



~ Final Minutes ~

## City of Fort Walton Beach Regular Meeting of the City Council of Fort Walton Beach

Tuesday, March 14, 2017

6:00 PM

107 Miracle Strip Parkway  
Fort Walton Beach, FL 32548

### CALL TO ORDER

6:00 PM Meeting was called to order on March 14, 2017 at Council Chamber, 107 Miracle Strip Parkway SW, Fort Walton Beach, FL.

Attendee Name	Title	Status	Arrived
Mike Anderson	Mayor	Present	
Scott Smith	Council Seat 1	Present	
Diane Keller	Council Seat 2	Absent	
John Mead	Council Seat 3	Absent	
Mike Holmes	Council Seat 4	Present	
Amy Jamieson	Council Seat 5	Present	
MG Moran	Council Seat 6	Present	
Dick Rynearson	Council Seat 7	Present	

Council Member Keller was at the Supervisor of Elections canvassing the votes. Council Member Mead was out of town.

### INVOCATION--PLEDGE OF ALLEGIANCE

Mayor Anderson led in the Invocation and the Pledge of Allegiance.

### APPROVAL OF AGENDA

The vote on the motion to approve the agenda as presented carried unanimously.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	MG Moran, Council Seat 6
<b>SECONDER:</b>	Dick Rynearson, Council Seat 7
<b>AYES:</b>	Smith, Holmes, Jamieson, Moran, Rynearson
<b>ABSENT:</b>	Diane Keller, John Mead

### PRESENTATIONS

#### Blessing of the Emerald Coast Donation to the Police Department

Pastor Jonathan Sansom and Council Member Amy Jamieson, representing the Blessing of the Emerald Coast, presented a check for \$400.00 to the Fort Walton Beach Police Department, with Police Chief Ed Ryan accepting the check.

## CONSENT AGENDA

The vote on the motion to approve the Consent Agenda carried unanimously.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Amy Jamieson, Council Seat 5
<b>SECONDER:</b>	MG Moran, Council Seat 6
<b>AYES:</b>	Smith, Holmes, Jamieson, Moran, Rynearson
<b>ABSENT:</b>	Diane Keller, John Mead

### Approval of Minutes

Approval of the City Council Regular Meeting Minutes of February 28, 2017.

### Proposed Legal Settlement

Recommendation for City Council to accept the proposed settlement agreement between the City of Fort Walton Beach and the Bennison/Middleton parties.

## PUBLIC COMMENTS

None.

## RESOLUTIONS

### 2017-4 FY 2016-17 Budget Amendment

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA, AMENDING THE FISCAL YEAR OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2017 BUDGET TO MAKE CERTAIN AMENDMENTS TO APPROPRIATIONS OF CITY FUNDS; AND PROVIDING AN EFFECTIVE DATE.

The Mayor read Resolution 2017-4 by title.

The City Manager informed the resolution provides for amendments as carryover amounts to the budget for projects and/or expenditures previously approved by Council.

The vote on the motion to adopt Resolution 2017-4 carried unanimously.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike Holmes, Council Seat 4
<b>SECONDER:</b>	Amy Jamieson, Council Seat 5
<b>AYES:</b>	Smith, Holmes, Jamieson, Moran, Rynearson
<b>ABSENT:</b>	Diane Keller, John Mead

### 2017-5 Resolution of Support for Municipal Home Rule Powers

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA, URGING ALL MEMBERS OF THE FLORIDA LEGISLATURE TO OPPOSE HB 17 AND SB 1158 WHICH PREEMPTS LOCAL BUSINESS REGULATIONS, PROHIBITS LOCAL GOVERNMENT FROM IMPOSING OR ADOPTING ANY NEW REGULATIONS ON BUSINESSES UNLESS EXPRESSLY AUTHORIZED BY THE LEGISLATURE; DIRECTING THE CITY MANAGER TO TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION TO THE OKALOOSA COUNTY LEAGUE OF CITIES, THE NORTHWEST FLORIDA LEAGUE OF CITIES, THE FLORIDA LEAGUE OF CITIES, THE OKALOOSA

COUNTY LEGISLATIVE DELEGATION, THE BILL SPONSORS, AND ANY OTHER INTERESTED PARTIES; AND PROVIDING AN EFFECTIVE DATE.

The Mayor read Resolution 2017-5 by title.

The City Manager advised that during the first week of the 2017 Legislative Session, Home Rule Authority has been attacked through bills related to terminating Community Redevelopment Agencies (CRAs), allowing wireless communications companies to install equipment and infrastructure within public rights-of-way with no local government regulatory authority, and a total preemption of local government authority to regulate businesses.

He discussed two bills of concern to the City stating that HB 17 and SB 1158 would strip local government authority to regulate businesses. If local regulations were not adopted by January 2017, governments couldn't adopt new regulations, and any regulations currently in place would be null and void by January 1, 2020 unless the State authorizes those specific regulations for local government.

In the 1960's, voters authorized home rule authority, and there seems to be a big push this year to strip that home rule authority and revert it back to the State. Also, the City has worked for the past five years to be business friendly, and if these bills pass, those efforts would be preempted.

Resolution 2017-5 expresses City Council's opposition to HB 17 and SB 1158 and requests members of the Florida Legislature to oppose these bills. If adopted, the Resolution will be forwarded to the Okaloosa County League of Cities, the Northwest Florida League of Cities, the Florida League of Cities, the local legislative delegation, and the bill sponsors.

The vote on the motion to adopt Resolution 2017-5 carried unanimously.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Amy Jamieson, Council Seat 5
<b>SECONDER:</b>	MG Moran, Council Seat 6
<b>AYES:</b>	Smith, Holmes, Jamieson, Moran, Rynearson
<b>ABSENT:</b>	Diane Keller, John Mead

## **ORDINANCES-FIRST READING--1971 Ordinance Amending Chapter 2 and Chapter 5 of the LDC**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA, AMENDING CHAPTER 2, ZONING DISTRICTS AND USES, AND CHAPTER 5, ACCESSORY, TEMPORARY, AND SPECIAL USE SITUATIONS, OF THE LAND DEVELOPMENT CODE TO INCLUDE BOATYARD AS A PERMITTED USE IN MX-2 AND CTP ZONING DISTRICTS, AND TO ESTABLISH SUPPLEMENTAL STANDARDS FOR BOATYARDS; AND PROVIDING AN EFFECTIVE DATE.

The City Attorney read ordinance 1971 by title on first reading.

Tim Bolduc, Engineering/Utilities Services Director, advised that the Engineering and Utility Services Department received an application for a Land Development Code Text Amendment to allow Boatyards as an allowable use with supplemental standards in certain zoning districts. Staff reviewed and evaluated the requested LDC changes to ensure consistency with the Code of

Ordinances and Comprehensive Plan and discussed these with the applicant. Mr. Bolduc stated that if the ordinance is adopted, it will drastically change a legal nonconformity in the City and improve the appearance of the property.

Attorney John Dowd, representing the applicant, was available to answer any questions the Council might have.

The vote on the motion to adopt Ordinance 1971 on first reading carried unanimously.

<b>RESULT:</b>	<b>FIRST READING [UNANIMOUS]</b>	<b>Next: 3/28/2017 6:00 PM</b>
<b>MOVER:</b>	Scott Smith, Council Seat 1	
<b>SECONDER:</b>	Amy Jamieson, Council Seat 5	
<b>AYES:</b>	Smith, Holmes, Jamieson, Moran, Rynearson	
<b>ABSENT:</b>	Diane Keller, John Mead	

### **1972 Ordinance Amending Chapter 2 and Chapter 5 of the LDC**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT WALTON BEACH, FLORIDA, AMENDING CHAPTER 2, ZONING DISTRICTS AND USES, AND CHAPTER 5, ACCESSORY, TEMPORARY, AND SPECIAL USE SITUATIONS, OF THE LAND DEVELOPMENT CODE TO INCLUDE MEDICAL MARIJUANA DISPENSARY AS A PERMITTED USE IN CG, MX-1, & MX-2 ZONING DISTRICTS, AND TO ESTABLISH SUPPLEMENTAL STANDARDS FOR MEDICAL MARIJUANA DISPENSARIES; AND PROVIDING AN EFFECTIVE DATE.

The City Attorney read Ordinance 1972 by title on first reading.

The City Manager advised that Staff was directed by the City Council to draft an ordinance to amend Chapters 2 and 5 of the City's Land Development Code to include Medical Marijuana Dispensaries as a permitted use with supplemental standards in the CG, MX-1 and MX-2 zoning districts. The use will be for medical or compassionate use only with certain conditions for its use.

It was stressed that the process will be treated as a retail business and that the issuance of Business Tax Receipts for a medical marijuana dispensary shall be based upon the City's population. The City Manager informed that the City does not want a moratorium; the law was passed and it is going to happen and the City needs to be on the forefront of the issue.

The Local Planning Agency recommended approval of Ordinance 1972 to Council with the change to allow one (1) dispensary for every 10,000 residents rather than for every 5,000 residents as was originally drafted. This regulation will be reviewed every 12 months or as needed.

The vote on the motion to adopt Ordinance 1972 on first reading carried unanimously.

<b>RESULT:</b>	<b>FIRST READING [UNANIMOUS]</b>	<b>Next: 3/28/2017 6:00 PM</b>
<b>MOVER:</b>	MG Moran, Council Seat 6	
<b>SECONDER:</b>	Scott Smith, Council Seat 1	
<b>AYES:</b>	Smith, Holmes, Jamieson, Moran, Rynearson	
<b>ABSENT:</b>	Diane Keller, John Mead	

### **Request for Code Enforcement Lien Release at 186 Miracle Strip Parkway SE**

Mr. Bolduc reported the property owner of 186 Miracle Strip Parkway SE submitted a request to the City requesting a release of existing Code Enforcement liens on the property. Mr. Bolduc presented background on the case, including the fact that appropriate permits were not pulled by the original contractor, the illness of the owner, and the fact that the administrative fees in the amount of \$650.00 have already been paid by the property owner.

Mr. Bolduc informed that when evaluating the case using the five (5) criteria found in Section 1.05.08 of the Code of Ordinances, and after further discussion with the property owners, Staff finds that release of the liens related to this case for the fines and fees previously paid would be an appropriate action at this time. Therefore, Staff respectfully recommends City Council authorization for the Mayor to execute a Release of all Lien(s) for Code Enforcement Case 14-827 within three (3) days of this meeting for the administrative fee amount of \$650.00 previously paid as outlined in Section 1.05.08 of the Code of Ordinances.

The vote on the motion for Council authorization for the Mayor to execute a Release of all Lien(s) for Code Enforcement Case 14-827 within three (3) days of this meeting for the administrative fee amount of \$650.00 previously paid as outlined in Section 1.05.08 of the Code of Ordinances carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Scott Smith, Council Seat 1
<b>SECONDER:</b>	Mike Holmes, Council Seat 4
<b>AYES:</b>	Smith, Holmes, Jamieson, Moran, Rynearson
<b>ABSENT:</b>	Diane Keller, John Mead

### **Implementation of the Final Phase of the Single Stream Recycling Program**

Mr. Bolduc reported that Staff has reviewed the current budget and the status of the recycling program. Due to the success of the program, Staff is recommending an early implementation of Route 6, which is the final phase of the Residential Curbside Recycling Program.

Staff also recommends City Council authorization for the purchase of the required 95-gallon recycling containers for Route 6 from Rehrig-Pacific Company via piggybacking off of a City of Deerfield Beach contract for the not-to-exceed amount of \$74,000.

The vote on the motion authorize the City Manager to amend the implementation plan for the Residential Recycling Curbside Program to implement the final phase on June 1, 2017 for Route 6, and to authorize the purchase of the required 95-gallon recycling containers for Route 6 from Rehrig-Pacific Company via piggybacking off of a City of Deerfield Beach contract for the not-to-exceed amount of \$74,000.00 carried unanimously.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Amy Jamieson, Council Seat 5
<b>SECONDER:</b>	Scott Smith, Council Seat 1
<b>AYES:</b>	Smith, Holmes, Jamieson, Moran, Rynearson
<b>ABSENT:</b>	Diane Keller, John Mead

## **CITY MANAGER REPORTS**

### **Legislative Update**

The City Manager advised he and the City Clerk will be travelling to Tallahassee on behalf of the Northwest Florida League of Cities on items he discussed previously. He informed he will also be testifying against the wireless bill and will seek support of funding for the Gulfview Hotel restoration.

