CN – Amending Article VII "General Provisions" of the City Charter to create a new section prohibiting the conveyance, sale, lease or other transfer of interest of City parks without a super majority vote of the City Council; providing for a referendum on the charter amendment, providing for a ballot question for a vote at the March 9, 2020 Special Election

The City Attorney read proposed Ordinance 20-31-CN by title, and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING ARTICLE VII "GENERAL PROVISIONS" OF THE CITY CHARTER TO CREATE A NEW SECTION PROHIBITING THE CONVEYANCE, SALE, LEASE OR OTHER TRANSFER OF INTEREST OF CITY PARKS; PROVIDING FOR A REFERENDUM ON THE CHARTER AMENDMENT; PROVIDING FOR A BALLOT QUESTION; PROVIDING FOR A VOTE AT THE MARCH 9, 2021 SPECIAL ELECTION ON WHETHER TO PROHIBIT THE CONVEYANCE, SALE, LEASE OR OTHER TRANSFER OF INTEREST OF CITY PARKS, SUBJECT TO CERTAIN EXCEPTIONS AS PROVIDED IN THE CHARTER; PROVIDING FOR COORDINATION WITH THE SUPERVISOR OF ELECTIONS; PROVIDING FOR CONFLICTS; SEVERABILITY; AND 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 their discussion and consideration.

Motion by Councilmember Braden, seconded by Councilmember Ramswell, to approve proposed Ordinance 20-31-CN on first reading and direct staff to advertise it for second reading passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted "yes").

C. First reading of Ordinance 20-32-CC – Amending the Code of Ordinances, Article II of Chapter 9.5, Parking Regulations.

The City Attorney read proposed Ordinance 20-32-CC by title, and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO PARKING FINES; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT TO ARTICLE II OF CHAPTER 19.5, PARKING REGULATIONS, 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 their discussion and consideration.

Councilmember Overdier moved to approve proposed changes to Code of Ordinances Section 19.5-56 – raising the penalty for parking violations and for nonpayment from \$30.00 to \$100.00; seconded by Councilmember Ramswell.

Councilmember Destin feels \$30.00 to \$100.00 is quite a dramatic increase, especially when places where parking is prohibited seems very confusing in Destin. For instance, there are "no parking" signs posted all around the school, but people park everywhere when these is a school function and no parking tickets are written. It would not be fare for someone to suddenly decides to issue a parking ticket and charge someone \$100.00.

Councilmember Destin offered a substitute motion to raise the penalty for parking violations and for nonpayment from \$30.00 to \$50.00; seconded by Councilmember Hebert.

Councilmember Overdier noted that the recommendation to raise the penalty to \$100.00 came from the Short-Term Rental Task Force because a \$30.00 fine seemed too miniscule and is ignored. They feel \$100.00 fine would get people's attention. However, he would support incorporating staggered amounts of fines for repeat violations and if a citation is ignored.

Councilmember Destin asked what happens to the parking ticket issued by a Code Compliance Officer rather than a Sheriff's deputy.

According to the Land Use Attorney, when someone fails to pay the citation written by a Code Compliance Officer, the City would need to go to court to get paid. Issuing a Notice of Violation is when they can put a lien on someone's property by going before the Special Magistrate hearing process, however, they do not go this route for a parking citation.

Councilmember Schmidt asked how they could determine the severity of a parking violation on which to base the amount of fines.

The Land Use Attorney recommends that fines be based on the frequency of the violations and employing the staggered amounts of fines for first, second, third and subsequent violations to remove the subjective element. Furthermore, they could include a language in the code that if they receive over 3 parking citations, for instance, a Notice of Violations will be issued, and the case would then go through the Special Magistrate process.

Councilmember Schmidt would support a progression of \$50, \$75, \$100 and a Notice of Violation for subsequent parking citations.

Councilmember Ramswell asked if they were still towing vehicles.

According to the Land Use Attorney, they are still doing the towing of cars when there is a sign that authorizes towing. The citation for parking can be done anywhere where parking is prohibited.

