

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
MAY 7, 2018
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 Gary Jarvis

Councilmember Chatham Morgan

Councilmember Parker Destin

Councilmember Cyron Marler

Councilmember Rodney Braden

Councilmember Prebble Ramswell

Councilmember Skip Overdier

Destin City Staff

City Manager Carisse LeJeune

City Engineer David Campbell

Community Dev Director Jennifer Bryla

Development Manager Steve Schmidt

Land Use Attorney Kimberly Kopp

City Clerk Rey Bailey

Director Bragg Farmer

IT Manager Webb Warren

City Attorney Jeffrey Burns

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM. Reverend James Calderazzo of Safe Harbor Presbyterian Church gave the invocation; which was then followed by the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Ramswell requested Consent Agenda item #7B be pulled for discussion.

Motion by Councilmember Marler, seconded by Councilmember Overdier, to approve the agenda, as amended, passed 6-0 (Council members Morgan, Destin, Marler, Braden, Ramswell and Overdier voted “yes”; Councilmember Dixon was absent from the meeting).

Executive Session:

B.I. Inc, Dewey Destin Harborside LLC, Plaintiff, vs. CITY OF DESTIN, FLORIDA, Defendant, in the Circuit/County Court of the First Judicial Circuit, in and for Okaloosa County, Florida, Case No. 2016-CA-003672F

The Land Use Attorney requested that they delay the executive session until May 21, 2018 to give staff time to review some new information that was submitted.

Councilmember Ramswell suggests they go forward with the executive session tonight to discuss what is going on and schedule another one if necessary.

The City Manager explained there is some information staff would be providing that the Council has previously requested; but, that information is now incomplete based on the new information received.

The Mayor recommends re-scheduling the executive session until they have all the information they need.

Councilmember Marler moved to reschedule the Executive Session to May 21, 2018 at 6:00 PM; seconded by Councilmember Overdier.

Councilmember Ramswell reiterated that she would prefer conducting an executive session now so they could at least get a status update.

Councilmember Destin announced that he would abstain from voting as he is related to one of the litigants in this case.

Motion passed 3-2 (Council members Morgan, Marler and Overdier voted “yes”; Council members Ramswell and Braden voted “no”; Councilmember Destin abstained from voting; Councilmember Dixon was absent).

1. APPROVAL OF MINUTES

A) Approval of minutes of February 20, 2018 regular city council meeting

Motion by Councilmember Overdier, seconded by Councilmember Ramswell, to approve minutes of February 20, 2018 regular city council meeting passed 6-0 (Council members Morgan, Destin, Marler, Braden, Ramswell and Overdier voted “yes”; Councilmember Dixon was absent from the meeting).

B) Approval of minutes of February 5, 2018 regular city council meeting

Motion by Councilmember Ramswell, seconded by Councilmember Overdier, to approve minutes of February 5, 2018 regular city council meeting passed 6-0 (Council members Morgan, Destin, Marler, Braden, Ramswell and Overdier voted “yes”; Councilmember Dixon was absent from the meeting).

C) Approval of minutes of January 22, 2018 special city council meeting

Motion by Councilmember Ramswell, seconded by Councilmember Overdier, to approve minutes of January 22, 2018 regular city council meeting passed 6-0 (Council members Morgan, Destin, Marler, Braden, Ramswell and Overdier voted “yes”; Councilmember Dixon was absent from the meeting).

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

A) Proclamation – Building Safety Month

The Mayor read the proclamation designating the month of May 2018 as Building Safety Month; and then presented it to the City’s Building Official Noell Bell.

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

Mr. Kevin Brown stated that he is a business owner at Crab Island, stated that what the news media has been reporting that businesses on Crab Island have no licenses and are not paying sales tax is completely wrong and he has documentation to prove it. These licenses are through the State of Florida and Okaloosa County. He added that the Gulf Island National Seashore would not be requiring the license until next year.

