

**REGULAR MEETING  
DESTIN CITY COUNCIL  
JUNE 16, 2025  
ANNEX COUNCIL CHAMBERS**

The Council of the City of Destin met in regular session with the following members and staff present:

**Destin City Council**

Mayor Bobby Wagner  
Councilmember Kevin Schmidt  
Councilmember Terésa Hebert  
Councilmember Sandy Trammell

Councilmember Dewey Destin  
Councilmember Torey Geile  
Councilmember Jim Bagby  
Councilmember Rodney Braden

**Destin City Staff**

City Manager Larry Jones  
Human Resources Director Jaime Haynes  
Deputy Comm Dev Director Steve O'Connor  
Projects/Grants/Contract Manager Jeffrey Cozadd  
Community Development Director David Pritchard  
City Attorney Kimberly Kopp

City Clerk Rey Bailey  
IT Director Andy Peters  
Public Works Director Michael Burgess  
City Engineer Robert Tomasek  
Parks & Recreation Director Lisa Firth  
Building Official Noell Bell

**CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE**

Mayor Bobby Wagner called the meeting to order at 6:00 PM. Pastor David J. Butler of Faith Assembly Christian Church gave the invocation, which was then followed by the recitation of the Pledge of Allegiance.

**AGENDA APPROVAL**

**Agenda item 5E - *Quasi-Judicial hearing regarding the submittal of a Minor Development Order for an existing commercial marine construction project at 288 and 302 Harbor Boulevard* was moved to the top of the list under Public Hearing.**

**Motion by Councilmember Hebert, seconded by Councilmember Trammell, to approve the agenda, as amended, passed 7-0.**

**1. PROCLAMATIONS / RECOGNITIONS / SPECIAL / PUBLIC PRESENTATIONS / ANNOUNCEMENTS**

**A. Public Works/Safety Committee 24 Annual Report/25 Work Plan**

Mr. Jim Wood, Chairman of the Public Works/Safety Committee, presented an update on the committee's 2024 accomplishments and 2025 work plan. He reported progress on pedestrian safety projects, including a crosswalk improvement on Airport Road and upcoming rapid flashing beacons, and highlighted continued efforts to address eBike and LSV (Low-Speed Vehicle) issues.

Mr. Wood noted a noticeable decrease in sidewalk eBike incidents following a recent flyer campaign distributed to local businesses, churches, and the Chamber of Commerce. He also outlined the committee's ongoing area reviews and commitment to identifying visibility and infrastructure concerns—particularly "vision triangle" obstructions.

The City Manager added that residents can report visibility or safety concerns through email to his office or the Public Works department, with all contact details accessible via the city's website.

Councilmember Hebert asked if any outreach had been done regarding LSV safety, particularly related to children riding without proper car seats or overloading vehicles. Mr. Wood clarified that while the recent outreach focused on eBikes, he agreed this was a concern and committed to expanding future materials to include LSV safety education, especially for renters and families.

Councilmember Schmidt commended the committee for completing most of the 2024 initiatives but expressed concern that the 2025 work plan lacked clearly defined actionable items, particularly regarding eBikes. He noted that while the broad goals were helpful, they did not clearly reflect specific upcoming priorities or motions. In response, Mr. Wood acknowledged that a newly introduced worksheet for detailed tracking had not yet been incorporated into the 2025 plan but would be used in the next planning cycle. He added that while eBikes and LSVs fall under the committee's existing goal areas, he would provide more explicit documentation of such items in future plans to aid transparency and accountability.

**Councilmember Bagby made a motion to approve the Public Works/Safety Committee's 2024 Annual Report and 2025 Work Plans, seconded by Councilmember Trammell. Motion passed 7-0.**

## **2. PUBLIC COMMENTS**

Joann Buisillon, a resident of Marino Acres on Planet Drive, voiced serious concerns regarding the increased frequency and low altitude of helicopter flights over residential areas in Destin. She emphasized that these flights, occurring as often as every 7 to 8 minutes from early morning until after dark, pose not only a noise disturbance but also a growing safety risk. Referencing a recent tragedy in Panama City involving the death of two children in a helicopter-related incident, she urged the city to act. She called for the formation of an airport authority committee or a town hall meeting involving all relevant stakeholders, including the FAA, NTSB, tour operators, and local officials, to discuss meaningful solutions.

Brittney Zirkle, an ice cream vendor and Destin resident stated that the City of Destin is unlawfully enforcing ordinances on state-controlled beach areas—specifically the land below the mean high water line—where the city has no jurisdiction under Florida law. She explained that her family operates legally under state licenses and only vends on land managed by the state, not the city. She accused the city of selectively targeting her family's business after a competing vendor, Rainbow Frost Ice Cream, filed a lawsuit. She alleged a clear conflict of interest involving a council member who owns a snowball business and voted to allocate \$30,000 in taxpayer funds to pursue enforcement against vendors like her family. She expressed experiencing targeted harassment, including stalking, physical threats, and even a stingray injury that she claims resulted from being pushed into unsafe waters by city code officers. Despite efforts to resolve the matter amicably—including repeated requests for meetings with city officials—she said her complaints were ignored.

