

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
APRIL 19, 2021
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 Skip Overdier

Councilmember Rodney Braden

Councilmember Johnny King

Councilmember Terésa Hebert

Councilmember Prebble Ramswell

Councilmember Kevin Schmidt

Councilmember Dewey Destin

Destin City Staff

Deputy City Manager Webb Warren

Code Compliance Manager Joey Forgione

City Engineer Donald Smith

Finance Director Krystal Strickland

Grants/Project Manager Jeffrey Cozadd

HR Manager Nichole DeVito

City Land Use Attorney Kimberly Kopp (Virtual)

City Clerk Rey Bailey

Public Services Director Michael Burgess

Parks/Recreation Director Lisa Firth

Planner Daniel Butler

IT Specialist James Lauria

Building Official Noelle Bell

City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

The Mayor called the meeting to order at 6:00 pm. Pastor Kevin Wendt gave the invocation, which was then followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Motion by Councilmember Hebert, seconded by Councilmember Overdier, 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 March 1, 2021 Regular City Council Meeting

Councilmember King moved for approval of minutes of March 1, 2021 Regular City Council meeting; seconded by Councilmember Hebert. Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

2. PROCLAMATIONS / RECOGNITION / SPECIAL PRESENTATIONS / ANNOUNCEMENTS

A) Proclamation - Arbor Day Celebration

The Mayor read the Proclamation designating April 29, 2021 as *Arbor Day* in the City of Destin and then presented it to the members of the Parks and Recreation Committee.

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, provided an update on the progress at the Capt. Royal Melvin Heritage Park construction. He stated there was a big concrete pour for the foundation of the building a week ago. There were some concerns over the material and so they had it tested. The test came back negative, which means the material has failed to meet the requirements. He continued that the soil was good but too much water has been added to the material. He also stated he has provided an update to the contractor who will then come back with some idea on how they could solve this problem and move forward.

The City Attorney noted there are procedures in the contract to address this type of scenario; and since there is work which is not up to specifications of the engineer of record, the engineer of record, city staff, city engineer and all concerns will come together and determine the appropriate course of action.

Ms. Michelle Melancon, a Destin resident, reported that a “No Trespassing” sign suddenly appeared a week ago at the end of the pathway to the beach on Gulf Winds Court. No one seems to know the origin of this sign. She continued that the US Army Corp of Engineers (USACE) controls this area, and no one other than USACE has the right to place that sign. She asked the City to investigate.

The Council asked the Code Compliance Department to investigate this matter and report their findings to Council via email.

4. CITY MANAGER REPORTS

A) Capital Project Status

Finance Director Krystal Strickland presented a summary of the current capital improvements projects, showing status and year-to-date expenditures and encumbrances.

B) Operations Financial Report

Ms. Strickland presented the year-to-date budget versus actuals for the General Fund and the two community redevelopment areas.

Councilmember Hebert inquired whether there would be any additional expenses related to the delay of GoLive date for the COMPASS/Energov System.

Ms. Strickland pointed out that none of the contracts has any added expenses, and she knows nothing about any additional expenses related to the delay.

C) Destin High School Request to Transfer Water and Sewer ERU Credits

The City Attorney explained that the development of the Destin High School is ongoing and will ultimately result in an increased impact on the water and sewer system run by Destin Water Users, Inc. To mitigate this increased impact, DWU will require the payment of impact fees. Impact fees are charged and calculated based upon an Equivalent Residential Unit (ERU) credits. Through acquisition of various parcels over the preceding years, the City has acquired a number of ERU credits. These credits may be used in lieu of impact fee payment. No action is recommended tonight as this item is merely introductory in nature with more information forthcoming at a future Council meeting for a formal transfer of the credits.

Ms. Myra Williams and Mr. Jimmy Nielsen, both Destin residents, spoke on behalf of the Destin High School urging the City to consider transferring some of the ERU credits to the school to prevent them from having to raise more money.

D) Utility Undergrounding - Utility Consultants of Florida - Task Order 1

The Deputy City Manager noted that undergrounding of utilities project is an initiative identified as part of the City's Strategic Plan. The City Council accepted the project management agreement with Utility Consultants of Florida. The project management agreement will allow the City to issue task assignments to this company and will allow the company to begin the activities outlined in it and will serve as the scope of service for first year activities. The Task Order has been prepared with inputs from City staff, the City attorney, the City's undergrounding consultant Schef Wright, Councilmember Dewey Destin and the Utility Consultants of Florida.

The City Attorney stated this Task Order will provide much-needed information that will prove useful in helping the City identify future steps in the utility undergrounding process.

According to Mr. Schef Wright, this is all part of the parallel process of negotiating a new franchise and getting a sound underground facilities conversion agreement with Gulf Power. They currently have a draft franchise agreement asking for better terms for the City which is currently being reviewed by Gulf Power. He continued that with the agreement with Utility Consultants of Florida, they would be able to identify things that need to be done for phase 1 of the project, as well as identifying the existing overhead facilities that need to be converted, not just the electric but also cable and telecommunications, and provide conceptual phasing for the rest of the City.

Councilmember Schmidt moved to execute Task Order 1 of the Destin Utility Undergrounding Project Management Agreement with Utility Consultants of Florida; seconded by Councilmember Destin.

Councilmember Destin noted that securing the franchise agreement with NextEra sooner rather than later is of utmost importance; otherwise, they would be moving forward with a project they would not have the ability to complete.

