

**MINUTES OF THE
HARBOR AND WATERWAYS BOARD MEETING
DESTIN CITY HALL, OCTOBER 25, 2021 - 5:00 P.M.**

1. CALL TO ORDER:

Chairman Hoey called the Destin Harbor and Waterways Board meeting to order at approximately 5:00 p.m. on Monday, October 25, 2021, at Destin City Hall, with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Member Present:

Richard Hoey
Bill McKissick
John Stephens
Harvey Hurst

Members Absent

Jim Green
Casey Jones
Guy Tadlock

Staff:

Kim Montgomery Deputy City Clerk
Steven O'Connor Principal Planner
Tunazzina Alam, Planner
Sae More
Kyle Bauman, City Attorney

3. APPROVAL OF MINUTES:

➤ **September 27, 2021**

Board member McKissick moved to approve the minutes of the September 27, 2021 minutes as written, with Board member Hurst providing the second; the motion passes with a 4-0 vote.

4. NEW BUSINESS:

➤ **781 Bayou Drive**

Staff member Alam explained the details of the request to the Board members.

Greg Cole, the agent for the applicant stated that this is a very straightforward request and they have obtained all their permit requirements with the State.

Board member Stephens asked what the difference is between what is already in place and what is being proposed.

According to Mr. O'Connor, there is an existing shared pier in place and staff noticed that in the initial submittal it shows both the existing and a standalone pier, which is not allowed. Also, in applying for a separate dock he would have had to have significant dredging performed to get as deep as he needed, and it would be too impactful and that was not something he wanted to do. So, they will be adding a second slip to the existing pier, on his side of it. Adding that the discrepancy that staff realized will get rectified thru the FDEP approval.

Chairman Hoey asked who the title of record owner for the dock is. According to staff, it states on the Okaloosa County Property Taxing Authority that the owner of this request is the tile of record owner.

Board member McKissick questioned why the roof cover was not included in the square footage of the project. According to Mr. O'Connor, the way he interprets the Marina Siting Code, roof coverings are not included in the review process, just the pier/dock and pilings. Additionally, when someone wants to add a roof covering it is permitted under the construction building permitting process.

The Chairman voiced his concern over the dock being a shared use dock and if the adjacent owner was agreeable to the project.

According to Mr. O'Connor, the dock was originally built between both riparian lines, therefore all of the work to be done will be on the applicant's side and each has their own submerged land leases that separate them. He also explained that the adjacent property owner was notified of the project by letter and staff did not receive any contact from them. And there are two different submerged land leases, one for each property.

Board member Hurst asked for verification from staff regarding the permanent roof cover if that were something that they would need to take into account in order to provide the recommended approval.

According to Mr. O'Connor, again, the way he interprets the Code, it just applies to the slip and dock and not the roof covering, and it only needs to get the approval for the construction permit.

Motion by Board member Stephens to approve the request located at 781 Bayou Drive for a single-family marine construction project, subject to the applicant meeting all applicable city permit requirements and with the following conditions:

- 1) The applicant provides the City with approval from FDEP and USACE, consistent with the plans reviewed by the City at the time of building permit application.**

Board member McKissick providing the second and the motion passed 4-0.

➤ 3943 Indian Trail

Board member McKissick explained that he works for one of Mr. Bos' companies therefore, he cannot vote in the proceedings, which constitutes a lack of a voting quorum therefore, the project could not be heard.

5. DIRECTOR'S REPORT:

➤ **Harbor Capacity Study**

Mr. O'Connor explained that the approval for the budget was finalized at the Federal level for the ACOE. Therefore, the study for the counting of the vessels and the aerial imagery will commence this coming spring. The parking survey analysis has been conducted but not finalized and staff will bring that before this board when it is finished and analyzed.

6. **BOARD MEMBER COMMENTS:**

None

7. **DIRECTOR'S REPORT:**

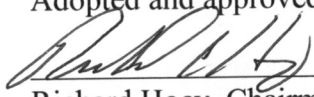
None

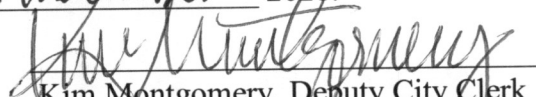
8. **NEXT MEETING DATE: November 22, 2021**

9. **ADJOURNMENT:**

With there being no further discussion, the meeting adjourned at 6:05 p.m.

Adopted and approved this 22nd day of November 2021.


Richard Hoey, Chairman


Kim Montgomery, Deputy City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME McKISSICK WILLIAM HOWARD		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE HARBOR + WATER
MAILING ADDRESS 151 CALHOUN AVE #109		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY DESTIN FL 32541	COUNTY	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED 10-25-21		NAME OF POLITICAL SUBDIVISION CITY OF DESTIN
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, William McKissick, hereby disclose that on Oct 25, 20 21:

(a) A measure came or will come before my agency which (check one)

☐ inured to my special private gain or loss;

☒ inured to the special gain or loss of my business associate, PETER BOS - LEGENDARY MARINE;

☐ inured to the special gain or loss of my relative, _____;

☐ inured to the special gain or loss of _____, by
whom I am retained; or

☐ inured to the special gain or loss of _____, which
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

10/25/21
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.