

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
MAY 15, 2017
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 Prebble Ramswell
Councilmember Chatham Morgan	Councilmember Tuffy Dixon
Councilmember Parker Destin	Councilmember Jim Foreman
Councilmember Cyron Marler	Councilmember Rodney Braden

Destin City Staff

City Manager Carisse Lejeune	City Clerk Rey Bailey
Parks/Recreation Director Lance Johnson	City Planner Hank Woollard
Public Information Manager Doug Rainer	Finance Director Bragg Farmer
Community Dev. Director Karen Haynes	City Engineer David Campbell
Development Manager Steve Schmidt	IT Manager Webb Warren
Land Use Attorney Kimberly Kopp	City Attorney Jeffrey Burns

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Scott Fischer called the meeting to order at 6:00 PM. Pastor Barry Carpenter of the Destin United Methodist Church gave the invocation; which was then followed by the Pledge of Allegiance.

AGENDA APPROVAL (*Matters not specifically listed on the agenda may be added and acted upon with a super-majority vote of the Council members present and eligible to vote on the matter*)

The following items have been added on to the agenda.

- Triumph Funding Priorities
- Emergency Maintenance Dredging of the Old Pass Lagoon Channel
- Donation of mounted Blue Marlin

Motion by Councilmember Morgan, seconded by Councilmember Marler, to approve the agenda as amended passed 7-0 (Council members Destin, Morgan, Marler, Foreman, Dixon, Ramswell and Braden voted “yes”).

1. APPROVAL OF MINUTES

- A. Approval of minutes of April 6, 2017 city council workshop
- B. Approval of minutes of the January 17, 2017 regular city council meeting

Motion by Councilmember Ramswell, seconded by Councilmember Destin, to approve minutes of April 6, 2017 city council workshop and January 17, 2017 regular city council meeting passed 7-0 (Council members Destin, Morgan, Marler, Foreman, Dixon, Ramswell and Braden voted “yes”).

2. PROCLAMATIONS / RECOGNITIONS / **SPECIAL PRESENTATIONS / ANNOUNCEMENTS (NO PUBLIC COMMENTS)

- A. Schedule presentation from members of the public – Indian Bayou drainage issue – Mr. Larry Szczur

Mr. Larry Szczur, a Destin resident, provided an update on the progress of the drainage project on Indian Bayou Drive. He stated, though things are not perfect, there have been a lot of noticeable improvements in the contractor's overall performance and in the quality of their work. He continued he was speaking in general terms, and that there are still a lot of angry homeowners out there that may not share his view. He then presented a list of unfinished work and work that needs to be re-accomplished; adding it is a compilation of both his observation and from direct comments he received from different homeowners. He added that a few of the listed items are potential safety hazards. He asked council to allow him to meet with the City Manager in two weeks to discuss the list to see where they stand. There were no objections from the Council.

Councilmember Braden asked when the project is due for completion to include the rain days.

According to the City Engineer, the project was to be completion this week. He also stated their punch list is similar to the list provided by Mr. Szczur.

3. PUBLIC COMMENTS ON AGENDA ITEMS THAT ARE NOT PUBLIC HEARINGS (ALL AGENDA ITEMS OTHER THAN THOSE UNDER NUMBER 6)

Ms. Leigh Moore, representing the Howards Group, addressed agenda item #4F – *Triumph Funding Priorities*. She noted that the tentative work program the Florida Department of Transportation (FDOT) submitted to the State included an engineering design and study program into the year 2021 for redesigning Harbor Blvd throughout Destin. She suggests the City considers applying for funds through Triumph Gulf Coast for this initiative so it could be moved up to a much earlier date. She continued this would be a great use of funds for something that is very critical for the economic development in Destin; and that they also feel it is a project that has a very good chance of being approved. She also added any structured parking for which there is a public-private partnership element and might alleviate some of the City's parking concerns should also be of high priority.

4. CITY MANAGER REPORTS

- A. Schedule a CRA Board meeting

The City Manager asked for the Council's approval to schedule a CRA Board of Directors meeting on June 5, 2017 to continue the discussion of mobile vending.