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

E) Support of Bill to Consolidate Utility Poles - SB 1944/HB 1567

The Deputy City Manager noted that NextEra has reached out to the City asking for its support of Senate Bill 1944 and House Bill 1567. For nearly 15 years, Florida Power & Light has been enhancing the energy grid to make it stronger and more storm-resilient, which includes installing new poles that can withstand hurricane-force winds. Before they can remove an old pole, they must wait for the other utilities to transfer their equipment to the new pole. This causes double pole situation, which, while unsightly, often do not affect the reliable service provided to customers. Proposed legislation provides a new process to remove redundant poles and streamline disputes between utilities, among other issues, under the authority of the Florida Public Service Commission. Consolidating utility poles should help provide increased storm resiliency for critical infrastructure as well as simplify future undergrounding opportunities. If authorized, City staff will send a letter of support for the bills.

Motion by Councilmember Hebert, seconded by Councilmember Destin, to authorize and direct the Mayor and City Manager to send the letter of support for SB 1944 and HB 1567 to the State legislature passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

F) Funding requests from Emerald Coast Fitness Foundation and Okaloosa County Watersports Operators Coalition

According to the Deputy City Manager, two non-profit entities made requests for donations at a previous Council meeting for donations that were approved by Council. The Emerald Coast Fitness Foundation requested \$25,000 for operations, and the Okaloosa County Watersport Operators Coalition requested a donation of \$8,000 to support production of water safety videos. Council directed the City Manager to coordinate with the City’s Finance Director to identify the appropriate budget accounts from which to donate this money this fiscal year. The Finance Director recommends using available budget in the Human Services Contingency Account and Economic Development Contingency Account for the \$25,000 donation to the Emerald Coast Fitness Foundation. The Finance Director also recommends taking \$8,000 from the Council Travel Account for the safety videos, which will likely go largely unused this fiscal year due to fewer in-person conferences for municipal officials because of the COVID-19 pandemic.

Councilmember Destin moved to approve the recommended internal budget transfers and direct staff to coordinate a donation of \$25,000 to the Emerald Coast Fitness Foundation for operations and a donation of \$8,000 to the Okaloosa County Watersports Operators Coalition for production of water safety videos. Councilmember Ramswell provided a second to the motion.

Councilmember Overdier asked whether the other 3 entities – City of Fort Walton Beach, the Okaloosa School District, and Okaloosa County – have agreed to provide similar donations to the Emerald Coast Fitness Foundation.

Ms. Kathy Hippie, Emerald Coast Fitness Foundation Board member, noted they have received approval from Okaloosa School District, and they will approach the City of Fort Walton

Beach next. She added that the Okaloosa County Board of Commission has already agreed to provide assistance once donations are received from the other 3 entities.

Councilmember Braden asked how the safety videos would benefit the City of Destin.

The Deputy City Manager explained that the current safety videos are non-specific, and that the new safety videos will be more relevant to Destin areas and the waters of Okaloosa County.

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

G) Flood Plain Map and Development Issues

The City’s Building Official Noelle Bell provided the following presentation:

Floodplain Map and Development – Proposed Modification to Ordinance 18-05-LC and Ordinance 18-07-CC

- City Council directed staff to determine how the new floodplain maps will affect development in Destin and to bring any proposed changes to the current flood ordinance that would improve development in designated Special Flood Hazard Areas (SFHA)
- Identified Changes – the Base Flood Elevation (BFE) in designated SFHA were decreased by 1 – 2 feet.

CURRENT DESIGN STANDARDS:

- Design Standards for AE zones
 - ❖ Building or structures in flood hazard areas (AE zone) shall have the lowest floors elevated to or above the BFE plus 2 feet, or Design Flood Elevation (DFE), whichever is highest.
 - ❖ Enclosed areas below DFE shall be used solely for parking, building access, and storage.
 - ❖ Areas below DFE are provided with flood openings (i.e., 1 square inch opening for each square foot of enclosed area).
 - ❖ If enclosed area is used for parking shall be enclosed with lattice, screening, or material that permits unobstructed flow of flood waters.
 - ❖ Non-conversion agreement is required.
 - ❖ Building access and storage can be no more than 200 square feet and only 70 square feet can be used for storage.
- Design standards for VE zones (High Coastal Hazard Areas) are the same as AE zones, except (*See Attachment*):

- ❖ Building or structures in coastal high hazard areas (VE zone) shall be elevated so that the bottom of the lowest horizontal member shall be above the BFE plus 2 feet, or DFE, whichever is highest.
- ❖ Use of fill material for structural support is prohibited.

CHALLENGES OF CURRENT DESIGN STANDARDS:

- Flood regulations and design standards are located in two different locations – the LDC and Code of Ordinances. This causes confusion for the public.
- The City's current flood design standards:
 - ❖ Similar for both VE and AE flood zones. It is a one size fits all approach to floodplain management. However, it is important to note, these areas are drastically different areas and should not share the same design characteristics.
 - ❖ Allow fill material in the AE zones. This increases the chance of flooding for existing adjacent properties that are in low lying areas.
 - ❖ The current design standard is the most restrictive. Can drastically change the physical and visual characteristics of a neighborhood. Although it may create the most protective environment possible for our residents, it can be restrictive and burdensome to development and/or redevelopment based on the level of risk. Furthermore, the standards are not based on a risk analysis feasibility study.