Councilmember Destin modified his substitute motion to raise the penalty for parking violations and for nonpayment incorporating the staggered amounts of fines for first and subsequent parking violations to \$50, \$75 and \$100; seconded by Councilmember Hebert.

Councilmember Schmidt asked at what point should they implement the issuance of a Notice of Violation.

The Land Use Attorney announced that proposed Ordinance 20-32-CC will go back to first reading due to the substantial amount of changes that have been made to the ordinance, and so they will have the option of adding that language then.

Councilmember Destin stated he would leave the motion as is with the graduated fines and allow the Land Use Attorney to look into this issue further; and then add any appropriate language when it comes back for first reading again.

Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

- D. THE OAKS AT OLD TOWN MAJOR DEVELOPMENT ORDER (DO-21-O4) & MAJOR SUBDIVISION (19-19-SP & 2031MS).** The applicant is requesting a Major Development Order and Major Subdivision plat approval. The project is located at 140 Sibert Avenue (Parcel ID: 002S220310000D3850). The property is 1.59 acres and will consist of 19 long-term residential townhome units with a common pool, along with the associated infrastructure and platting

The City Attorney sworn in the following individuals for testimony:

Traci Goodhart – City of Destin Planner
Tim Sheppard – Authorized Agent for the Property Owner
Ross Binkley – Engineer of Record for the Project

The City Attorney asked if any member of the City Council had any ex-parté communications on this matter. Having none, the City Attorney turned the matter over to City staff .

Ms. Traci Goodhart, City Planner, introduced the project. She stated that the property has a Future Land Use Map designation of Residential, Office, Institutional (ROI) and a zoning designation of ROI – Village Residential (ROI-VR) . Upon completion of the technical review, City staff has determined that the project meets or exceeds the Comprehensive Plan requirements for major development and major subdivision.

Councilmember Overdier noted that the project is located south of the Destin Library. There is a house next to the library and then a wooded parcel which is the development itself. On the south side of that parcel is another house. He asked if the development will be in the middle of the two existing properties.

Mr. Tim Sheppard, the authorized agent for the owner of the property, noted there are actually two parcels between the wooded parcel and the library. The aerial maps show some dilapidated buildings that did not exist when the property owner bought the property in March 2019. There has not been any clearing done and nothing has been removed. The other property to the south of the wooded parcel is not part of the proposed development.

Councilmember Destin stated that the proposed development appears to meet the code as staff has indicated. However, this project will consist of 19 long-term residential townhome units on a 1.59-acre piece of property. It goes back to the issue they have previously discussed. If they continue to approve this type of development, they will completely overrun their capacities to have roads and all the other infrastructures. He continued that they are still

suffering under the Multi-Modal Transportation concept as this project only provides two parking spaces per unit. He asked how many bedrooms there are per unit.

Mr. Ross Binkley the Engineer of Record for the project stated that 3-bedroom units are being proposed.

Councilmember Destin stated that if all units are fully utilized, there would not be enough parking spaces; however, since this project appears to meet the code, they would be hard-pressed to disapprove it. He added they need to expeditiously try to find a solution to this problem. He will address this issue further and offer a motion directing City staff to do just that later in the meeting.

Councilmember Braden asked whether the problem they are having is LDC related, and whether the LDC is still up to date with regards to density and parking matters.

Community Development Director Louis Zunguze stated that it is an LDC issue, and that it is one issue they really must look at and address. In addition, the fact that they now have a much more robust comprehensive plan as far as density areas are concern, they really need to revisit all the density calculations they have in all the districts currently in the City. He added that this process is currently on-going, and they will provide a product for Council to consider early next year.

Councilmember Ramswell asked staff to address the compatibility issue and how this development blends in with the surrounding properties.

Mr. Zunguze explained that the issue of compatibility does not apply in this case because it is a permitted use and it meets all the current code requirements. He added they are required to look at compatibility on a proposed development that is a conditional use.

Councilmember Hebert asked what type of trees are being removed and what type of trees are being brought in as replacement.