### **Legislative Action Days - March 21-22, 2017 - Tallahassee**

The Legislative Action Days sponsored by the Florida League of Cities will be March 21, 22, 2017 in Tallahassee, with seven attendees.

### **City Council Strategic Planning Session - March 24, 2017 at 7:00 am - Library**

The Council Strategic Planning Session will be held on Friday, March 24, 2017 at 7:00 am at the Fort Walton Beach Library. Discussions will include clarification on the financial state of the City, and discussion on planned new City facilities, with updates and recommendations to be given by the consultant.

### **Community Redevelopment Agency Meeting - March 28, 2017 at 5:00 pm**

The Community Redevelopment Agency will have a meeting on Tuesday, March 28, 2017 at 5:00 pm to discuss the CRA Annual Report

### **City Council Special Meeting - April 1, 2017 at 8:00 am - Swearing in Ceremony**

The swearing-in ceremony for the new Mayor and Council will be held on Saturday, April 1, 2017 at 8:00 am in the Council Chambers. Judge Brown will give the Oaths of Office.

## **CITY ATTORNEY REPORTS**

None.

## **MAYOR/COUNCIL COMMENTS**

### **Council Member Scott Smith**

Council Member Smith attended the retirement ceremony for General Carlyle at Langley Air Force Base and noted the proclamation from the City was received very well.

### **Council Member Diane Keller**

None.

### **Council Member John Mead**

None.

**Council Member Mike Holmes**

Council Member Holmes thanked the City's PIO and Staff for posting the candidate forums live on the City's Facebook page, and recognized all City Staff and what they do for the residents.

**Council Member Amy Jamieson**

Council Member Jamieson wanted to correct a statement she made at the Kiwanis Forum regarding a need for more special events for children with special needs. She announced an upcoming event on April 8, 2017 at Silver Sands School from 12:00-2:00 pm.

**Council Member MG Moran**

None.

**Council Member Dick Rynearson**

Council Member Rynearson stated he and his wife met a lot of amazing people while campaigning and confirmed that Fort Walton Beach is a wonderful place to live, work, and play.

He also recognized Council Member Smith for his heroism at the First Friday Coffee by assisting a gentleman who choked or had a seizure. Council Member Jamieson also assisted and the situation was handled perfectly.

**Mayor Mike Anderson**

The Mayor attended the Okaloosa County League of Cities Board Meeting and advised they are considering reviving the 1/2 sales tax initiative for infrastructure needs. Also discussed was the homelessness issue and the League of Cities stance to present to the County Commissioners. Destin's Mayor stated that they may be interested in getting into the electric utility business. A citizen's complaint regarding a stormwater project problem was resolved to her satisfaction. The Homeless and Housing Alliance is working very hard to get stakeholders involved regarding the Continuum of Care and providing additional resources. Attended a new officer swearing in ceremony. Participated in the Dr. Seuss read-a-long at the school.

**Recess**

The meeting recessed at 6:46 pm to await the results of the election.

**Reconvene**

The meeting reconvened at 7:27 pm. The Mayor read the unofficial results of the election as follows (in alphabetical order):

Mayor:

Tom Rice received 953 votes

Dick Rynearson received 1,347 votes

City Council:

Nic Allegretto received 1,131 votes

David deVaux received 934 votes

Amy Jamieson received 1,271 votes

Nathan Kelley received 714 votes

MG Moran received 713 votes

David Schmidt received 1,127 votes

The Mayor advised that Nic Allegretto, Amy Jamieson, and David Schmidt received the top three votes.

The Mayor advised the official results will be presented at the March 28, 2017 City Council Regular Meeting.

Council Member Smith stated that if the results were correct, he wanted to recognize Council Member Moran for his service to the City for the past two years. He recognized his work in Tallahassee, and stated that the many things he has done for the City are commendable.

**ADJOURNMENT: 7:29 pm**