PROPOSED SOLUTIONS TO CHALLENGES:

- Flood regulations and design standards located in LDC only
 - ❖ Revise Ordinance 18-05-LC to include the revised technical amendments that support the City's Community Rating System (CRS) design standards. This will allow for all flood regulations and design requirements to be found in *Article 11.04.00 – Floodplain Management, Land Development Code*.
- Define and designate our Coastal A zones, versus the Non-Coastal A Zones, Eliminate the use of fill material in AE zones, and Revise Non-Coastal A design requirements:
 - ❖ Define and designate the Coastal A Zone per the City's Comprehensive Plan. Under the CRS program, these areas are subject to higher regulatory standards due to potential storm surge. The flood elevations were lowered on Holiday Isle when the new maps became effective. However, this area is more susceptible to storm surge. Staff proposes designating Holiday Isle, and those areas already defined by the limited area of minimum wave action (LiMWA) as Coastal A on the new flood maps.
 - ❖ Eliminate the use of fill material in AE zones or designated low-lying areas. This will reduce flooding impacts to nearby property.
 - ❖ Revise the 2-foot freeboard requirement for structures in the Non-Coastal A zone and use the flood design standards from the Florida Building Code, which requires a 1-foot free board or Design Flood Elevation (DFE), whichever is higher. *Note: will require amending Ordinance 20-01-PC, which established the higher design standards in the Comprehensive Plan. (i.e., 2-foot free board)*

ADVANTAGES OF THE PROPOSED CHANGES:

- Flood regulations will be located in the LDC ONLY
- Higher regulatory construction standards will be maintained in the designated High Coastal Hazard Areas (i.e., Holiday Isle)
- Coastal A Zones will be designated, and the design standards defined for Coastal and Non-Coastal A or AE Zones.
- Utilize regulatory design standards based upon 1-foot freeboard requirement established by the Florida Building Code. This will help establish clear development and redevelopment standards, and will allow for enclosed spaces (i.e., garage) to be designed below base flood elevation in designated Non-Coastal AE Zones.
- Eliminate the use of fill material in AE Zone or identified low-lying areas to reduce the potential risk of elevating the parcel allowing water to displace onto adjacent parcels.
- No decrease in CRS rating

DISADVANTAGES OF THE PROPOSED CHANGES:

- Perception of lowering standards in AE zones. However, the design standard in AE zones will meet the Florida Building Code 1-foot free board requirement for development or redevelopment in designated SFHA.
- Requirements of no fill material may increase construction and maintenance cost

CONCLUSION:

- The proposed solutions will maintain higher regulatory standards in High Coastal Hazard Areas (i.e., VE and Coastal A zones), while better defining the design standards for Non-Coastal A zones and AE zones
- Staff seeks direction from City Council regarding whether to proceed with the proposed changes to Ordinance 18-05-LC & 18-07-CC or to maintain the current Level of Service (LOS) for flood regulations.

The Mayor asked what this would cost the homeowners in designated high risk flood zones.

Ms. Bell stated that it should not reflect any changes to their current payments, and it should not negatively impact their current CRS rating or lower their points at this time. She added it would only affect new developments if they went to a more defined regulatory language in the Land Development Code.

Councilmember Braden moved to direct staff to proceed with the proposed changes to Ordinances 18-05-LC and 18-07-CC; seconded by Councilmember Hebert.

Councilmember stated that since they are under a cycle review, how confident should they be their CRS rating would not be downgraded.

Ms. Bell explained that the cycle review is conducted every 5 years, and that their cycle review is currently being conducted under their current ordinance. These changes would not be included until the next cycle review.

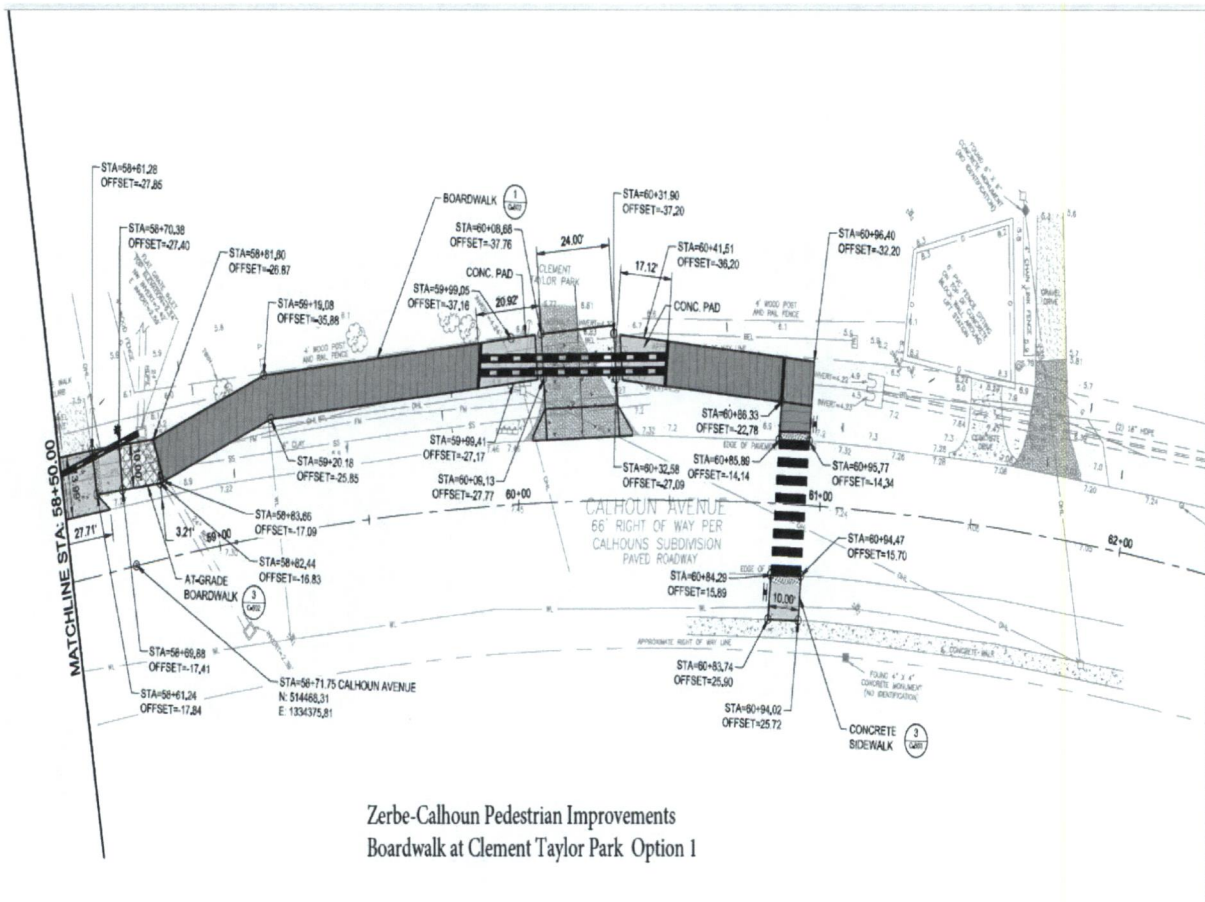
Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