According to Ms. Goodhart, the City's code requirements are to establish 32 if 2 ½ diameter, non-invasive trees species, such as Live Oaks, Crepe Myrtles, and Magnolia Trees.

Councilmember Schmidt asked that with the comprehensive plan being adjusted during the past few years with previous Council, whether there have been changes to the density.

Mr. Zunguze noted that the density has been lowered within the comprehensive plan, but it has not been lowered within the LDC; which is the task current staff is about to undertake.

At this time, the Mayor asked if any member of the public wishes to provide a comment for or against the proposed development. Having none, the Major closed the public hearing portion of this proceeding and turned the matter over to the City Council for further discussion and consideration.

Councilmember Hebert moved to approve the Oaks of Old Town, a Major Development Order and Major Subdivision; seconded by Councilmember Overdier. Motion passed 6-1 (Council members Schmidt, King, Hebert, Overdier, Destin, and Ramswell voted “yes”; Councilmember Braden voted “no”).

E. THE SUMMERFELL MAJOR DEVELOPMENT ORDER (DO-21-05) & MAJOR SUBDIVISION (20-11-SP & 20-30-MS).

The City Attorney sworn in the following individuals for testimony:

Traci Goodhart – City of Destin Planner
Tim Sheppard – Authorized Agent for the Property Owner
Ross Binkley – Engineer of Record for the Project

The City Attorney asked if any member of the City Council had any ex-parté communications on this matter. Having none, the City Attorney turned the matter over to City staff .

The Land Use Attorney requested that the staff report with all its exhibits be entered into the record as Staff Exhibit A. Seeing there are no objections from the applicant, above documents were entered into the record as Staff Exhibit A.

Ms. Traci Goodhart noted that the applicant is requesting a Planned Unit Development (PUD) and Major Subdivision plat approval. The property is approximately 1.65 acres and will consist of 3 single-family and 8 long-term residential duplex units. The property has a Future Land Use Map designation of Low Density Residential (LDR) and Medium Density Residential (MDR), due to the project being located within two different zoning districts. The applicant is also requesting a PUD deviation to allow the existing sidewalk along Legion Drive to remain 4’ wide, instead of implementing the 10’ wide sidewalk per the MMTD policy. Since a complete 4’ wide pedestrian network currently exists along both sides of Legion Drive, staff feels the request does not pose any negative risk to the public health, safety, or welfare. The project, however, proposes constructing a 10’ wide sidewalk along Benning Drive in accordance with the MMTD standards. Staff finds the project consistent with the comprehensive plan requirements.

Councilmember Destin asked staff to explain the Planned Unit Development requirements for the benefit of the new members of the Council.

According to Mr. Zunguze, Planned Unit Developments are typically based on 3 major criteria. One is public safety. If the standard is deemed counter-productive to public safety, it is a reason to deviate from it. The second is environmental concern. The particular area could be wetlands or things of that nature, and so it would be up for consideration. The third aspect is flexibility in terms of design.

Councilmember Destin stated that the applicant’s request for a waiver on the sidewalk from 10’ feet to 4’ wide on Legion Drive seems reasonable; however, if any of the people on that road redeveloped or rebuilt their home, he wants to know what type of sidewalk would they be required to put in.

Mr. Zunguze replied they would need to abide by the prevailing conditions at the time the work is undertaken; adding that if is done now, it would require a 10' wide sidewalk.

Councilmember Schmidt noted the design shows a big empty space located in front of the duplexes. He asked if that parcel is a future site for more duplexes.

Mr. Binkley stated that the lot located in front of the development is going to stay vacant, adding that once the plat is created for this development, he does not think that lot can be further developed.

Councilmember Schmidt asked staff if there could be further development on that particular lot; and if so, what is involved in the process.

Mr. Zunguze stated he cannot really speak on a hypothetical situation until they see a plan; however, it would depend on the timeline involved with the application and the process in place during that period.

Mr. Tim Sheppard, Authorized Agent for the Property Owner, stated that the currently density would not allow building more units; adding that once this development is platted, there is no access to this property.

