

**MINUTES  
REGULAR MEETING  
DESTIN CITY COUNCIL  
MAY 3, 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 Pro Tem Dewey Destin  
Councilmember Terésa Hebert  
Councilmember Rodney Braden

Councilmember Johnny King  
Councilmember Prebble Ramswell  
Councilmember Kevin Schmidt

**Destin City Staff**

City Manager Lance Johnson  
City Clerk Rey Bailey  
Code Compliance Manager Joey Forgione  
Comm. Dev. Director Louis Zunguze  
Parks/Recreation Director Lisa Firth  
Finance Director Krystal Strickland  
Grants/Project Manager Jeffrey Cozadd  
City Land Use Attorney Kimberly Kopp (Virtual)

Deputy City Manager Webb Warren  
Public Information Manager Catherine Card  
Public Services Director Michael Burgess  
HR Manager Nichole DeVito  
Building Official Noelle Bell  
IT Specialist James Lauria  
City Attorney Kyle Bauman

**CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE**

The Mayor Pro Tem called the meeting to order at 6:00 pm. Pastor David J. Butler of Faith Assembly Christian Church gave the invocation, which was then followed by the recitation of the Pledge of Allegiance.

**AGENDA APPROVAL**

Councilmember Hebert requests agenda item 7E (1) be pulled from the agenda.

The City Manager requests Council discussion and direction regarding the filling of vacated Council seat be added to the agenda under City Manager Report.

**Motion by Councilmember Schmidt, seconded by Councilmember King, to approve the agenda, as amended, passed 6-0 (Council members Schmidt, King, Hebert, Destin, Ramswell, and Braden voted "yes").**

**1. APPROVAL OF MINUTES**

A. Approval of minutes of March 15, 2021, Regular City Council Meeting

**Motion by Councilmember King, seconded by Councilmember Hebert, to approve the March 15, 2021, Regular City Council Meeting passed 6-0 (Council members Schmidt, King, Hebert, Destin, Ramswell, and Braden voted "yes").**

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

**A. Proclamation - Food For Thought Day**

The Mayor Pro Tem read the Proclamation recognizing May 18, 2021 as *Food For Thought Day*, and then presented it to Mr. Tiffanie Nelson, Founder/Director of Food For Thought, and Ms. Jessica Roberts, Director of Food For Thought Outreach.

**B. Proclamation - Drinking Water Week**

The Mayor Pro Tem read the Proclamation proclaiming May 28, 2021 as *Drinking Water Week* and then presented it to Mr. Lockwood Wernet, General Manager of the Destin Water Users.

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

Mr. John Stephens, a Destin resident and livery operator, asked if the city could adopt a program to offer boater safety courses for high school students at Destin High School.

Councilmember Ramswell noted she was scheduled to speak with the high school principal to discuss a captain/fishing course they were going to implement. This would be a very good complement to it and so she would pass it on to the principal. She also mentioned that the United States Coast Guard used to offer a boating safety course which she has previously taken, and they could possibly work out some sort of a joint partnership with them as well.

Mr. John Stephens also stated that he has previously met with a marine patrol officer and learned that the number one issue they were having with vessels on the water involves the no wake zones. He asked if there have been any updates on the additional signage that was supposed to be added to no wake zones. It was presumably approved by the Fish and Wildlife Commission, and they were just waiting on the County to install them.

The City Manager will investigate and report back.

Mr. Charles Duplantis, a Destin resident and livery operator, asked what was taking so long for the City to issue him his livery vessel permit. He turned in his application about 5 months ago and he is still waiting for approval. He stated he has been in business for 28 years, but still finds it hard to obtain a permit. Other livery vessel operators who have not been in business that long already received their permit. He added there are also many unlicensed pontoon operators currently operating on the harbor daily.

Code Compliance Manager Joey Forgione noted there were corrections needed to be made to the application. There were also other required paperwork that were not submitted correctly.