H) Zerbe-Calhoun Pedestrian Improvements Project, Boardwalk section

The Deputy City Manager noted that on April 5, 2021, the Council tabled this item and awaited additional information from staff concerning the sidewalk that would have serviced Clement Taylor Park on Calhoun Avenue. A suggestion was made to terminate the new sidewalk project, and provide for a pedestrian crosswalk, at the former wedding chapel/future fire station location short of the Clement Taylor Park property. Staff has visited the site and submits the following options to the Council.

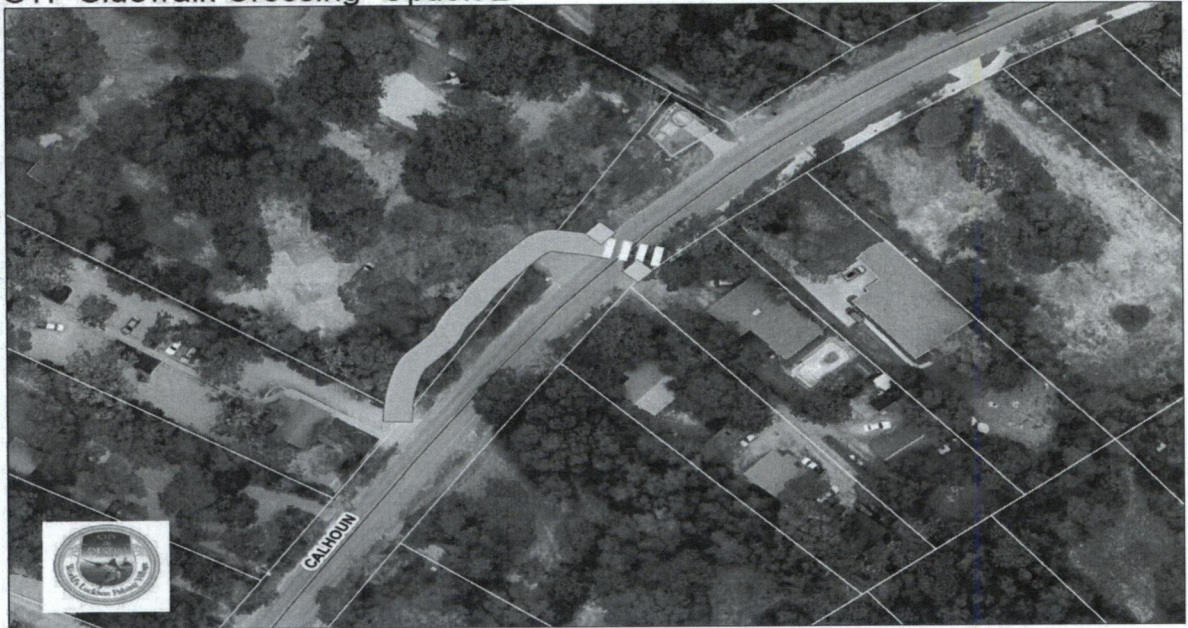
Public Works Director Michael Burgess presented the following 3 options:

Option 1 – Zerbe-Calhoun Pedestrian Improvements Boardwalk at Clement Taylor Park, as originally submitted. This is an elevated pedestrian boardwalk that would span the drainage swales on both sides of Clement Taylor Park property. It would provide a crosswalk across Calhoun Avenue closer to the DWU lift station.



Zerbe-Calhoun Pedestrian Improvements
Boardwalk at Clement Taylor Park Option 1

CTP Sidewalk Crossing Option 2



- Sidewalk from the driveway of the wedding chapel/future fire station location
- Extend an 8 to 10-foot sidewalk in and amongst the Live Oak Trees, and then it would cross the driveway and come out on the other side
- There would be an angular pedestrian crossing with the enhanced visibility crosswalk
- Two rectangular rapid flashing beacons available for pedestrians

CTP Sidewalk Crossing Option 3



- Crossing at the fire station
- 10-foot sidewalk extend up to west side of Calhoun Avenue, and extend across the street using the visually enhanced crosswalk pattern
- The sidewalk on the east side of Calhoun Avenue is not part of the Zerbe-Calhoun Pedestrian Improvements Project. It is only 4-feet wide
- There are some utility conflicts, storm sewer and a headwall which directs storm water under the road to a retention area on the northwest corner
- Sidewalk not in pristine condition

Councilmember Schmidt moved to direct the City Manager to work with the contractor to install a sidewalk section in the interior of the park instead of the elevated boardwalk sections along Calhoun Avenue; seconded by Councilmember Ramswell.