Councilmember Destin asked if, in return for the PUD deviation, the City could include a stipulation that no further construction on the site be part of the PUD negotiations; to which the Land Use Attorney replied affirmatively.

Councilmember Destin moved to approve the Planned Unit Development and Major Subdivision identified as "Summerfell at Old Town" and the associated Land Development Code deviation with a condition that there will be no further construction on site. Councilmember Overdier provided a second to the motion.

According to Councilmember Hebert, there is a note that says no site lighting is proposed for this development. She asked what that note means.

Mr. Binkley explained that they are not proposing a new street, which is usually when site lighting is required by the City. On the landscaping plan, the City has a requirement for trees and pedestrian scaled lighting along the sidewalk on Benning Drive, which is the only lighting they are proposing. They are not proposing any streetlights on Benning Drive or Legion Drive.

Councilmember Ramswell pointed out that the map is showing an ingress/egress on the southern border of the property, and another one coming off Anna Street, which could be used as an access road in the future.

Mr. Binkley noted that right-of-way is located further south, and there is a piece of vacant property between this development and that right-of-way.

According to Mr. Sheppard, if they could have gotten an access in from Anna Street, they could probably have gotten more units. But there is no other access to that property. They are also agreeing not to develop that portion anyway.

The City Attorney announced for the record that the applicant is agreeing to the motion being proposed at this time.

At this time, the Mayor opened a public hearing to receive comments for or against the proposed development. Having none, the Mayor closed the public hearing portion of the proceeding and called for a vote on the motion.

Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted "yes").

6. CONSENT AGENDA

- A. Interlocal Agreement with the Destin Fire Control District for Beach Safety Services and Lifeguard Services
- B. Amendment 1 to the contract between the City of Destin and UWF's Haas Center for the *Impact Analysis of Destin's Tourism Industry Project*
- C. Zerbe St Calhoun Ave Pedestrian Improvements Phase I authorization of City Manager to negotiate and enter into a Contract
- D. Community Development Document Scanning Adjustment
- E. Committee & Board Minutes

Councilmember Schmidt requests Consent Agenda item 6C be pulled for further discussion.

Motion by Councilmember Hebert, seconded by Councilmember Destin, to pull Consent Agenda item 6C for further discussion, and passed Consent Agenda items 6A, 6B, 6D, and 6E, as printed above, passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted "yes").

Councilmember Schmidt noted that under Consent Agenda item 6C above, the J. Miller Construction bid shows 3 different sods – Bermuda, St. Augustine and Centipede – being installed for this one particular project. He asked if there was a specific reason to install 3 different types of sod for this project.

Public Services Director Michael Burgess explained this is a multi-modal type project. The bid list that was provided to the proposers included all 3 types of sod. The recommended motion that was provided that was provided at the bottom of the agenda item allows the City Manager latitude to negotiate, and one of the issues they would discuss with the contractor is uniformity in turf. The negotiation would include which turf to use.

Councilmember Schmidt moved to authorize the City Manager to execute a contract with J. Miller Construction for the construction of the Zerbe Street-Calhoun Avenue Pedestrian Improvements, consistent with the scope of work identified in RFB 20-14-PS, in an amount not to exceed \$683,677. Councilmember Ramswell provided a second to the motion, which passes 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted "yes").

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

A. Councilmember Braden

Councilmember Braden commented that though they appreciate staff's efforts to place Holiday lighting on US Hwy 98, many of the citizens have opined that the lights looked quite unimpressive. He asked staff to do what is necessary to improve upon it next year.

Councilmember Braden asked for an update on the Airport Road curve.

Mr. Burgess stated that Mr. Jimmy Smith, the project manager with Ceteris, an engineering and construction services company, informed him that the plans are currently in the construction office at District 3. Start date for construction has not been provided.

Councilmember Braden requests status of the proposed 3-way stop signs at Main Street and Kelly Street.

Mr. Zunguze stated they would bring back a full report and recommendations at the next City Council meeting; adding that Dewberry Engineering Co. is conducting the study.