According to the Land Use Attorney, some of the requests from staff had to do with clarifications on changes that happened over the years. The City has implemented new processes for change of use application. They previously discussed about this year being the "cleanup" year and to get their record straight. They needed to properly confirm they have the parking that matches the uses. She also stated that everybody in a similar situation was given a temporary authorization to continue authorization to continue operating until the end of May to protect their business interest and work together with the livery vessel operators. She added that Mr. Duplantis should have received an acknowledgement that his application is complete, and that the application is being reviewed for compliance with the code. They have also submitted the more complicated parking matters to a consultant, and it is going through a process.

Councilmember Braden stated that the main issue he has observed was having several businesses occupying the same parking slots on the property, which is the responsibility of the property owner and not the City staff or this Council.

The Mayor Pro Tem stated that City staff will look into this issue and come up with an equitable solution.

Councilmember Hebert asked staff to report back at the next meeting the number of outstanding livery permit applications and the reasons for the delay.

Mr. Mike Abadie, a Destin resident and livery operator, noted that he submitted a 58-page renewal application on January 5, 2021. He received an email from a Code Compliance Officer on January 12<sup>th</sup> stating that his application has been reviewed and forwarded to the City's Planning Division. On February 8<sup>th</sup> he received an email from Planning Division staff asking for clarification on parking, to which he promptly responded. He received approval of his application on April 21<sup>st</sup>. He stated that the application renewal process is quite complicated, that it has now gotten quite onerous for staff to have to go through these voluminous applications; adding that the city may need to hire more people just to keep up.

Mr. Greg Fisher, a Destin resident and livery operator, noted that during a January 2021 City Council meeting, a livery operator came before this Council and expressed concern the permit application does not allow broken vessels to be swapped out. It is only allowed for chase vessels. He stated they are working with equipment that requires regular maintenance, and that the ability to swap out vessels not only keeps their businesses running but also ensures visitors are using the safest vessels possible. He stated they need to have something in writing that they could make swaps for back-up equipment as verbal promises from City staff that they would work with livery operators is just not good enough. He asked the Council to allow the use of backup vessels as long as the number of permitted vessels for rent does not change.

According to the Land Use Attorney, a letter went out to livery vessel companies a few days ago explaining that repair vessels are allowed as long as it does not violate the moratorium

and cause an increase in the overall number of vessels in the water. As an example, when one vessel goes down, they could put another vessel in the water, but they have to take the non-operable vessel out of the water.

Councilmember Ramswell asked if it would be satisfactory for livery operators to go ahead and write that sentence in to the application and sign it.

The Land Use Attorney replied affirmatively, stating that some people have already done so, and have been accepted.

#### **4. CITY MANAGER REPORTS**

##### **A. September Meeting Schedule**

The City Manager noted that the City must publish a budget adoption calendar each year establishing dates for the two budget and millage publish hearings. Staff recommends approval of the budget calendar which sets the first budget and millage public hearing for Thursday , September 9, 2021, at 5:30 PM in the City Hall Annex Chambers.

**Councilmember Hebert moved to approve the FY 2022 Budget Calendar and to set the Budget and Millage Adoption Public Hearing #1 for September 9, 2021 at 5:30 PM in the City Hall Annex Council Chambers at 4100 Indian Bayou Trail; seconded by Councilmember Schmidt. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Ramswell, and Braden voted "yes").**

##### **B. RFP 21-03-FIN Tax Exempt Loan Financing**

Finance Director Krystal Strickland reported that the City issued a request for proposal (RFP) for Tax Exempt Loan Financing and received 8 proposals. The City's Bid Selection Committee reviewed and ranked the proposals based upon the interest rate offered, and considered closing costs, prepayment provisions, all-in True Interest Cost, present value of net savings on refunding, and the total interest to be paid over the life of the loan. Key Government Finance, Regions Capital Advantage, and Trustmark National Bank all ranked in the top three, with a copy of the Committee's ranking sheet provided to the Council. The Committee recommends commencing a loan with Key Government Finance to refund the 2009 Harbor CRA loan and the 2015 General Fund Capital Improvement loan.