Councilmember Ramswell moved to schedule a CRA Board meeting on June 5, 2017, seconded by Councilmember Marler. Motion passed 7-0 (Council members Destin, Morgan, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

- B. Potential purchase of Parcel B property

The City Manager noted that on May 1, 2017 regular council meeting, Councilmember Ramswell shared information that she has been in contact with Mr. Dana Matthews, the attorney that represents the owner of Parcel B to discuss the owner's interest in selling Parcel B to the City of

Destin to be utilized as an additional beach and waterfront access for the public. Councilmember Ramswell asked that this item be placed on tonight's agenda for the Council to authorize a designee to begin a dialogue for potential purchase and to bring that information back to Council at a later date. She continued that Councilmember Marler also requested that staff perform additional fact-finding regarding the potential purchase as part of the agenda item for tonight's meeting. She noted that the Ad Valorem Taxes paid for 2016, the purchase price (unqualified) in September 19, 2012, and the 2016 Just Market Value were all included in the staff report. She further stated that along with the potential purchase of the property for additional beach and waterfront access for the public, there are other considerations, as follows:

- Parcel B is currently "land-locked" with no public access from Gulf Shore Drive directly onto the property. Gulf Winds Court and Gulf Breeze Court are the only access roads to Parcel B from Gulf Shore Drive. Both roads are designated as Residential Commons Area on the Okaloosa County Property Appraisers map, and are privately owned. With an easement from the homeowners association (HOA) the City could construct 5' sidewalks along either street for pedestrian traffic, and improved the right-of-way along Gulf Shore Drive for on-street parking. The current width of either street is not adequate to meet minimum City LDC right-of-way standards for vehicle traffic. Additional research is needed to determine the feasibility for receiving an easement from the HOA
- According to the Okaloosa County Property Appraisers website, the pedestrian access at Osteen Beach Access currently dead ends at Parcel C. There has been an undesignated "customary use" easement along the west side of the parcel, but would need to be legally designated as a public easement for the public to traverse this parcel to the water's edge. Additional research is needed to determine the feasibility of continued public access to the water from the Osteen Beach Access
- A public beach will also require an ADA compliant restroom facility, shade structure and access to the water

According to Councilmember Ramswell, it is of utmost importance not to disturb the easement or put any structure of any kind to this parcel that could cause a conflict with the Corps of Engineers.

Councilmember Dixon stated the City would never be able to afford to purchase this property; but, even if they were able to do so, they would not be able to stop the boating public from utilizing it. He suggests they not rush into trying to obtain this property.

Councilmember Braden stated they still need public beach accesses; but, he cannot support purchasing Parcel B.

Councilmember Destin suggests they continue to explore ways to obtain this land.

Councilmember Destin moved to direct staff to engage the Trust for Public Lands to see if Parcel B meets their parameters for acquisition of public land; for staff to discuss with potential seller the purchase price for the property and obtain copies of any surveys conducted on the property to determine location of spoils easement; seconded by Councilmember Ramswell.

Councilmember Marler announced he would abstain from voting as the subject parcel is partially owned by his employer.

Councilmember Ramswell stated she would be willing to go forward if they do not have to place any type of structures on this parcel.

According to the City Manager, they would be required to build a public restroom for a public beach access.

Councilmember Braden stated that City staff's time would be better spent looking for alternative pieces of property to purchase in the City.

Having no further comments from the Council members, the Mayor called for a vote on the motion, which failed 1-5 (Councilmember Destin voted "yes"; Council members Morgan, Foreman, Dixon, Ramswell and Braden voted "no"; Councilmember Marler abstained from voting).

C. Quarterly Financial and Investment Report

The City's Finance Director presented the quarterly financial and investment report as outlined in the staff report.

Councilmember Morgan moved to direct staff to explore other investment opportunities and bring back some options at the next Council meeting; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Destin, Morgan, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

D. Quarterly Performance Report

The City Manager stated the second quarter performance report is being brought forward for Council's review; adding this is the City's performance management system based on Best Management Practices and continuous quality improvement. She continued that in addition to the quarterly financial report to Council, it also includes the Sheriff's Activity Report, the 2017 Work Plan Progress and the Capital Projects Summary Sheets.