Councilmember Destin asked whether the motion, if it passes, would cost the City more money.

According to Mr. Burgess, the bid amount on the boardwalk section was \$80,000, and he does not expect the short sidewalk section to cost nearly as much.

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

I) Direction on Enhancing Payment Technology for Harbor District Parking Lots

The Deputy City Manager noted that at the March 15, 2021 City Council meeting, a presentation was provided to Council on the status of paid parking in Destin. Paid parking in Destin is handled through the digital Passport Parking System. This system provides options to pay for parking through a phone app, a website interface text messaging, through Google maps, apple pay as well as phone call-based transactions. A potential option to add additional forms of payment technology is to provide kiosks or other hardware-based solutions. The company that fully integrates with the City’s current Passport Parking System only provides kiosks that are cell data driven. Other comparable kiosks with additional connectivity options such as WIFI or hard-wired internet are not compatible with the Passport Parking System. Further research and work are required in order to potentially find payment options without the use of additional apps and services outside of the Passport Parking System. Staff remains in contact with vendors and services and are still waiting on additional information as it pertains to the City’s paid parking lots. Information are not being received in a timely manner possibly due to the pandemic. Staff requests further direction on this item. Any potential option would have a best case install timeframe of mid-July 2021. There is no FY 2021 budget allocated for additional payment options. Staff recommends researching possible payment options and planning a possible project through the FY 2022 budget process.

Councilmember Destin stated that the two questions he has are how to get people to use the parking lots and how to make them pay in an easier manner. He continued that the former can be handled easily through proper wayfinding signage, using larger signs or banners to notify people of available public parking lots and prevent them from having to drive around looking for a place to park; and this needs to be implemented before Memorial Day this year. The latter may

take quite a bit more time to implement. He would support staff's recommendation of taking a comprehensive approach in pursuing additional payment options compatible with the existing system and planning a possible project through the FY 2022 budget process.

It was the consensus of the Council to have staff take a comprehensive approach in pursuing additional payment options, compatible with the existing Passport Parking System, through the FY 2022 budget process, and to implement any good solutions in the fall during the off season. Also, for staff to bring back a report on directional signage and other means of informing people of public parking lot locations that can be implemented before Memorial Day.

J) Announcements:

The Deputy City Manager made the following announcements.

- Crosstown Connector Workshop on Monday, May 10th, at 5:30 PM
- Beginning Tuesday, April 20th, DWU will continue their installation of reclaim water main across Airport Road, which will impact surrounding roadways in the area. Motorists are encouraged to avoid Airport Road during this construction
- The City recently hired two planners and a building inspector

5. PUBLIC HEARINGS

A) Jerry Campbell of Central Design Group, LLC on behalf of Destin Hotel Partners, LLC is requesting approval of a Major Deviation to a Major Development Order identified as "Holiday Inn Express Addition". The project consists of a ±18,250 square foot addition to the existing hotel. The addition will consist of 22 new guestrooms, a lobby, and the related site work. The proposed project is located at 108 Hutchinson St. (Parcel ID: 00-2S-22-0594-0000-004C). The site consists of approximately 3 acres. No changes to the other approved uses or site improvements are proposed.

The City Attorney sworn in the following individuals for testimony:

- City Engineer Donald Smith
- City Planner Daniel Butler
- Jerry Campbell, applicant

At this time, the City Attorney asked each member of the Council to disclose any ex parte communications on this matter.

The Mayor and each member of the Council announced they have not been involved in any ex parte communications regarding this project.

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

Councilmember Hebert moved to approve the Major Deviation to a Major Development Order identified as “Crystal Beach Plaza 9th Amendment – Holiday Inn Express Addition”; seconded by Councilmember Overdier.

Councilmember Destin inquired as to the parking requirements for the hotel.

Mr. Campbell replied it is one space per 100 square feet.

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

B) Second reading of Ordinance 21-02-LC - 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 from Low Density Residential - Village (LDR-V) to Residential, Office and Institutional-Village Residential (ROI-VR)

The City Attorney read Ordinance 21-02-LC by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE OFFICIAL ZONING MAP AS REFERENCED IN THE LAND DEVELOPMENT CODE, SECTION 7.12.01(A)2 ZONING MAPS TO INCLUDE A CHANGE IN THE ZONING DESIGNATIONS OF THE PARCELS DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM LOW DENSITY RESIDENTIAL - VILLAGE (LDR-V) TO RESIDENTIAL, OFFICE AND INSTITUTIONAL-VILLAGE RESIDENTIAL (ROI-VR); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Parcel ID Numbers: 00-2S-22-3091-000J-0200 & 00-2S-22-3091-000J-0190)

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

Councilmember Schmidt moved for approval of Ordinance 21-02-LC on second reading; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

C) Second reading of Ordinance 21-06-LC - 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 to include police protection and fire protection as a conditional use in all city zoning districts; providing for consistency with the City's Comprehensive Plan

The City Attorney read Ordinance 21-06-LC by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO ARTICLE 7 OF THE LAND DEVELOPMENT CODE "LAND USE, TYPE, DENSITY, INTENSITY, ZONING AND REGULATORY CONTROLS"; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES" TO INCLUDE POLICE PROTECTION AND FIRE PROTECTION AS A CONDITIONAL USE IN ALL CITY ZONING DISTRICTS"; PROVIDING FOR CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE, CONFLICTING PROVISIONS, 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 and turned the matter over to the City Council for their discussion and consideration.