Mr. Jon Ford, the City's financial advisor, stated that the interest rate being proposed by Key Government Finance is just below 1.4% which is outstanding. The total interest the City of Destin will pay for the life of this debt will be less than \$500,000 on a \$10 million loan. A few years back, they would have paid that much money on the first year of the loan alone.

**Councilmember Schmidt moved to accept the proposal of Key Government Finance, Inc. in response to RFP 21-03-FIN and authorize and direct the City Manager and Mayor to execute all documentation necessary to consummate the transaction; seconded by Councilmember Hebert.**

Mr. Ford stated that interest rates right now are extraordinarily low. In addition, credit has to be given to the City of Destin for responsible financial practices. The City has high level of liquidity and a strong financial profile. The City's credit profile is very strong which was appealing to a number of banks.

### C. Small Cellular Service Poles in Rights-of-Way

A map of Destin, Florida, illustrating the locations of small cell poles and their respective permit issue dates. The map includes geographical features such as Joe's Bayou, Choctawhatchee Bay, Destin Harbor, and the Gulf of Mexico. Various areas are labeled, including Unincorporated, Airport, and Golf Course. Small cell poles are marked with plus signs (+) and associated with specific dates. A legend in the top right corner defines the symbol for 'Small Cell Poles' and provides a scale bar (0 to 1 mile) and a north arrow. The dates range from 1/4/2019 to 11/30/2020.

Information Technology (IT) Manager Matthew Pace explained there are three levels of 5G service – low band, mid-band, and high band. The high band is where the actual 5G speed is in effect, which is about 3 to 5 years away from this area. He continued that the low band will

start replacing some of the 4G towers that are 80 – 90 feet in the air. The 5G network is much different than the 3G and 4G networks in the way it operates. They will have a larger area of coverage based on a very tall tower. These are relay units that actually transmit data from pole to pole that will provide faster speed over time and over a larger distance. There is a very small number of poles being installed in this area. They are trying to implement the low frequency system so that they could start utilizing them this area in much quicker fashion than in mid and high-density areas.

Councilmember Ramswell inquired as to the potential merger of the old towers that carry the 3G and 4G network with the 5G towers so they could possibly get rid of the older and taller towers.

Mr. Pace stated that he has spoken with several different carriers and visited several different areas that have already converted to 5G network. He learned that not every device that people have will accept the 5G connection since it is a totally different way of delivering wireless services. They have a lot of 4G users. The two connections do not integrate with each other, and so they are utilizing some of the taller towers and placing some of the 5G junction on those towers as they transition out of the 3G and 4G network. However, they may make those towers smaller as they do not need to be as high as the old towers.

Councilmember Ramswell pointed out that the map that was created depicting the cell tower locations shows a very large gap in the central area of town, specifically the area around City Hall, City Hall Annex, Indian Bayou, and Henderson Beach State Park. City Hall and the Annex are the key business locations from a functional governmental point of view and so it would be important to have a tower at those locations. She asked whether this area was overlooked.

Mr. Pace stated he cannot actually provide the exact reasons the towers are placed at their current locations; however, the towers are being located based on the population of certain areas. The carriers will be putting in more towers in densely populated areas as more infrastructures are put in place the next year or so.

Councilmember Ramswell asked whether these present towers would be obsolete if 6G or 7G networks are developed 5 years from now.

Mr. Pace explained that with the advent of the 5G network, which is a totally different type of wireless technology and is different from its predecessors, chances of this type of technology changing as they move forward will not be in effect only because they could build upon the 5G network to make it more viable in certain areas as they expand into rural areas central to the United States. If they transition through a 6G or 7G network, they will actually see that the system will remain the same similar to when they transition from 3G to 4G, and they just increase the speed. He added that based on his research, the 5G technology they are putting in place is going to be the technology most likely to be used within the next 20 to 30 years.

