

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
FEBRUARY 1, 2016
CITY HALL BOARDROOM
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 Sam Seevers	Councilmember Jim Wood
Councilmember Rodney Braden	Councilmember Jim Foreman
Councilmember Cyron Marler	Councilmember Prebble Ramswell
Councilmember Sandy Trammell	Councilmember Tuffy Dixon

Destin City Staff

City Manager Greg Kisela	City Clerk Rey Bailey
Public Information Manager Doug Rainer	City Engineer David Campbell
Finance Director Bragg Farmer	City Planner Hank Woollard
Community Development Director Ken Gallander	IT Manager Webb Warren
Parks/Recreation Director Lance Johnson	Library Director Jurate Burns
CRA/Development Manager Steve Schmidt	HR Manager Karen Jankowski
Land Use Attorney Scott Shirley	City Attorney Jerry Miller

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Sam Seevers called the meeting to order at 6:00 PM. Councilmember Marler delivered the invocation; which was followed by the Pledge of Allegiance.

SPECIAL PRESENTATIONS

1. Proclamation - Destin Area Chamber of Commerce Member Appreciation Day - February 4, 2016

Mayor Seevers read the proclamation designating February 4, 2016 as Destin Area Chamber of Commerce Member Appreciation Day, and then presented it to the Destin Chamber Chairman of the Board Jonathan Ochs.

Mattie Kelly Arts Foundation (MKAF) Chief Executive Officer Marcia Hull, Director of Operations Deb Nissley and Volunteers Coordinator Kathy Whidden presented the 2015 MKAF Volunteer of the Year award to Councilmember Jim Wood.

APPROVAL OF MINUTES

2. Request approval of minutes of the December 7, 2015 regular city council meeting
3. Request approval of minutes of the November 16, 2015 regular city council meeting

Motion by Councilmember Trammell, seconded by Councilmember Wood, to approve the minutes of the December 7, 2015 and November 16, 2015 regular city council meetings passed 7-0 (Council members Trammell, Wood, Marler, Foreman, Dixon, Ramswell and Braden voted “yes”).

PUBLIC HEARINGS

4. First reading of Ordinance 16-01-LC, which amends the Land Development Code by creating a new zoning district, Residential Office Institutional – Crystal Beach Residential (ROI-CBR) and rezones the Sovereign Isle neighborhood from ROI-TD to ROI-CBR

The City Attorney read Ordinance 16-01-LC by title, and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO THE CREATION OF A NEW ZONING DISTRICT ROI-CBR AND REZONING THE SOVEREIGN ISLE SUBDIVISION FROM ROI-TD TO ROI-CBR; PROVIDING FOR ZONING MAP AMENDMENTS; PROVIDING FOR AN AMENDMENT TO TABLE 7-1 IMPLEMENTING ZONING DISTRICTS; PROVIDING FOR AMENDMENTS TO SECTION 7.12.06. ZONING DISTRICTS BY CREATING A NEW ZONING DISTRICT, RESIDENTIAL OFFICE INSTITUTIONAL - CRYSTAL BEACH RESIDENTIAL (ROI-CBR); PROVIDING FOR AMENDMENTS TO THE OFFICIAL ZONING MAP AS REFERENCED IN THE LAND DEVELOPMENT CODE, SECTION 7.12.01(A)2 ZONING MAPS TO CREATE A NEW ZONING DISTRICT, RESIDENTIAL OFFICE INSTITUTIONAL - CRYSTAL BEACH RESIDENTIAL (ROI-CBR), PROVIDING FOR THE REDESIGNATION OF THE SOVEREIGN ISLE NEIGHBORHOOD FROM RESIDENTIAL OFFICE INSTITUTIONAL – TOURIST DEVELOPMENT (ROI-TD) TO ROI-CBR; PROVIDING FOR THE AMENDMENT OF LAND DEVELOPMENT CODE SECTION 7.12.06 ZONING DISTRICTS, TABLE 7-2: TABLE OF ALLOWABLE USES; PROVIDING FOR THE AMENDMENT OF SECTION 7.12.08 DIMENSIONAL REQUIREMENTS, TABLE 7-3: SCHEDULE OF DIMENSIONAL REQUIREMENTS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Manager stated that Sovereign Isle Homeowners Association, with 76 percent of its owners signing a petition, proposed this zoning change and is seeking to accomplish the following objectives:

- To achieve some degree of protection from the impacts of future commercial development expected to occur on the property immediately adjacent to the northern boundary of the Sovereign Isle subdivision
- To make the long term residential uses in the Sovereign Isle subdivision conforming. The current zoning does not allow long term residential, but that is how many of the single family homes there are used

The City Manager also noted the proposed ordinance has been presented to the Local Planning Agency, which unanimously recommended its adoption.