E. Announcements

- The City's Finance Department received the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award for the 16th year in a row
- West Florida Regional Planning Council Triumph Fund Overview and Workshop for all affected counties on Wednesday, May 17th, 5:30 p.m., at the Destin Community Center
- Lane closure – repaving of Indian Bayou Trail beginning May 15th
- All City facilities will be closed on Monday, May 29th, in observance of Memorial Day

F. (Walk-on item) Triumph Funding Priorities

The City Manager noted that on April 6, 2017, the City Council held a workshop to discuss the feasibility of projects that would be appropriate for Triumph Funding. The WFRPC facilitated the meeting, which was open to the public, and that a list of projects was compiled from the meeting. She informed the Council that on May 27, 2017, she and the Mayor will be attending a second workshop facilitated by the WFRPC and hosted by the City of Destin, to include stakeholders from the affected counties of Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin and Wakulla, to discuss Triumph Funding. On May 19, 2017, she and the Mayor will be attending another Triumph Funding meeting hosted by the Fort Walton Beach Chamber of Commerce for stakeholders in Okaloosa County. In order to appropriately represent the Destin City Council, there needs to be project priorities in place, prior to these upcoming meetings.

The City Council reviewed the following list of proposed projects and voted on which projects to designate as priority projects for consideration under Triumph Funding:

- Parking solutions (i.e., garages in commercial areas)
- Purchase land for public parks
- Improved broadband infrastructure/service
- High School
- Undergrounding Utilities
- Implementation of entire multi-modal plan
 - ❖ Calhoun Avenue multi-use path
 - ❖ Calhoun Avenue sidewalk extension under bridge
 - ❖ Major sidewalk repairs
- Landscaping along public roadways (US 98 top priority)
- Matching funds for US 98 redesign
- Harbor dredging and continuous pumping
- Completion of cross-town connector

From City's list of unfunded projects

- Mattie Kelly Blvd extension
- 98 Palms Blvd extension
- Gulf Power easement linear park

Councilmember Ramswell moved to designate the following projects receiving the most votes from the Mayor and Council as priority projects for consideration under Triumph Funding; seconded by Councilmember Morgan.

- **Destin High School**
- **Undergrounding of Utilities**
- **Completion of Cross-Town Connector**
- **Gulf Power Easement Linear Park**
- **US Hwy 98 Redesign**

Motion passed 7-0 (Council members Destin, Morgan, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

G. (Walk-on item) Donation of Mounted Blue Marlin

The City Manager noted that a member of the City Council has been contacted to see if the City would receive a large, mounted Blue Marlin as a donation. The tail of the Blue Marlin has sustained some damage and needs to be repaired; but, there is currently no cost estimate for the repair. She continued that the City Council would need to determine if they want to accept the donation and make the repair, and where the Blue Marlin would be displayed. The City Council could also choose to accept the donation after the City receives a cost estimate for the repair.

Councilmember Dixon stated that according to a boat captain who used to mount fish, the damaged tail should be very easy to fix and relatively inexpensive. He also suggests displaying the Blue Marlin on the wall of the Council Chambers.

Motion by Councilmember Destin, seconded by Councilmember Morgan, to direct staff to accept the donation after they receive a cost estimate for repair of the Mounted Blue Marlin passed 7-0 (Council members Destin, Morgan, Marler, Foreman, Dixon, Ramswell and Braden voted “yes”).

