

**MINUTES  
REGULAR MEETING  
DESTIN CITY COUNCIL  
SEPTEMBER 20, 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 Prebble Ramswell

Councilmember Rodney Braden

**Destin City Staff**

City Manager Carisse Lejeune

Public Information Manager Doug Rainer

Comm. Dev. Interim Director Steven Schmidt

Parks/Recreation Director Lance Johnson

Finance Director Bragg Farmer

Land Use Attorney/Interim City Attorney Scott Shirley

City Clerk Rey Bailey

HR Manager Karen Jankowski

City Engineer David Campbell

IT Manager Webb Warren

Library Director Jurate Burns

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

Mayor Scott Fischer called the meeting to order at 6:00 PM. Reverend Dewey Roberts of Cornerstone Presbyterian Church gave the invocation; which was followed by the Pledge of Allegiance.

**APPROVAL OF MINUTES**

1. Approval of minutes of the September 8, 2016 regular city council meeting

**Motion by Councilmember Morgan, seconded by Councilmember Marler, to approve the minutes of September 8, 2016 regular council meeting passed 6-0 (Council members Morgan, Parker, Marler, Foreman, Ramswell and Braden voted "yes"; Councilmember Dixon was absent from the meeting).**

**PUBLIC HEARINGS**

2. Second reading of Ordinance 16-22-CN, adopting Fiscal Year 2017 Millage Rate

The Interim City Attorney read proposed Ordinance 16-22-CN by title, and then presented it to the Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN OF OKALOOSA COUNTY,  
FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES  
FOR THE CITY OF DESTIN FOR FISCAL YEAR 2017; AND PROVIDING  
FOR AN EFFECTIVE DATE.

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

Mr. Jim Bagby, a Destin resident, was first to speak. He referred to the budget advertisement on page A6 of the September 17, 2016 issue of The Destin Log which showed a proposed tax rate and revenue spending increase of over 19 percent for the City of Destin. He stated the City does not have a well thought out plan on how to spend the additional dollars. He suggested using the \$100,000 they saved on Heritage Run to pay for some of the infrastructure projects that were identified at the last meeting. He also noted they reduced the staff by over 25 percent the last few years due to economic downturn; which affects staff's ability to effectively oversee all the projects the Council wants to accomplish. And it would not make sense to increase the amount of money for projects while the staff level remains the same because these projects will not get done any faster. He urged the Council to set the millage rate as low as possible; but, no higher than 1.615.

Ms. Michelle Sandstead, a Destin resident and business owner, and a member of the Town Center CRA Advisory Committee spoke next. She stated there is no money in the budget to be spent for the Town Center CRA. The appearance of Main Street has improved only due to donations of trees from The Trees of Destin and the Main Street Betterment Alliance, Inc. She also stated the committee has not had a meeting in 3 months due to lack of a quorum; and that it has been hard for members of the committee to remain motivated when they do not receive enough support from the City. She asked that some funding be directed towards the CRA.

Mr. Ron Sandstead, a Destin resident and business owner, and president of Main Street Betterment Alliance, Inc., informed Council they formed the organization 3 years ago with the intention of beautifying Main Street and Airport Road. He stated that everyone in Destin uses these streets; and so money should be coming from other parts of the City to fund their improvements. With the exception of some private citizen donations, there have been no funds available for projects. He continued one of the projects they wish to accomplish is a City-wide artist program; starting on Main Street with the banner program and with local artists creating banners that are mounted on City owned poles on medians or along the sides of Main Street. He urged Council to set aside some money for Main Street improvements and help make the Town Center CRA a better place to live and visit.

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

Councilmember Foreman stated they should not set aside money without identifying specific projects that they will be able to accomplish within a given year. He also spoke of the plan several years ago to make the intersection of Main Street and US Hwy 98 the entrance to the City of Destin. He stated that some planning and discussions took place; but, nothing was accomplished. He asked they look into some representations to the Town Center Advisory Committee to allow this committee to function effectively.

Referring to Consent Agenda item #8 – Contact Extension with Executive Cleaning, Inc. Councilmember Braden inquired as to the purpose behind the \$81,991 staff is requesting for Fiscal Year 2017 while the amount of the contract was \$93,408.