Mr. Samuel Poppel, Crab Island Business Association member, stated that the Association is dedicated in unifying the surrounding businesses on Crab Island. They aim to create an operating standard to which the Association would adhere and provide the best outcome for all entities associated with Crab Island. He also noted that businesses on Crab Island employ over a hundred local residents for seasonal work; and that the goal of the Association is to develop a long term strategy to continue operating on Crab Island.

The Mayor asked what kind of standards the Association was trying to develop.

Mr. Poppel replied they want to address some of the safety concerns that had been brought up and try to eliminate some of those concerns and be a steward with the City and County. The appearance of most of the businesses on Crab Island has also been raised and so they aim to improve the aesthetics in that area and promote a family friendly environment.

Councilmember Ramswell asked if there is a website where they could go to get more information about the Association.

Mr. Poppel stated that the Association was recently formed. It does not have a website, but they would be willing to sit down and meet with the Council members and discuss how they could work together and come up with a good compromise.

The Mayor asked what had been done since the Okaloosa County's Crab Island workshop.

According to Mr. Poppel, they formed the Association and started meeting with several County commissioners. They have been developing plans to conduct first aid trainings with their staff members and create first aid stations at designated points where people could go for assistance. They are also open for suggestions from the City and County for things they would like the Association to implement.

Councilmember Morgan asked if any of the businesses on Crab Island have a liquor license from the State of Florida.

Mr. Poppel noted they do not issue liquor licenses for barges on the water.

Mr. Emery Perkins, a Destin resident, announced that he operates an ice cream boat on Crab Island. He continued that with regards to public safety, his boat is completely safe. He is insured through the State of Florida as a carrier and he carries all the licenses the park requires. He also stated that he and his daughter probably saved 25 to 30 people from drowning over the last 3 years.

Mr. Tim O'Malley, owner of the Treasure Chest Waterpark on Crab Island, remarked that they try to help people in every way they can and do their part in promoting public safety. As an example, they noticed three swimmers in trouble as they were getting set up today. One of his employees responded with life preservers and brought them all back to safety.

4. CITY MANAGER REPORTS

A) Resolution 18-14 – Regulation of Commercial Activity and Overnight Mooring on Crab Island Pursuant to House Bill 7043

The City Manager noted that on April 16, 2018, the City Council directed the Land Use Attorney to craft a resolution to present to the County that would speak to the issue of unregulated commercial activity and the mooring of floating structures relating to Crab Island. She asked for Council's approval of Resolution 18-14.

Councilmember Braden moved to adopt Resolution 18-14 and direct the City Clerk to forward the resolution to the Okaloosa County Board of Commissioners immediately upon adoption; seconded by Councilmember Ramswell.

Councilmember Overdier stated that he sees the activities on Crab Island as a free enterprise, which is the foundation of America; and that the businesses would not be operating there unless there was a need. He recommends trying to find a middle ground and asking the County to institute whatever ordinance or regulation necessary to control the businesses on Crab Island instead of trying to shut these businesses down completely.

Councilmember Ramswell asked if the primary jurisdiction of Crab Island belongs to Gulf Island National Seashore, Okaloosa County or the City of Destin.

The City Attorney noted that Crab Island is County property, but it is also within Gulf Island National Seashore's jurisdiction. Some other groups has concurrent jurisdiction; for instance, Okaloosa County Sheriff's Department can respond to a crime being committed. The U.S. Coast Guard also gets involved under certain situations.

Councilmember Ramswell stated they all recognize that Crab Island has become a tourist destination. There was a safety corridor put in on Crab Island so that emergency personnel can get through boat traffic and attend to people in the event of an emergency. She continued that it used to be a family friendly destination; but, the situation on Crab Island has gotten out of control. She does not want to over-regulate and to take away business from those vendors that are properly licensed and are following the rules. However, she believes it would be to the benefit of these vendors to get rid of unlicensed vendors that take away business from them.

Councilmember Morgan noted that the document before them is a non-binding resolution. They are simply asking the County to take a closer look at this situation. He would like to support getting rid of the overnight mooring on Crab Island.

