

**MINUTES OF THE
HARBOR AND WATERWAYS BOARD MEETING
DESTIN CITY HALL, MARCH 28, 2024 - 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, March 28, 2024, at Destin City Hall, with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Member Present:

Jim Green
Bill McKissick
Richard Hoey
Guy Tadlock
Jerod Hayden

Members Absent

Casey Jones

Staff:

Kim Montgomery Deputy City Clerk
Steven O'Connor Principal Planner
Daniel Butler Senior Planner
Tina Deater Planner
Kim Kopp City Attorney

3. Chair & Vice Chair Nominations

Motion by Board member Hoey to nominate Board member McKissick as Chairman.

Board member McKissick stated that he still has a quite a bit of traveling to do on Monday's and would like to keep the meetings on Thursdays. Additionally, he feels that someone else could better serve as the Chairman since he cannot guarantee that he can attend every meeting at this time.

Board member Hoey moved to nominate Board member Green as Chairman, with Board member Tadlock providing the second. Board member Green accepted the nomination. The motion passed 5-0.

Board member Hoey moved to nominate Board member McKissick as Vice Chairman, with Board member Tadlock providing the second. Board member Green accepted the nomination. The motion passed 5-0.

4. APPROVAL OF MINUTES: September 28, 2023

Motion to approve the minutes of the September 28, 2023, meeting was made by Board member Tadlock, with Board member McKissick providing the second. The motion passed by a unanimous vote of 5-0.

5. PUBLIC COMMENTS:

Mr. Michael Zigler of 516 Norriego Road spoke of how he agrees with the \$100.00 yearly fee to help maintain the harbor pump in order to keep the water quality up to standards, however he wants assurance that the city keeps the maintenance of the pump on schedule, as well. He feels that the Board should recommend to Council to stop the impact fees for the installation and repair

of all docks and seawalls in the harbor and the canals. He feels the fees are a negative impact to all those that want to make improvements but can't afford to. He also spoke of how he feels the ACOE study that stated the majority of the impacts to the harbor are from the citizens is an incorrect statement and spoke of how he sat on his deck for four hours and counted boats and the majority of the ones he counted, were commercial boats that are rented and are on the water for 4-6 or more hours a day. Whereas an owner only takes their boats out for the most part less than an hour a day. Lastly, he feels that the city's Public Works funds should be used to maintain and clean out the storm drains, not the NPEB funds that come from the homeowners and commercial owners on the harbor.

Mr. Mike Abadie, 534 Harbor Blvd. mentioned that he is the person that attended the LPA meeting and brought forth the idea of a fee being charged, across the board, annually to those that live and have commercial businesses on the harbor. He spoke of the \$90k fee that he had to pay and thought there has to be a better way to sustain the fund in order to be able to sustain the health of the harbor. Noting, if no one builds a dock in the next five years, there is no steady source of income coming in for the fund.

6. NEW BUSINESS:

A. Net Positive Environmental Benefit (NPEB) Fee – LDC 11.05.02.N

Mr. O'Connor clarified this is not a recommendation from staff or anyone at this point, it is just a concept. Also, regarding the statement by Mr. Zeigler about not using the NPEB funds for the stormwater, that is a requirement by the State of Florida and the city by Memorandum of Understanding that NPEB funds are used pay for the stormwater cleanouts. Additionally, the fees have to be dedicated to any other programs that help with the health of the harbor, such as the pump and the water monitoring stations maintained by CBA. He explained how the charge of this board is to find ways to help improve the health of the waterways of the harbor, and any innovative way to make it happen sustainably, is in the best interest of the residents of the city, because the harbor is the heart of the city.

Mr. Tadlock agreed that the harbor is a destination for tourists and spoke of it has being discussed at a past Council meeting how the TDC should participate, at some level, in the fund.

The City Attorney informed the members that the Interim City Manager is actively meeting with the county and discussing methods to come up for some level of assistance.

There was a lengthy discussion regarding how to figure out the fees and who should pay what, as well as how they would be assessed depending on the projects. Mr. O'Connor clarified that is what staff is asking is of the Board is to recommend what direction they want to go in regards to creating the fund.