The Finance Director explained the original proposal was for \$93,408; however, some of the services originally identified may be provided by City staff and so they do not have to pay the contractor to perform them. They would only contract for approximately \$92,000. He added most of these continuing services contracts could have 4 to 5 extensions; but, the City could modify the agreement as well as payment to the vendor by increasing or decreasing it based on need.

According to the City Manager, all the contracts they are bringing back for extension are already budgeted in the original budget at 1.50 mills staff brought forward; and that they should not have any effect on the discussion for a higher millage rate.

Councilmember Braden announced he had received telephone calls from several citizens opposing the budget increase; but, a lot more from those telling him to do what is necessary. Some even say they are embarrassed about the small amount of taxes they have to pay the City.

**Councilmember Destin moved to adopt Ordinance 16-22-CN on second reading, adopting a final millage rate of 1.615 mills, which is greater than the rollback rate of 1.5427 mills; seconded by Councilmember Ramswell. Motion passed 6-0 (Council members Morgan, Parker, Marler, Foreman, Ramswell and Braden voted “yes”; Councilmember Dixon was absent from the meeting).**

3. Second reading of Ordinance 16-23-CN, adopting the Fiscal Year 2017 Budget

The Interim City Attorney read proposed Ordinance 16-23-CN by title, and then presented it to the Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN MAKING APPROPRIATIONS FOR CERTAIN EXPENDITURES, EXPENSES, CAPITAL IMPROVEMENTS AND CERTAIN INDEBTEDNESS OF THE CITY OF DESTIN, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Manager stated the Finance Director will take the millage rate of 1.615 mills and make the adjustment to the budget based upon the additional identified projects and other contract services. The City Council will be approving the budget with these additions.

The Finance Director noted it will reduce the City’s overall budget to \$20,650,794.00 with the changes that were just made.

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

Mr. Bagby thanked the Council for setting the millage rate of 1.615 mills; and that he looks forward to working with the Council to hopefully roll it back down to 1.55 mills next year. He also stated he provided the City staff the contact information for the company that does the sidewalk repair. The cost saving would be about 80 percent to get rid of the trip hazard.

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

**Councilmember Destin moved to adopt Ordinance 16-23-CN on second reading, to provide for a balanced budget for FY 2017; seconded by Councilmember Braden. Motion passed 6-0 (Council members Morgan, Parker, Marler, Foreman, Ramswell and Braden voted “yes”; Councilmember Dixon was absent from the meeting).**

There was a brief recess at this point to allow the Community Redevelopment Agency (CRA) Board of Directors meeting to convene and the CRA Board to adopt the Fiscal Year 2016/2017 Town Center CRA and Harbor CRA budget.

The City Council meeting reconvened at 6:05 PM.

4. First reading of Ordinance 16-12-LC, amending the defined area known as the “South Harbor Festive Market Place.”

The Interim City Attorney read proposed Ordinance 16-12-LC by title, and then presented it to the Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO FURTHER DEFINING THE BOUNDARY OF THE SOUTH HARBOR FESTIVE MARKET PLACE; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT OF SECTION 7.16.04. OPEN CONTAINERS OF ALCOHOL; PROVIDING FOR INCORPORATION INTO LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Manager noted that on the August 1, 2016 meeting, the City Council directed staff to revise the language regarding the southern edge of the sidewalk for the description of the South Harbor Festive Market Place. It now clarifies that the open container area in the festive market place ends at the south side of the sidewalk that runs along US Hwy 98; and that the businesses that have egress directly on to that sidewalk would be contacted by staff to make sure they let their patrons know they cannot egress the front door of the facility and on to the sidewalk with an open container of alcohol.

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

Councilmember Ramswell thanked staff for all their hard work in completing this ordinance.

**Councilmember Ramswell moved to approve proposed Ordinance 16-12-LC on first reading and direct staff to schedule a public hearing for second reading. Councilmember Marler provided a second to the motion.**

Councilmember Marler asked staff to research an issue they previously discussed regarding limiting the hours that bars and restaurants can serve alcohol.

Councilmember Ramswell noted they previously discussed this issue on February 2, 2015 in conjunction with a City Manager-led town hall meeting where business owners voiced their opinion on the matter. She continued there was no consensus from Council at the time; but, there may be a different consensus now with the new Council.

Councilmember Marler stated he would discuss this issue with the City Manager and probably bring something back later on.