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

Mr. Travis Ralph, a Destin resident, came forward and spoke on the issue. He stated they petition the zoning change with the hope of protecting their family-friendly community. He continued the commercial lot adjacent to their northern boundary could be built with a 12-story facility, and that they fear failing to rezone their subdivision and increase their buffer zone would hinder their community in the future. He urged Council to adopt proposed ordinance.

Having no further comments from the public, the Mayor closed the public hearing portion of this item and turned the matter over to the City Council for their consideration.

Councilmember Braden moved to accept the recommendation of the Local Planning Agency and approve proposed Ordinance 16-01-LC on first reading; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Trammell, Wood, Marler, Foreman, Dixon, Ramswell and Braden voted “yes”).

5. Second reading of Ordinance 16-08-CN, which creates a utility easement to Destin Water Users, Inc.

The City Attorney read Ordinance 16-08-CN by title and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA CREATING AN EASEMENT TO DESTIN WATER USERS, INC. FOR A PORTION OF CITY PROPERTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Manager explained the Destin Water Users is requesting a utility easement across the Public Works Maintenance Yard and the City Hall Annex near the Commons Drive right-of-way line; adding the proposed easement is located between the Dog Park fence and the sidewalk along Commons Drive and across the entrance drive to the Public Services maintenance facility.

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 for consideration by the City Council.

Motion by Councilmember Wood, seconded by Councilmember Foreman, to approve Ordinance 16-08-CN on second reading and authorize the Mayor to execute the ordinance and direct the City Manager to execute the easement agreement passed 7-0. (Council members Trammell, Wood, Marler, Foreman, Dixon, Ramswell and Braden voted “yes”).

PUBLIC OPPORTUNITY TO SPEAK ON COUNCIL PROPOSITIONS

CONSENT AGENDA*

6. Reimbursement to Councilmember Prebble Ramswell for fees and costs for legal services

7. Request approval for use of City streets for Village Baptist Church 5k/10k Resurrection Run on April 9, 2016

Consent Agenda item #6 was pulled for further discussion.

Motion by Councilmember Dixon, seconded by Councilmember Ramswell, to approve Consent Agenda item #7, as printed above, passed 7-0 (Council members Trammell, Wood, Marler, Foreman, Dixon, Ramswell and Braden voted “yes”).

Referencing Consent Agenda item #6 – *Reimbursement to Councilmember Prebble Ramswell for fees and costs for legal services*, the City Attorney informed Council the authority for approving reimbursement of such fees is Section 111.07 of Florida Statutes, and that in order to approve the reimbursement, the City Council should make a finding of fact that the alleged misconduct arose from the performance of the Councilmember’s duties while serving a public purpose.

Councilmember Braden moved for approval of Consent Agenda item #6 to reimburse Councilmember Prebble Ramswell for fees and costs for legal services; seconded by Councilmember Dixon.

The City Attorney alluded to his earlier guidance to Council.

Councilmember Braden stated he is not aware of any misconduct; and so his motion stands.

Councilmember Dixon stated his second to the motion stands as well.

Councilmember Ramswell asked if she should abstain from voting on this item.

The City Attorney stated that Councilmember Ramswell should abstain from voting as this item inured to her special private gain or loss.

Councilmember Foreman noted this is an administrative impediment that is somewhat unprecedented. He continued it was properly investigated and determined by the State Attorney’s Office that the City did not have a procedure in place to deal with it; adding they should move ahead with the result.

The Mayor called for a vote on the motion, which passes 6-0 (Council members Trammell, Wood, Marler, Foreman, Dixon and Braden voted “yes”; Councilmember Ramswell abstained from voting).

RESOLUTIONS

COMMITTEE REPORTS

SCHEDULED PRESENTATIONS FROM THE PUBLIC**

PROJECT REPORTS AND COMMENTS FROM MAYOR AND COUNCIL

8. Councilmember Braden
9. Councilmember Ramswell

Councilmember Ramswell announced that both she and Councilmember Trammell will travel to Tallahassee tomorrow for the Florida League of Cities Legislative Action Day. She stated this is their opportunity to speak with different State Representatives and Senators about different issues relating to the City and seek ways for them to provide assistance on certain matters.

10. Councilmember Dixon

Councilmember Dixon complimented everyone involved in the Gumbo Cook-off in Destin. He stated it was a great event, and that many of the people that participated had a very good time.

Councilmember Dixon inquired as to the City's plan for the park they recently cleared, which is located on Main Street and just at the end of Joe's Bayou. He asked if they plan to plant some grass on it to prevent erosion and put up some kind of fence or some buffering to minimize the effect on the property next to it.

The Parks/Recreation Director noted that City staff only removed dead plants and invasive species; and that there is a plan in place to put hedges back along the existing fence on the property line and replace some of the invasive species with Live Oaks and other native species. They also plan to landscape the area and possibly put in some retaining wall. He added there is an existing chain link fence, which is also the area where they plan to put hedges in to create a buffer between the City property and the residential plot next to it.

Councilmember Dixon suggests they consider putting up a wooden fence that would look appealing and bring back an estimated cost for it.

Next, alluding to a picture of a sunken boat being shown on the screen, Councilmember Dixon noted this boat is located within about 30 feet of a City dock, and that a strong north wind could possibly push it into the dock. He also stated it is one of the biggest eye sores they have in that area and asked how they could expedite removing it from the water.

The City Manager noted it is derelict vessel under State Statutes, and that the owner of the vessel is currently being prosecuted. He continued the City had been in contact with Florida Fish and Wildlife Commission (FWC) and they are optimistic they will be cleared to remove the boat within the next few weeks. Once cleared, the City could remove the boat within hours. He added they have two derelict boats left for removal in Destin; this boat and a sailboat that is in the harbor. Unfortunately, the current owner of the sailboat does not have a title to it and currently in the Okaloosa County jail; however, FWC has a standing offer from the City that if the owner is willing to give the title to the City, the City will remove the boat.

11. Councilmember Foreman

Councilmember Foreman announced that he is the City's representative to the Okaloosa County Transit Cooperative, which involves public shuttles that go into different businesses on US Hwy 98. He stated it was basically a County operation in previous years; but, the cities have been invited to participate this year. He continued they are looking at the operation in its entirety to make sure it serves their purpose not only for the workforce for whom various businesses need

transportation, but also for the tourists. They also hope to be able to restructure the routes so that people that need this type of transportation, including people from Hurlburt Field and Eglin Air Force Base, will have it available to them on a consistent basis. He added they hope for this plan to significantly change public transportation by encouraging people to use it and displacing vehicles that come in to town and improve parking situations throughout this area.

12. Councilmember Marler

Councilmember Marler asked when they could expect constructions of signalized pedestrian crosswalks in town.

According to the City Manager, he had executed the financing agreement Council authorized him to do on December 7th and will forward it to the State by the end of this week. He continued they are working through the schematics, and that the goal is to have the crosswalks installed by Memorial Day 2016.

13. Councilmember Wood

Councilmember Wood announced that during the Okaloosa-Walton Transportation Planning Organization special meeting on January 21st, they approved an amendment to the State transportation plan that allows for reimbursement of the \$750,000 federal funding which the City of Destin agreed to pay in advance for the installation of the 5 signalized pedestrian crosswalks on US Hwy 98.

14. Councilmember Trammell

Councilmember Trammell stated that during the Florida League of Cities Legislative Action Day in Tallahassee, she plans to meet with Representative Matt Gaetz to discuss House Bill 7025, which is related to at-risk vessels. This bill is schedule to go before the House of the Representative and to the Senate. The bill allows FWC to prepare the process for vessels that are at risk of becoming derelict and allows individual officer to determine if that vessel is at risk just by looking at it and without having to go through a certain process; adding there are several different categories available to officers to determine if a certain vessel is at-risk.