Councilmember Destin moved for approval of Ordinance 21-06-LC on second reading; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted "yes").

D) Second reading of Ordinance 21-07-LC - Relating to preserving the historic Zerbe-Calhoun 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 Zerbe-Calhoun historic district overlay.

The City Attorney read Ordinance 21-07-LC by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO PRESERVING THE HISTORIC ZERBE-CALHOUN 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 ZERBE-CALHOUN HISTORIC DISTRICT OVERLAY; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR BOUNDARIES OF THE ZERBE-CALHOUN HISTORIC OVERLAY; ESTABLISHING A PROCESS FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE ZERBE-CALHOUN HISTORIC OVERLAY AREA; ESTABLISHING CRITERIA FOR DESIGNATION OF STRUCTURES AND SITES SIGNIFICANT TO THE HISTORY OF THE ZERBE-CALHOUN AREA; 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. Having none, the Mayor closed the public hearing and turned the matter over to the City Council for their discussion and consideration.

Councilmember Ramswell moved for approval of Ordinance 21-07-LC on second reading; seconded by Councilmember Hebert. Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

6. CONSENT AGENDA

A) Draft Minutes of Advisory Committees and Boards

B) Request approval of Councilmember Teresa Hebert's enrollment in the Destin Chamber of Commerce Destin Forward Class

There was a brief discussion relative to Consent Agenda 6B. Councilmember Ramswell noted that individuals used to attend the Destin Forward class and then run for Council. There have also been Council members that had requested to attend different classes and training. One of the requirements was for the class or training to actually benefits the City.

Mr. Shane Moody, President and CEO of the Chamber of Commerce, and sponsor of the Destin Forward class, explained it is a community education and leadership class. The class has to complete projects that benefits the City of Destin. He stated that the present class has completed several projects for the Destin History and Fishing Museum. They created the memorial sign for Capt. Leonard Destin Heritage Park. They have also just purchased the Oak Tree that will be donated to the City for planting during the upcoming Arbor Day. He added that attendance at this class by City staff or elected officials serves to continue to build the partnership between the Chambers and the City.

Councilmember Destin moved for approval of Consent Agenda items 6B; seconded by Councilmember Overdier. Motion passed 6-0 (Council members Schmidt, King, Overdier, Destin, Ramswell, and Braden voted “yes”; Councilmember Hebert abstained from voting).

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

A. Councilmember Braden

B. Councilmember Ramswell

1) Utility box art project

Councilmember Ramswell gave a slide presentation that explained the project and provided some examples of the project.

➤ Background

❖ Started in New Orleans by Community Visions Unlimited as a plan to revitalize neighborhoods with an art focus

❖ Goals:

▪ Create beauty and economic development through works of art

- Revitalize neighborhoods while assisting the local art community to rebuild
- ❖ Discovered that painted boxes are no longer “tagged” – only 3 boxes in 10 years were tagged
- ❖ The boxes really help eliminate litter and graffiti making the neighborhood feel safer
- ❖ This in turn makes people want to invest in business opportunities as well
- ❖ Now expanded beyond the Metro New Orleans Area and including phone, gas, cable, and other boxes

Why Destin?

- A few of the potential benefits:
 - ❖ Beautification
 - ❖ Creating beauty from traditional eyesores
 - ❖ Revitalization of neighborhoods
 - ❖ Sense of pride in the community
 - ❖ Civic engagement
 - ❖ Increased community awareness
 - ❖ Community and economic development
- Partnerships and fundraising opportunities
 - ❖ Sponsorships
 - ❖ Donations
 - ❖ Mini-box auctions
- Potential Partnerships
 - ❖ Mattie Kelly Arts Foundation
 - ❖ Garden Club
 - ❖ Destin Elementary
 - ❖ Destin Middle School
 - ❖ Destin High School
 - ❖ Churches
 - ❖ Main Street Business Alliance
 - ❖ Destin Chamber
 - ❖ Fishing Museum
 - ❖ Fishing Fleet
 - ❖ First Responders
 - ❖ Hotels
 - ❖ Restaurants
 - ❖ TDD
 - ❖ Homeowners Associations