**Having no further comments from the Council members, the Mayor called for a vote on the motion, which passes 5-1 (Council members Parker, Marler, Foreman, Ramswell and Braden voted “yes”; Councilmember Morgan voted “no”; Councilmember Dixon was absent from the meeting).**

**PUBLIC OPPORTUNITY TO SPEAK ON COUNCIL PROPOSITIONS (Agenda items #5 thru #22, #23A, #28A, #33 and #34)**

**CONSENT AGENDA\***

5. Request approval for contract extension for the Independence Day Fireworks Display Continuing Services Contract with Pyro Shows, Inc.
6. Request approval for contract extension for the Miscellaneous Median/Right-of-Way Maintenance Continuing Services Contract with Brickman, LTD
7. Request approval for contract extension for Miscellaneous Generator Services Continuing Services Contract with RONCO Electric Service, LLC
8. Request approval for contract extension for the Miscellaneous Custodial Services Continuing Services Contract with Executive Cleaning, Inc.
9. Request approval for contract extension for the Miscellaneous Mechanical Services contract with DWD Ventures, Inc. DBA D & D Air Conditioning, Heating and Electrical Services
10. Request approval for contract extension for the Miscellaneous Pest Control Continuing Services Contract with Florida Pest Control & Chemical Company
11. Request approval for contract extension for the Miscellaneous Asphaltic Concrete Projects Continuing Services Contract with Gulf Coast Utility Contractors LLC
12. Request approval for contract extension for the Miscellaneous Roofing Continuing Services Contract with Porter Roofing Contractors, Inc.
13. Request approval for contract extension for the Miscellaneous Storm Water Maintenance Continuing Services Contract with Florida Septic & Sewer Service, Inc.
14. Request approval for contract extension for the Miscellaneous Electrical Continuing Services Contract with The Emerald Group of Florida, Inc. DBA Gulf Coast Electric
15. Request approval for contract extension for the Miscellaneous Road Striping Projects Continuing Services Contract with Emerald Coast Striping DBA Coastline Striping, Inc.
16. Amendment to the Traffic Signal Maintenance and Compensation Agreement
17. CitizenServe software suite annual licensing and support

**Councilmember Ramswell's motion to approve Consent Agenda items #5 thru #17, as printed above, was seconded by Councilmember Foreman and passed 6-0 (Council members Morgan, Parker, Marler, Foreman, Ramswell and Braden voted "yes"; Councilmember Dixon was absent from the meeting).**

**RESOLUTIONS**

18. Resolution 16-16 – Adoption of 2016 Local Mitigation Strategy

The Interim City Attorney read Resolution 16-16 by title.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, REPEALING THE 2011 LOCAL MITIGATION STRATEGY; ADOPTING THE 2016 LOCAL MITIGATION STRATEGY; CLARIFYING SECTIONS OF CITY RESPONSIBILITY; AND PROVIDING FOR AN EFFECTIVE DATE

The City Manager explained that Okaloosa and other counties throughout Florida are required by state and federal government to have a Local Mitigation Strategy (LMS). Municipalities and unincorporated areas within the County have the ability to be covered under the umbrella of the County's LMS. It is important for the City to adopt their County LMS. It is a requirement for the City in order to maintain their Community Rating System (CRS) rating and allow their citizens to receive a discount on their flood insurance.

**Motion by Councilmember Ramswell, seconded by Councilmember Marler, to adopt Resolution 16-16 regarding the 2016 Local Mitigation Strategy passed 6-0 (Council members Morgan, Parker, Marler, Foreman, Ramswell and Braden voted “yes”; Councilmember Dixon was absent from the meeting).**

19. Resolution 16-17 – Renewal of Eglin Air Force Base License Agreement for City use of land for the Independence Day Fireworks launch site

The Interim City Attorney read Resolution 16-17 by title.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA; APPROVING THE LICENSE AGREEMENT WITH EGLIN AIR FORCE BASE FOR USE OF CERTAIN LANDS LOCATED IN TOWNSHIP 2 SOUTH, RANGE 23 WEST, OKALOOSA COUNTY, FLORIDA, WEST OF THE MARLER BRIDGE ADJACENT TO THE WEST JETTY, TO CONDUCT A PYROTECHNIC/FIREWORKS DISPLAY ON OR ABOUT JULY FOURTH OF EACH YEAR; ACCEPTING AND ADOPTING THE LICENSE AGREEMENT BETWEEN THE CITY OF DESTIN AND EGLIN AIR FORCE BASE FOR USE OF SAID LANDS; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT FOR AND ON BEHALF OF THE CITY OF DESTIN; AND PROVIDING FOR AN EFFECTIVE DATE.