Motion by Green motion to explore what a flat NPEB fee of 10% and charge and annual rate per slip starting annually of \$100.00.

According to Mr. O'Connor, that would in essence deplete the fund, especially if they don't want to go retroactively. **Chairman Green pulled his original motion.**

Chairman Green then inquired about a prorated type of impact fee and then later charge an annual fee for each slip, as docks get older, the income for the fee goes down.

Mr. O'Connor advised, that in his expertise, creating a flat rate, one that is easy to assess and then assess the annual fee and at some future date, for those that have already paid the NPEB fee, they will not have to pay again for some length of time at whatever time span is decided. Adding that something similar is necessary to get the fund solvent and operating properly.

Chairman Green suggested all NPEB fees at 10% and then charge an annual slip fee.

Board member Hayden asked Mr. O'Connor if they completely got rid of the initial fee and just started charging a \$100.00 fee per year per dock, or whatever is agreed on, would the fund be solvent. According to Mr. O'Connor, that may work. Board member Hayden suggested making a five-year moratorium, then the next year, start charging \$100 per dock to get the fund in the green.

The Chairman brought up the people, such as Mr. Abadie, who have paid 30-years into the fund, and that is where he is having concerns with this discussion.

Mr. O'Connor stated that he understands that concern, however, at some point, everyone is going to have to feel the burn, to get it right. He then suggested if someone has paid an NPEB in the last five years they get 15-years and someone has paid in the past 10-years, they get 10-years. If they've paid in the last 15, they get 5 years, or something to that effect, until everyone on the harbor is paying. At least with that, there is some consistency stability to the account, so the city can start maintaining the pump like it should be, maintaining the stormwater systems so they work properly, and addressing the channel by putting it on some kind of maintenance plan to get dredged every five years.

According to Mr. Tadlock, the TDC should contribute to the funding because of all of the tourists they bring into the area that come into the harbor and create the crowdedness. Mr. O'Connor explained that the staff is in discussions with the TDC. However, staff is not presenting this tonight to discuss the TDC, staff is asking for the board to give some insight on how to move forward with the NPEB fund. The City Attorney explained the city is working with the TDC and feels confident that the TDC will help however, they should not be expected to fund it all and what

staff is asking for from them is a recommendation to take to Council for what type of fees can the city charge to benefit the harbor NPEB funds and city staff is merely asking for their input.

Board member Tadlock spoke of the high taxes that waterfront homeowners pay and how those on the harbor and canals cannot rent their slips and feels that there should be some kind of program in place to help with that, and suggested allowing them to rent their boat slips out like commercial businesses on the harbor can. He also suggested that they have some kind of benefit for those that have boatlifts, such as those not having to pay anything since, they do not put burden on the environment when their boats are lifted and do not shadow the water as much.

Chairman Green spoke of how everyone has to pay to have our vehicles registered and everyone that has access to the harbor and a slip, regardless of if you're an owner or not, and everyone should pay the same.

Motion by Chairman Green recommend the staff to explore a flat NPEB fee of 10% with those starting annually, paying a per slip fee of \$100.00 and if they have already paid their NPEB in less than the last 5-years, their amortization is 20-years, if they have paid it from five to ten years, their amortization is 10-years, if they have paid it in the last 10-15 years, their amortization is 5 years. If they are over 15-years, they would start paying the fee immediately. Board member McKissick provided the second. In discussion, Board member Tadlock expressed concern over this plan getting implemented too soon. Mr. O'Connor briefly explained the process and how this would not be something that could be implemented quickly.

Chairman Green addressed Mr. Tadlock's comment regarding boatlifts not impacting the environment as much, noting that anytime a vessel is put into the water, it is impacting the environment.

Mr. O'Connor verified with the Chairman that this is just for those that own property on the harbor. Chairman Green confirmed that yes, just on the harbor. **Having no further discussion among the board members, the motion passed 5-0.** Chairman Green opened up the public for additional discussion.

Mr. Mike Abadie, 530 Harbor Blvd., spoke of three items that he feels should be considered. Those are:

- People making repairs to their docks should not have to pay to the fund.
- The commercial slip industry will build out eventually, so you cannot base the future income solely on that.
- The commercial boat industry pays a lot to the city that the residential boat owner do not.

Mr. Michael Zigler stated that he recommends getting rid of the categories and base the fee on the number of slips being installed. Have a minimum and a sliding scale for the maximum along with the annual fee that he feels everyone should have to pay.

Mr. Randy Taylor, 508 Harbor Blvd., spoke of all the commercial vessels that are causing pollution in the harbor and those that come into the harbor and moor for 20+ days, as well as those that come into the harbor that don't live in Destin. They all are impacting the environment one way or another. He spoke of how everyone should be paying, not just the ones that live and work on the harbor.

With no further comment, Chairman Green closed the public hearing portion for discussion.

B. Draft Land Development Code Marina Siting Section of the Draft Article 7 – Resource Conservation & Protection

Mr. Butler explained to the members how the regulations have been moved to the appropriate locations in the LDC and the regulations, such as dock lengths and no dumping of fish carcasses, are not applicable to the Land Development Code but more appropriately suited for the Code of Ordinance, and all of the processes and procedures of the Marina Siting has been moved to Article 2. He explained how the development regulations for new marine construction are now in Article 7. He further explained there were not any substantial changes, it is just better reorganized in a much easier to read fashion, with a chart that was created for dock length allowances. He also informed the members that the Fuel Abatement section has not been implemented yet, staff is still working on it, however, it will be in the Marina Siting Section after it has been developed and approved.

Board member Hoey thanked the staff for the outstanding job on the rewrite and spoke of some changes to certain areas that he suggests. Mr. O'Connor spoke of how it would be better if they had any further suggestions, changes or corrections. If they would email them to staff and they could then compile them and bring back for everyone's review and if it's agreed by all, staff would implement the agreed upon suggestions. The Chairman agreed and spoke how that he feels that would be the best way, at this late hour of the meeting.

Chairman Green mentioned living on Coleman Lake, which is a private lake, and how there is a new construction on a lot and part of it is for a dock, which the city is requiring the permitting process for it. He spoke of how he feels that a private lake should be exempt from the permitting process, since there is no State Submerged Lease permitting requirements, and the owners still have to involve the HOA requirements.

Motion by Chairman Green to add into the draft Article 2 an exemption for building permits for all privately owned lakes inside the limits of the city of Destin. Board member McKissick provided the second. In discussion, Board member Hayden mentioned that he feels the language should just read the permitting process only applies to State Navigable Waters. Mr. O'Connor stated that staff realizes the intent and can make the necessary language in the Article. **With no further discussion, the members voted 5-0, in favor of the motion.**

7. BOARD MEMBER COMMENTS:

➤ **Board member Tadlock** – Mentioned that he has checked on the harbor pump three different times around midnight and the pump has not been running and would like a report back on the run times for it and if it is working. Also, he still has not received the water testing information he requested and would like that information to be provided to them at their next meeting.

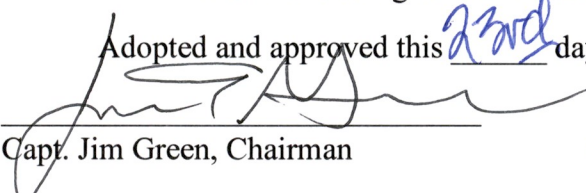
➤ **Board member McKissick** – Thanked everyone for assisting him this past year with his health issues and asked the members if they didn't mind, to keep the meetings on Thursdays since he still will have more travelling on Mondays for doctor appointments into the near future.

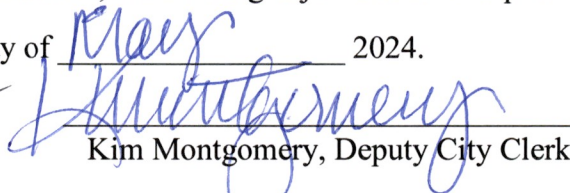
8. DIRECTOR REPORT:

9. ADJOURNMENT:

With there being no further discussion, the meeting adjourned at 7:45 p.m.

Adopted and approved this 23rd day of May 2024.


Capt. Jim Green, Chairman


Kim Montgomery, Deputy City Clerk