

**MINUTES
HARBOR COMMUNITY REDEVELOPMENT
AGENCY ADVISORY COMMITTEE MEETING
JUNE 12, 2024 - 5:30 PM
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Chairman Green called the meeting order at 5:30 p.m. on Wednesday, June 12, 2024, in the Destin City Hall Council Chambers.

2. ROLL CALL & PLEDGE OF ALLEGIANCE:

<u>Present</u>	<u>Members Absent</u>	<u>Staff Present</u>
James Green	Mike Buckingham	Kim Montgomery Deputy City Clerk
Sandy Trammell		Steven O'Connor Principal Planner
Christian Myers		Kimberly Kopp City Attorney
Casey Jones		Troy Williams Code Comp. Dir.
Guy Tadlock		
Ian Blaise		

3. APPROVAL OF MINUTES: December 13, 2023, Minutes

Motion to approve the minutes of the December 13, 2023, minutes was made by Committee member Trammell with Committee member Tadlock providing the second providing the second. The motion passed 4-0.

4. OLD BUSINESS:

➤ **Long Term Financials**

The Finance Director, Krystal Strickland informed the members that the Harbor CRA sunsets in 2043 and the Harbor CRA has to repay the debt for the One Harbor Blvd. property as well as the commitment to fund the undergrounding of the utilities in the district. The city is receiving more franchise fees than anticipated therefore she was able to decrease the commitment from the Harbor CRA, and the current projections are, considering taking median maintenance inhouse, which will have an overall cost savings to the city comparable to what the city has contracted in past years. Additionally, the bottom line in 2044 column, there is \$7.6M to be able to consider for programing in accordance with the Master Plan after those two are paid off.

➤ **Livery Definition**

Mr. O'Connor briefed the members on how the Council discussed wanting a

definition of what Bare Boat Charters are and asked this to be brought before this committee for conversation input and a recommendation.

Lt. Josh French of the Coast Guard explained his background experience regarding illegal charter investigations and how his office covers the area from Biloxi to Panama City. He explained they do not regulate Bare Boats and explained the term is very old the Coast Guard does not use, and it refers to Admiralty and Maritime Laws.

The Chairman opened the hearing to the public.

Mr. Mike Abadie, 530 Harbor Blvd. spoke of errors of definitions and errors in the agenda item that defines and spoke of how the US Coast Guard has three categories for anyone that wants to be in the boating business on the waters of the United States. Two fall under the Charter for Hire category:

- uninspected vessels – 6 passenger allowed
- Inspected vessels – Whatever amount is deemed allowable for the vessel size
- Bare Boat Charters/Livery Vessel – means renting a boat from an owner without a captain or crew.

In his opinion, if the city would consider all Bare Boats as Charters, that would solve a lot of the problems and would not conflict with the US Coast Guard, the State of Florida/FWC, and recommends to the City Council to define that all Bare Boat Charters are Livery Vessels.

Capt. Gary Jarvis, 805 Mars Street agrees with Mr. Abadie and spoke of how he spelled it out clearly and concisely to help staff prepare an ordinance that is easy for everyone to understand. He explained how the moratorium was created to reduce capacity in the harbor from the standpoint of businesses that did not have the appropriate parking, docking facilities, and the dereliction of how they were operating their business.

Mr. Gary Troup stated he does not agree with Capt. Jarvis and feels that the moratorium should not be in place. His boats are boarded and inspected, and he has all the proper license and insurance to run his business. Committee member Myers asked Mr. Troup if his boat has a COI, and Mr. Troup stated that it does.

Mr. Juda Barbee agrees that the moratorium should be kept in place and should also be enforced on all boating businesses in the harbor, including charter fishing vessels because of oversaturation.

Chuck Hyers spoke of being agreeable with the fishing industry being included in the moratorium and spoke of how there are some livery businesses that their available for

sale, similarly to the Federal Fishing License, where they have to be bought from someone that already has one. He added that he doesn't agree with expansion of the livery business when there are some out there that can be purchased and feels that everyone should play by the same rules.

Capt. Kyle Low agrees with Mr. Abadie and Mr. Jarvis and stated that he has a 6-pack vessel and talked of how no one is going to relinquish control of their expensive vessel to just anyone for rent as a bare boat charter, and he agrees that the harbor is vastly oversaturated.

Matt Condon who owns Destin Private Yachts which is a luxury yacht business spoke of how bare boat charters are regulated by Federal Law since 1993. In terms of livery vessel moratorium, he commented that he doesn't think that yachts were even factored in or prohibiting yachts from operating under bare boat charter rules. He continued that he suggests the city highly consider the ramifications of banning private yachts in Destin.

Board member Tadlock asked Mr. Condon if the ordinance would limit the fishing charter for the various fishing tournaments held yearly. According to Mr. Condon he feels as long as they stick to the six-pack rule, they will not, in his opinion.

Chairman Green clarified that no one is banning yachts, and the discussion is how to define a bare boat charter, and if operated as a livery vessel, and what the City Council deemed to be, it's not banning yachts, just limiting rental vessels in an area. According to Mr. Condon, it would still have the capacity to ban them, and all private yachts would cease to operate in the Destin harbor.

Committee member Trammell asked Mr. Condon if his boats are inspected. According to Mr. Condon, he owns an inspected vessel but the privately owned yachts, he helps book charters for those which operate as bare boat charters and are uninspected.

The Chairman clarified that they are uninspected because they are not a COI vessel. Meaning when they carry over six passengers, and deemed so by the Coast Guard, that's what they are calling an inspected vessel, a vessel with a COI. A bare boat allows them to carry up to thirteen with the renter, without having an inspection. However, the caveat is the owner has to relinquish complete control to the renter, without crew, and the renter has to engage, hire the crew and man it separately.