**Motion by Councilmember Foreman, seconded by Councilmember Marler, to adopt Resolution 16-17 authorizing the City Manager to execute the License Agreement with Eglin Air Force Base on behalf of the City passed 6-0 (Council members Morgan, Parker, Marler, Foreman, Ramswell and Braden voted “yes”; Councilmember Dixon was absent from the meeting).**

20. Resolution 16-18 – Interlocal Agreement between Destin Fire Control District and the City of Destin for Beach Safety and Lifeguard Services

The Interim City Attorney read Resolution 16-18 by title.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA; ACCEPTING AND ADOPTING THE FISCAL YEAR 2017 INTERLOCAL AGREEMENT BETWEEN THE CITY OF DESTIN AND THE DESTIN FIRE CONTROL DISTRICT FOR BEACH SAFETY AND LIFEGUARD SERVICES; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT FOR AND ON BEHALF OF THE CITY OF DESTIN; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Ramswell noted that on years past she has had to abstain from voting on this item because she was employed by the Destin Fire Control District; however, she had not worked for the Fire District since 2015 and will be able to vote on it this year.

**Councilmember Foreman moved to adopt Resolution 16-18 authorizing the Mayor to sign the Interlocal Agreement between the Destin Fire Control District and the City of Destin to provide Beach Safety and Lifeguard Services on the City of Destin beaches for FY 2017; seconded by Councilmember Marler**

Councilmember Braden asked if there has been some discussion about discontinuing the payment of \$100,000 for beach safety.

The City Manager stated that she had recently met with Chief Sasser and there was no discussion regarding the payment being discontinued. However, they discussed changing the period

of time they would have lifeguard, which would be during spring break and through summer season ending on August 15<sup>th</sup>. They also asked Chief Sasser for better coordination with the flags on the beach so that City residents and visitors will have a better idea of safety concerns.

**The Mayor called for a vote on the motion, which passes 6-0 (Council members Morgan, Parker, Marler, Foreman, Ramswell and Braden voted “yes”; Councilmember Dixon was absent from the meeting).**

21. Resolution 16-19 – Renewal of Eglin Air Force Base License Agreement for City use of land for the “Welcome to Destin” sign

The Interim City Attorney read Resolution 16-19 by title.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA; APPROVING THE LICENSE AGREEMENT WITH EGLIN AIR FORCE BASE FOR USE OF CERTAIN LANDS LOCATED NEAR THE SOUTHWEST END OF THE EAST BOUND MARLER BRIDGE, OKALOOSA COUNTY, FLORIDA; ACCEPTING AND ADOPTING THE LICENSE AGREEMENT BETWEEN THE CITY OF DESTIN AND EGLIN AIR FORCE BASE FOR USE OF SAID LANDS; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT FOR AND ON BEHALF OF THE CITY OF DESTIN; AND PROVIDING FOR AN EFFECTIVE DATE.

**Councilmember Foreman moved to adopt Resolution 16-19 approving the agreement with Eglin Air Force Base to continue to provide the City use of the premises for the location of the City of Destin Welcome sign, and authorizing the City Manager to execute the agreement, pending approval of the City Attorney, on behalf of the City. Councilmember Ramswell provided a second to the motion, which passes 6-0 (Council members Morgan, Parker, Marler, Foreman, Ramswell and Braden voted “yes”; Councilmember Dixon was absent from the meeting).**

The City Manager announced that staff has put up the new “Welcome to Destin” sign, which is better than before.

Councilmember Ramswell stated that they have had some discussions in the past about doing something similar on Mid-Bay Bridge; adding the TDC had shown some interest in contributing to it. She asked if there had been any conversations about it.

The City Manager noted it would have to be a conversation among the County, the TDC and the Mid-Bay Bridge Authority; however, staff would pursue this issue if directed by Council.

There were no objections from the Council.