Councilmember Braden asked when the complaint process be provided to the City Council.

According to the City Attorney, Mr. Larkin, the City's Labor Attorney is currently adding the Whistleblower elements to this document. He will contact Mr. Larkin and provide an update to the City Council soon as possible.

Councilmember Braden inquired as to the status of the landscape redesign for US Hwy 98.

Mr. Burgess will contact FDOT to find out where they are in the process and provide an update to the City Council as soon as possible.

B. Councilmember Ramswell

Councilmember Ramswell announced that the Destin High School project is moving forward at a very rapid phase. They are currently under contract and were scheduled to close by the end of December this year. However, the finance company wanted all the permits in place before they close the contract, and so closing is now scheduled early to late January 2021. The

County has agreed to issue the bonds for the project, and they have also hired a school principal. There will be a press release issued within the next few days that would provide more information on this subject.

C. Councilmember Destin

According to Councilmember Destin, there was another near fatal accident involving a bicycle and a car on Calhoun Avenue a couple of weeks ago. A number of citizens contacted him expressing concern about the vehicular speed on that road. They need to find ways to slow down traffic on this road, and installation of speed bumps may be a permanent solution to that problem.

Councilmember Destin moved to instruct the City Manager to direct the City Engineer to look at speed bumps as a permanent solution to slowing down traffic at Kelly/Main intersection as well as on Calhoun Avenue; seconded by Councilmember Hebert. Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

Next, Councilmember Destin stated that based on their previous conversations, they recognize they have a problem with the Multi-Modal Transportation District process, and they need to act quickly and come up with some solutions to the issues they have identified.

Councilmember Destin moved to instruct the City Manager to direct staff to come up with some proposed solutions to the problems that have been identified with the Multi-Modal Transportation District (MMTD) process within the next 60 days; seconded by Councilmember Hebert. Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

D. Councilmember Overdier

1) Destin Christmas Parade

Councilmember Overdier stated that based on the daily updates they receive, the COVID-19 cases are increasing. Niceville and Navarre had already cancelled their Christmas Parade. He received mixed emotions when talking to the County Commissioners about this issue. Some of them are very adamant that they should not have any gatherings, such as a parade, anywhere during this time of crisis. He also stated that in talking to the Parks and Recreation Director, he learned that parade participants are now down from the typical 100 to 30, and parade volunteers from 20 to 7. He added that one of the Council’s main responsibilities is to provide for the health, safety and security for the citizens of Destin, having this parade is not meeting those needs.

Councilmember Overdier moved to cancel the Destin Christmas Parade; seconded by Councilmember Hebert.

Councilmember Schmidt stated that though this is a fragile time for everyone due to the pandemic, the health and well beings of the citizens are subject to different interpretations.

Mental health of the citizens is also quite important. A Christmas Parade to celebrate Christmas is quite important to a lot of them. Having less participants to the parade is actually an advantage. There are other cities, such as Fort Walton Beach, that are holding a Christmas Parade.

Councilmember Hebert stated that people's anxiety is high at this time, and people are not sure whether they want to be around other people. But they also want to find something exciting and fun to do. Holding this parade may be counter-productive on the safety side of what they should do for their citizens. .

Councilmember Braden noted that in talking to several people about the Christmas Parade, many were for it and only one against it so far.

The Mayor stated that according to some reports, outside dining is fine based on science. Based on that, there is no reason not to hold an outside event such as the Christmas Parade. Specially, if it is a smaller parade with less participants as it allows for more social distancing. He added they should leave it up to each individual whether they want to attend the parade.

Councilmember Ramswell stated that her concern is not exactly with the participants in the parade but with all the little kids and families all clustered together trying to grab the candies being thrown at the parade. She is in favor of cancelling it, but she wishes there are other alternatives such as a drive-thru Christmas Parade or planning something around New Year's Eve.

Councilmember Schmidt mentioned that with all the people he has talked to about the Christmas Parade, all were for it and none against it so far. He added that those who have planned to participate in the parade may have already spent some money preparing for it.