Councilmember Schmidt asked whether the city could simply deny a permit application for these towers.

According to the Land Use Attorney, they cannot prohibit these cell towers from locating or co-locating in the rights-of-way under the law. They can create regulations related to aesthetics and landscaping around them to try to improve their appearance as long as it does not interfere with the functionality of the equipment. They can also require the carriers to register with the city. She also noted that the city passed an ordinance to regulate them to the extent authorized by law.

Councilmember Schmidt recommends they create as much regulations as they can legally create for these cell towers and try to obtain the best possible scenario for their citizens. He also stated that other cities and counties are challenging the ruling regarding cell towers, and so they should not dismiss that possibility.

Councilmember Ramswell asked if they will be able to regulate color, size, or types of material for cell towers, or to have the different carriers share poles with one another.

The Land Use Attorney stated that in terms of aesthetics, it cannot be overly cumbersome or can be interpreted as in-effect prohibiting them from constructing the tower. They may be able to require different carriers to co-locate as long as it does not interfere with their ability to operate or to perform necessary functions. She added it is a policy decision for this Council if they want to challenge the law in this case. If they want to discuss this issue at some point, staff could bring back information on what the other local governments are doing as well as the cost associated with it.

The Mayor Pro Tem suggests they all read the existing ordinance and then decide if they want to put in on future agenda for discussion.

#### D. Fill Vacated Council Seat

The City Manager announced that Councilmember Skip Overdier resigned from the Council on April 30<sup>th</sup>. It creates a vacancy that they would need to fill on a temporary basis and then schedule a special election to elect a candidate to fill the unexpired term of the vacated Council seat.

The City Attorney noted that pursuant to the City Charter, when there is a Council resignation, and there is more than a year remaining on the term, the Council needs to appoint an interim councilmember quickly, and then hold a special election no less than 60 days or more than 90 days following the resignation date. The Supervisor of Elections has agreed to conduct the election on July 20, 2021, and the elected candidate to take office on August 2, 2021, until November 2022. With regards to the appointment of interim councilmember, staff recommends having the City Clerk advertise the vacancy as soon as possible and bring back a list of interested candidates for appointment by Council at the June 7, 2021 Council meeting.

A brief discussion followed when several members of the Council expressed the desire to shorten the advertising period and bring back a list of candidates for interim appointment at the next City Council meeting.

**Councilmember Schmidt moved to schedule the appointment of an interim City Councilmember at the May 17, 2021 City Council meeting; seconded by Councilmember Ramswell. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Ramswell, and Braden voted “yes”).**

**E. Announcements:**

The City Manager made the following announcements:

- Crosstown Connector Workshop is scheduled for May 10th at 5:30 PM
- CRA Board Meeting is scheduled for May 17th at 5:30 PM
- The building that was located on the far eastern parcel in the Shores at Crystal Beach Park was demolished. The debris will be removed, and the work will be completed shortly
- Lauren Witt, the City’s Principal Planner for 2½ years will be leaving the city shortly. She will be sorely missed
- The city has recently hired a new planner and a building inspector
- The Community Development Department is now open 5 days a week, from 8 AM to 5 PM

**5. PUBLIC HEARINGS**

- A. First reading of Ordinance 21-11-CN - Authorizing the issuance of the City of Destin non-ad valorem refunding revenue note, Series 2021 in the principal amount of not to exceed \$10,600,000 for the purpose of financing the acquisition of certain real property within the City to be used to expand public beach access, refunding on a current basis the City's outstanding non-ad valorem refunding revenue note, Series 2015A and refunding on a current basis the outstanding Harbor Community Redevelopment Area Phase 1 revenue note, Series 2009, issued by the Community Redevelopment Agency of the City of Destin.

The City Attorney read Ordinance 21-11-CN by title and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AUTHORIZING THE ISSUANCE OF THE CITY'S NON-AD VALOREM REFUNDING REVENUE NOTE, SERIES 2021 IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$10,600,000 FOR THE PURPOSE OF FINANCING THE ACQUISITION OF CERTAIN REAL PROPERTY WITHIN THE CITY TO BE USED TO EXPAND PUBLIC BEACH ACCESS, REFUNDING ON A CURRENT BASIS THE CITY'S OUTSTANDING NON-AD VALOREM REFUNDING REVENUE NOTE, SERIES 2015A, AND REFUNDING ON A CURRENT BASIS THE OUTSTANDING HARBOR COMMUNITY REDEVELOPMENT AREA PHASE I REVENUE NOTE, SERIES 2009, ISSUED BY THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF DESTIN, FLORIDA; PROVIDING THAT THE NOTE SHALL BE A LIMITED OBLIGATION OF THE CITY PAYABLE FROM NON-AD VALOREM REVENUES BUDGETED, APPROPRIATED AND DEPOSITED AS PROVIDED HEREIN; PROVIDING FOR THE RIGHTS, SECURITIES AND REMEDIES FOR THE OWNER OF THE NOTE; AUTHORIZING CERTAIN

OFFICIALS AND EMPLOYEES OF THE CITY TO TAKE ALL ACTIONS REQUIRED IN CONNECTION WITH THE SALE, ISSUANCE AND DELIVERY OF SUCH NOTE; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

**Councilmember Hebert moved to approve Ordinance 21-11-CN on first reading and direct City staff to advertise it for second reading on May 17, 2021; seconded by Councilmember Ramswell. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Ramswell, and Braden voted "yes").**

- B. First reading of Ordinance 21-12-CN - Amending the FY2021 Budget to accommodate issuance of the Non-Ad Valorem Revenue Refunding Note, Series 2021, providing for authority, providing for findings of fact, providing for amendment to the 2021 Budget, providing for severability, and providing for an effective date

The City Attorney read Ordinance 21-12-CN by title and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AMENDING THE FISCAL YEAR 2021 BUDGET AS DESIGNATED IN THE ATTACHED EXHIBIT "A," DESCRIBING AMENDMENTS NECESSARY TO ACCOMMODATE ISSUANCE OF THE NON-AD VALOREM REVENUE NOTE, SERIES 2021; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT TO THE 2021 BUDGET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**Councilmember Schmidt moved to approve Ordinance 21-12-CN on first reading and direct City staff to advertise it for second reading on May 17, 2021; seconded by Councilmember Ramswell. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Ramswell, and Braden voted "yes").**

- C. First reading of Ordinance 21-03-LC - Providing for amendments to Article 7, Section 7.12.08, "Dimensional Requirements"; amending Table 7-3, "Schedule of Dimensional Requirements in Zoning districts;" providing for consistency with the City's Comprehensive Plan

The City Attorney read Ordinance 21-03-LC by title and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO ARTICLE 7, SECTION 7.12.08 "DIMENSIONAL REQUIREMENTS"; AMENDING TABLE 7-3 "SCHEDULE OF DIMENSIONAL REQUIREMENTS IN 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 Pro Tem opened a public hearing to receive comments for or against the proposed ordinance. Having none, the Mayor Pro Tem closed the public hearing and turned the matter over to the City Council for their discussion and consideration.

**Councilmember King moved to approve Ordinance 21-03-LC on first reading and direct City staff to advertise it for second reading on May 17, 2021; seconded by Councilmember Hebert. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Ramswell, and Braden voted "yes").**

- D. First reading of Ordinance 21-08-LC - Providing for amendments to Article 7 of the Land Development Code, "Land Use, Type, density, Intensity, zoning and Regulatory Controls" to require multi-family long-term uses to include commercial components in the commercial General (CG) zoning district

The City Attorney read Ordinance 21-08-LC by title and then presented it to the City Council on first 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" TO REQUIRE MULTI-FAMILY LONG-TERM USES TO INCLUDE COMMERCIAL COMPONENTS IN THE COMMERCIAL GENERAL (C-G) ZONING DISTRICT; PROVIDING FOR CONSISTENCY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE, CONFLICTING PROVISIONS; SEVERABILITY, AND AN EFFECTIVE DATE.