22. Resolution 16-20 – City Attorney contract

The Interim City Attorney read Resolution 16-20 by title.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA; ACCEPTING AND ADOPTING THE CONTRACT AGREEMENT BETWEEN THE CITY OF DESTIN AND THE FIRM ANCORS, SMITH, GRIMSLEY, PL FOR THE SERVICES OF CITY ATTORNEY; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT FOR AND ON BEHALF OF THE CITY OF DESTIN; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Manager explained that when they write a contract based on a proposal, they use the language from the proposal's scope of work. She continued that the original scope of work did not contain the language, "*the monthly retainer shall cover the first forty-five hours of ordinary services*"; however, Mr. Jeff Burns did make that statement during his presentation to Council. They have added that language to the contract; but, they need Council's approval for that statement to remain on the contract.

**Motion by Councilmember Destin, seconded by Councilmember Marler, to authorize the inclusion of the requested language "*the monthly retainer shall cover the first forty-five hours of ordinary services*" passed 6-0 (Council members Morgan, Parker, Marler, Foreman, Ramswell and Braden voted "yes"; Councilmember Dixon was absent from the meeting).**

**Councilmember Destin moved to adopt Resolution 16-20 authorizing the Mayor to sign the contract agreement for city attorney legal services between the City of Destin and Anchors, Smith, Grimsley, PL; seconded by Councilmember Ramswell. Motion passed 6-0 (Council members Morgan, Parker, Marler, Foreman, Ramswell and Braden voted "yes"; Councilmember Dixon was absent from the meeting).**

## **COMMITTEE REPORTS**

### **SCHEDULED PRESENTATIONS FROM THE PUBLIC \*\***

### **PROJECT REPORTS AND COMMENTS FROM MAYOR AND COUNCIL**

#### 23. Councilmember Braden

- a. Discussion on putting out a Request for Proposal (RFP) to hire a qualified arborist to assist in the writing of Destin's tree ordinance

Councilmember Braden stated he would not be asking staff to put out this RFP at this time since the Destin's tree ordinance has apparently been drafted.

Councilmember Braden thanked Mr. Scott Shirley for an excellent job taking on the role of both the Land Use Attorney and Interim City Attorney.

#### 24. Councilmember Ramswell

Councilmember Ramswell stated that the City of Destin recently lost a very valuable and longtime employee; deeply affecting both City staff and the entire community. She stated that Mrs. Tammy Bowen will be very deeply missed by all.

#### 25. Councilmember Dixon

#### 26. Councilmember Foreman

Councilmember Foreman echoed Councilmember Ramswell's comments about Mrs. Bowen.

#### 27. Councilmember Marler

Councilmember Marler stated that Mrs. Bowen was a great asset to the City and will be hard to replace.

28. Councilmember Destin

- a. Discussion on potentially exploring the option of purchasing the Gulf Power utility and putting out an RFP to hire a professional to conduct a feasibility analysis

Councilmember Destin stated that he agrees with Ms. Leigh Moore's sentiment about this issue; adding they owe the general public the responsibility of exploring the option of purchasing the Gulf Power utility and finding out whether or not it will benefit the City in the long run.

**Councilmember Destin moved to direct the City Manager to put out an RFP to hire a professional to conduct a feasibility analysis regarding the Gulf Power utility; seconded by Councilmember Morgan.**

The Mayor asked if Council would consider having their first meeting with the new special counsel and getting his input before they put themselves in a position of having additional expenditures.

Councilmember Destin stated they would not be spending any money but will get the process going by putting out an RFP; adding they could just cancel the RFP if the special counsel feels it is not appropriate.

The City Manager stated she has had some discussion with Attorney Schef Wright. They still have Mr. Wright under contract because the scope of his services included negotiating a new or renewal of franchise agreement with Gulf Power; and also the potential purchase of the Gulf Power electric distribution facilities. They will set up a meeting to discuss this issue within the next two weeks. She also discussed with him the Council's desire to potentially go out for an RFP, and that he had referred her to a colleague, Mr. Bill Harrington from WSH Enterprises, who was also the one the Howard Group had recommended to the City as a potential person to do the RFP. She added that Mr. Harrington was very willing to discuss the potential analysis; and that the most costly portion of this would be the Severance and Reintegration Analysis where the City severs from Gulf Power and reintegrate its own utilities. He believes they could probably find a consultant at \$40,000 to \$60,000 range. She also added this is not budgeted for this consultant; however, Mr. Harrington also offered to come and speak with Council for travel expenses and his hourly rate of about \$2000 to discuss the process. Otherwise, they could just put out an RFP anticipate proposals at \$40,000 to \$60,000 range.

