MINUTES OF THE
HARBOR AND WATERWAYS BOARD MEETING
DESTIN CITY HALL, JANUARY 23, 2023 - 5:30 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 23, 2023, at Destin City Hall, with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Member Present:	Staff:
Richard Hoey	Kim Montgomery Deputy City Clerk
Guy Tadlock	Steven O'Connor Principal Planner
John Stephens	Kyle Bauman City Attorney
Jim Green	Steven O'Connor Principal Planner
Bill McKissick	Daniel Butler Senior Planner
Casey Jones	
Jerod Hayden	

3. NOMINATION OF CHAIR & VICE CHAIR:

Board member Jones nominated Richard Hoey as Chairman. Board member Hoey declined the nomination.

Board member Jones nominated John Stephens as Chairman with Board member Stephens accepting the nomination.

Chairman Stephen nominated William McKissick for Vice Chairman. Board member McKissick accepted the nomination.

4. APPROVAL OF MINUTES:

- **November 28 , 2022**
- **December 19, 2022**

Board member Green moved to approve the minutes of the November 28, 2022 and the December 19, 2022 minutes as written, with Board member Jones providing the second; the motion passes with a 4-0 vote.

5. SUNSHINE LAW PRESENTATION:

Standards of Conduct for Public Officials – Mr. Bauman briefly explained to the members this is Chapter 112 of the Florida Statutes and covers accepting bribes, unauthorized compensation, as well as a provision that does not allow for any business with the city.

Public Records Law – Mr. Bauman explained how any comments that is made by them in relation to city business is a public record regardless if it's made on a personal device or social media account, it becomes a public record. He explained how a screen shot should be made and forwarded to their city email address so it can become searchable. He advised the members that it is best to just not comment on anything city related on social media but if they do, to not forget to screen shot the comment and email it to get it on the city server. He also covered the importance of text messages being captured, as those are the ones that seem to be the most problematic and encouraged phone conversations or city email that can be immediately captured. Additionally, he explained how it can easily be rectified by contacting him and having the issue placed on the agenda to bring into the sunshine if it should ever happen.

6. PUBLIC COMMENTS:

Mr. Mike Branson stated he had some questions about 4049 Indian Bayou and asked if he could just email the questions. Mr. O'Connor spoke up and informed Mr. Branson to email them or contact the planning staff for assistance.

Ms. Pati Stapleton spoke about issues she's encountered regarding people parking in the intersection of Gulfshore Drive and her street and the need for a sign that says don't block the intersection. Chairman Stephens suggested that she attend a Public Works/Public Safety meeting and also contact the Public Services Director to discuss the situation.

7. NEW BUSINESS:

- **530 Harbor Blvd.**

The City Attorney swore in the applicant, Mike Abadie, as well as staff members, Daniel Butler and Mr. Randy Taylor, a member of the public.

Mr. Butler explained the details and location of the request to the members. He did note that in FDEP's review the proposed square footage was portrayed as 4,189, however the plans show the proposed dock being at 4,353 square feet. Therefore, at the time of building permit submittal, the proposed submittal must match the same square footage approved by the FDEP and the ACOE. Additionally, the required water taxi stop is not illustrated and per code, the applicant is required to install the water taxi stop and signage. Once all the requirements are included per code, staff recommends approval of the commercial marine project.

The City Attorney asked staff and the applicant if they had any objections to the entering of the staff report and all attachments into the record. With no objections, Chairman Stephens accepted those items into the record.

Chairman Stephens opened the hearing to the public for comment.

Mr. Randy Taylor owner and President of the HOA for Destin Harbor Place Condominiums, which is the adjacent property to the west of the project, explained the expansion of the business has impacted their beach from the wave action of the vessels in the shared waterway, immediately adjacent to them, which causes a liability to their owners' vessels and their riparian right of way. He expressed concern over what type of boats this improvement will hold and how their quality of life has been impacted by the expansion of the business. He also spoke of an incident where the business had their slips dredged and some of the sand dredged was deposited near their slips and with the coming and going of their boats has pushed additional sand into their slips to the east and has made them too shallow to navigate.

Board member Green asked Mr. Taylor if there has been any boating wrecks as a result of the adjacent business. According to Mr. Taylor, there has not been any collisions, but they are still have concerns.