Carrie Harbarger, a resident of Mountain Drive, offered a counterpoint to the previous speaker's claims by clarifying the legal authority granted to the city by the Florida Department of Environmental Protection (DEP). She stated that although the DEP retains title to submerged lands and beachfront property below the mean high water line, the agency explicitly expects the City of Destin to enforce its ordinances on that land. She said she had personally contacted the DEP and provided city officials with documentation that affirms this responsibility. She emphasized that Destin benefits financially from this arrangement and must therefore carry out its duties. She argued that the vendors in question were not harassed but had been repeatedly warned and chose not to comply with the rules. She also referenced her own past attempt to sell snow cones on the beach years ago, noting she chose to stop out of respect for the shared understanding among local vendors. She warned against allowing unregulated vending, suggesting it would lead to an influx of inappropriate commercial activity such as alcohol sales, further undermining the character and safety of the beach.

### **3. CONSENT AGENDA**

- A. Budget Amendment - TDC Funding for Pickleball Court Project
- B. Budget Public Hearing #1 - Date Change
- C. Approval of minutes of June 9, 2025, City Council SRS Workshop
- D. Approval of minutes June 9, 2025 City Council Budget Workshop
- E. Approval of minutes of May 5, 2025, Regular City Council Meeting
- F. Approval of minutes of April 21, 2025 Regular City Council Meeting

**Motion by Councilmember Hebert, seconded by Councilmember Trammell, to approve Consent Agenda items 3A through 3F passed 7-0.**

### **4. CITY MANAGER REPORTS**

- A. Medical Insurance Renewal Discussion

Mike Carraway of Acentria presented a proposed change to the City of Destin's employee medical insurance plan, aimed at significantly reducing premium costs while maintaining or improving employee benefits. The city had received a 20% renewal increase from Blue Cross Blue Shield, which was negotiated down to 15%, but was still deemed unsustainable. Mr. Carraway explained that after exploring the market, only United Healthcare provided a competitive quote. The solution presented involved switching to a single high-deductible plan with United Healthcare, paired with a Medical Expense Reimbursement Plan (MERP) known as the Difference Card. This card would allow the city to front-load coverage for the first \$3,500 (individual) or \$7,000 (family) of eligible expenses, effectively eliminating co-pays and reducing out-of-pocket costs for most employees, while generating a projected annual savings of nearly \$400,000 and potential five-year savings of \$2.3 million.

Councilmember Schmidt questioned why this approach was being proposed now instead of in prior years when insurance costs were also rising. Mr. Carraway responded that although MERPs have existed for decades, the Difference Card platform became more widely implemented in the past 18 months. His agency waited to roll it out locally until they had confidence in its effectiveness and positive feedback from early adopters, such as a local architectural firm.

Councilmember Destin raised concerns based on his experience with insurance changes on the county school board, particularly about the potential for provider network changes and the risks faced by employees with catastrophic illnesses. Mr. Carraway provided assurances that United Healthcare's network closely mirrors the existing one and that employees with high medical needs

would not be exposed to greater out-of-pocket expenses than under the current plan, thanks to the Difference Card covering the initial deductible exposure.

Councilmember Bagby emphasized that this program not only improves the employee experience but also strengthens the city's ability to control rising health care costs.

Councilmember Hebert echoed support, noting that while some employees may face a learning curve, the benefits offered—including zero out-of-pocket costs for many services—will be substantial, particularly for families. She added that the city's overall benefits package remains a key advantage for its staff, even if wages may not always be the highest.

**Councilmember Bagby moved to direct staff and Acentria to move forward with the implementation of the Difference Card program as a health reimbursement arrangement in conjunction with the most competitively priced high-deductible base plan; seconded by Councilmember Hebert. Motion passed 7-0.**

B. Captain Royal Melvin Park Cameras

The City Manager announced that cameras at Captain Royal Melvin Park have been successfully installed and are now fully operational. These cameras provide high-definition video ensuring clear and detailed footage (live footage was demonstrated to confirm the system's functionality and video quality). The system is configured to retain recordings for a period of 30 days. The primary purpose of these cameras is to monitor and document any unauthorized commercial activity occurring on public docks. This surveillance will serve as a tool to provide evidence for code enforcement efforts, enabling the city to take appropriate action when such violations are observed.

C. RFQ 25-06-CD CEI Crosstown Connector Project

The City Manager presented an update on the CI (Construction Inspection) component of the Cross Town Connector project. A Request for Qualifications (RFQ) was issued, and six firms responded. One submission was deemed nonresponsive, leaving five valid respondents. These were evaluated and scored by staff through the bid committee process. The top three ranked firms—Anchor CEI, Halff Associates, and Volkert—will be invited to give presentations at the next council meeting if the council agrees.