Councilmember Destin announces that his motion stands.

Councilmember Ramswell asked if they have received any input from Gulf Power; or if Gulf Power had given any indication whether or not they would be agreeable to any of the terms of the contract such as the length of the contract and other items that may be impacted such as undergrounding of the utilities.

The City Manager stated she has had no discussion with Gulf Power because she is taking this matter in a progressive way. She will confer with Mr. Wright and then inform Council of the next steps in the process.

The Mayor suggests they start their preliminary discussions with Gulf Power following the budget process.

Councilmember Foreman stated it would be to their benefit to not reveal much of their plans to Gulf Power at this point; adding there are some things they do not know. Once they receive more information regarding this matter from Mr. Wright, they may or may not decide they want to put out an RFP and conduct a feasibility analysis regarding the Gulf Power utility.

Councilmember Ramswell noted that any discussions among the Council members regarding this matter have to be done in public due to the Sunshine Laws.

Councilmember Foreman stated that most of the discussions will be among the City Manager, the Mayor and Gulf Power representatives; and that any actions items resulting from those discussions will then be discussed in public.

**The Mayor called for a vote on the motion, which passes 5-1 (Council members Morgan, Destin, Foreman, Ramswell and Braden voted “yes”; Councilmember Marler voted “no”; Councilmember Dixon was absent from the meeting).**

Councilmember Destin offers his sympathies to Mrs. Bowen’s family.

29. Councilmember Morgan

Councilmember Morgan stated that Mrs. Bowen made a big impression on him during the short time he had been with the Council. He offered his condolences to her family and the City.

30. Mayor Fischer

Mayor Fischer thanked Mr. Shirley for performing dual duties as Interim City Attorney and Land Use Attorney for Destin.

## **STAFF REPORTS AND RECOMMENDATIONS**

31. City Attorney comments

Newly hired City Attorney Jeff Burns thanked the Council for selecting his firm to represent the City.

32. City Land Use Attorney comments

33. Destin Youth Council membership appointment

**Councilmember Ramswell moved to appoint the following 10 applicants to the Destin Youth Council; seconded by Councilmember Marler. Motion passed 6-0 (Council members Morgan, Parker, Marler, Foreman, Ramswell and Braden voted “yes”; Councilmember Dixon was absent from the meeting).**

- Andrew Baker
- Alexander Baker
- Adam Van Belkum
- Matthew Bomparola
- Colt Buckingham
- Cameron Farrah
- Harrison Cole Farrah
- Joseph Kersanac

- Grason Shackelford
- Wesley Shackelford

34. First reading of Ordinance 16-26-CN - Temporary Tree Cutting Moratorium

The Interim City Attorney read proposed Ordinance 16-26-CN by title, and then presented it to the Council on first reading.

AN ORDINANCE ENACTING A TEMPORARY MORATORIUM ON THE REMOVAL OF PROTECTED TREES WITHIN THE DESTIN CITY LIMITS, PENDING CONSIDERATION OF CHANGES TO CITY ORDINANCES; PROVIDING DEFINITIONS; PROVIDING FOR A TEMPORARY MORATORIUM ON PERMITS ALLOWING REMOVAL OF CERTAIN TREES; PROVIDING FOR EXCEPTIONS; PROVIDING FOR APPEALS; AND PROVIDING FOR AN EFFECTIVE DATE AND TERM.

The Interim City Attorney noted the following correction made on page 3, paragraph 4, and line 2 of the proposed ordinance:

*“4. Any removal of a qualifying tree that is necessary in order to accommodate the construction of a single family residential home, as long as the following ~~as~~ are satisfied:*

- a. The removal is approved as part of issuance of a building construction permit for the residence;*
- b. The removal does not occur until after the building construction permit is posted and a notice of commencement is recorded;*
- c. Only those qualifying tree(s) may be removed as are necessary to reasonably accommodate the approved building site plan including only building footprint, utilities, access and drainage.”*

**Councilmember Ramswell moved to approve proposed Ordinance 16-26-CN, as corrected, on first reading and to direct the City Manager to bring it back to Council for second reading on October 3, 2016; seconded by Councilmember Braden.**

Councilmember Marler asked if there were any ongoing commercial projects that could be affected by this moratorium if it is approved.