Board member Tadlock asked if they have any issues with parking from the adjacent property. Mr. Taylor stated that only during the summer and not all the time. Adding they have had some noise issues but mostly it's the concern for waterway access and the erosion of their beach caused by wave action from the vessels of this business.

Mr. Mike Dombroski of MRD Associates who is the Engineer of record for the applicant, Mike Abadie, explained to the members that their request is for an approval of a dock that is to the east of the applicants existing dock towards Harbor Docks and will not support jet skis or parasail boats. They are for permanent boat slips and not for livery vessels.

Board member Green asked what type of boats are planned for these slips. According to Mr. Dombroski, the vast majority of the boats will be yacht boats and possibly there could be the 6-pack type boats. Adding that they will be limited to the amount of parking spaces they can provide.

Mr. Abadie added that the project will be a commercial marina and will be private boats and as mentioned, based on available parking.

Mr. Glen Shelly of 642 Harbor Blvd. pointed out that from Ships Chandler to the west of this request is zoned South Harbor Mixed Use and how any of those private residents along that stretch could be sold and essentially come in and request the same type of use. He expressed that this request may set a precedent to allow these type of docks. He then asked how far out this request goes into the water.

According to Board member Green, the request is for 250-feet.

Mr. O'Connor added that the project encompasses Mr. Abadie's two vacant lots and per the Marine Siting in the South Harbor Mixed Use Zone, they get 1.5 linear feet per linear foot of waterfront property.

Mr. Shelly pointed out 6-pack type boat could be a pontoon boat with a captain, and therein lies his concern.

Mr. Paul Stewart 508 Harbor Blvd. asked for clarification if the plan is for additional pontoon boat rental slips or if its slips to rent for people to dock their boats fulltime. Adding that there are to him, entirely too many pontoon boats on the water as it is.

Mr. O'Connor explained that currently there is a moratorium on additional pontoon boat businesses. Additionally, each livery vessel operator has a limited number of vessels they are allowed and they cannot add anymore to their business, unless, said livery operator reduces the number that they have and their 'medallions' are sold to another livery vessel operator. Pointing out that still, the same number or vessels are only allowed and no more.

With no further discussion, the Chairman closed the public hearing and turned the discussion over to the members for additional comment or a motion.

Board member Jones made the recommended motion that the Harbor and Waterways Board recommends City Council approve the request to construct approval of the Commercial Marine Construction project located at 530 Harbor Blvd. with the condition provided, subject to the applicant meeting all applicable Federal, State, and City permitting requirements, with Board member Green providing the second.

Board member Green spoke in favor of the request stating that the need for projects such as this allows for more charter boats, which is a need because currently, the harbor is in a deficit for 40-feet and more boats.

Board member Jones also spoke in favor of the project and mentioned how everyday he has people inquiring for slip rentals at his restaurant in Niceville and the need is definitely there.

Board member Tadlock asked Mr. Dombroski why they are requesting 253-feet when the code states the maximum distance allowed for marine construction is 200-feet.

According to Mr. Dombroski, there is a provision in the code that allows for offset from the shoreline because of the shoal barrier preventing the project from getting the depth they need, which was approved. Mr. Tadlock then asked if Mr. Abadie had any plans for a pump out to be installed.

According to Mr. Butler, they are not required to be installed as long as the boats do not have onboard toilets.

Mr. Tadlock then asked if the project will be assessed for the environmental fee and how much. According to Mr. O'Connor, all projects on the harbor are assessed the NPEB fee and at this time they do not have the cost estimate, which is determined and collected when the building permit is issued. Mr. Tadlock then questioned how close this project is to the navigational channel and was informed that the channel ends west of the project at Destin Yacht Club.

Board member Hoey spoke positively about the project regarding the bench, trash receptables and especially the lighting that is planned.

Board member McKissick asked for verification that only one boat is allowed per slip. According to Mr. Dombroski, that is correct only one boat is allowed per slip.

Chairman Stephens asked if there are to be any transient slips for the project. According to Mr. Dombroski, this dock project does not but the dock to the west does allow for them. Chairman Stephens then asked the applicant how many total vehicle parking spaces are planned for the project. Mr. Mike Abadie stated for the record that he will have a total of 25 additional parking spaces added after they tear down the current restaurant building located on the upland portion of the property as well as his approved addition he is currently building on Mountain Drive should provide a total of about 45-50 spaces total combined. The Chairman then mentioned the fire plan and asked if it was a new requirement.