H. (Walk-on item) Emergency Maintenance Dredging of the Old Pass Lagoon Channel

According to the City Engineer, Dredging has been performed in the Old Pass Lagoon Channel, including around the tip of Norriego Point, in 8 of 10 prior years. As a rebuilt of storms and wind over the last few years, sand from Norriego Point, as well as from other sourced, has moved into adjacent water areas to the north and northeast resulting in significant additional shoaling of the Old Pass Channel adjacent to Norriego Point. City staff solicited quotes from 5 dredging contractors to remove the sand from the channel. This resulted in two submittals, with the low quote by Panhandle Machine & Supply in the amount of \$82,000. Staff recommends Council’s approval of Panhandle Machine & Supply for emergency dredging of Old Pass Lagoon Channel. He added there is currently \$73,200 allocated in the FY 17 budget for dredging; and that \$8,800 of additional funds will need to be authorized by Council and added to the 2017 budget.

Councilmember Morgan moved to authorize the City Manager to execute a contract with Panhandle Machine & Supply for emergency dredging of Old Pass Lagoon Channel and spoil (sand) placement on Norriego Point in the amount of \$82,000, fund \$8,800 from the City’s ending fund balance account and make the appropriate budget amendment; seconded by Councilmember Marler. Motion passed 7-0 (Council members Destin, Morgan, Marler, Foreman, Dixon, Ramswell and Braden voted “yes”).

**5. FIRST READING OF ORDINANCES NOT REQUIRING PUBLIC HEARINGS
(NO PUBLIC COMMENTS)**

- A. First reading of Ordinance 17-12-CC, prohibition of commercial activity in City Parks

The City Attorney read proposed Ordinance 17-12-CC by title, and then presented it to the Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO CITY PARKS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AMENDMENT OF CODE OF ORDINANCES CHAPTER 15, PARKS AND RECREATION, ARTICLE II STANDARDS OF BEHAVIOR AND OPERATION ON PUBLIC PARKS, SEC. 15-33, DEFINITIONS AND SEC. 15-39 MERCHANDISING, ADVERTISING AND SIGNS; PROHIBITING COMMERCIAL ACTIVITIES IN CITY PARKS; PROVIDING EXCEPTIONS; PROHIBITING THE OFFERING FOR BARTER, TRADE,

SWAP OR DONATION OF ITEMS OR THINGS IN PUBLIC PARKS; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The Community Development Director Karen Haynes noted that on September 9, 2016 the City Council adopted Ordinance 16-16-CC, which prohibited commercial concession activities on Norriego Point. Since then, the Council has directed staff to bring back an ordinance regulating and/or prohibiting commercial concession activities in City parks. Over the past several years, the City has experienced an increasing problem with individuals utilizing City parks as a place to conduct commercial activities for private gain. Such commercial activities cause unnecessary wear and tear on park and recreational amenities and interfere with use of park and recreational facilities by the general public. The proposed ordinance prohibits such commercial activities in City parks, with the following exceptions:

- Any activity or use that is conducted in any City park in an area designated and clearly marked for such activity or use by the City
- Commercial activity as part of a Special Event approved, or sponsored, by the City
- Any activity permitted by the City pursuant to license from the City, such as beach vending, nor shall it include concessions permitted by the City as part of sporting events
- Rental services for water related items such as kayaks and paddle boards, including related equipment, where such services are conducted pursuant to franchise granted by the City
- Properly licensed and registered commercial watercraft may be launched and or recovered at Joe's Bayou Recreation Area boat launch, and such activity shall not be considered commercial activity, provided:
 - ❖ A daily launch fee has been paid or the launching party has in their possession a valid annual commercial launch pass
 - ❖ The designated launch ramp is used
 - ❖ Commercial activities are not conducted during the launch and/or recovery of the watercraft and are not conducted on or about the Joe's Bayou Recreation Area

Councilmember Braden moved for approval of proposed Ordinance 17-12-CC on first reading and direct staff to schedule it for second reading, seconded by Councilmember Ramswell.

Councilmember Dixon stated he had been contacted by someone asking if this ordinance would preclude them from having a very small and simple beach wedding. He asked if the City has reached out to the people that could be affected by the passing of this ordinance.

According to the Land Use Attorney, this question appears to be a little bit of a grey area which they could clarify before second reading of this ordinance. However, it would probably be included as currently written.

The City Attorney agreed, stating the ordinance, as currently written, would preclude any wedding if it includes any commercial activity.

Councilmember Dixon does not want the City to be so restrictive so as to prevent a small number of people to go to the beach for a wedding for a short period of time.

The City Manager stated that prior to the second reading of this ordinance, they would look into the possibility of keeping the the non-vendor weddings separate and allowing the regular public to have access to beach weddings through a recreational permit process.

Councilmember Marler suggests they clearly define non-commercial weddings.

The City Manager stated they would not be able to come up with that definition tonight; adding if there is substantial change to the ordinance, they may have to bring it back for first reading.

Councilmember Marler noted that most weddings include a wedding planner, which would make it a commercial wedding.

Councilmember Foreman mentioned that weddings have become a major industry in this area; and that the TDC puts out wedding guide and promotes it on their advertising and marketing. He added there are many areas that are opened to commercial type weddings, and that they should re-examine this issue from a practical stand point to determine whether or not they are making a decision based upon a situation at Crystal Beach. He also suggests they come up with some alternatives because they could end up hurting many small businesses in this area.

The City Manager asks if the Council wants staff to bring proposed ordinance back for first reading and put weddings as an exception.

Councilmember Ramswell asked if the following language listed under exceptions to this ordinance, "*Any activity permitted by the City pursuant to license from the City...*" would apply to wedding officiants if they were licensed.

Ms. Haynes stated these wedding officiants are not licensed with the City.

The Mayor suggests they rewrite the ordinance to allow beach wedding at a couple of City parks.

The City's Parks and Recreation Director Lance Johnson noted the City has only two true beach parks, and that they are extremely limited area with extremely limited parking. Any group of 10 or 12 people in a wedding would take up all of the parking and a substantial area of the park.

Councilmember Dixon suggests they table this issue and allow staff time to reach out to the stakeholders to determine how this ordinance might affect them.

Councilmember Destin moved to continue first reading of Ordinance 17-12-CC to the next City Council meeting to allow staff time to reach out to some of the stakeholders to determine as to what extent this ordinance might affect them; and to bring back some sort of framework that could accommodate very small, short private weddings that may occur in the parks. Councilmember Ramswell provided a second to the motion. Motion passed 6-1 (Council members Destin, Morgan, Marler, Foreman, Dixon, and Ramswell voted "yes"; Councilmember Braden voted "no").

6. PUBLIC HEARINGS

- A. Second reading of Ordinance 16-25-LC, providing for regulations of certain portable restroom facilities

The City Attorney read Ordinance 16-25-LC by title, and then presented it to the Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, RELATING TO PLACEMENT OF PORTABLE RESTROOM FACILITIES; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AN AMENDMENT TO LAND DEVELOPMENT CODE SECTION 3.00.01, DEFINITIONS; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Dixon moved to adopt proposed Ordinance 16-25-LC on second reading and direct staff to forward it to the Municipal Code Corporation for incorporation into the Land Development Code; seconded by Councilmember Ramswell.

Councilmember Marler announced he will abstain from voting on this matter as he is employed by one of the property owners involved on this issue, and one who had made a comment they were being specifically targeted by the City.

Motion passed 6-1 (Council members Destin, Morgan, Marler, Foreman, Dixon, and Ramswell voted “yes”; Councilmember Braden voted “no”).

B. Second reading of Ordinance 17-10-CC, Amending Livery Vessel Ordinance establishing distance requirements for restroom facilities

The City Attorney read proposed Ordinance 17-10-CC, and then presented it to the Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN RELATING TO LIVERY VESSELS; PROVIDING FOR ADDITIONAL FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT OF SECTION 13-145 GENERAL REGULATIONS/STANDARDS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

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

Councilmember Dixon moved to approve proposed Ordinance 17-10-CC on second reading; seconded by Councilmember Braden. Motion passed 6-1 (Council members Destin, , Marler, Foreman, Dixon, Ramswell and Braden voted “yes”; Councilmember Morgan voted “no”).

C. Second reading of Ordinance 17-11-CN - Temporary tree cutting moratorium

The City Attorney read proposed Ordinance 17-11-CN, and then presented it to the Council on second 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; PROVIDING FOR PENALTIES, AND PROVIDING FOR AN EFFECTIVE DATE AND TERM.

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 their discussion and consideration.

Ms. Aubrey Santucci, a Destin resident and owner of Coastline Tree Service and Landscaping, spoke first. She informed Council they have been serving the City for over 22 years. She asked the Council to consider grandfathering in any tree care company that is registered in the City limits, paying their City license and adhering to City code so they do not have to pay the \$25.00 permit fee for each job. She also stated the tree cutting moratorium is premature as the hurricane season is approaching.

Ms. Myra Williams, a Destin resident and member of the City's Tree Board, noted that the topic of discussion tonight is the temporary tree cutting moratorium and not the draft tree ordinance which is currently being reviewed by City staff. She continued the temporary tree cutting moratorium is not designed to preclude anybody from doing emergency storm maintenance if there is a tree that is considered an imminent danger to an owner's property. She asked Council to implement the temporary tree cutting moratorium.

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 Dixon wants to make sure that in the event of a hurricane and trees are knocked down, any company that is licensed to do business in the City of Destin can come in and cut those trees.

Mr. Johnson noted that item #17 in Section 2 of the proposed moratorium ordinance gives the Mayor the authority to temporarily waive the moratorium requirements during the period of an emergency such as hurricane, flood or any other natural disaster.

Councilmember Dixon wants to make sure the homeowner or business owner will be allowed to cut a tree down for insurance purposes regardless of the moratorium.

Mr. Johnson stated that they can base on the current language in the proposed ordinance.

Councilmember Dixon wants to make sure this moratorium will not prevent a property owner from removing a tree in order to build on their property.

Mr. Johnson replied affirmatively.

Councilmember Dixon wants to make sure the proposed moratorium will not preclude owners from pruning their trees.

Mr. Johnson replied affirmatively.

Councilmember Dixon stated he is not sure if it is legally acceptable to accommodate a request from a previous speaker to be exempted from having to pay the \$25.00 permit fee just because their business has been in existence in the City for quite a while.

The Land Use Attorney pointed out the permit fee a previous speaker alluded to is not included in the proposed tree cutting moratorium ordinance that is before the Council tonight.

The City Manager recommends Council approves the proposed tree cutting moratorium ordinance, and then gives direction to staff as to what amendments to the tree ordinance to bring back for discussion.

Councilmember Morgan asks that Southern Magnolia be added to the list of protected trees and for the removal of item #5 in section 2-5 of the proposed temporary moratorium ordinance exemptions that reads, "*Removal of any tree from a homestead single-family property occupied by the owner.*"

Councilmember Morgan moved to approve proposed Ordinance 17-11-CN on second reading; and to direct staff to come back with the two proposed amendments to the temporary moratorium ordinance for Council's discussion at the next meeting; seconded by Councilmember Destin.

Councilmember Marler noted he cannot support the motion because of the property right issues involved in the proposed ordinance.

Councilmember Ramswell stated she will not support the motion because she does not think there is a way to enforce this moratorium. In addition, the City has three properties that are in the planning stages of development – the cement plant, Leonard Destin Park and the Heritage Park – and this moratorium would prohibit the City from clearing those lots for construction.

Councilmember Foreman stated he does not see any difference between the moratorium restriction and the tree ordinance restriction in terms of enforceability.

Having no further discussion from the Council members, the Mayor called for a vote on the motion, which passes 4-3 (Council members Morgan, Destin, Dixon and Braden voted "yes"; Council members Marler, Foreman and Ramswell voted "no").

D. First reading of Ordinance 17-08-LC, creating the Calhoun Mixed Use Village zoning district

The City Attorney read proposed Ordinance 17-08-LC by title, and then presented it to the Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA CREATING A NEW ZONING DISTRICT, CALHOUN MIXED USE – VILLAGE (CMU-V); CHANGING THE ZONING DESIGNATION OF AN AREA BETWEEN CALHOUN AND SIBERT AVENUES FROM RESIDENTIAL OFFICE INSTITUTIONAL-GENERAL DEVELOPMENT (ROI-GD) TO CMU-V; PROVIDING FOR AN AMENDMENT TO THE OFFICIAL ZONING MAP; 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, CALHOUN MIXED USE-VILLAGE (CMU-V); 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.

City Planner Hank Woollard reported that Destin Comprehensive Plan: 2020 created a new Future Land Use Map designation, Calhoun Mixed Use Village (CMU-V). This Official Zoning Map amendment is necessary to make the zoning consistent with the Future Land Use Map designation. He explained that consistency between the Future Land Use Map and the Official Zoning Map is necessary to comply with Florida Statutes and the City's Comprehensive Plan: 2020. He also noted that the CMU-V district shall apply to the area bounded on the south by Zerbe Street, on the east by Sibert Avenue, on the west by Calhoun Avenue, and on the north by parcels fronting on the south side of Forest Street, but not including any parcels zoned Institutional (INST). It is the intent of the CMU-V zoning district to provide for similar, but less intense development than the CMU zoning district. The CMU-V zoning district specifically prohibits the following uses:

- Retail commercial goods and services
- Amusement, gambling and recreation Industries
- Drinking places (alcoholic beverages)

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

Mr. Dewey Destin, a Destin resident, asked for some clarification regarding "Food Services and Drinking Places" listed in the chart in the ordinance as a permitted use.

Mr. Woollard explained that the City is continuing to allow for restaurants and restaurants that serve for alcoholic beverages. However, bars are not permitted.

Mr. Destin also noted that there are sub-categories under the above main category listed as "Full-Service Restaurants" and Limited-Service Restaurants" and he asked what the differences are among all these categories.

According to Mr. Woollard, "Full-Service Restaurants" and "Limited-Service Restaurants" are permitted, but drinking places such as lounges and bars are not permitted. He continued that the distinctions between restaurants and bars have not changed; and that in this new zoning district, bars will not be permitted.

Mr. Destin noted that according to the charts, restaurants and rooming and boarding houses were not allowed in the old zoning district (ROI-GD) but they are permitted in the new zoning district. He argues that since they are supposed to be transitioning from a more intense use to a less intense use, they seemed to be going to the opposite direction because they are adding more uses to the new zoning district and it is not consistent with some of the elements of the comprehensive plan. He also noted that Calhoun is already badly congested and over the past several years, people have been using as an alternate route when US Hwy 98 is badly congested. If they add restaurants and the other more intense uses, they would degrade public facilities rather than improve them. He also pointed out the City is making this change because the law requires it; however, if the Council decides to amend the comprehensive plan as they intend to do, they would have to immediately change it back to the way it was originally. He added that making this zoning change is premature at this time.

The City Manager explained that staff is merely trying to reconcile the current zoning map with the Future Land Use Map designation based upon the current comprehensive plan.

Mr. Mike Shouts, a Destin resident, spoke next. He stated he is a stakeholder in the wedding industry and that he would like to be included in the conversation about allowing wedding ceremonies in City parks. He also stated he is in favor of the new zoning district because he owns two properties in that district; and that he has spent a lot of time, energy and money improving these properties with the intent of providing some lodging for the guests that are coming to the Bay House for an event. He continued they are also trying to support the multi-modal concept with their ideas and having the guests stay off the roads.

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 Ramswell noted that the allowable uses are not provided for in the comprehensive plan when they created the new district as part of the comprehensive plan.

Mr. Woollard explained that the comprehensive plan provides the policies and the Land Development Code provides the implementation of policies.

Councilmember Ramswell maintains that the permitted uses are inconsistent with the idea of having less intense uses because this is a transitional zoning district.

Mr. Woollard explained that intensity in terms of planning involves floor area ratio or the size of a building relative to the lot. The Calhoun Mixed Use zoning district has a floor area ratio of 2, which means the building can be twice the size of the square footage of the lot. Calhoun Mixed Use-Village has a floor area ratio of 1, and so they are reducing the size of the building that can be put on the lot. He added there is no correlation intended between intensity in terms of building structure and uses.