The Mayor called for a vote on the motion which failed 3-4 (Council members Overdier, Destin, and Ramswell voted "yes"; Council members Schmidt, King, Hebert, and Braden voted "no").

E. Councilmember Hebert

Councilmember Hebert addressed an earlier comment about the Holiday lighting on US Hwy 98. She stated that a member of City staff opined that the reason they did not have a beautiful Holiday lighting on U.S. Hwy 98 was because they do not have a lot of receptacles to plug in for electricity.

Councilmember Ramswell asked City staff to follow up with Gulf Power about allowing the City to place things such as banners and Christmas decorations on their poles; to which Gulf Power had supposedly agreed.

Councilmember Hebert complimented the City's Parks and Recreation staff for putting together the Drive-Thru Christmas Tree Lighting event; adding that many people have expressed their appreciations and were very impressed with the event.

- F. Councilmember King
- G. Councilmember Schmidt

Councilmember Schmidt asked City staff to follow up on the lighting issues on US Hwy 98; a concern expressed earlier by a citizen.

Mr. Burgess noted that the citizen who spoke about this issue earlier also attended a Public Works/Safety Committee meeting back in March this year and relayed those same concerns. He stated that this year, a member of City staff had driven around town, either at night or very early in the morning, on a quarterly basis and documented every streetlight that was out. They accessed the Gulf Power portal and reported their findings. The initial inventory was 110 lights being out City wide, and the latest inventory showed that number going down to 75. He noted that they monitor the progress through the City's streetlight inventory program created by the City's GIS Manager; adding that the City has over 1400 streetlights in its inventory. He also stated that members of the public can use the City's Help Desk to report streetlights that are out, and City staff will in turn provide that information to Gulf Power.

Councilmember Destin will discuss this issue with Gulf Power, to include the possibility of obtaining a refund for some of the maintenance fee they are paying Gulf Power to maintain the streetlights.

- H. Mayor Gary Jarvis
- I. Land Use Attorney

According to the Land Use Attorney, the City of Bradenton Beach is planning to send proposed changes to the law regarding derelict vessels to the legislature and trying to lobby for stronger protection against derelict vessels. She asks for Council's direction before responding to the City of Bradenton Beach attorney. She stated that if Council is interested, she could gather some information on the exact details of the proposal and bring that information back at another Council meeting for review.

It was the consensus of the Council to have the Land Use Attorney gather some information on what the City of Bradenton Beach is planning to send to the Legislature opposing changes on the law on derelict vessels and lobbying for some stronger protection against derelict vessels.

- J. City Attorney

- 1) Request to schedule an executive session pursuant to section 286.011(8), *Florida Statutes*, in the case of *Carolyn L. Bourland v. City of Destin, Florida, et al.*, Case Number 2019 CA 002769, in the Circuit Court of the First Judicial Circuit, in and for Okaloosa County, Florida.

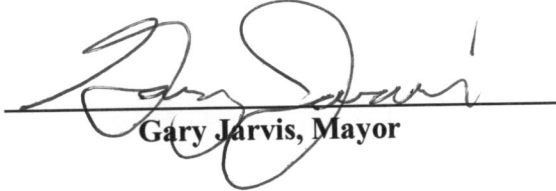
Motion by Councilmember Ramswell, seconded by Councilmember Hebert, to schedule an executive session on Monday, December 21, 2020, at 5:30 p.m. passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted "yes").

8. PUBLIC COMMENTS

Ms. Marcie Bell announced there have been two virtual meetings initiated by the National Park Service in referenced to Crab Island, in which she participated. She stated that a decision will be made around March 2021 whether to allow any commercial activity on Crab Island at all. She expressed concern as to where it could take place if they prohibit commercial activity on Crab Island this coming season, and the safety issue it might create. She continued that one such place is the inlet area near the finger jetty where the Council proposes to place the dredged sand to USACE. Commercial activity is already taking place in that area, as she previously reported to Council.

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 10:15 PM.



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk