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

**Councilmember Hebert moved to approve Ordinance 21-08-LC on first reading and direct City staff to advertise it for second reading on May 17, 2021; seconded by Councilmember King. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Ramswell, and Braden voted "yes").**

- E. First reading of Ordinance 20-24-LC - Regulating low speed vehicles, amending Article VIII "Transportation" and creating a new Section 8.09.04 entitled, "Alternative Modes of Transportation"; defining "Low Speed Vehicles"; providing for limited operation of low-speed vehicles on certain city streets, prohibiting low speed vehicles on specified streets.

The City Attorney read Ordinance 20-24-LC by title and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, REGULATING LOW SPEED VEHICLES; AMENDING ARTICLE VIII "TRANSPORTATION" AND CREATING A NEW SECTION 8.09.04 ENTITLED "ALTERNATIVE MODES OF TRANSPORTATION"; DEFINING "LOW SPEED VEHICLES"; PROVIDING FOR LIMITED OPERATION OF LOW SPEED VEHICLES ON CERTAIN CITY STREETS; PROHIBITING LOW SPEED VEHICLES ON SPECIFIED STREETS; 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 Pro Tem opened a public hearing to receive comments for or against the proposed ordinance.

Mr. Claude Perry, a Destin resident and business owner, expressed concern that allowing golf carts to operate on City streets will slow down traffic and prohibits the city from having the ability to have trolleys and other types of transportation that would enable them to move people around town.

The Land Use Attorney explained this item is exclusive to low-speed vehicles as defined by statute, and that it would not affect trolleys. She continued that under State laws, low speed vehicles are not allowed on US Hwy 98. The proposed ordinance, if it passes, will prohibit low speed vehicles from operating on certain city streets.

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

**Councilmember Schmidt moved to disregard the current map showing where the low-speed vehicles can operate in the city and enforce the laws of the State of Florida with regards to low-speed vehicles; seconded by Councilmember Hebert.**

According to the Land Use Attorney, if they simply do not adopt the proposed ordinance, then they would simply fall under State law with regards to low speed vehicles.

Councilmember Ramswell inquired as to why they went through the process of creating an ordinance regulating low speed vehicles if it would make more sense to just follow the State law.

Community Development Director Louis Zunguze explained that the previous Council decided to exclude certain City streets on which to allow low speed vehicles.

According to the City Manager, State statutes declares the roads with speed limit of 35 mph or less that are not state or federal highways can be used by low-speed vehicles.

Capt. Howell of the Sheriff's Office stated that the Sheriff's Office's biggest concern is Airport Road. In their opinion, no low-speed vehicles should be allowed to operate on Airport Road for safety reasons. By State Statute, low speed vehicles are allowed on Airport Road absence of a city ordinance.

The Mayor Pro Tem stated that the main problem that presently exists on Airport Road is their inability to control speed. He continued that the city was one of the first cities to adopt the multi-modal concept; and to ban low speed vehicles on certain streets is contrary to their goals under multi-modal.

Councilmember Ramswell noted that the City is not supposed to adopt a policy that conflicts with State law. She asked if it is acceptable to adopt a stricter policy rather than a more lenient policy.

The Land Use Attorney stated that Council can pass an ordinance that is stricter than State statutes.

**Councilmember Destin moved to table this item indefinitely; seconded by Councilmember Braden. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Ramswell, and Braden voted "yes").**

## **6. CONSENT AGENDA**

- A. Minutes from Boards and Committees
- B. Letter of Support/E. Byrne Memorial Justice Assistance Program

**Motion by Councilmember Schmidt, seconded by Councilmember Hebert, to approve Consent Agenda items 6A and 6B passed 6-0 (Council members Schmidt, King, Hebert, Destin, Ramswell, and Braden voted "yes").**

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

- A. Councilmember Braden

Councilmember Braden inquired as to the status of the landscape improvements project on the medians on US Hwy 98.

Mr. Burgess noted that the contacts for the landscaping improvements project, from Airport Road to Marler Bridge was supposed to expire in August 2021, and it includes irrigation improvements.

Councilmember Braden asked if they have done any striping on the boat ramp.

Mr. Burgess stated they have not done any striping, but they would do so as soon as possible.

B. Councilmember Ramswell

1) Determining the Harbor CRA Boundary Line

Councilmember Ramswell noted that this request was brought before her by a member of the Harbor CRA Advisory Committee who was concerned that the southern portion of the harbor – Norriego Point and other properties on the southern portion – were not included; and whether it is something the City needs to potentially amend.

The City Attorney explained that the CRA boundary line was set back when the CRA first came to existence. Essentially, CRA districts are intended to help blighted areas, which is a defined term under the statute. It is intended for areas where there are low property values that have the potential of increasing. The difference in the increased property value and the set property value at the time the CRA came to existence goes into a TIF fund which is then used to rejuvenate that area. The area in question is relatively an affluent area which would not generally be included in blighted districts because it would be very difficult to increase the property values and increase the TIF revenue for the entire district. However, the Council could certainly look at expanding the CRA boundary.

Councilmember Destin noted that the Council at the time was able to include the north shore portion of the harbor into the CRA. Because of the State definition of “blight” they did not think it was possible with Holiday Isle probably being the most affluent area in Destin at that time. He also explained that forming a CRA stops the flow of money into the general revenue fund. Any increases in property values that occur inside the CRA go to the CRA fund and not the general fund. They need the general revenue funds to run the general operation of the City. They have already taken some of the valuable lands in the city diverting any increases away from the general fund. At the time they felt it was impossible to include all of Holiday Isle without easily crippling the City’s general fund for 20-30 years, which is disastrous as they have already been constantly running short in general funds over the years. He added that if they try to reconsider this issue, they will run into the same problem they had before.

Councilmember Ramswell explained there were some elements of the Norriego Point project that had been brought before the committee for discussion in the past. The committee believes they were only getting bits and pieces of the south shore of the harbor and not everything; and so, she just wanted to get some clarity as to what exactly was included in the Harbor CRA boundary.

According to the City Attorney, the Harbor CRA Advisory Committee is in an advisory capacity to the CRA Board. Often times, the committee discusses a wide variety of issues that affect the harbor at large, but they do not actually oversee any of the development in the harbor. That process comes before the Council as described in the Land Development Code and Comprehensive Plan.

2) Harbor Capacity Study – identify the number of existing boat slips in the harbor

Councilmember Ramswell asked whether the Harbor Capacity Study will be able to identify the number of existing boat slips in the harbor.

Mr. Zunguze explained that they are looking at all capacity levels for the harbor – parking areas, vehicle transportation, and water transportation. Boat slips will also be covered in the study, including slips that are in the canal.

### 3) Water Quality Study

Councilmember Ramswell asked whether the harbor pump is running 24 hours a day. She also asked when the last water quality study was conducted in the harbor area.

According to Mr. Burgess, they have been running the pump 4-6 hours a day, and 2 hours every week in the wintertime to prevent it from freezing up. However, the pump has been down for a few weeks. They have ordered and received the necessary parts and plan to reassemble the pump and start running it again as soon as possible.

Mr. Burgess also reported that the last water quality study for the harbor areas was conducted in March 2021, and they just received the results several days ago.

Councilmember Ramswell noted a concern by many that water quality in many areas of the harbor is so horrible people do not want to swim in it. Different elements (mineral, metals) that are currently being tested are not the same as those that have been tested in the past. Past findings were so concerning there was actually a moratorium on building slips and any sorts of development along the harbor. Councilmember Ramswell asked staff to investigate the following:

- A comparison between what elements were tested back in 1999, what elements were tested in 2009, and what elements are being tested today. What is actually included in the water quality study being conducted periodically.
- What is the difference in terms of the elements? Why those elements tested in the past are no longer being tested?

### 4) Norriego Point Submerged Land Lease

Councilmember Ramswell asked the City Attorney to provide an update on the Norriego Point Submerged Land Lease.

The City Attorney reported that the major issue with this application is the requirement that they present engineering drawings along with the application to FDEP.. Staff has engaged in back-and-forth discussions on this matter with FDEP, and both sides have agreed to a pre-application meeting. They have two meetings scheduled with FDEP the next two weeks and Councilmember Ramswell plans to attend those meetings.

Next, Councilmember Ramswell noted she has sent an email to Mr. Burgess regarding the condition of the County right-of-way along Commons Drive with a request that it be mowed and attended to by the County. She asked Mr. Burgess to address the situation.

According to Mr. Burgess, staff has discussed this issue with the County. The County maintains that specific area in question along Commons Drive. The city has approached its median maintenance contractor for some proposals for improved maintenance in that area. He will discuss some of the options with the City Manager and obtain the County's concurrence.

Councilmember Ramswell announced that the Destin High School will be hosting the community Blessings of the Marketplace on Wednesday, May 12<sup>th</sup> during the Week of Blessings. Destin High School will be the recipient of any donations that they will receive. She urged everyone to participate in this event as well as all other events during the Week of Blessings.

C. Councilmember Destin

Councilmember Destin noted that Time Saver Oil Change on Mountain Drive has closed. They were under contract with the City to take used oil from people who change oil on boats. He asked staff to come up with a course of action to provide an environmentally safe and lawful place for people to dispose their used oil and advertise it accordingly.

Councilmember Destin asked when the speed bumps in front of Leonard Destin Park will be installed. The park's grand opening is scheduled later this month.

Mr. Burgess reported that they have received quotes from their continuing services contractor. They will be starting the milling and resurfacing of Beach Drive within the next two weeks, and they hope to tie in the two projects together. In addition, the 4-way stops on Sibert Avenue and Forrest Street have been advertised to start on May 7<sup>th</sup>.

D. Councilmember Overdier

E. Councilmember Hebert

- 1) Recommendation 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 the end of the season.

This item was pulled from the agenda.

F. Councilmember King

G. Councilmember Schmidt

- 1) Airport Road Curve – Update

Councilmember Schmidt requested an update on the Airport Road curve situation.

Mr. Burgess reported that according to FDOT representatives, the start of construction is scheduled for the first week of June 2021. They will be milling and resurfacing that section of Airport Road and installing a topcoat of the material called High Friction Surface Treatment. They will also be putting up some new signage to include a speed detecting speed limit signs as

well as new pavement markings in that area. They estimate this project to take two weeks to complete.

- 2) Nomination of Mr. Alexander Santos to the Town Center CRA Advisory Committee

**Motion by Councilmember Schmidt, seconded by Councilmember Ramswell, to appoint Alexander Santos to the Town Center CRA Advisory Committee passed 6-0 (Council members Schmidt, King, Hebert, Destin, Ramswell, and Braden voted "yes").**

Councilmember Schmidt noted that a citizen recently sent Council some information about what she has been experiencing at her house on Cross Street as a result of a construction project. This homeowner believes she is being negatively impacted by a job being performed by a contractor hired by the city. Councilmember Schmidt asked if the city could give this citizen some assurances that they will provide her some assistance if she experiences some issues resulting from this project now and into the future.

The City Manager stated he has met with the citizen on the job site. He informed her that he cannot offer her a blanket warrantee or obligate future funds as this will violate their policies; however, he instructed her to contact the City immediately if she encounters some issues that she believes is caused by this work so that the City can promptly investigate and assist her in resolving the problem.

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

## **8. PUBLIC COMMENTS**

### **ADJOURNMENT**

**Having no further business at this time, the meeting was adjourned at 8:11PM.**



**ATTEST:**

**Rey Bailey, City Clerk**

  
**Gary Jarvis, Mayor**