

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
AUGUST 1, 2016
CITY HALL ANNEX COUNCIL CHAMBERS
6:00 PM**

The Council of the City of Destin met in regular session with the following members and staff present:

Destin City Council

Mayor Scott Fischer

Councilmember Chatham Morgan

Councilmember Parker Destin

Councilmember Cyron Marler

Councilmember Jim Foreman

Councilmember Tuffy Dixon

Councilmember Prebble Ramswell

Councilmember Rodney Braden

Destin City Staff

City Manager Carisse Lejeune

Parks/Recreation Director Lance Johnson

City Engineer David Campbell

Interim Comm. Dev. Director Steve Schmidt

City Clerk Rey Bailey

IT Manager Webb Warren

Finance Director Bragg Farmer

City Attorney Jerry Miller

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

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

SPECIAL PRESENTATIONS

1. Proclamation of support for the Okaloosa County Sheriff's Office

The Mayor read the Proclamation honoring the Okaloosa County Sheriff's Office, and then presented it to Sheriff Larry Ashley.

2. Presentation by Sarah Yelverton, Executive Director for the Homelessness and Housing Alliance and Ted Corcoran, Executive Director of Fort Walton Beach Chamber of Commerce

Ms. Sarah Yelverton, Executive Director for the Homelessness and Housing Alliance (HHA), addressed the mission of Okaloosa Walton Homeless Continuum of Care/Opportunity Inc. She stated this organization consisting of business and civic leaders, community advocates, non-profit, hospital and schools is dedicated to creating an opportunity to eliminate homelessness through self-sufficiency; and that HHA is the lead agency for this group. She then outlined the duties and responsibilities of the HHA. She pointed out there are approximately 629 homeless people in Okaloosa and Walton counties this year. She stated they align all their efforts to try to eliminate veteran homelessness. They had 117 homeless veterans in January 2015; but, decreased that number to 34 by January 2016. Currently, all homeless veterans that are willing to participate in the program and are eligible for housing have been placed into housing. She continued that 236 of the people they surveyed this year meet the definition of chronic homelessness. They have been homeless for quite a while. Trying to provide some assistance to them is quite challenging. They cost the community the most money because they have high service needs.

Mr. Ted Corcoran, President and CEO of the Fort Walton Beach Chamber of Commerce, noted that 8 acres of a former waste treatment plant for the City of Fort Walton Beach located near the Fort Walton Beach Fairground are being converted to a homeless resource center. The first phase of this center being referred to as "the cold night shelter" opens up on August 11, 2017. All homeless people in Okaloosa County will be eligible to go into this facility; and that 7 local churches will take care of all the people in this one building. He continued that with regards to chronically homeless people, they are working with both Fort Walton Beach Police Department and Okaloosa County Sheriff's Office to come up with stronger ordinances to regulate them. He added that all of Okaloosa County, including Destin, is working collaboratively to address this issue.

APPROVAL OF MINUTES

3. Approval of minutes of the May 16, 2016 regular city council meeting

Motion by Councilmember Braden, seconded by Councilmember Foreman, to approve the May 16, 2016 regular city council meeting passed 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

PUBLIC HEARINGS

4. Second reading of Ordinance 16-16-CN, Waste Management, Inc. Franchise Extension

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA RELATING TO THE COLLECTION AND DISPOSAL OF TRASH, GARBAGE, AND OTHER REFUSE; AMENDING ORDINANCE 11-04-CN THE EXCLUSIVE FRANCHISE TO WASTE MANAGEMENT, INC. OF FLORIDA, A PRIVATE CORPORATION, FOR THE COLLECTION AND DISPOSAL OF ALL RESIDENTIAL AND COMMERCIAL TRASH, GARBAGE, AND OTHER REFUSE WITHIN THE CITY LIMITS, AS SUCH HAS BEEN PREVIOUSLY AMENDED BY ORDINANCE 11-25-CN; PROVIDING FINDINGS; AMENDING SECTION 4, TERM TO EXTEND SAME BY TWELVE (12) MONTHS; AMENDING SECTION 19, RECYCLING PROGRAM, TO PROVIDE FOR CERTAIN REPORTING; AMENDING SECTION 29, RATES AND CHARGES, TO PROVIDE THAT GRANTEE IS RESPONSIBLE FOR BILLING AND COLLECTIONS; AMENDING SECTION 31, DELINQUENT ACCOUNTS, TO PROVIDE NEW PROCEDURES FOR HANDLING OF DELINQUENT RESIDENTIAL ACCOUNTS; PROVIDING FOR MODIFICATION OF CONTRACT; PROVIDING FOR ENTIRETY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Manager noted that the Waste Management Franchise extension is for a one year term; and that there had been no changes to the ordinance since the first reading.

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

Motion by Councilmember Dixon to approve Ordinance 16-16-CN on second reading was seconded by Councilmember Ramswell and passed 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

5. Second reading of Ordinance 16-17-CN, Gulf Power Franchise Extension

The City Attorney read proposed Ordinance 16-17-CN by title, and then presented in to the Council on second reading

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA RELATING TO ELECTRIC UTILITY FRANCHISE; AMENDING ORDINANCE NO. 048 THE FRANCHISE TO GULF POWER COMPANY, A PRIVATE CORPORATION, FOR THE PROVISION OF ELECTRIC UTILITY SERVICES WITHIN THE CITY LIMITS, AS SUCH HAS BEEN PREVIOUSLY AMENDED BY ORDINANCES NO. 048.1 AND 02-01-CN; PROVIDING FINDINGS; PROVIDING AMENDING SECTION 5, TERM OF FRANCHISE - RIGHT TO PURCHASE, TO EXTEND THE TIME BY TWO YEARS; PROVIDING FOR MODIFICATION OF CONTRACT; PROVIDING FOR ENTIRETY; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

According to the City Manager, this franchise extension is for a two-year period; and that there had been no changes to the proposed ordinance since the first reading.

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

Councilmember Ramswell moved to approve Ordinance 16-17-CN on second reading; seconded by Councilmember Braden.

Councilmember Foreman asked the City Manager to bring back some recommendations on how they should approach the negotiations Council and staff discussed most recently.

According to the City Manager, she would like to individually meet with each individual Council member to gain an understanding of some of the items the Council members would like to see in the new agreement.

The Mayor called for a vote, which passes 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

PUBLIC OPPORTUNITY TO SPEAK ON COUNCIL PROPOSITIONS (Agenda items #6, #7a, 17, 18, 19 and 20A)

Mr. Claude Perry, a Destin resident and businessman, spoke on agenda item #20A – long and short term infrastructure cost. He stated there has been no sign of any kind of activity that indicates the City is planning on building parking garages. He stated that the boardwalk has been very successful; but, there is a shortage of parking in the harbor. He asked the Council to look into the possibility of applying for funding through Triumph Gulf Coast who will be responsible for allocating some of the BP money that has been provided to mitigate the damage created by the Deepwater Horizon oil spill from the economic standpoint.

Ms. Leigh Moore, representing Howard Group, addressed agenda item #7A - Motion to Consider Rescission of the following motion previously adopted by the city Council on July 5, 2016: *"Motion to direct City staff to develop and send out a Request for Proposal (RFP) for a professional to help develop a stronger tree ordinance."* She stated they continue to recommend the hiring of a professional independent expert to assist the City in writing the tree ordinance; someone with experience in dealing with utilities as it pertains to trimming and removal of trees. They want

to make sure the ordinance is clear and concise, and with no loopholes; adding the current language in the City's Land Development Code that addresses landscaping issues is very difficult to understand. She also added the ordinance should include severe enough penalties to actually deter people from cutting down trees illegally.

Capt. Jim Green, a Destin resident and Vice-Chairman of the Harbor CRA Advisory Committee, spoke on agenda item #18 – Harbor CRA Advisory Committee and CRA Board recommendations from July 25, 2016 CRA Board meeting. He stated the committee made very aggressive recommendations. He stated the proposed reduction of the speed limit on Harbor Blvd. from 35 mph to 25 mph is very important for safety reasons. Hiring a Harbor Master is a must to control not only the rental boat industry but the variety of kiosks. Parking has always been a major issue on the harbor and code enforcement is very important. He urged the Council to approve the committee's recommendations and include any funding requirement into the Fiscal Year 2017 budget.

CONSENT AGENDA*

RESOLUTIONS

6. Resolution 16-12 - Providing authority for the city manager to enter into a Local Agency Program (LAP) agreement with FDOT for design funding on the Calhoun Avenue and Zerbe Street Pedestrian Improvements Project with transportation alternative program funding

The City Attorney read Resolution 16-12 by title.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN PROVIDING AUTHORITY FOR THE CITY MANAGER TO ENTER INTO A LAP AGREEMENT WITH FDOT FOR DESIGN FUNDING ON THE CALHOUN AVENUE AND ZERBE STREET PEDESTRIAN IMPROVEMENTS PROJECT WITH TRANSPORTATION ALTERNATIVE PROGRAM FUNDING; AND PROVIDING FOR AN EFFECTIVE DATE.

The City's Public Services Director David Campbell noted that earlier this year the City submitted an FDOT Transportation Alternative Program (TAP) application for funding assistance for the design of a ten foot pedestrian pathway along Calhoun Avenue. He continued the objective was to connect the pathway from the City's facility to the new parks, and to eventually connect to a pathway that goes under the Marler Bridge. They currently do not have an easement to cross a property to make that connection; but, City staff is continuing to work towards that goal. He added the City will be able to make an application for the construction of the pathway once the design is completed.

Councilmember Morgan moved to approve Resolution 16-12 providing authority for the City Manager to enter into a LAP agreement with FDOT for design funding on the Calhoun Avenue and Zerbe Street Pedestrian Improvements Project, and further authorize the Mayor to sign Resolution 16-12 on behalf of the City Council. Councilmember Foreman provided a second to the motion.

Councilmember Dixon noted they have allocated \$300,000 into their budget two years ago to put a sidewalk in from US Hwy 98 to Clement Taylor Park. He suggests utilizing that money to go forward with this project, connecting the pathway to their existing sidewalk and building a cross walk to the park. He continued the existing sidewalk needs to be enhanced. He added that Calhoun Avenue is one of their most historic roads and one of the worst looking roads in Destin, and that enhancing the sidewalk would help in their improvement efforts for this road.

Mr. Campbell explained that they intend to use the \$300,000 as a match to the grant they anticipate receiving from FDOT for pathway construction, with a plan to connect the new sidewalk on Kelly Street up to Clement Taylor Park. He continued that when they presented their case to FDOT, they had to demonstrate they had pedestrian safety on US Hwy 98 in mind; hence, the connection to the boardwalk under the Marler Bridge. It will give another opportunity for pedestrians to safely cross US Hwy 98. He added the ultimate goal is to have the connection to US Hwy 98; and that this is the first step towards accomplishing that goal.

Councilmember Dixon inquired as to who will create the design for this project.

Mr. Campbell replied that the City's continuing service provider will design this project; however, they would need to verify this with FDOT since this is a federally funded project.

Having no further comments from the Council members, the Mayor called for a vote on the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

SCHEDULED PRESENTATIONS FROM THE PUBLIC **

PROJECT REPORTS AND COMMENTS FROM MAYOR AND COUNCIL

7. Councilmember Morgan

- a. Motion to Consider Rescission of the following motion previously adopted by the city Council on July 5, 2016: *"Motion to direct City staff to develop and send out a Request for Proposal (RFP) for a professional to help develop a stronger tree ordinance."*

The City Manager explained that a professional and experienced arborist attended the previous meeting of the Environmental, Parks and Recreation Committee/Tree Board and gave a presentation to the board describing some of the details the board needs to be examining as they review the best practices in creating a stronger tree ordinance. The arborist also volunteered his services at no cost to the City to work with the Tree Board in drafting the tree ordinance that would create a solid permitting process that would accomplish the goal of the Tree Board and this Council. The City Manager also noted that both she and the Parks and Recreation Director spoke with the arborist following the meeting to verify his credentials. She was also able to confirm the fact this individual had given presentations at conferences for governmental arborists in the State of Florida. She also stated she wanted to make sure his commitment was firm that when he offered to work with the Tree Board, he would work through the process until they come up with a language the Tree Board could present to the Council for their approval. The City Attorney could then write the ordinance using that exact language for adoption by this Council. She added this would save the City time and money in producing this ordinance; however, if the professional arborist is not able to live up to the expectations of the Tree Board, the Council could then direct her to develop and put out an RFP.

Councilmember Morgan moved to consider rescission of the following motion previously adopted by the City Council on July 5, 2016: "To direct City staff to develop and send out a Request for Proposal for a professional to help develop a stronger tree ordinance." Councilmember Destin provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

Motion by Councilmember Destin, seconded by Councilmember Morgan, to set aside the order of the day to allow Council to vote on the above proposition passed 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted “yes”).

Councilmember Morgan moved to rescind the following motion previously adopted by the City Council on July 5, 2016: “To direct City staff to develop and send out a Request for Proposal for a professional to help develop a stronger tree ordinance”; seconded by Councilmember Destin passed 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted “yes”).

Councilmember Morgan asked if City staff has taken any action to secure some of the BP money.

According to the City Manager, the BP money will be used for construction of Royal Melvin Heritage Park; adding the City applied for and met all the criteria for funding from the Okaloosa County Restore Act Committee (ORAC).

Councilmember Morgan asked if the City have applied to Triumph Gulf Coast, Inc. for that portion of the BP money.

According to the Interim Community Development Director Steve Schmidt, the Triumph funds are a much larger portion of the BP money; however, it covers a broader area and in the most part focuses on economic development. He continued that there is an independent committee that is helping to establish the goals and criteria for these particular funds; and that they are looking for much farther reaching projects in terms of economic development.

Councilmember Morgan congratulated the Recreation Department and its director Lance Johnson on another successful summer; adding that hundreds of athletes and their families visited the City this summer participating in the City’s sports programs.

8. Councilmember Destin
9. Councilmember Marler
10. Councilmember Foreman
11. Councilmember Dixon
12. Councilmember Ramswell

Councilmember Ramswell mentioned that a citizen offered to personally fund a “Duck Crossing” sign and place by the pond on Kelly Street to alert motorists to watch out for ducks crossing the street.

The City Manager stated she has spoken with the Public Services Director about this issue. They have ordered the “Duck/Geese Crossing” signs and will place them on the site as soon as they come in.

Councilmember Ramswell asked if the City has an evacuation plan set in place for the City in preparation for the hurricane season.

The City Manager noted there is a hurricane evacuation plan for the City; and that the City collaborates with the County during hurricane watches and warnings. She continued they try to discourage people from sheltering at home and encourage them to evacuate the area while it is still safe to do so. She also stated a lot of the City’s function is through notification for hurricane

preparedness. They are working diligently with the City's website. They started a Tweeter site which they now linked with FEMA and NOAA; and they will be pushing information out through Tweeter and the City's Facebook page and website for citizens' use. She added that Mr. Tim Pietenpol of Public Services Department is the Emergency Manager for the City. He has been working with the hurricane plan; and that she is convinced they are prepared if they should get a hurricane watch or warning for the City.

13. Councilmember Braden

Councilmember Braden requested an update on the road sign on Lakeside Drive.

According to Mr. Campbell, Mr. Hank Woollard from Community Development is currently working on this issue, and that they can expect to see some progress very soon.

Councilmember Braden noted that the guard rail was replaced on Destiny East, and that the old guard rail needs to be removed from the site.

Mr. Campbell stated they would notify the contractor that is responsible for dispensing with the old guard rail.

14. Mayor Fischer

STAFF REPORTS AND RECOMMENDATIONS

15. City Attorney comments

City Attorney Jerry Miller announced this will be his last meeting as the Destin City Attorney. He stated that he has held this position since being hired as the City Attorney in 1985 and that it has been his privileged to serve 40 City Council members since that period; 9 of which were Destin Mayors. He thanked all the elected officials and City staff for all their support.

16. City Land Use Attorney comments

17. Joe's Bayou: Regulatory standards for "Boating-restricted areas"

Mr. Schmidt noted the staff report provided to Council lays out the policies and background for creating boating-restricted zones; adding it is limited by Florida Statutes and by the Florida Administrative Code. He asked that Council directs staff to create the boating-restricted zone within 500 feet of the Joe's Bayou boat ramps.

Councilmember Foreman moved to direct staff to prepare an ordinance and application for an "idle-speed, boating-restricted area" within 500 feet of the Joe's Bayou boat ramps substantially in accordance with the attached drawing and bring it back to Council for approval; seconded by Councilmember Ramswell.

Councilmember Dixon suggests using floating buoys instead of pilings to support the required signage that inform boaters of the no wake zone; adding that pilings could pose a hazard to people that do night fishing.

Mr. Schmidt stated it is a legitimate concern, and they will give it a lot of thoughts as they work on the permit application.

Councilmember Ramswell noted that the County may be a good resource for this project as they have gone through the process of finding floating buoys that would work for the safety corridor in East Pass.

Councilmember Dixon suggests they examine boat traffic during some of the busiest times of the year and possibly use that data to create a boating-restricted zone throughout the whole bayou later on.

Having no further comments from the Council members, the Mayor called for a vote on the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted “yes”).

Staff will specify signage/marker to be mounted on a floating buoy rather than on piling or other structure.

18. Harbor CRA Advisory Committee and CRA Board recommendations from July 25, 2016 CRA Board meeting

The City Manager noted that at its regular meetings, the Harbor CRA Advisory Committee made several recommendations for consideration by the City Council and CRA Board of Directors; and that the CRA Board findings and recommendations are detailed in the staff report.

- A. Six-month moratorium be placed on food truck and trailer vendor permits to allow the Harbor CRA Advisory Committee time to modify the criteria for permits, while still allowing processing of special event requests. The CRA Board voted unanimously to expand the moratorium to also include portable buildings, retail kiosks, mobile vehicles and table set up with items for sale, and recommended that City Council direct staff to research and develop appropriate regulatory standards for incorporation in the Land Development Code. The moratorium shall not apply to those tables, mobile vehicles, food trucks and trailers covered under a special event permit, such as the Seafood Festival or the Arts Festival. Proposed Ordinance 16-19-CC

The City Manager asked if a moratorium ordinance needs to be noticed before it is presented to the City Council.

The City Attorney replied affirmatively; adding it also has to go before the Local Planning Agency prior to being presented to the Council on first reading.

The City Manager stated that the current issue only involves food trucks in the Harbor CRA district; but, staff is concern food trucks may also become an issue in other parts of the City infringing upon other businesses or creating traffic. She asked if the Council would like to consider doing a moratorium and a future ordinance for these types of vending units in other parts of the City.

Councilmember Ramswell stated that she was under the impression the original intention was for the ordinance to apply to all trailers, kiosks and mobile vendors rather than just food vendors.

Capt. Green of the Harbor CRA Advisory Committee stated the original intention was for the ordinance to apply to food trucks only because they already have a very streamlined definition

of a kiosk or portable building. He also stated when this item was brought before the CRA Board, there was some discussion involving all the entities on the harbor district.

Mr. Schmidt noted the proposed ordinance is all encompassing and basically addresses mobile vendors; describing them as not just food trucks but also trailers, retail mobile vendors or other outdoor vendors.

The City Manager added that the CRA Board voted unanimously to expand the moratorium to include portable buildings, retail kiosks, mobile vehicles and tables set up with items for sale; and for these to come forward as recommendations to the City Council.

Mr. Schmidt pointed out they have specific rules for portable buildings that are in the harbor district basically for FEMA requirements; and that the reason they are portable is so they could easily be moved out in the event of a hurricane. He also stated they have not really had any proliferation of portable buildings or kiosks throughout the rest of the City. The harbor district seems to be the locale that attracts most of these type vendors. He added that the CRA Board also recommends taking a look at the proliferation of some of the other portable buildings and kiosks and determine whether or not they want to set some limitations in the harbor district.

Councilmember Morgan stated it may not make much of a difference until they improve enforcement of Business Tax Receipts (BTR); adding there is currently nothing that is stopping unlicensed vendors from operating in the harbor. He also added there are vendors currently operating in the harbor who are not aware they are required to have a BTR in order to operate.

Councilmember Dixon suggests they concentrate on the Harbor CRA at this time.

Councilmember Dixon moved to direct staff to advertise appropriately and bring proposed Ordinance 16-19-LC back for first reading on August 15, 2016; seconded by Councilmember Ramswell.

Ms. Schmidt noted that the next Local Planning Agency meeting is scheduled for August 18th, and so if the City Attorney's determination is to send this item to the Agency, then they would have to schedule first reading of the ordinance in September 2016.

Councilmember Destin announced he would need to abstain from voting as he owns a food truck in the north harbor CRA.

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

- B. Approve the adoption of proposed Ordinance 16-12-LC, the redefinition/clarification of the description of the boundary of the South Harbor Festive Marketplace. The CRA Board proposed a revision to the boundary "to develop a line based upon a certain distance from the southern edge of the roadway that would exclude the sidewalk regions from the Festive Marketplace.

According to the City Manager, a clear distinction of the boundary will assist the Sheriff's deputies in enforcing the code as they will be able to easily identify the restrictive line.

Councilmember Ramswell moved to direct staff to revise the language regarding the southern edge of the sidewalk for the description of the south Harbor Festive Marketplace and brings proposed Ordinance 16-12-LC back for first reading on September 8, 2016; seconded by Councilmember Dixon.

Councilmember Morgan stated he does not believe people would actually follow this ordinance nor does he believe having open container on the sidewalk poses a safety hazard; adding if people are to get hit by a vehicle, it is because they are already drunk.

According to Councilmember Dixon, they would still need to define the boundary to make it easier for the Sheriff's deputies to enforce the law.

Councilmember Ramswell noted that when this item was first discussed about two years ago, one of the concerns was the appearance of people walking up and down US Hwy 98 with open containers of alcohol in their hands and dragging coolers. She continued this is aesthetic as well as a safety suggestion.

The City Manager pointed out since the front door of some of the businesses along US Hwy 98 actually abuts right up to the sidewalk, it would prohibit their patrons from walking out the front door with an open container of alcohol. She continued staff would work with these business owners and help them understand they need to restrict their patrons from going out the front door of their establishment.

The Mayor called for a vote on the motion, which passes 6-1 (Council members Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes"; Councilmember Morgan voted "no").

- C. Petition FDOT to reduce the speed limit in the Harbor District to 25 mph. The CRA Board voted unanimously to recommend to the City Council that a letter be sent to FDOT seeking to reduce the speed limit on Harbor Blvd. (U.S. Hwy 98) within the Harbor District to 25 mph.

The Mayor noted there are citizens that want to know why they are recommending reducing the speed limit to 25 mph on the main highway while they have residential roads with 35 mph speed limit.

Councilmember Foreman moved to continue this item for a period of 90 days in order to do due diligence to find out whether or not the pedestrian crosswalk signals are operating properly and determine at that point if Council still wants to move forward with the petition; seconded by Councilmember Braden.

Councilmember Dixon stated there are so many traffic lights on US Hwy 98 now that people really have to drive slower and pay more attention; adding some residential roads have a 35 mph speed limit because they do not have pedestrian traffic as they do on US Hwy 98/Harbor Blvd.

Councilmember Marler stated that he would support continuing this item for 30 days but not 90 days; adding they will have the Destin Seafood Festival in October and it will be a very taxing day for at least two to three of the pedestrian traffic lights.

Councilmember Morgan expressed his support for the reduction of speed limit to 25 mph on Harbor Blvd. He asked what kind of response they received from FDOT when they proposed the lowering of the speed limit about two years ago.

Mr. Schmidt noted that FDOT's recommendation was to retain the posted speed limit of 35 mph but work to implement the extensive recommendations outlined in the final safety assessment report that was completed in 2013. Some of these safety recommendations included the pedestrian activated signals; three of which have been recently constructed in the harbor district. He added it is quite likely FDOT would want to assess the impact of the signals before making any decisions on speed limit reduction in the harbor district.

Councilmember Ramswell suggests going ahead and writing the letter to FDOT to begin the process regardless whether or not they decide to move forward with speed reduction. She asked what they hope to accomplish by waiting for 90 days before they write the letter.

Councilmember Foreman noted they have been turned down once and so they need support for any more letters they send to FDOT; adding they need to have specific justifications for reducing the speed limit.

Motion failed 3-4; (Council members Foreman, Destin and Braden voted "yes"; Council members Morgan, Marler, Dixon and Ramswell voted "no").

Motion by Councilmember Dixon, seconded by Councilmember Ramswell, to authorize the Mayor to write a letter to FDOT seeking reduction of the Harbor District speed limit to 25 mph passed 6-1 (Council members Morgan, Marler, Foreman, Dixon, Ramswell and Braden voted "yes"; Councilmember Destin voted "no").

- D. Support a medallion plan for livery vessel rentals within the harbor, providing code enforcement with an additional tool to control the proliferation of pontoon boats and personal watercraft rentals and help maintain parking regulations within the harbor district. The CRA Board voted unanimously to recommend that Council directs staff to craft a system for medallion registration of all permitted rental watercraft in the Destin Harbor.

Mr. Schmidt explained the additional regulation of rental vessels was basically intended to be a medallion system where they could identify specific rentals. They would need some time to evaluate the perspective fees and determine the possible income from the fees. It would be very difficult for their current code enforcement level to be able to add this level of control. They would need to have somebody down on the harbor full time because many of the personal watercrafts get taken in and out of service and maintaining a medallion system would be quite time-consuming. They could craft a schedule that would allow the City to hire another code enforcement person to assist; which could be discussed at the next budget meeting.

According to the City Manager, they would need to fund an additional code enforcement officer for the harbor from the general fund for the first year as any fee system they establish would not immediately generate enough funds to fund that position. Some of the responsible business owners had asked that any regulations be put in place for the next season because it would be cost prohibitive for them to try to enter into this type of regulatory fees at the end of this season. She added that staff would craft and bring something back for Council's consideration in November 2016 at the latest.

Councilmember Braden if they would be able to implement this by January 1, 2017.

Mr. Schmidt stated if they bring this item back by the November 2016 meeting and receives a definitive direction and approval of the fee structure at that point, it would just be a matter of getting the medallions created and setting up a system.

At this time Councilmember Marler moved to set aside the order of the day to allow a speaker to speak on the subject; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

Mr. Charles Duplantis, a Destin resident and businessman, spoke on the subject. He stated he has been in business in Destin for 25 years and obtain and paid for all required license to be able to operate; and they also pay their taxes and all their employees. He stated it would be totally unfair to place a fee on just the pontoon boats or Jet Skis. They may have 50-60 Jet Skis just to keep 20 of them running on a daily basis due to the amount of damage that can occur; and they could have Jet Skis that are out of service for weeks. They close 6 months out of a year while still paying property taxes. The City is making it harder and harder for them to operate. He suggests the City forms a committee of people that is actually involved in the business to put out ideas instead of arbitrarily passing laws to regulate the business. He also noted there are people running their business on Holiday Isle that will not get in trouble even if they do not get a medallion. The City will pick on a handful of businesses that are operating legally and expect them to abide by the law while allowing others to circumvent it. He urged Council to think real hard before they decide to pass this regulation.

Councilmember Ramswell asked if Mr. Duplantis would change his opinion if they were able to issue medallions that had a registration number that was non transferrable and would prevent people from selling them in order to make money.

Mr. Duplantis stated that he built and operated his business for over 25 years. He should not be prohibited from selling his business, making some money and retiring.

Mr. Mike Abadie, a Destin resident and businessman, spoke next. He stated he has been in business for 26 years. He is already being regulated by the City by telling him how many boats he is allowed to operate and the amount of insurance he has to carry. He had to meet a lot of rules and regulations. They have to have certain amount of parking spaces and boat slips. There are new businesses coming into Destin without parking spaces and boat slips and they do not have to follow these same rules and regulations because the City wants to implement new laws and charge more fees. He could agree with paying for stickers to place on his boats, but medallions are too expensive and it could get stolen. If he has 40 boats and he has to pay \$500 per medallion; he would have an undue burden of having to pay \$20,000 a year just to stay in business. He stated that the City would be able to eliminate whatever problem they are having if they make every business on the harbor follow the same rules and regulations he had been following for 26 years. He added that rules are already on the books, and the City just need to enforce these rules.

Councilmember Morgan stated that his biggest concern was lack of enforcement. Water sports companies have more boats than they are allowed to operate and the City has very little recourse. He stated he wants to make sure they have the ability to effectively enforce existing rules.

Councilmember Morgan moved to direct staff to evaluate the administrative feasibility and legality of proposed actions regarding the additional regulation of rental vessels, to evaluate ways to improve enforcement of business tax receipts and parking regulations and report back to the City Council. Councilmember Dixon provided a second to the motion.

Councilmember Marler suggests having the last two speakers contact City staff and discuss this issue with them.

The Mayor called for a vote on the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Foreman, Dixon, Ramswell and Braden voted “yes”).

19. Environmental, Parks & Recreation Committee/Tree Board recommendation

The Environmental, Parks & Recreation Committee/Tree Board Chair Teresa Hebert recommended that the City Council set an immediate moratorium to prevent any more trees from being cut down for at least the next 90 days and until an ordinance is adopted.

Councilmember Ramswell moved to direct the City Manager to take the actions required to bring back an ordinance that imposes a temporary moratorium on the removal and pruning of protected trees within the Destin City limits; seconded by Councilmember Dixon.

The City Manager noted they may need some sort of exception language in the ordinance so that they do not prohibit someone from doing some sort of pruning to prepare their property for strong wind events during this hurricane season.

Councilmember Ramswell asked if Council would be able to convene an emergency meeting and approve a motion to release the moratorium if they find themselves in an emergency situation during the next 90 days.

According to the City Attorney, the removal of a moratorium must also be done in the form of an ordinance, which would require two readings.

Councilmember Marler suggests they consider this on a case by case basis. He stated that from time to time, the owner may be required to remove a tree to be able to renew a homeowner's insurance. There is also a situation when a tree is too close to a house and start compromising the foundation of the house. He also stated it would be hard to enforce this code because they cannot go into people's backyard without viable reasons.

The City's Park and Recreation Director Lance Johnson noted that the key words are “protected trees”; and that staff would like to include the definition of “protected trees” in the ordinance and bring it back for Council's approval.

Councilmember Foreman stated if they put a moratorium in place, they need to be able to inform local landscaping companies what they can and cannot do.

Councilmember Morgan noted this is similar to a moratorium on food trucks. A lot of the tree cutting that is happening in Destin is unpermitted; which is one of the reasons they are revising the tree ordinance to put in steeper penalties for illegally cutting down trees.

Councilmember Dixon wants to make sure they do not prohibit someone from cutting down trees in order to build a home. He also stated he may not support the idea of not being able to prune trees because, in most cases, pruning is good for trees.

The City Manager noted that no action of Council would prohibit Gulf Power Company from cutting down any tree or pruning back any tree that they deem was interfering with their electrical wires.

Councilmember Ramswell withdrew her original motion and offered a new motion to direct the City Manager to take the actions required to bring back an ordinance that imposes a temporary moratorium on the removal of protected trees within the Destin City limits; seconded by Councilmember Dixon. Motion passed 6-1 (Council members Morgan, Destin, Marler, Dixon, Ramswell and Braden voted “yes”; Councilmember Foreman voted “no”).

20. City Manager comments

A. Long and short term infrastructure cost

The City Manager stated she was directed by Council at a previous meeting to bring back for discussion a list of the different infrastructure projects within the City that were unfunded in this year's budget. For this reason, the City's Public Services Director had put together some listings of these projects divided into different categories, and which had been provided to the Council for review.

Mr. Campbell briefly described the following lists of projects:

- Facility Maintenance and Projected Costs
- Infrastructure Projects – Stormwater
- Infrastructure Projects – Road Striping
- Infrastructure Projects – Roadway Resurfacing

Councilmember Ramswell noted they have asked the Tourist Development Council (TDC) for money for improvements, repairs and maintenance for public parks. She would like to know how many of the items listed under Facility Maintenance and Projected Costs are eligible for TDC funding.

According to Mr. Campbell, the TDC funds the City's parks along the beach; and not necessarily the City's interior parks.

The Finance Director Bragg Farmer noted that the TDC is currently funding about \$400,000 in infrastructure costs for all of the City's beach accesses. He also stated the City submitted a request for maintenance on some of the other parks a year ago; but, they were turned down by the TDC because they were not tourists driven.

Councilmember Foreman stated that the timing may be a little off because the TDC may already have a fixed budget for this year; however, he would be glad to present it to the TDC at their next meeting.

Councilmember Ramswell would like it clarified that grants the City received for Heritage Run and Indian Bayou Improvements only pay for portions of the project and not for the entire project.

Mr. Campbell stated the grant will pay for the bulk of the project.

Councilmember Dixon asked what happened to the money they set aside for repaving projects on Indian Trail.

Mr. Campbell replied the sections they have intended to repave and restripe have been completed.

Councilmember Braden asked if the replacement costs for the rusted poll in front of City Hall had been budgeted for this year.

Mr. Campbell stated he would like to see a structural analysis done first to see if there is anything they could do to stabilize rather than replace it.

Councilmember Marler stated they are trying to appease the taxpayers by keeping taxes low; but, their infrastructure suffers ultimately costing the City more money.

Councilmember Ramswell stated when she added up what seemed to be the immediate needs – storm water, facility maintenance, sidewalk and other striping – she came up with a total of \$9.73 million. She added they would need at least \$2 million to be able to maintain critical need projects that are continuing to worsen.

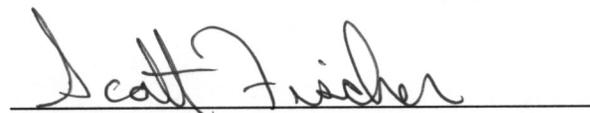
Councilmember Ramswell asked staff to prepare millage increase calculations for the budget workshop.

The City Manager announced that according to AETNA, in order for someone to be covered under the City's benefits program, they would have to be classified as full-time employee of the City and with compensation. Therefore, they will not be able to offer medical insurance benefits to members of Council. She added that Blue Cross Blue Shield did allow it in the past, but the City's new health provider AETNA will not allow it.

Having no further business at this time, the meeting was adjourned at 9:50 PM.

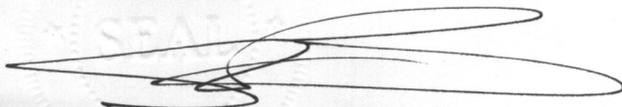
ADOPTED THIS 7TH DAY OF NOVEMBER 2016

By:



Scott Fischer, Mayor

ATTEST:



Rey Bailey, City Clerk