Next, Councilmember Trammell suggests the following motions adopted by the Harbor CRA Advisory Committee at their January 2016 meeting be added on to the initial CRA Board meeting agenda for the newly seated Council following the March elections:

- *To aggressively pursue a decal or some kind of sticker requirement to be adhered to by various watercraft vessels that are rented based on the business parking and the Business Tax Receipts in order to regulate the number of commercial watercrafts on the harbor*
- *To aggressively pursue a medallion or decal program to help identify authorized livery vessels to aid in code enforcement inspections for parking compliance*
- *To direct staff to create an ordinance to ensure that out-of-service vessels in the harbor district are on movable DOT approved trailers and should not be allowed to impact the businesses' required parking*

- *To endorse the reduction of the speed limit in the harbor district to 25 or 30 mph, whichever FDOT recommends*

Councilmember Trammell also announced the upcoming first annual Northwest Florida Chasing Butterflies Walk on Saturday, February 27, 2016, 10:00 AM, at the Destin Middle School track. The event is sponsored by the Northwest Florida Panhandle Turner Syndrome Society.

15. Mayor Seevers

Mayor Seevers wished Mrs. Desi Davis a happy 100 birthday. She announced that Mrs. Davis, a longtime resident of Destin, had her 100th birthday this past weekend.

Mayor Seevers stated the Destin Gumbo Cook-off was a great event which benefited the Destin History and Fishing Museum. She thanked all the participants and recognized the Museum and City staff for all their work on this event.

Mayor Seevers invited everyone to attend the Mayor's State of the City Address scheduled for Tuesday, February 23, 2016 at 5:30 PM, in the City Hall Annex.

STAFF REPORTS AND RECOMMENDATIONS

16. City Attorney comments
17. City Land Use Attorney comments
18. City Manager comments
 - a. First Quarter FY 2016 Financial and Investment Report
 - b. Credit card policy for elected officials

According to the City Manager, after a recent review of use of the City's Purchasing Card, the State Attorney recommended the City adopt a policy for elected officials. He stated the policy that is before the Council is somewhat tailored after the policy for City employees. They have also referred this item to the City's external auditor for an internal control standpoint.

The Mayor asked whether this policy has to be in the form of an ordinance.

The City Attorney stated there is no requirements for this policy to be in ordinance form; adding since it is ministerial, it could be adopted either by resolution or by this particular format.

Councilmember Foreman alluded to his earlier comment about having a credit card policy; adding this is a good policy.

Councilmember Foreman moved that Council adopts the "Mayor and City Council Purchasing Card Policy"; seconded by Councilmember Ramswell.

Referencing lines 2-4 of the Purpose statement, "*The purchasing card program is designed to improve efficiency in processing purchases from any authorize vendor that accepts the City's Visa credit card*"; Councilmember Trammell noted that City staff deals with vendors, but for elected officials, the purchasing card is normally designed for travel.

The Finance Director explained the card could also be used for registration for a conference or any necessary expenses during the course of travel; adding, any entity that accepts the card is considered a vendor.

Councilmember Trammell asked if they could use the card to purchase items from the Florida League of Cities if they were selling something, for example, mats for the beach.

The Finance Director stated the card cannot be used for that purpose.

Councilmember Trammell asked that this be clarified in the policy.

Councilmember Trammell remarked that “accidental purchases” clause in the proposed policy should not apply to the elected officials as the City Clerk will now handle all the travel reservations and accommodations.

Councilmember Trammell noted that “loss of purchasing card privileges” as written in the proposed policy should be determined by Council in a Council meeting because Council is governing themselves in this case. She asked that this be clarified in the proposed policy.

Councilmember Trammell suggests putting “City Clerk” instead of “department purchasing card representative” for elected officials in the proposed policy, since the City Clerk will basically be handling travel activities for elected officials.

Councilmember Trammell suggests adding “room entertainment” under “prohibited charges” in item #6 of the proposed plan.

The Mayor suggests making a substitute motion directing staff to make all the aforementioned changes in the proposed policy since Councilmember Foreman had indicated he is not willing to amend his motion on the floor.

The City Attorney stated they would need all the changes be written in the draft policy.

Councilmember Trammell stated that for this reason, she would not be able to support the current motion.

Councilmember Ramswell asked for clarification regarding the statement on item 4B on page 2 of the plan, *“While personal purchases on the City card is strictly prohibited, if a personal purchase is accidentally made, the Mayor or Council member is expected to reimburse the City by the 7th day of the month the charge shows up on the individual statement.”*

The Finance Director explained the credit card statement always comes out the first of each month.