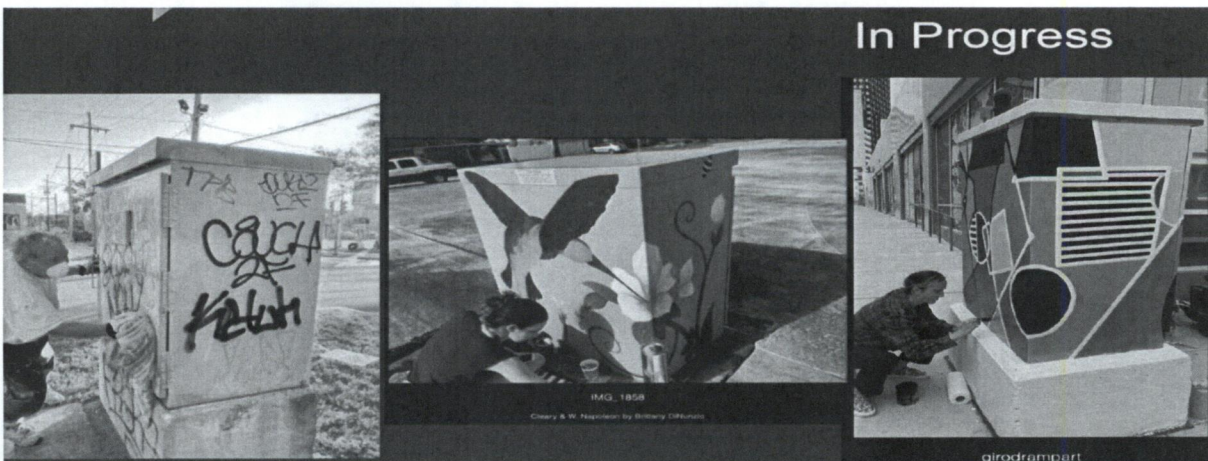
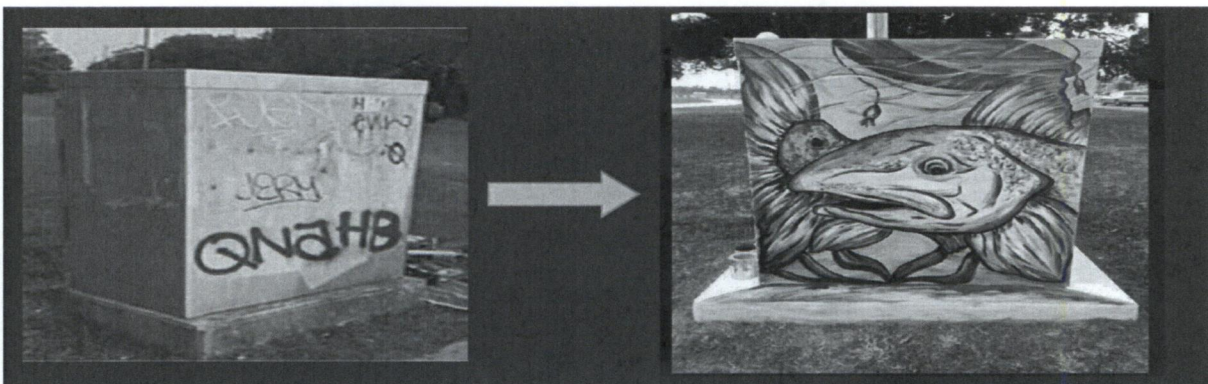
Special Notes

- Special paint is used. Lasts for over 10 years in southern sun/coastal conditions
- No damage to boxes/containers. They remain accessible. Only change is in appearance

- Buy-in/permissions needed from utility owners/providers
 - ❖ Gulf Power
 - ❖ DWU
 - ❖ Waste Management (dumpsters)
 - ❖ Okaloosa Gas

How Would It Work?

- Identification of Project Coordinator/Manager
 - ❖ Councilmember Ramswell volunteers to spearhead/assist (as desired)
 - ❖ Community Development Director Louis Zunguze on-board
- Locate boxes of interest and their owners
- Work with Gulf Power and other utility providers for permissions (initial contact with Gulf Power already made)
- Decide whether specific partners/sponsors will provide all materials for all boxes and/or individual community organizations reach out to find their own sponsors
- Depending on this decision, City can reach out to groups/organizations and assign (similar to Adopt-A-Street)
- Determine acquisition and disbursement of proper materials
- Establish parameters (no vulgarity, etc.) expectations of box decoration



Councilmember Ramswell volunteers to spearhead the effort of moving forward with the project; adding it is a perfect opportunity for people to work together to beautify the community.

Several Councilmembers spoke in support of the initiative. Councilmember Destin recommends following the Adopt-A-Street Program concept and managing this arts project similar to the way they manage that program.

Mr. Burgess noted that many of the boxes shown on the slides were traffic control boxes, and that there are several similar boxes in the City. He offered to reach out to the FDOT permitting representative and get him in touch with Councilmember Ramswell.

2) Gulf Shore Drive extension - update

The City Attorney stated that this is an ongoing concern to the City because they want to provide access to the park that they are building on Norriego Point. As previously discussed, there is a development application on the properties adjacent to this right-of-way, and there is an ongoing issue related to the location of the right-of-way and payment for construction of the right-of-way. This issue will come to the Council for resolution as a quasi-judicial matter prior to the opening of the park. Because of the quasi-judicial future proceeding, it is advisable to avoid any further discussion of this issue at this time.

Councilmember Ramswell asked how they could open the park if they do not have the road going into it.

According to the City Attorney, people could park at the end of the currently constructed walk and use that walk in the interim until the right-of-way is fully constructed; and there would also be an approximately 25-foot construction road leading into the park when construction on the final phase of the park begins. He also anticipates the road being fully constructed, or at least in the process of being constructed, by the time the park is opened.

Councilmember Ramswell asked that Council be kept apprised on the progress of the ongoing access issue.

Next, Councilmember Ramswell stated that she has received a complaint about a 5G cell tower that was put in on Indian Trail. She asked if that tower was erected on the City right-of-way or on a private property.

According to the Building Official Noelle Bell, most of the 5G poles that have been placed around town had to obtain both a right-of-way permit and building permit from the City of Destin because of their electrical systems.

The Mayor mentioned that two years ago the Florida Legislature passed a law that prevents municipalities from regulating placement of 5G towers in their community.