Councilmember Ramswell noted there seemed to be more permitted uses for the Calhoun Mixed Use-Village than the Calhoun Mixed Use district.

Mr. Woollard stated they could come up with a tally of exactly how many more or how many less uses for which they are providing the new zoning district.

Councilmember Dixon moved to continue first reading of Ordinance 17-08-LC to June 5, 2017; seconded by Councilmember Ramswell.

The City Manager asked for some clarifications in terms of exactly what elements Council wants staff to study and specific language Council wants added or removed.

Councilmember Foreman suggests staff looks at the allowable uses and makes sure they do not create non-conforming situations with existing property.

Councilmember Ramswell asked staff to bring back a list of permitted uses for this particular zoning district.

Councilmember Destin would like to see the highest potential height for each permitted use being put into this zoning.

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

7. *CONSENT AGENDA (NO PUBLIC COMMENTS)

- A. Resolution 17-27 – Miscellaneous Fencing Continuing Services Contract
- B. Request approval to expand an existing 15-foot wide, 40-foot long mooring slip to 30-foot wide by 70-foot long / EBMK LLC / 500 Harbor Blvd / Marine Construction
- C. Request approval to construct a 12’ x 23’ finger pier / Craig Barker / 726 Beach Drive / Marine Construction

Consent agenda item #7A has been pulled from the agenda.

Motion by Councilmember Dixon, seconded by Councilmember Ramswell, to approve Consent Agenda items #7B and #7C passed 7-0 (Council members Destin, Morgan, Marler, Foreman, Dixon, Ramswell and Braden voted “yes”).

8. COMMENTS/PRESENTATIONS FROM MAYOR, COUNCIL, LAND USE ATTORNEY AND CITY ATTORNEY (NO PUBLIC COMMENTS)

A. Councilmember Braden

Councilmember Braden noted they have been waiting a year for the County to adopt an ordinance addressing the homeless issues in the area. He wants to know if the City can go ahead and move forward with an ordinance addressing the homeless issues in the City.

The City Manager would bring back sample ordinances that were adopted in South Florida for Council’s discussion and consideration at a future meeting.

B. Councilmember Ramswell

Councilmember Ramswell asked if the Sheriff’s Department has provided a report on spring break and whether or not all the funds were used this year.

The City Manager stated that Capt. Nix from the Sheriff’s Office will give the report to Council on June 19th.

C. Councilmember Dixon

Councilmember Dixon thanked the City employees and everyone that participated in the Founder’s Day Celebration. He stated it was an excellent event enjoyed by all.

D. Councilmember Foreman

E. Councilmember Marler

Councilmember Marler request that “Marler Memorial Cemetery” be placed on the next Council meeting agenda to discuss the possibility of the City taking over management of the cemetery.

F. Councilmember Destin

- 1) Zoning in Progress (Comp Plan Workshop)

Councilmember Destin postponed discussion of this item to the next City Council meeting.

G. Councilmember Morgan

- 1) Cancel/Reschedule the July 3, 2017 City Council Meeting

Councilmember Morgan moved to cancel the July 3rd City Council meeting and close all City facilities on this day; seconded by Councilmember Dixon. Motion passed 7-0 (Council members Destin, Morgan, Marler, Foreman, Dixon, Ramswell and Braden voted "yes").

H. Mayor Fischer

I. Land Use Attorney

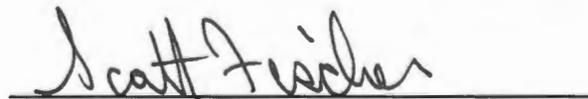
J. City Attorney

COMMENTS/CONCERNS FROM THE AUDIENCE/PUBLIC ON ANY MATTERS CONSIDERED AT MEETING, OR ON ANY MATTERS NOT ON THE AGENDA

Having no further business at this time, the meeting was adjourned at 9:30 PM.

ADOPTED THIS 21ST DAY OF AUGUST 2017

By:



Scott Fischer, Mayor

ATTEST:



Rey Bailey, City Clerk