**Councilmember Bagby moved to invite Anchor CEI, Halff Associates, and Volkert to attend a council meeting and make presentations to the council as part of the RFQ 25-06-CD selection process. Councilmember Hebert provided a second to the motion, which passed 7-0.**

D. RFB 25-07-CM Crosstown Connector Phase 1 Construction

The City Manager presented a recommendation to award the construction contract for Phase One of the Cross Town Connector project, specifically the stormwater component. Two bids were received: H&T at approximately \$2.38 million and GF Coast Utility Contractors at around \$2.7 million. H&T's bid came in slightly below the engineer's estimate of \$2.4 million. Staff recommends awarding the contract to H&T.

**Councilmember Bagby moved to award RFB 25-07-CM to H&T Contractors and request that staff bring back a construction contract for council consideration. Motion was seconded by Councilmember Hebert and passed 7-0.**

- E. Interlocal agreement with the County for the Underpass Project near Stahlman Avenue SS4A grant.

The City Manager presented this item concerning the interlocal agreement with Okaloosa County to support a grant application for a pedestrian underpass near the Stahlman intersection. He informed the council that he attended the recent Okaloosa County Board of County Commissioners meeting, where the county agreed to contribute \$3.6 million as part of the 20% local match required for the Safe Streets and Roads for All (SS4A) grant. The total project cost is \$4 million, and the grant deadline is June 26.

According to the City Manager, a minor change in language was made in the agreement—revising the location to be “near the Stahlman intersection” to provide flexibility in right-of-way acquisition if needed. He emphasized the project’s significance for both pedestrian safety and traffic flow improvement, noting that the intersection is among the most congested areas in the region according to the Florida Department of Transportation.

Councilmember Destin expressed gratitude to the county for their partnership, and Mayor Wagner echoed that appreciation, emphasizing that the project is a major collaborative effort that will enhance traffic efficiency and pedestrian safety in a critical area.

**Councilmember Destin moved to approve the Interlocal Agreement between the City of Destin and Okaloosa County for the US 98 and Stahlman Intersection Improvements and to allocate \$400K in funding as a portion of the local match at the time of award of the SS4A Grant. Motion was seconded by Councilmember Hebert and passed 7-0.**

F. Announcements

- 1) All City of Destin facilities will be closed on Thursday, June 19<sup>th</sup>, in observance of the Juneteenth federal holiday.
- 2) Individuals required to file Form 1, Nondisclosure Statement, must submit it no later than July 1<sup>st</sup>

**The next item discussed was agenda item 5E**

**5. PUBLIC HEARINGS**

- A. First reading of Ordinance 25-03-PC - Providing for the adoption of a small-scale amendment to the Comprehensive Plan Future Land Use Map to include a change in Future Land Use Designation of 3 parcels of real property located within a portion of the area of Beach Drive to Benning Drive consisting of approximately 8.53 acres, from Medium Density Residential - Village (MDR-V) to Recreation (REC).

The City Attorney read proposed Ordinance 25-03-PC by title and then presented it to the city council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE COMPREHENSIVE PLAN; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE ADOPTION OF A SMALL SCALE AMENDMENT TO THE COMPREHENSIVE PLAN FUTURE LAND USE MAP TO INCLUDE A CHANGE IN FUTURE LAND USE DESIGNATION OF 3 PARCELS OF REAL PROPERTY LOCATED WITHIN A PORTION OF THE AREA OF BEACH DRIVE TO BENNING DRIVE, AS MORE PARTICULARLY DESCRIBED AND

DEPICTED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 8.53 ACRES, FROM MEDIUM DENSITY RESIDENTIAL - VILLAGE (MDR-V) TO RECREATION (REC); PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR A BUSINESS IMPACT ESTIMATE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the mayor closed the public hearing and turned the matter over to the city council for their discussion and consideration.

**Motion by Councilmember Bagby, seconded by Councilmember Trammell, to approve Ordinance 25-03-PC on first reading passed 6-0. Councilmember Hebert was not present during the voting.**

- B. First Reading of Proposed Ordinances 25-04-LC – Rezone from Medium Density Residential-Village (MDR-V) to Recreation (REC)

The City Attorney read proposed Ordinance 25-04-LC by title and then presented it to the city council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE OFFICIAL ZONING MAP AS REFERENCED IN THE LAND DEVELOPMENT CODE, SECTION 7.12.01(A)2, ZONING MAPS, TO INCLUDE A CHANGE IN THE ZONING DESIGNATION OF 3 PARCELS OF REAL PROPERTY LOCATED WITHIN A PORTION OF THE AREA OF BEACH DRIVE TO BENNING DRIVE, AS MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 8.53 ACRES, FROM MEDIUM DENSITY RESIDENTIAL-VILLAGE (MDR-V) TO RECREATION (REC); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENTS; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the mayor closed the public hearing and turned the matter over to the city council for their discussion and consideration.

**Motion by Councilmember Geile, seconded by Councilmember Trammell, to approve Ordinance 25-04-LC on first reading passed 6-0. Councilmember Hebert was not present during the voting.**

- C. First Reading of Ordinance 24-17-CC Property Maintenance Code - Amending Chapter 6 of the Code of Ordinances to create a new Article 5, "Property Maintenance Code."

The City Attorney read proposed Ordinance 24-17-CC by title and then presented it to the city council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA; AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES TO CREATE A NEW ARTICLE 5, "PROPERTY MAINTENANCE CODE"; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the mayor closed the public hearing and turned the matter over to the city council for their discussion and consideration.

**Councilmember Braden made a motion to approve Ordinance 24-17-CC on first reading, seconded by Councilmember Geile.**

**Councilmember Destin offered a substitute motion to assign the responsibility to the City Manager or the City Manager's designee to act at the request of the Building Official with an appeal process to the City Council; with an exception for imminent threats to public health and safety, where the City Manager can take immediate action at the request of the Building Official and report the action taken to the City Council at the next regularly scheduled council meeting. Motion was seconded by Councilmember Bagby. Motion passed 6-0. Councilmember Hebert was not present during the voting.**

- D. First reading of Ordinance 25-10-LC - Permitting decks to encroach up to five feet into rear setbacks for townhomes that are not waterfront within the High Density Residential (HDR) zoning district.

The City Attorney read proposed Ordinance 25-10-LC by title and then presented it to the city council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, REDUCING CERTAIN SETBACKS FOR TOWNHOMES WITHIN THE HIGH DENSITY RESIDENTIAL ("HDR") ZONING DISTRICT; AMENDING TABLE 7-3 "TABLE OF DIMENSIONAL REGULATIONS"; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the mayor closed the public hearing and turned the matter over to the city council for their discussion and consideration.

**Councilmember Destin moved to approve Ordinance 25-10-LC on first reading and bring it back for second reading to include the definition of "decks." Councilmember Bagby seconded**

**the motion, which passed 5-1, with Councilmember Braden dissenting. Councilmember Hebert was not present during the voting.**

- E. DEV-001609-2025 - A public, quasi-judicial hearing regarding the submittal of a Minor Development Order for an existing commercial marine construction project at 288 and 302 Harbor Boulevard (Parcel ID: 00-2S-22-0630-0000-07E2 & 00-2S-22-0630-0000-07D1). The application includes the reclassification/reassignment of allowable occupancy of the existing boat slips. There is no proposed construction as part of this application.

The City Attorney initiated the quasi-judicial hearing by confirming whether each councilmember and the mayor had any ex-parté communications regarding the minor development order application for 288 and 302 Harbor Boulevard.

- Councilmember Schmidt acknowledged discussions with Destin citizens, business owners, and past conversations with the property owners but stated it would not impact his decision.
- Councilmember Guile discussed the matter with a citizen and a business owner about literature partly submitted but said it wouldn't affect his judgment.
- Mayor Wagner confirmed visiting the docks with the applicant, their lawyers, and others. He also spoke with harbor business owners but affirmed neutrality.
- Councilmember Hebert conversed with citizens, business owners, and charter fishermen and listened to a prior council meeting. Despite many interactions, she expressed impartiality.
- Councilmember Bagby had no conversations but reviewed a past council meeting on YouTube.
- Councilmember Destin heard from several citizens but committed to basing his decision on the presented evidence.
- Councilmember Trammell watched the prior meeting and contacted Harbor CRA Chair John Stephens to inform him of the hearing's relevance.
- Councilmember Braden spoke to one of the applicants about transit slips before knowing about the development order. He stated confidence in rendering a fair decision.

The City Attorney formally entered into the record the following documents with no objections from the applicant and the applicant's counsel:

1. Staff Report and Attachments from the council agenda.
2. City of Destin Building Permits:
  - #1903145 for 302 Harbor Boulevard.
  - #1903146 for 288 Harbor Boulevard.
3. Permit Conditions dated January 24, 2009.
4. Correspondence dated December 18, 2019, from the Community Development Department to Claude Perry about net positive environmental benefits.
5. October 31, 2019, Permit Application and related correspondence between Douglas Matthews and Lewis Sanguz.
6. Two documents titled "Figure 4 – Proposed Site Plan for Perry Docking Facility" (for both 288 and 302 Harbor Boulevard), dated January 2018.

The applicant's attorney, Dana Matthews, confirmed no objections to these documents being included.

The City Attorney swore in the following individuals for testimony:

- Principal Planner Daniel Butler
- Kimberley Mergler

Principal Planner Daniel Butler explained that the application under review involves a proposed reclassification of the slip designations at an existing commercial dock located at 288 and 302 Harbor Boulevard. He clarified that no physical construction is proposed as part of the development order; the request is solely to adjust the designation and usage of the existing boat slips. The current configuration of the dock—approved by the City Council on January 7, 2019—included 18 commercial slips, 21 transient slips, and one water taxi slip. The applicant now seeks to revise this allocation to include 29 commercial slips, six transient slips, one water taxi slip, and six fueling slips.

Mr. Butler highlighted that this proposed change would result in a reduction of 15 transient slips, an increase of 11 commercial slips, and the addition of six fueling slips. These details were outlined in the staff report submitted to the council. He then referenced the applicable regulations in place at the time of the original 2019 approval. Specifically, Land Development Code (LDC) section 11.05.01(N) limited slip density to one slip per eight linear feet of waterfront. Given that the site contains approximately 260 feet of waterfront, this would permit about 32.5 slips under that provision. However, the project was granted an exemption to that rule under section 11.05.09(B)(5) of the LDC, which applied to properties in the South Harbor Mixed Use zoning district operating under Tier 1 or Tier 2 development standards.

Mr. Butler continued that to qualify for this exemption, projects were required to meet five criteria. The applicant met four of the five criteria, with the fifth being only partially satisfied. The fifth criterion required that at least 10% of the total slips be reserved for ferry-carrying vessels and another 10% for transient boats open to the public, in an effort to promote non-automotive travel. Furthermore, at least half of the transient slips were to be made available to non-rental users. Although the applicant did not meet the ferry slip requirement, they offered a public benefit by providing 21 transient slips available on a first-come, first-served basis to the public. The council accepted this substitute benefit and approved the original application on that basis.

Mr. Butler also noted that the LDC provision allowing for this type of exemption was repealed in February 2020, and is no longer part of the city's code. He emphasized that the reduction of transient slips under the current proposal would significantly diminish the original public benefit, which had been a critical factor in the 2019 approval. He concluded by confirming that staff had prepared a video recording of the 2019 council meeting for reference.

Brief summary of the video snippet from the January 7, 2019, Destin City Council meeting.

*At the January 7, 2019 Destin City Council meeting, the council considered two marine construction applications—item 5E for 288D Harbor Boulevard and item 5F for 302 Harbor Boulevard—submitted by Perry Enterprises. Although the docks pertain to separate upland parcels, they are adjacent and connected by a proposed boardwalk, prompting the items to be presented simultaneously, though voted on separately. Engineer Matt Trammell of Taylor Engineering, representing Perry Enterprises, explained that both applications largely complied with the land development code but fell slightly short of the exemption requirements. Specifically, one parcel was short two fare-carrying vessel slips and the other was short one. Instead of adding more commercial slips, Mr. Perry proposed increasing public access by designating 21 of the 40 total slips as public transient slips, a notable increase from the nine currently available. Mr. Trammell*

*also noted that only one water taxi slip was being proposed between the parcels, rather than two redundant ones, and stated that the Harbor Board had unanimously approved the project in December.*

*City Attorney Kyle Baumann clarified that while the two docks appear to function as a single structure, they are legally distinct parcels with separate submerged land leases and permits, and thus require separate motions. He also addressed the ambiguity surrounding the definition of “fare carrying vessel.” Although the term appears in the city’s comprehensive plan, it is not currently defined in the Land Development Code (LDC). He recommended amending the LDC to include a consistent definition to avoid confusion in future permitting.*

*During public comment, resident Marcie Bell expressed support for the project, citing the benefit of increased public access. She raised a concern about the management of transient slips during busy periods, asking how slip availability would be coordinated if demand exceeded capacity. Drawing from her experience at AJ’s in the 1990s, she recommended a system similar to that used by Marina Café, where dock usage is managed by on-site personnel. Council members agreed that the project provides a meaningful public benefit and commended the applicant for prioritizing public use over commercial gain.*

*The council proceeded to approve both applications unanimously, emphasizing that the city was exercising its police powers in a manner that maximizes public benefit. There was consensus that clearer definitions within the LDC would be beneficial, and the issue of fare carrying vessel terminology was noted for future agenda consideration.*

The Principal Planner was asked by the City Attorney to read the City of Destin’s definition of public transient slips and to explain the process for making changes to a development permit after issuance. Mr. Butler read that the city defines a transient slip as a boat slip reserved for the general public on a first-come, first-serve basis to promote non-automotive travel. Non-rental transient slips cannot have a rental fee and may only be used for up to six hours. In contrast, short-term rental transient slips may have a rental fee, but the slip may only be occupied for up to seven days. Regarding permit modifications, Mr. Butler cited Land Development Code section 2.11.00, which makes it unlawful to deviate from the terms and conditions of a development order or construction permit without first obtaining an approved modification from the city. Minor field changes are allowed under building and safety codes, but even these must be made available for city inspection.

Following this, Attorney Dana Matthews, representing the applicants—the Perry family and their associated trusts and LLCs—gave an extensive presentation. He introduced the client team, submitted a memo and appendix as evidence, and confirmed through affidavit that the facts were accurate to the best knowledge of Ms. Kimberly Mergler, an authorized representative. Attorney Matthews explained that the applicants are seeking an amendment to a previously issued development order for docks on Harbor Boulevard, but not for new construction. Instead, they aim to clarify and reassign the usage of existing slips. He offered a historical overview, noting that docks have existed at the site for decades, and that submerged lands under portions of the property are privately owned under the Butler Act. He emphasized the lengthy permitting history involving the Army Corps of Engineers and the Florida DEP prior to receiving city approval in 2019. He contested the city’s statement that the property had 260 linear feet of shoreline, claiming instead that surveys show 282.7 feet, entitling the Perrys to 35 slips as a matter of right under the city’s then-applicable land development code.

Attorney Matthews noted inconsistencies and lack of clarity in the original permits regarding slip designation—specifically, no distinctions were made between rental and non-rental

transient slips. He emphasized that neither the city nor state codes consistently define “public transient” slips and asserted that the applicants have never charged the public to use unoccupied slips. He explained that the new plan proposes no increase in the number of slips or dock dimensions but offers clarified designations: six fueling/ship store access slips, six non-rental public transient slips with a three-hour time limit (free to the public for the first three years), and commercial fare-carrying vessel slips rented to tenants. He noted that no livery vessels (pontoon rentals) are permitted and all vessels must be captained. The applicant also commits to managing dock activity responsibly and ensuring access to the broader boardwalk.

Attorney Matthews argued that under the current city code, which no longer requires transient slips (a provision repealed in 2020), the applicants are exceeding current expectations by offering more transient slips than required. He also discussed annual DEP reporting requirements, the use of slips as categorized by the DEP (temporary, transient, public, private), and how these classifications further complicate matters when compared with city definitions. The proposal also includes clearly marked signage to avoid confusion and an offer of \$60,000 to the city's net positive benefit fund to address earlier undercollection of fees. He stated that the applicants' intent is to manage their docks in a way that supports tenants, the public, and the city's economic and recreational goals, while also reducing liability and misuse of their private property. He concluded by asserting that the proposal is consistent with city code, enhances public access, and is fair and balanced.

Following Attorney Matthews' presentation, the City Attorney asked the Principal Planner whether the city's Land Development Code defines “fare carrying vessel,” referencing Attorney Matthews' earlier claim that it did not. Mr. Butler confirmed that the LDC does include a definition: fare carrying vessels are those used for activities available to the public for hire, such as party fishing, sightseeing (including dolphin, sunset, or dinner cruises), sailing, parasailing, and snorkeling or diving. It explicitly excludes pontoons, runabout boats, and personal watercraft. He reiterated that the city believes the property has 260 feet of shoreline based on staff review of surveys and property records. Attorney Matthews responded by reiterating that specific purpose surveys in the record support his assertion of 282.7 feet.

When a council member noted that the DEP gross income forms provided in the packet were blank, Attorney Matthews clarified that these were included not to report income, but to illustrate how the DEP categorizes slip types—highlighting the differences between city and state expectations and the need for definitional clarity. He emphasized that the applicant's proposal strikes a balance between public benefit, regulatory compliance, and private property rights.

The mayor opened a public hearing to receive comments for or against the application.

Alan Osborne, who identified himself as a property owner at 572 Gulf Shore Drive, strongly opposed the amendment. He accused the proceedings of being influenced by misleading arguments and stressed that the original deal between the city and the applicant included provisions for public slips that were intended to remain accessible to the community. He warned the council that reversing such commitments would set a dangerous precedent, potentially unraveling other agreements made by previous councils. He also emphasized that the harbor's condition has deteriorated and further commercial expansion would hurt local residents' ability to enjoy it. He claimed the public slips have been obstructed by signs discouraging public use and urged the council to protect what limited access remains.

Jay Roberts, who identified himself as an attorney representing over 1,000 harbor-area condominium owners, praised the 2019 council and Mr. Perry for making a long-term investment in public benefit. He emphasized that Destin's harbor is a unique and vital resource not found in

neighboring communities. He argued that without access to transient slips, many visitors—including those who arrive by boat from nearby towns—would be forced to take their business elsewhere, reducing Destin’s economic vibrancy.

Emily Rogers took a firm stance against the amendment, citing statements made during the 2019 meeting where Mr. Perry’s agent repeatedly emphasized that 20 public transient slips would be provided for the benefit of the community. She claimed this commitment was integral to the council’s decision to waive certain city fees. She criticized the developer’s attempts to recharacterize the agreement and questioned the validity of a new parking analysis that drastically reduced the parking requirements through speculative assumptions. She pointed out that real-world parking conditions already reveal significant strain, and future development would only make this worse.

John Stephens, speaking as both a resident and Chairman of the Harbor CRA Advisory Board, supported retaining the transient slips and recommended that the city negotiate easements for 288 and 302 Harbor Boulevard to extend the boardwalk. He underscored the value of public access by water and asked the council to scrutinize inconsistencies in the shared parking plan.