Sheri Andrews spoke of the fifteen "medallions" that are currently available and suggests that the bare boats should have go through the same requirements of livery do and

require the same land use regulations tied to them for parking and bathrooms and ADA Compliance.

The Land Use Attorney provided the members of the committee how and why, behind the reasoning, the bare boat definition came about. Additionally, Mr. O'Connor explained how liveries and charters parking requirements are not the same. A six pack charter is two plus one for the crew, a twelve pack/livery vessel requires one space for four passengers or 3 parking spaces. She also briefly explained the process for those people wanting to get out of the livery business and those wanting to start a business and how the process works to obtain those.

Board member inquired with staff what the numbers currently are for livery decals and the number of vessels operating. According to Mr. O'Connor, 2024 there are 18 livery operators with 468 active decals, in 2019 there were 20 operators with 474.

Chairman Green closed the public portion of the hearing.

The Chairman called Lt. Josh French of the Coast Guard back up. According to Lt. French, the Coast Guard does not officially use the term bare boat and from the CG perspective, bare boats are not required to have a licensed captain and of course it is the city's perspective if they want to add that to their definition. Chairman Green spoke of how he has spoken to many people in the industry, and staff, about this subject and for the most part, most feel that it would be disingenuous to have an exemption. He spoke of the stringent process that he and others in the same business have to go through for a six-pack. He then spoke of the inspection process for a COI vessel and the inspection process for a repair and how the bare boat process doesn't compare to the COI vessel, but that is just his personal opinion.

Motion by Committee member Trammell that the Harbor CRA recommends to the CRA Board/ City Council adopt the definition of livery as proposed and presented, with Committee member Blaise providing the second. The motion passed 4-2, with Committee members Jones and Tadlock dissenting.

Committee member Myers stated if the original intent of the moratorium was to limit the number of rental vessels in the harbor, specifically rental boats, and bare boats are rentals, it doesn't seem to make a lot of sense to be making ways and conceptions for people to get around the moratorium whose purpose was to limit the number of boats in a restricted waterway.

Committee member Tadlock feels that the bare boat charter that are now in business

should be grandfathered until such a time they can obtain medallions. Additionally, to figure out a way that this business module can work in the city that provides a place for charter boats and livery vessels, and six pack boats, and the larger inspected vessels that provides all the safety issues discussed, that the bare boat charters have to be under control at all times by a coastguard licensed captain. He stated that he's not sure if there needs to be a moratorium on such businesses because the cost of entry is significant, and the availability of docks could be an issue.

Committee member Blaise questioned how this would be enforced. According to Mr. O'Connor, staff is looking for guidance because currently, there is no clarity in the code, and this recommendation would provide the clarity that staff can enforce, if Council adopts it.

According to the City Attorney, right now, staff has the ability to enforce the moratorium and Code Compliance had the ability to enforce it through the registration process, and this discussion is clarifying the enforceability of bare boats.

Motion by Tadlock that the Harbor CRA-AC recommends to the City Council that if the businesses being affected by their decision that those businesses be grandfathered in to continue their operation. Committee member Jones provided the second and amended the motion to add, if the businesses have been in operation since January 2023.

Committee member Trammell asked if he meant the current ones that are in business. According to the Chairman, the intent is to include the ones that are already in business and not include newcomers that are rushing in to try to get in before any action is taken. **The motion passed 6-0.**

Motion by Myers for City Council to consider a time limit for businesses to have time to enter into compliance instead of giving them special status, with Committee member Trammell providing the second.

For clarity, the City Attorney noted for the record that so far, they have motioned to recommend to the City Council to clarify the definition of bare boats and livery/rental vessels and they are to be included into the moratorium. Additionally, if a business is affected by their decision, as of 2023 and the business was operating, their recommendation to the City Council is to allow them to keep operating. The last motion is for them to have a time period to be able to obtain a medallion. **With no further discussion, Chairman Green called for the vote and the motion passed 6-0.**

➤ **SRS Survey Results**

Mr. O'Connor explained the purpose of the item is to determine if they concur with the results of the survey. Additionally, there is another workshop scheduled with SRS in the near future, once the date is determined, staff will inform the members.

➤ **Harbor CRA Master Plan Draft**

Mr., O'Connor informed the members that staff has received the draft language for the master plan and once their review is finalized and comments made it will be sent back for implementation to the final and will be brought to them for their review and recommendation.

Committee member Trammell spoke of the architectural style that was mentioned and how the city was developed more of a mismatch and wanted to ensure that there is verbiage in the document to refer to the Old Florida Style as an architectural style to shoot for, instead of the heritage way that was mentioned.

According to Mr. O'Connor, Article 4 of the Land Development Code and the Design Manual is actually where that would reside, and the Old Florida Style theme that is present now in the Harbor District is what is the goal is, and currently there is not any design standards for staff to encourage to builder

Motion by Committee member Trammell, seconded by Committee member Blaise to develop standards to be incorporated into the Design Manual. The motion passed 6-0.

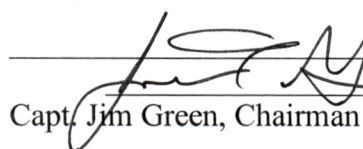
5. PUBLIC COMMENT:

Capt. Jarvis spoke of how the Harbor District view corridor is about to be changed with the future endeavors of undergrounding the utilities and suggests keeping that in mind how they want the Destin Harbor District to be perceived and to make the signage look less Las Vegas and more high-end standards, even though his sign he currently has does not fit what he has in mind.

6. ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 6:55 PM.

Adopted and approved this 11th day of November 2024.


Capt. Jim Green, Chairman


Kim Montgomery, Deputy City Clerk