According to Mr. O'Connor, it is a requirement of the Destin Fire Control District for commercial projects.

Board member Tadlock asked about restroom facilities. Mr. Abadie explained that when the project commences around November of this year, rest room public facilities are included in the plans for the new building.

With no further questions, **Chairman Stephens called for the vote and the motion passed 6-1 with Board member Tadlock dissenting.**

8. BOARD MEMBER COMMENTS:

- **Board member Hoey** – Board member Hoey spoke of making sure that everyone has a copy of their committee handbook and the Marine Siting code. He mentioned how the project they just reviewed does not comply with the length allowed in the Code and asked staff when there is special circumstances that allow for additional length, if staff would explain the reasoning in the agenda packet so that they would know this before their meeting. Mr. O'Connor agreed.

➢ **Board member Green -** Asked what it would take to make this meeting start at 5:30 PM instead of 5:00 PM and spoke of how sometimes it's impossible to get to this meeting on time.

Motion by Committee member Green, seconded by Committee member Jones to change the starting time of the Harbor & Waterways Board meeting to start at 5:30 PM. In discussion, Committee member Hoey wanted to make certain that the change would not affect staff negatively.

According to Mr. O'Connor, it would not and, it would benefit him because it gives him more time to get ready for the meeting. With no further discussion, Chairman Stephens called for the vote and **the motion passed 7-0.**

Board member Green then stated that regarding the project they just reviewed, the adjacent property's dock looks to be in the riparian lines of the Gilligan's.

➢ **Board member Tadlock** – Suggested a joint meeting needs to be considered for this board, the Harbor CRA-AC and the Harbor Capacity Study Steering Committee. Mr. O'Connor stated that he would include them at the next Harbor Capacity Study Steering Committee meeting.

Mr. Tadlock spoke of the Federal Channel and requested the city staff look into the location of it and provide them with clarification stating that some of the GPS systems show it further into the harbor and spoke of how Sandpiper Cove has buoys.

Mr. O'Connor brought up on the screen for all to see where the Federal Navigational Channel is located and where it ends in comparison to the project they reviewed.

➢ **Board member Jones** – asked if there was a way to make all commercial projects required to install a pump out for the project to get approved. According to Mr. O'Connor, they can make that a recommendation to be included with the LDC rewrite for the Marina Siting Chapter and staff will ensure that it gets in the rewrite.

➢ **Chairman Stephens** – Stated that he would like to have included in the rewrite that all commercial docks require a transient slip.

Mr. O'Connor explained to the member they have the authority to make those recommendations and read from Article 4 the LDC the information that spells out their responsibilities and duties of serving on the Harbor & Waterways Board. He explained that the additions they want to see added to the Marina Siting they make in the form of a motion that is then added to the draft that staff works with the Consultant to be implemented into the LDC draft, which is then taken to Council once everything is implemented for staff and the consultant to discuss. Which after that step, will be brought to them for review, discussion, and guidance for a final recommendation to City Council for adoption.

Chairman Stephens informed the members of the Joint Water Safety meeting that will take place on February 8, 2023 at 1 PM located at the Convention Center on Okaloosa Island. The entities attending are the Watersport Coalition, cities of Destin and Fort Walton Beach, Okaloosa County, Okaloosa County Sheriff's Department, City of FWB Police Department, Coastguard, Coastguard Auxiliary, FWC and the local fire departments.

Board member Hayden asked why the project they heard is not required to provide a public pump out facility. According to Mr. O'Connor, the applicant has not specifically stated exactly if the vessels will have bathrooms on them at this point of the approval process. And if they do at the Development Order stage, then they can be required. If later on, the applicant decides to allow them, they can apply for a Deviation to a Development Order. There was also a brief discussion regarding locked bathroom requirements of the Coast Guard, once inside State Waters.

9. ADJOURNMENT:

With there being no further discussion, the meeting adjourned at 7:15 p.m.

Adopted and approved this 27th day of February, 2023.

John Stephens, Chairman

Kim Montgomery, Deputy City Clerk