Joann Buisillon echoed the call to preserve water access for residents. She recalled a successful referendum where Destin voters acted to protect waterfront rights-of-way and linked that history to the current issue. She questioned the logic of giving up public slips while simultaneously spending public money to create new access points and called on the council to recommit to serving local needs.

Travis Hunt stated that a vote in favor of the amendment would be a vote against Destin residents, and another unnamed speaker raised practical concerns about the existing public slips, asking where they are located, whether they are generating rental revenue, and where that money is going. The speaker also challenged the developer’s motives, asserting that if the 2019 development order held no legal weight, there would be no need to seek its amendment now.

Patrick Burke, who operates the Destin Water Taxi, did not comment directly on the amendment but requested the relocation of the water taxi slip for safety reasons. He cited increasing boat traffic and congestion, particularly from inexperienced boaters, as justification for moving his designated spot to a less hazardous part of the dock.

Adrienne Alderman, highlighted the intent behind the original 2019 agreement, noting repeated references to public benefit in both the applicant’s presentation and council discussions. She opposed the concept of setting a three-year limit on the slip availability, calling it a “farce,” and encouraged the council to establish clearer, enforceable standards for future harbor developments. She framed the issue as a matter of honoring both past commitments and the city’s long-term vision for public waterfront use.

Gene Eisenmann, the final speaker, refuted the developer’s assertion that only six-pack vessels (carrying six passengers or fewer) operate at the marina. He noted that multiple vessels, including inspected charter and livery boats, operate from the property, indicating that the scale of commercial activity may be larger than represented.

Following the public comments, Attorney Matthews offered rebuttals to several of the speakers. He questioned Alan Osborne’s credibility by stating that Osborne has a homestead in Walton County and only recently became involved in Destin affairs, citing his recent run for sheriff using a Walton County address. He noted that many of the condo owners represented by Jay Roberts likely have private slips of their own and thus do not depend on public ones. In response to

Emily Rogers, he denied that Mr. Perry avoided paying required fees and referenced documentation that allegedly proves payment. Attorney Matthews also argued that no formal developer's agreement existed between Mr. Perry and the city—only a permit approval—therefore no binding obligation for perpetual public access could be inferred.

Attorney Matthews also emphasized that while public access to water is important, it must be secured through legal means such as eminent domain or voluntary public marina construction by the city. He contended that the city cannot legally compel permanent public benefits from private landowners without a formalized and recorded developer's agreement. Addressing Patrick Burke's concerns, he expressed openness to relocating the taxi slip, pending clarification of the request. He concluded by stating that the 2019 discussion acknowledged that boat slips might not be free and that the city has other, more appropriate avenues for securing long-term public access.

At this time, the mayor turned the matter over to the city council for their discussion and consideration of the request from the applicant.

Councilmember Geile noted that he tracked the number of public comments opposing the item, noting the distinction between residents and non-residents. stressing that council approval in 2019 was contingent on slips being public.

**Councilmember Geile moved to deny the application as presented, seconded by Councilmember Braden**

Councilmember Braden reiterated that in 2019, council approval was clearly based on public transit slips being offered as a public benefit. He emphasized his own boating experience to justify his understanding of what constitutes a public slip and criticized what he saw as manipulation of parking requirements.

Councilmember Hebert recalled attending the 2019 meeting as a citizen and confirmed that the public slips were explicitly presented as a public benefit at that time. She criticized the idea of the city having to buy additional slips with taxpayer money when 21 were already promised.

Mayor Wagner emphasized that the public slips were a condition of the original 2019 approval, criticizing the need for a lengthy explanation if the facts were clear. He found the evidence insufficient to overturn the previous understanding and expressed his nonsupport for the requested amendment.

Councilmember Destin acknowledged that while questions raised by the applicant about liability and repair obligations were valid, the lack of a development agreement was a failure. However, based on the record and understanding from 2019, he could not support removing public access to the slips without a legal mandate.

Councilmember Schmidt questioned discrepancies in submitted forms and challenged the applicant's claims about slip usage. He emphasized that representations made in 2019 clearly framed the slips as a public benefit.

Councilmember Bagby outlined that the applicant received a financial break in exchange for the slips, paying only \$10,000 instead of \$119,000 in environmental fees. He stressed that the value given by the city came in return for public slip access and noted the lack of a development agreement was unfortunate but not grounds for approval. He echoed the sentiment that public trust and the original terms should be upheld.

Councilmember Trammell emphasized that she, along with two other councilmembers, had already spent extensive time negotiating easement contracts with Mr. Matthews. She noted that while some elements might be missing in the current proposal, she believed it was time to re-engage in negotiations. She concluded by stating her intent to deny the application based on what was presented.

Attorney Matthews requested a 30-day continuance to meet with staff and formulate a potentially more acceptable proposal and maintain the existing conditions on the dock during this period (e.g., public use of transient slips without charge). He also request a 30-day delay of the upcoming Code Compliance Hearing (Special Magistrate hearing) so that all matters could be addressed simultaneously.

Councilmember Braden firmly opposed the continuance, arguing that the council—not staff—makes decisions on such matters. The hearing was judicial in nature, and misinformation had been presented during the proceedings. He had no intention of allowing more time for revisions, as the public deserved resolution.

Councilmember Geile rejected the request, stating that after six years, there was still confusion over the term “public transient slip,” and he doubted that would change in 30 days. He strongly opposed delaying action another 30 days, claiming the applicant had years to understand the public slip requirements.

Councilmember Schmidt also opposed the extension. He cited previous attempts by the City Attorney to facilitate changes which were not accepted, and noted the proposal before them was still unchanged.

Councilmember Hebert reiterated prior comments that they had clearly expressed their expectations years ago. She insisted that 21 public slips should be made available immediately and would not support any delay.

Councilmember Bagby inquired about procedural consequences.

The City Attorney clarified that if the application were denied, the applicant could not return for one year; and that denial would move the process toward a compliance hearing. The next step would be the Special Magistrate (code compliance) hearing, where it would be determined if the applicant has come into compliance. Without council approval for modifications, the applicant would likely be found not in compliance, as they would be failing to meet the conditions set in the 2019 permit. If the applicant were found not in compliance, the magistrate could impose a lien.

Councilmember Destin noted a point of order, clarifying that the motion on the floor was for denial, not for continuance. He stated a substitute motion would be required if they were to consider the continuance.

**The motion to deny the application as presented passed 7-0.**

**The next item discussed was agenda item 5A**

## **6. COMMENTS / PRESENTATIONS FROM MAYOR, COUNCIL, AND CITY ATTORNEY**

### **A. Councilmember Braden**

B. Councilmember Trammell

**Councilmember Trammell moved to rename the plan from "SRS Town Center Plan" to "SRS City Center Plan" to avoid confusion between the geographic "Town Center" and the SRS planning document. Motion was seconded by Councilmember Bagby and passed 6-0.**

C. Councilmember Destin

- 1) RFP 25-05-PW - Disaster Debris Management Services - Award of three-year pre-positioned contract to Crowder-Gulf

**Councilmember Destin moved to add Crowder-Gulf as a third-tier contractor in the city's pre-positioned Disaster Debris Management Services contract to ensure a backup capacity if the top two contractors are unavailable. Motion was seconded by Councilmember Bagby and passed 6-0.**

Councilmember Destin requested placing an item under his name for the next meeting to authorize the Sheriff's Office enforcement of the beach vending prohibition. He proposed moving the prohibition language from the Land Development Code into the general code. He volunteered as legislative sponsor for the first reading of that ordinance.

Consensus achieved. No formal vote needed.

D. Councilmember Bagby

**Councilmember Bagby moved to appoint Andrea Ansley to the Public Works/Safety Committee, seconded by Councilmember Trammell. Motion passed 6-0.**

E. Councilmember Hebert

F. Councilmember Geile

- 1) Projects Status/Updates

Councilmember Geile requested that staff present options for allowing beach vending through an RFP process that would permit at least 3 vendors to apply. He expressed the desire to evaluate both sides of the vending policy issue.

City Attorney's Clarification:

- The request by Councilmember Geile conflicts with Councilmember Destin's proposed ordinance.
- Recommended including the RFP and policy options in the staff report accompanying the ordinance.
- The council agreed this approach was acceptable. The ordinance can be voted on if needed, at which point the RFP options could be considered.

F. Councilmember Schmidt

Councilmember Schmidt inquired about the status of the public hearing on the bonfire on the beach topic. Staff confirmed it is tentatively scheduled for the July 7<sup>th</sup> council meeting.

Councilmember Schmidt asked for a status update on Clement Taylor Park regarding documentation submitted to the Treasury and County.

Staff confirmed all necessary materials had been submitted and are awaiting a response.

Councilmember Schmidt requested staff follow up this week for confirmation and provide the council with an update.

**Councilmember Schmidt moved to reopen harborside beach access to the public and allow boats and citizens to access it, citing contractor delays and unmet deadlines. Motion seconded by Councilmember Geile.**

**Councilmember Bagby offered a substitute motion to direct the City Manager to press FDEP and the contractor to install a construction fence or other safety barrier at Norriego Point securing the worksite appropriately prior to the July 4<sup>th</sup> weekend and communicate to them that the city's fence will be removed by that time. Motion was seconded by Councilmember Destin and passed 4-2, with Council members Schmidt and Geile dissenting.**

G. Mayor Wagner

H. City Attorney

## 7. PUBLIC COMMENTS

### ADJOURNMENT

**Having no further business at this time, the meeting was adjourned at 10:20 PM.**



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**Bobby Wagner, Mayor**

**ATTEST:**



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**Rey Bailey, City Clerk**