Councilmember Ramswell requested a map showing locations in Destin where these cell towers are being placed.

Next, Councilmember Ramswell asked staff to investigate the closure of the west side entrance to the Emerald Grande. There have been some complaints it is causing traffic back-up over the Marler Bridge.

The City Engineer Donald Smith explained that the Emerald Grande replaced some of their air conditioning units. It required a crane and so the street was blocked for the placement of those units. The street has since reopened. They were assured it was a one-time event, but they will investigate and report back to Council.

Councilmember Braden asked staff to also investigate complaints from several people about Oak Trees planted in the same area that are blocking their view of the red traffic light around the curve as they come off the Marler Bridge.

3) Memorial Plaque for Kohltan Ward

Councilmember Ramswell stated that members of the community have come together and have been very supportive ever since the accident happened involving Kohltan Ward. A lot of ideas about how they could show love and respect for him and his family have been discussed; one of which was to erect a “Kohltan Korner” memorial plaque where the accident occurred. Kohltan’s family is completely on board with this idea and can assist in wording that would be meaningful to them.

Councilmember Ramswell moved to use Council funds to erect a “Kohltan Korner” memorial plaque at the intersection of Main Street and Kelly Street; seconded by Councilmember Braden.

Councilmember Schmidt pointed out there is a utility box at that location which they could probably consider as the initial project as they implement Councilmember Ramswell’s utility box art project idea.

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

Councilmember Ramswell requested that the following items be placed on the next Council meeting agenda:

- Determining the Harbor CRA Boundary Line
- Having the Capacity Study identify the total number of boat slips in the harbor

Councilmember Ramswell asked staff to investigate 4 derelict vessels that are out in the middle of the harbor and determine what action the City can take and when in order to get rid of the vessels.

- C. Councilmember Destin
- D. Councilmember Overdier
- E. Councilmember Hebert

1) Nomination/Appointment of Ms. Daniella Piper to the Board of Adjustment

Councilmember Hebert moved to appoint Ms. Daniella Piper to the Board of Adjustment; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

- 2) Recommend boardwalk in front of Tailfins be delayed until November and any immediate boards that are damaged be replaced but not a full replacement until end of season

Councilmember Hebert moved to delay repair of the boardwalk in front of Tailfins until November, and any immediate boards that are damaged be replaced immediately, but no full replacement be made until end of season. Councilmember Ramswell provided a second to the motion.

According to Councilmember Hebert, she has already spoken to City staff and Parks and Recreation Committee about the possibility of delaying this project until the end of the season as there is no chance to complete it within 6 weeks and they are already nearing the 100 days of summer.

Councilmember Destin asked if by doing so whether they could still maintain the safety of the people and the integrity of the boardwalk.

According to the Deputy City Manager, staff’s goal is to expedite this project as much as possible examining the integrity of the structure while preserving the safety of the public.

Motion failed 3-4 (Council members King, Hebert, and Ramswell voted “yes”; Council members Schmidt, Overdier, Destin, and Braden voted “no”).

Councilmember Ramswell stated if there are safety concerns underneath the boardwalk, Tailfins should be willing to lose some income rather than having someone sustain some injuries and risk litigation.

Councilmember Hebert offered another motion to skip Tailfins, repairing only boards that are damaged, and continuing on to the next section of the boardwalk; and then coming back to do a full repair by August. Councilmember Ramswell provided a second for discussion.

Councilmember Hebert stated this would allow Tailfins to operate without disruption for part of the season.

The City Attorney recommends changing the motion to a motion to reconsider the previous action since it is closed enough to the motion that failed; and then have staff look into this issue a little bit more and address it again at the next meeting.

Councilmember Hebert moved to continue this item to the next meeting, seconded by Councilmember Schmidt. Motion passed 7-0 (Council members Schmidt, King, Hebert, Overdier, Destin, Ramswell, and Braden voted “yes”).

Councilmember Hebert reported receiving several complaints over the weekend regarding helicopters flying a lot lower than 500 feet above the residential areas and that she had asked the Code Compliance Manager Joey Forgione to address this issue.

According to Mr. Forgione, the helicopters are required to fly at least 1000 feet to the south of the beach and maintain at least 500 feet clearance above the residential areas; adding that the airport tower and the FAA will be monitoring their flight pattern.

- F. Councilmember King
- G. Councilmember Schmidt

Councilmember Schmidt requested that staff provides an update on the Airport Road curve at the next meeting.

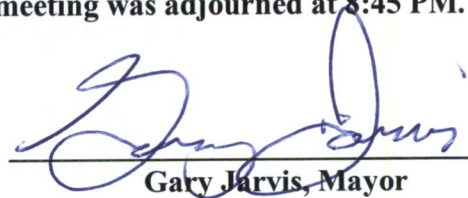
- H. Mayor Gary Jarvis
- I. Land Use Attorney
- J. City Attorney

8. PUBLIC COMMENTS

Ms. Sandy Trammell reported there are 5G black poles which have been in the City of Destin for many years. They are collector poles that feed to a main tower. No company has improved or added to their main towers. These poles are still collecting cell phone information which are not going anywhere. Recommend the City urge cell phone companies to erect more of the larger towers to intake all the smaller towers.

Councilmember Ramswell asked staff to investigate the issue Ms. Trammell brought forth and find out if there is any way to differentiate among 3G, 4G, and 5G towers and collect any information available.

Having no further business at this time, the meeting was adjourned at 8:45 PM.



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk