

**MINUTES OF THE
HARBOR AND WATERWAYS BOARD MEETING
DESTIN CITY HALL, JUNE 27, 2024 - 5:30 P.M.**

1. CALL TO ORDER:

Chairman Green called the Destin Harbor and Waterways Board meeting to order at approximately 5:30 p.m. on Thursday, June 27, 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
Casey Jones
Jerod Hayden

Staff:

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

3. APPROVAL OF MINUTES:

- **April 25, 2024 Minutes**
- **May 23, 2024 Minutes**

Motion by Chairman Green, seconded by Board member Tadlock providing the second, to approve the April 25, 25, 2024 and the May 25, 2024 minutes as corrected. The motion passed 6-0.

4. OLD BUSINESS:

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

According to Mr. Butler, staff needs to clarify their request for letters that are sent out to adjacent property owner, noting that currently and always letters have been send out to adjacent property owners and with the rewrite they have included for the 25-foot riparian line setback to the graphics, and certified letter notifications are to be sent, as well as to owners that are within 100 feet or less of bodies of water, and staff is just verifying with them that is what they requested to be included. The members agreed.

- **Livery Definition**

Mr. O'Connor explained to the members that this has been to the Harbor CRA and City Council however the definition of a Livery excludes vessels that are captioned by a US Coastguard Captain. Additionally, bare boats is, the renting of a vessel without a captain and the charterer is taking on the liability, not the captain of the vessel. Therefore, whoever has chartered the vessel is who is responsible for it and therefore it is not under the control of a US Coastguard Captain,

even if the person that is piloting it is a licensed US Coastguard Captain. The loophole being, if shown that the vessel is captained by a licensed captain, staff had the understanding that it was under control and therefore, that is where the bare boats got in the loophole. However now that staff has better understanding of what they are, and they are not controlled by a US Coastguard Captain, they do not carry the liability of the vessel. Additionally, the proposed definition now provide the clarity, they are livery and are beholden to the moratorium.

The Chairman opened the hearing to the public.

Mr. Mike Abadie, 530 Harbor Blvd. noted that in the agenda packet it says there is ambiguiene with the State and the Coastguard, however there is not, the only ambiguiene, is with the city and the way the regulations are worded in the code but that can easily be corrected. Additionally, is says that all boats must be captained by a licensed captain, however it can't be under a licensed captain. He continued to explain that there are three conditions that a bare boat charter can be under a licensed captain those are:

- Inspected Vessel
- Uninspected Vessel or 6-packs, similar to a taxi
- Bare Boat Charters, the US Coast Guard does not use the term Livery Vessels

According to Mr. Abadie, he recommends that the city avoid getting into the Coast Guard regulations and strictly say that all livery vessels are rented to the customer and all bare boat charters are livery vessels. He also stated that if they open this up to the yachts, there are pontoon boats out there that will fall into the category and opening this up to about for forty to fifty different vessels as well.

Mr. Matt Condon who manages Destin Private Yachts spoke of how he just heard that Destin is the number two harbor in the country and restricting yachts to being designated as Livery Vessels which would effectively bane them would be detrimental to the city. He explained how he asked himself, how could he assist in eliminating the loophole without ensnaring all the captained vessels who are operating through the authority of , and to him, the solution would be to larger vessels that have a US licensed captain onboard would be exempt from the ruling, and that would effectively solve all the problems, better regulate the pontoon boats and creates a waiver for all the boats that are captain operated. Especially since what is being discussed is directly in contradiction to the law that specifically states that captioned boats are excluded. By simply stating in the Code that licensed and Captained vessels 32-feet and larger would be excluded and not considered livery vessels.

With no one else coming forward to speak, Chairman Green closed the public.

Board member McKissick asked if the vessel is captioned and of the size, why does it fall under an inspected vessel, like all the others that have passengers?

Chairman Green explained how with a livery charter, operating as a Bare Boat, carrying more than six passengers, the client who rents the boat, rents without the crew. However, if there is a crew provided by the boat owner, then it falls under a six-pack, uninspected passenger vessel or it falls under a COI vessel. Additionally, the way the definition reads, it says it doesn't have a captain under command at all times, in the process to become an actual bare boat and has to go through the bare boat paperwork process, and at some point, it has to be given fully over to the client, no crew, and that triggers the, not being under the command of a captain. When the boat goes out, their insurance requires a captain, the bare boat agreement says, that if they have to hire a captain.

Board member Tadlock stated that he feels that if something is not worked out, the city is going to miss out and that something needs to be worked out. He spoke of how there is a clientele of people that like to come to Destin and enjoy being on a big boat. He also spoke of how those that hold a BTR now are being grandfathered in and feels there should be a way for it to work. He also mentioned that he feels that anyone that charter a boat larger than 32 feet there should be a cap where there need to be an experienced person in the helm of the vessel.

Board member Jones spoke of how he is against the moratorium and feels there has to be a way around it, to allow proper businesses, who are bringing in good clients into our area to visit the restaurants, our hotels, and charter fish too while they're here.

Board member Hoey asked Mr. Condon if the vessels he manages are full-time or are they just seasonal. He also wanted to know if they are vessels registered with the state, and are they commercial, private, or pleasure boats. According to Mr. Condon, the majority of vessels are privately owned, and they are renting them out some of the time. He explained further that when he works as a broker, they would register the boat as a commercial vessel, and all those vessels have to have commercial, debt insurance, and some of them are registered recreational and some are registered commercial.

There was a discussion regarding these vessels being parked at private slips. Mr. O'Connor clarified that they are considered a home occupation, which are allowed and means they can park their boats at their residence, however, the owners cannot operate them out of their residence, they cannot have customers come to their residence, park their vehicles and board the boats from the private slip.

Chairman Green clarified for the record that he does not want Yachts outlawed, however, it's a growing business and the moratorium for Livery vessels which is pontoon, boats jet skis, and bare boat because it's any rental vessel. The point of it was to cap the amount of growth. In the rental market, for a short period of time. As the chairman of the harbor, her capacity study we did an extension of the moratorium until the 107 study was done, if the harbor and the infrastructure

can take it, and we get improvements, the moratorium gets lifted, that's what the moratorium was for. Additionally, he explained that at the last Harbor CRA meeting, the motion that past was how to accept the definition of bare boats and to look into how to include them into the definition and the moratorium and not to grandfather them. Chairman Green listed all of the regulations that he has to follow for carrying more than 6 passengers and how he feels that any boat that does should have to follow the same regulations.

Motion by Chairman Green for the Harbor and Waterways Board recommend to City Council adopt the definition of Livery as proposed and presented. The motion died for a lack of a second.

Chairman Green then explained to all that the reasoning behind the motion is he feels they should be included in the livery, not that they should not be able to operate.

Mr. O'Connor briefly explained the motions that were made at the Harbor CRA meeting and the reasoning why they made multiple motions at that meeting was a request by staff so that it would be clearly understood what was needed so that there would not be any confusion.

Chairman Green made the motion to recommend to the City Council to adopt the definition of Livery as proposed and presented and to look into how to include existing bare boat/yacht charter businesses into the moratorium from a time certain, with Board member McKissick providing the second.

Board member Tadlock stated that he agrees with Mr. Condon and feels that they need to define it in such a way that they are referring to Yacht Charters. He then spoke of how the price of the "medallions" have gone up significantly and how there is concern regarding if they can be resold or if they have an expiration date and compared them to the medallions for taxi cabs in the City of New York.

Board member Jones pointed out that if there never was a moratorium in the first place, they would never be in this situation with their value being an issue.

Chairman Green stated that in his opinion the growth does need to be capped and yachts should be included because it is a growing business, and a limit needs to be placed to a time certain from the past.

Mr. McKissick stated that in his viewpoint, the moratorium was placed because, the harbor is only so big, and the capacity study says that it's over utilized now. Additionally, the harbor is not going to get any bigger and he does not see the moratorium going away but he does see yachts

need to be included in the market and questioned if there is some way to cap the smaller and the larger vessels because, the harbor can't handle any further businesses.

Chairman Green reminded everyone that the last extension of the moratorium was for the Section 107 Study to be performed, and reminded all that the results of the Capacity Study that there is a tremendous number of boats for the infrastructure. He then explained the environmental effects that are taking place that are inhibiting the natural flush needed for the harbor and how the results are necessary in order to get the approval and funding needed to move the channel to where it needs to be relocated to flush the harbor as well as being able to correctly be able to handle the amount of traffic that moves through the harbor daily, which in turn give the property owners a way to expand their slippage and parking.

Board member McKissick clarified that the motion would apply only to the yachts that are now operating and not any others. Chairman Green verified his question.

According to Mr. O'Connor, if this is approved by City Council, the existing yacht/bare boat operations would have to come into compliance with the existing livery regulations in the terms of dockage, parking, bathrooms, etc.

With no further discussion on the motion, the motion passed 5-1 with Board member Jones dissenting.

Chairman Green asked Mr. Abadie to come up and provide the board with some suggestions.

According to Mr. Abadie, there are several businesses that are operating illegally out of private docks in the harbor and feels that if the city could somehow stop those operations, which can be done if they are proven to not have a livery license. Additionally, if grandfathering is considered he feels that the verbiage needs to be outlined for those vessels regarding their length, a head with a shower, galley and a bedroom. In that, those large double decker pontoon boats and any smaller boats will not have those requirements. They also should have to follow all Coast Guard regulations.

Mr. Condon stated that he disagrees and to him, a livery vessel is a rented vessel that operates without a Captain. Additionally, he spoke of all the rules of a Livery Vessel that they would have to meet in order to be grandfathered in, such as bathroom and parking requirements. Adding that none of the values that apply to a pontoon rental match in any way for private Yacht Charters.

Chairman Green informed him that they are the same rules that Charter boats have to abide by.

Board member McKissick asked if there was a way for the staff to write a definition of a yacht so that they could understand the difference from the larger pontoon boats to be able to work around if there is nothing. According to Chairman Green, he feels that the board should make a motion to that effect, instead of asking staff to, and provided some items that normally apply to those type of boats to consider for a motion.

Motion by McKissick to recommend to the City Council for yachts to be designated at a minimum of 33-feet in length, having a shower and head, a galley and at least one stateroom, seconded by Board member Tadlock.

Board member Tadlock stated that he agrees with the definition but feels more length should be added and is concerned that certain types of boats could be converted. Mr. O'Connor explained how Mr. Condon did comment about Yacht Classifications at the last Harbor CRA meeting, and pontoons would never be able to get those type of classifications. **With no further discussion, Chairman Green called for the vote and the motion passed with a unanimous vote of 6-0.**

5. DIRECTOR'S REPORT:

➤ Mooring Field Discussion

Mr. O'Connor explained how on page 10 of the graphic in their packet there is one proposed location in Joe's Bayou and two in the harbor. Additionally, if established the city would be able to regulate random mooring of vessels in the harbor, which would help eliminate the issues of the sunken vessels that create hazards. Also, more transient customers can come in and it would provide public an opportunity to come in and enjoy the harbor more and have a Harbor Master as well.

Mr. Tadlock feels that with the current situation with the harbor at this time, he does not agree that there should be a mooring field added, unless they are not considering too many and limit it to just transient, which he doesn't think they can limit it to just a few and not 40-50.

According to Chairman Green it was recommended to be added by the Harbor Capacity but agrees that it should not be too many and should be limited.

Bandmember McKissick asked if there is a plan to add mooring buoys.

Council member John Stephens approached the dais and explained that the information that he has gathered, they can establish however many the city council agrees to. They will be managed, and he recommends that they have a management group by either this committee or the Harbor CRA Committee as well as having a Harbor Master who can determine who goes to what mooring field to anchor to as well as a standard that has to be abided by regarding to the worthiness of the vessel. Additionally, if there is a storm coming, the Harbor Master can tell all that are moored to get out of the harbor, and that is the only way that the city can control the harbor. He also mentioned that he was in Tallahassee and there is definitely and alley for funding assistance available and the rules would be set up in accordance to a Harbor Master Plan.

Board member Hoey spoke of how Destin Water Users is not in the position to agree with the idea because of the fact that they cannot at this time be able to service the pump out stations.

According to Mr. Stephens, it would have to be managed by an individual company that would take the waste off to another location.

➤ **Harbor Water Testing Report**

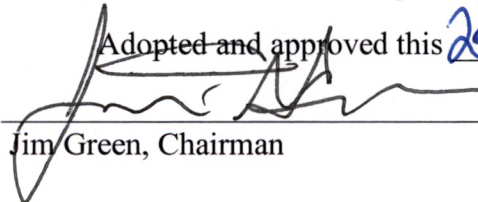
Mr. O'Connor provided the members with the latest water testing analysis he obtained from the Public Services Director, Michael Burgess.

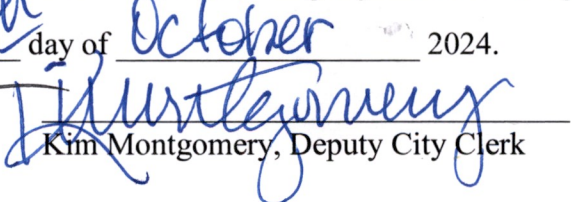
Mr. Tadlock thanked staff and asked for run time and the percentage of operation information, based on current data from when the new pump was rebuilt and installed. He also asked if staff could also obtain the information from the Chem Lab to show historical information as well.

6. ADJOURNMENT:

With there being no further discussion, the meeting adjourned at 6:50 p.m.

Adopted and approved this 24th day of October 2024.


Jim Green, Chairman


Kim Montgomery, Deputy City Clerk