The Land Use Attorney stated that most of their commercial properties are in areas without a lot of trees; and that he has not heard from staff about having any ongoing commercial projects that might be implicated by this ordinance.

Councilmember Marler asked if the City requires a permit to remove a tree; to which the City Manager replied affirmatively.

Councilmember Foreman asked that if a homeowner calls for a landscaping company to remove a tree in their back yard, whether it is the responsibility of the company or the owner to determine whether or not it is a qualifying tree.

The Land Use Attorney stated that a policy decision would have to be formulated in that regard; but, the tree removal company would usually apply for a permit.

Councilmember Foreman wants to make sure the rules they create is clearly enforceable.

Councilmember Braden stated he feels very confident in saying the City has never issued a permit to a tree removal company to remove a tree. He wants to make sure they have a rule in place that would discourage tree removal companies from violating this ordinance.

Councilmember Ramswell noted a large Magnolia Tree that has grown into the foundation and leaning against their home. She asked if they would be able to remove this tree.

According to the Land Use Attorney, a tree can be removed if it is compromising the house, presenting a danger or creating damage to the house.

**The Mayor called for a vote on the motion, which passes 5-1 (Council members Morgan, Destin, Foreman, Ramswell and Braden voted “yes”; Councilmember Marler voted “no”; Councilmember Dixon was absent from the meeting).**

### 35. City Manager comments

The City Manager made the following announcements:

- City of Destin Open House on October 20<sup>th</sup> at the Destin Community Center
- Volunteers are needed for the Town Center CRA Advisory Committee
- The City’s Finance Department qualifies for the Fiscal Year 2015 Certificate of Achievement for Excellence in Financial Reporting to the City’s Finance Department

## COMMENTS FROM THE AUDIENCE

Mr. Claude Perry, a Destin resident and business owner, noted that several stakeholders, the Mayor and City Manager recently attended a meeting sponsored by the Chamber of Commerce to hear a presentation from Mr. Stan Connelly, Gulf Power president. He also noted that Mr. Connelly is the commissioner of the Triumph Gulf Coast, Inc. who will decide how the \$1.5 billion BP money will be distributed. He asked for the City Manager and the Mayor to give their thoughts regarding the presentation and whether or not this will benefit the City of Destin.

The Mayor stated it is very important, particularly for the 8 counties that were designated to receive 75 percent of the money, stay very close to the group; adding that at this point he is not sure what the City of Destin should be doing to put themselves in an advantageous position to receive a large share of the money. He continued that the City may have to form its own working group to try to make sure they get their fair share. He also stated he has accepted an appointment to the Mayors Lobbying Committee in Tallahassee for the upcoming legislature.

The City Manager stated Triumph Gulf Coast would be looking for regional projects; and that in order for the City of Destin to achieve its goals, they would need to look to some regional collaboration with neighboring cities and possibly counties. She continued there is no reason why they cannot be a larger plan that includes some of the need of Destin within that larger plan. She also spoke on the importance of economic diversity; and not relying on just one or two industries for the future of Destin. They need to start looking at different types of target industries that they could bring to their area to be sustainable for the future.

Mr. Perry stated that he heard Mr. Connelly say every coastal community has a parking problem; adding it fits the requirements for a regional project.

The City Manager opined that this committee might favorably be looking at some sort of regional transportation project that ties into moving people – workers, residents or visitors; and a better way to move people throughout the region that would create adversity of jobs.

The Mayor stated there is a working committee with no money and authority at this point; and that until the legislature funds it they will not have the ability to hire staff. It was also his understanding that the money would be directed more towards environmental than infrastructure projects although Mr. Connelly stated that infrastructure projects are still a probability.

Having no further business at this time, the meeting was adjourned at 8:15 PM.

**ADOPTED THIS 20<sup>TH</sup> DAY OF SEPTEMBER 2016**

**By:**



**Scott Fischer, Mayor**

**ATTEST:**



**Rey Bailey, City Clerk**