Councilmember Overdier stated that he agrees with asking the County to take some action but not to completely shut down all the businesses on Crab Island. They could regulate businesses on Crab Island the same way they regulate the businesses on land.

Councilmember Overdier offered a substitute motion to remove Section 3 from proposed Resolution 18-14 and then forward resolution to Okaloosa County; seconded by Councilmember Ramswell.

Councilmember Morgan stated he would support the motion if it includes some kind of alcohol prohibition.

The Mayor called for a vote on the motion, which failed 2-4 (Council members Overdier and Ramswell voted “yes”; Council members Morgan, Destin, Marler and Braden voted “no”; Councilmember Dixon was absent from the meeting).

Councilmember Destin offered another substitute motion to send proposed Resolution 18-14 back to staff; staff to remove Section 3 of the resolution and include some language regarding prohibition on the sale of alcohol and enforcement of that regulation on Crab Island; and to bring resolution back at the next meeting. Motion seconded by Councilmember Ramswell. Motion passed 4-2 (Council members Destin, Marler, Overdier and Ramswell voted “yes”; Council members Morgan and Braden voted “no”; Councilmember Dixon was absent from the meeting).

B) Resolution 18-15 – Rules of Procedures for City Council Meetings

The City Manager stated that at their previous meeting, the Mayor provided the Council a list of proposed revisions to the Council’s regular meeting agenda process. The Mayor also requested that she brings forward a resolution revising the current process incorporating the list of proposed changes.

Councilmember Ramswell expressed concern that the way section 3 of the agenda is worded, it seems it gives the Mayor the opportunity to adjust the allotted time for each speaker and to allow more time for other speakers to speak depending on the subject matter. She suggests changing the language so that every speaker gets the same amount of time regardless of the topic. She also expressed concern that by removing the public comments portion at the end of the agenda, they are depriving the public the opportunity to follow up on something they feel is important.

The Mayor noted that 3 minutes is the standard time limit in most local, state and national level of government entities. When individuals discuss an issue that is quite important to them, they would begin to repeat themselves after the 3 minute time period. If they know they only have 3 minutes, most people would make an effort and prepare to give a clear and concise statement.

Councilmember Ramswell stated that she does not feel they should operate under a time constraint.

Councilmember Braden noted that as elected officials, they work at the will of the people. They should not give people the impression they are trying to rush things because they are in a hurry to get home. He added he would not mind staying late at night listening to people.

The Mayor noted that the intent of this resolution is for them to run a more efficient meeting, and allowing more members of the public to participate in the process without having to stay until 10 or 11 PM. He continued that being efficient is key to good governance; which does not takes place at 10 PM when the meeting starts at 6 PM.

Councilmember Destin suggests they give the new procedure a chance; adding that if any member of the Council feels that a speaker has not been given an ample time to speak when the time runs out, any one of them can move to set aside the order of the day and allow the speaker to continue if deemed appropriate.

Councilmember Destin moved to approve Resolution 18-15; seconded by Councilmember Marler. Motion passed 4-2 (Council members Morgan, Destin, Marler, and Overdier voted “yes”; Council members Ramswell and Braden voted “no”; Councilmember Dixon was absent from the meeting).

C) Second Quarter Financial and Investment report

The City’s Finance Director presented the second quarter Financial and Investment Report.

D) Announcements

The City Manager made the following announcements:

- Wed., May 9th – Blessing of the Marketplace at Destin United Methodist Church
- Thur., May 10th – Blessing of the Fleet beginning at 4:00 PM
- City Council Visioning Session on Friday, June 15th, 8-5 PM

5. FIRST READING OF ORDINANCES NOT REQUIRING PUBLIC HEARINGS

6. PUBLIC HEARINGS

- A) Second reading of Ordinance 18-01-CN, abandonment of the northerly 0.10 acre segment of Calhoun Avenue right-of-way

The City Attorney read Ordinance 18-01-CN by title, and then presented it to Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR ABANDONMENT OF THE A NORTHERLY 0.10 ACRE SEGMENT OF CALHOUN AVENUE RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

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

Motion by Councilmember Morgan, seconded by Councilmember Destin, to adopt Ordinance 18-01-CN passed 6-0 (Council members Morgan, Destin, Marler, Braden, Ramswell and Overdier voted “yes”; Councilmember Dixon was absent from the meeting).

