

**MINUTES OF THE
HARBOR AND WATERWAYS BOARD MEETING
DESTIN CITY HALL, JANUARY 24, 2022 - 5:00 P.M.**

1. CALL TO ORDER:

Chairman Hoey called the Destin Harbor and Waterways Board meeting to order at approximately 5:30 p.m. on Monday, January 24, 2022, at Destin City Hall, with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Member Present:

Richard Hoey
Guy Tadlock
John Stephens
Harvey Hurst

Members Absent

Jim Green
Casey Jones
Bill McKissick

Staff:

Kim Montgomery Deputy City Clerk
Steven O'Connor Principal Planner
Tunazzina Alam Planner
Saeed More Planner
Kris Mercurio Deputy Code Compliance Dir.
Darryl Sanders Harbor Compliance Officer
Jeramy Kwiatkowski Code Compliance Officer
Louis Zunguze CD Director
Kyle Bauman City Attorney

3. APPROVAL OF MINUTES:

➤ **November 22, 2021**

Board member Tadlock moved to approve the minutes of the November 22, 2021 minutes as written, with Board member Hurst providing the second; the motion passes with a 4-0 vote.

4. PUBLIC COMMENTS:

None

5. OLD BUSINESS:

None

6. NEW BUSINESS:

None

7. BOARD MEMBER COMMENTS:

➤ **Chairman Hoey - Marina Siting Recommendation Discussion**

With the Marina Siting revisions having been made, Mr. O'Connor informed the Board that staff is requesting them to strictly focus the discussion on what is in this staff report, in order to get their recommendations to the Local Planning Agency (LPA) and then theirs on to the City Council. Adding this will enable staff to then forward Council's approved changes to the consultants so they can begin drafting

the verbiage into the new Land Development Code (LDC). He then briefly explained their recommendations from Ordinance 20-06-LC got held up at the LPA level and was tabled indefinitely.

3TP Ventures, Inc. Recommendation:

2.06.02.G & 2.06.04 - It is recommended that marine construction is reviewed solely through the building permit process unless the proposal includes a marina (commercial or residential) with 10 or more slips. In that case, the application will be required to be reviewed by the Harbor and Waterways Board and City Council.

Staff Recommendation:

Any self-certification from the Florida Department of Environmental Protection (FDEP), is staff-level approval. Residential docks not qualifying for self-certification, or with 4-9 slips, or those that require U.S. Army Corps of Engineering approval, shall require Harbor and Waterways Board (HWB) review and recommendation to City Council for a consent agenda item.

Further, any residential dock with 10 slips or more requires HWB recommendation and a public hearing before the City Council. All commercial docks require HWB recommendation with a public hearing before the City Council. In conclusion, if the HWB agrees, staff recommends forwarding the recommendation to the Local Planning Agency.

The Chairman explained the process for self-certification through FDEP and how long it generally takes.

Board member Stephens asked if as part of the review process, do they have to make sure that there is enough room for the boat to back up if there is another nearby dock. The Chairman pointed out is covered under the required setback criteria.

Mr. O'Connor explained that what staff has recommended is the same however, there is one caveat to the Chairman's recommended language where he says, "**And proposed single family marine projects permitted by the FDEP and US Army Corp. of Engineers shall require approval of the Harbor & Waterways Board and City Council.**" Because, staff cannot wait for the FDEP & ACE permit to bring the project before the board for a recommendation. The applicants are only required to provide proof that they have started the process by submitting their application, but staff and the board cannot hold up this level of the approval process for the applicant's permit. Therefore, staff's recommendation is, "**All commercial marine projects...**" Reiterating that if it's a commercial dock, comes before the board and city council, both are public hearings. Self-certification is staff level approval through the building permit process with both their plans and the self-certification required, and if the plans don't match the self-certification then they would not receive their marine construction permit until it is in compliance with the self-certification.

Mr. O'Connor briefly explained the two different processes between the planning process and the building process for self-certifications to the Board.

Mr. Zunguze explained that when the applicant is at the building level process, it means that they have met all the conditions and they're ready to build. Additionally, the self-certification means the applicant has met all the requirements at the State level, and there are no other requirements necessary to obtain at the planning or board level, and this saves the applicant a huge amount of time.

The Chairman suggested changing the 4-9 slips down to 3-9 since the State allows for up to 2 slips in self-certification process. Mr. Zunguze agreed and stated that they would make the necessary amendments to that language. The Chairman also suggests adding language regarding the letter of concurrence that the FDEP now requires if there is a project that interferes with the 25-foot setbacks.

In 11.05.01(S) the Chairman recommended adding the 10-foot marginal docks and self-certification process which has been redefined for riparian setback requirements. He spoke of a potential conflict with code, regarding the 25-foot setback with a conforming dock setback requirements, because the State only requires a setback of 10-feet for conforming docks.

In 11.05.02(J), the Chairman recommended eliminating the repeated verbiage because of redundancy and recommends just stating that the riparian lines are required on the drawings. And in the self-certification process of a rebuild, since it has to be in the same configuration, he recommends adding in the code that it has to also comply with the FDEP's, pointing out that if someone want to move their dock, they would have to apply for a new construction permit.

There was a brief discussion regarding concern for zero setbacks. According to Mr. O'Connor, there are no developable properties in the city that have those setbacks and the ones that do, are zoned Recreation/Conservation.

In the fuel and oil abatement plan in 11.05.01 (E), Board member Stephens asked if the Coast Guards oil abatement plan differs from FDEP's plans. Adding he has an email from the FDEP of their plan, and us what he follows. Adding that he can forward to staff, if they would be interested. Mr. O'Connor stated he would and will review it and possibly come back with a recommendation for their consideration.

Motion to forward staffs recommended language to the Local Planning Agency, for the review involvement for docks, marinas, or other infrastructure affecting the waterways of Destin with also changing the slips from 4-9 to 3-9. Board member Hurst provided the second. A roll call vote of 4-0 was taken the motion passed unanimously.

➤ **Board member Stephens – Coast Guard Channel Dredge**

Asked staff if it was too late to have the dredged material moved to another location. According to the City Attorney, it is because City Council has already approved the location.

➤ **Board member Tadlock**

Spoke of a couple of liveboards reported to him that are in the harbor as well as a couple of barges that are out in the harbor conducting work on the water.

According to Mr. Sanders, staff has been in contact with and discussed those issues with Okaloosa County and FWC on how to address them. Additionally, staff has not been able to get on the water since the city just received a donated boat from the Okaloosa County Sherriff's Office and it is currently being inspected.

Board member Tadlock also spoke of how many of the boats in the harbor do not have anchor lights on them and feels this should be better enforced.

➤ **Board member Hurst**

Asked about the status of the Harbor Pump. According to Mr. O'Connor, it is operational and is running on its winter schedule.

8. **DIRECTOR'S REPORT:**

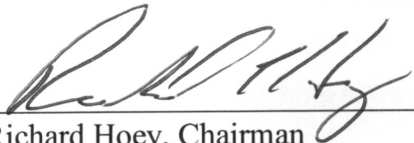
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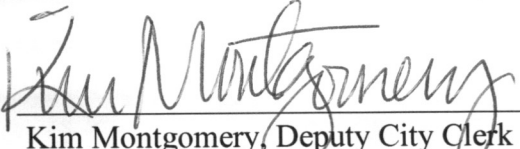
9. **NEXT MEETING DATE:**

10. **ADJOURNMENT:**

With there being no further discussion, the meeting adjourned at 6:00 p.m.

Adopted and approved this 28th day of FEBRUARY ~~2021~~ 2022.


Richard Hoey, Chairman


Kim Montgomery, Deputy City Clerk