The City Manager added, once the statement is received, it gives the card holder 7 days to reconcile the statement, identify any issues, and submit it to the Finance Department by the 7th of each month.

Councilmember Wood suggests they continue this item to the next Council meeting to allow staff some time to incorporate all the changes identified by Councilmember Trammell into the policy.

Councilmember Foreman withdrew his motion on the floor and offered a new motion to continue this item to the next meeting; seconded by Councilmember Wood.

The City Manager noted that Councilmember Trammell will not be able to attend the next Council meeting on February 16th.

Councilmember Dixon noted the use of the purchasing card for elected officials is currently suspended, and that some of the Council members will be travelling soon and may need to have the purchasing card. He suggests approving the proposed policy as written and then amends it as many times as necessary later on.

The City Attorney stated that Council could go ahead and adopt the proposal tonight and then follow up with amendments to it if they so desire.

Councilmember Foreman withdrew his motion to continue this item to the next meeting. He then went back to his original motion to adopt the “Mayor and City Council Purchasing Card Policy”; seconded by Councilmember Ramswell. Motion passed 6-1 (Council members Wood, Marler, Foreman, Dixon, Ramswell and Braden voted “yes”; Councilmember Trammell voted “no”).

The City Manager made the following announcements:

- Second reading of Chapter 1 to the Comprehensive Plan: 2020 is scheduled for Tuesday, February 16th
- The 5 pedestrian signalized crosswalks are in the process of being funded
- Mediation on the Heritage Park issue with B.I., Inc. is scheduled for February 19th
- Bid opening for the Heritage Run Drainage Improvements is scheduled for Thursday, February 4th. Council will approve award of bid either on February 16th or March 7th Council meeting.

COMMENTS FROM THE AUDIENCE

Mr. Shane Moody, President and CEO of the Destin Area Chamber of Commerce, announced they held their annual Destin Area Chamber of Commerce Half Marathon Race on January 23, 2016; and that this event would not have been possible without partnership with the City. He thanked the members of City staff, Mr. Nick Coleman and Mr. Doug Rainer, for their valuable assistance.

Mr. Walter Woo, a Destin resident, noted he was asked by the Kokomo Cove Homeowners' Association to inform the City Council 15 homes are currently flooded; and that the lake in Destiny East across from the Crab Trap has risen and one of the houses will soon be in water. The Destiny East Homeowners Association has requested a permit to start pumping out and they are asking Council's assistance in expediting this matter.

The City Engineer provided the following explanations. He noted the last time this incident happened was in April 2014 when they had a 200 year storm event. It affected both the Kokomo Cove and Destiny East lakes. Both lakes have no outfalls and discharge points, and so when water enters it stays there. In April 2014, they were able to pump Four Pronged Lake from the Crab Trap since the storm water system is connected to that large lake. Destiny East was able to get a permit from FDEP for emergency discharge to the Gulf of Mexico and they literally pump the lake for over 6 weeks and were able to get the water down below the road elevations and out of people's houses. Destiny West was able to obtain permit through FDEP to pump the other lake and a permit from the City to cross the road with six inch pipe under ramps, across private property, and out to the Gulf of Mexico. However, there is no longer a place to pump because a house has been built on that lot and it is difficult to find a place to discharge the water. Destiny East is currently pumping Four Pronged Lake; and that he believes the elevations are such that if the other lake overflows it would get into Four Pronged Lake where it would at least give the water a place to go prior to entering any houses. He added he has been working with an individual from Destiny West to see if they can get the smaller lake pumped out. So far, they have not come into any solutions but they will continue to work on it.

Next to speak was Mr. Guy Tadlock, a Destin resident. He stated that he shares Councilmember Dixon's sentiments about the derelict boats. He continued this issue has been brought up at least three times by an elected official and that he hope they come up with procedures to handle derelict boats so that no one has to bring this issue up again.

Mr. Tadlock also stated the alleged misuse of credit card by an elected official was quite an embarrassment to everybody especially to the Council member that was involved. He stated that he read the report from the State Attorney's Office and that the finding was the City did not have a written policy. He asked that the seated Council makes sure this incident does not happen again.

Having no further business at this time, the meeting was adjourned at 7:10 PM.

ADOPTED THIS 16TH DAY OF FEBRUARY 2016

By:



Sarah "Sam" Seevers, Mayor

ATTEST:



Rey Bailey, City Clerk