- B) First reading of Ordinance 18-06-LC, which amends several Articles of the City’s Land Development Code to improve regulatory efficiency and revise inconsistent, incorrect or outdated language

The City Attorney read Ordinance 18-06-LC, by title, and then presented it to Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO ESTABLISHING THE TECHNICAL REVIEW COMMITTEE (TRC) TO STREAMLINE THE PROCESS OF DEVELOPMENT REVIEW; PROVIDING FOR AMENDMENT TO ARTICLE 2 – ADMINISTRATION REVISING THE DEVELOPMENT REVIEW PROCESS; PROVIDING FOR AMENDMENTS TO ARTICLE 3 – DEFINITIONS, YARD; PROVIDING FOR AMENDMENT TO ARTICLE 5 – GENERAL PROVISIONS; PROVIDING MODIFICATION TO ARTICLE 6 – CONCURRENCY MANAGEMENT SYSTEM; PROVIDING FOR AMENDMENT TO ARTICLE 20 – BUILDING REGULATIONS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

The Community Development Director Jennifer Bryla explained that the purpose of this ordinance is two-fold: one is to establish the Technical Review Committee (TRC) and two, to amend several articles of the Land Development Code to correct outdated information, improve staff's ability to efficiently implement the development review process reflecting current practices.

Councilmember Destin remarked that he has never been comfortable delegating a tremendous amount of responsibility for development review to City staff because, as elected officials, they have to answer to the public if something is constructed and the general public does not agree with it. He noted that a major development application ultimately comes to the Council for final approval; however, a minor development application would go to the TRC for review, and if they approve, the development order will be issued without Council's input. He asked if there would be any safeguards in place to where Council could review minor developments.

Mr. Bryla explained that they recognized there were some developments of a magnitude that staff did not feel comfortable with meeting the requirements; and so some language had been added into the ordinance that any non-residential development greater than 25,000 square feet, whether it is minor or major development, would come to the City Council for approval. She continued that projects where the applicant wants more than 50 percent of their on-site parking to be off-site would go before the Council as well.

Councilmember Ramswell questioned the composition of the TRC. She noted that page 9, part 2 of the proposed ordinance had a different TRC composition as compared to page 2 of the ordinance.

Ms. Bryla explained that page 7, Section 2.26.02 – *Membership*, of the ordinance indicates the minimum memberships they would want at the table to speak as to the impacts of a project; adding that it gives them the ability to add or subtract from the team depending on whether it is a special review team or if they need participations from additional experts in their fields. She also pointed out that Section 10 on page 9 of the ordinance gives the basic composition of the TRC, consisting of but not limited to City staff and other agencies that are listed.

The Land Use Attorney stated they could simply delete the inconsistency with regards to the TRC composition by making page 9 match page 9 and come back on second reading with the revised ordinance.

Motion by Councilmember Ramswell, seconded by Councilmember Marler, to approve proposed Ordinance 18-06-LC on first reading and direct staff to schedule it for second reading for final adoption passed 6-0. (Council members Morgan, Destin, Marler, Braden, Ramswell and Overdier voted “yes”; Councilmember Dixon was absent from the meeting).

- C) First reading of Ordinance 18-08-LC, which repeals the provisions of Ordinance 17-23-LC, otherwise known as “Tree Ordinance”

The City Attorney read Ordinance 18-08-LC, by title, and then presented it to Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA REPEALING ORDINANCE NUMBER 17-23-LC, OTHERWISE KNOWN AS THE “TREE ORDINANCE,” PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR REPEALER; PROVIDING FOR REMOVAL FROM 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. Hearing none, the Mayor closed the public hearing and turned the matter over to the Council for discussion and consideration.

Motion by Councilmember Ramswell, seconded by Councilmember Braden, to approve proposed Ordinance 18-08-LC on first reading and direct staff to schedule it for second reading passed 6-0 (Council members Morgan, Destin, Marler, Braden, Ramswell and Overdier voted “yes”; Councilmember Dixon was absent from the meeting).

- D) First reading of Ordinance 18-09-LC , which provides for an amendment to Article 8 - Transportation of the City’s Land Development Code to modify vehicle parking standards and handicapped parking for special parking districts

The City Attorney read Ordinance 18-09-LC, by title, and then presented it to Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA PROVIDING FOR MODIFICATION TO ARTICLE 8 – TRANSPORTATION; PROVIDING FOR AMENDMENTS TO VEHICLE PARKING STANDARDS; MODIFICATIONS TO HANDICAPPED PARKING WITHIN RECREATIONAL LAND USES; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

ordinance. Hearing none, the Mayor closed the public hearing and turned the matter over to the Council for discussion and consideration.

Councilmember Overdier moved to approve proposed Ordinance 18-09-LC on first reading, as amended, striking the language regarding handicapped parking in Section 8.06.03B, and direct the City Manager to schedule a workshop to discuss some of the in-lieu parking fee structure language. Councilmember Marler provided a second to the motion. Motion passed 6-0 (Council members Morgan, Destin, Marler, Braden, Ramswell and Overdier voted “yes”; Councilmember Dixon was absent from the meeting).

7. *CONSENT AGENDA

- A) Request approval to construct a 56’ x 4’ dock, 14’ x 12’ terminal platform, 12’ x 8’ access corner an 32’ x 16’ covered boat lift – Frank Davis / 4113 Indian Trail / Marine Construction
- B) Request approval to install 8’ x 41’ dock to replace the previous 4’ x 41’ dock, and a boat ramp – Stan Shipp / 821 Cross Street / Marine Construction
- C) Resolution 18-16 – Continuing Services Contract for Professional Planning Services with 3TP Ventures, Inc.

Motion by Councilmember Marler, seconded by Councilmember Destin, to approve Consent Agenda items #7A and #7C, as printed above, passed 6-0 (Council members Morgan, Destin, Marler, Braden, Ramswell and Overdier voted “yes”; Councilmember Dixon was absent from the meeting).

Motion by Councilmember Marler, seconded by Councilmember Destin, to continue Consent Agenda item #7B to the next Council meeting passed 6-0 (Council members Morgan, Destin, Marler, Braden, Ramswell and Overdier voted “yes”; Councilmember Dixon was absent from the meeting).

8. COMMENTS/PRESENTATIONS FROM MAYOR, COUNCIL, LAND USE ATTORNEY AND CITY ATTORNEY

- A. Councilmember Braden
- B. Councilmember Ramswell
- C. Councilmember Dixon
- D. Councilmember Overdier
- E. Councilmember Marler
 - (1) Nomination of Mr. Charles Duplantis for membership to the Harbor CRA Advisory Committee

Councilmember Marler moved to appoint Mr. Charles Duplantis for membership to the Harbor CRA Advisory Committee; seconded by Councilmember Overdier. Motion failed 2-4 (Council members Marler and Overdier voted “yes”; Council members Morgan, Destin, Braden and Ramswell voted “no”; Councilmember Dixon was absent from the meeting).

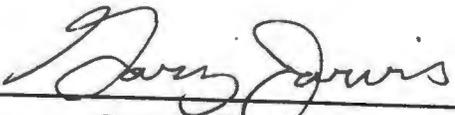
- F. Councilmember Destin
- G. Councilmember Morgan
- H. Mayor Jarvis

Mayor Jarvis requested that discussion regarding forming a City committee of recreational anglers be placed on the next agenda for discussion/action. He would also like to discuss the possibility of formulating a Tree Ordinance Committee on the next meeting.

- I. Land Use Attorney
- J. City Attorney

9. 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 8:50 PM.



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk