

**MINUTES
HARBOR COMMUNITY REDEVELOPMENT AGENCY
ADVISORY COMMITTEE MEETING
NOVEMBER 13, 2019 - 5:30 PM
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

The City Attorney called the meeting to order at 5:30 p.m. and asked for a motion for a Chairman Pro-Tem since both the Chairman and the Vice Chairman are absent.

Committee member Raim made the motion to nominate Committee member Sandy Trammell as the Chairman Pro-Tem with Committee member Jones providing the second. A roll call vote of 5-0 was taken and the motion passed.

2. PLEDGE OF ALLEGIANCE AND ROLL CALL:

HCRA-AC Members:

Present

Sandy Trammell
Jan Best
Casey Jones
Mike Raim
Barbara Mizell

Absent

Mike Buckingham
James Green

Staff Present

Kim Montgomery, Deputy City Clerk
Traci Goodhart, Planner
Louis Zunguze CD Director
Kyle Bauman, City Attorney
Joey Forgione, Code Compliance Mgr.

3. MINUTES FOR APPROVAL: September 11, 2019 Minutes

Motion by Committee member Raim, seconded by Committee member Jones the members approved the minutes as written with a 5-0 vote.

4. NEW BUSINESS:

• **Meeting Notification Discussion**

The members and staff briefly spoke of staff's timeline they will be following to obtain a quorum from the members and how they prefer to be notified by staff.

• **Livery Vessel Presentation and Recommended Action Items**

The Community Development Director introduced Traci Goodhart, the city's new Planner to the members. He then spoke of the recommendations that they made at their last meeting and staff is now asking them to review the policy changes staff created as a result of that meeting and ultimately make a recommendation to Council to direct staff to write ordinances for those changes.

Mrs. Goodhart explained to the members that Chapter 13, Section 13-144 of the Code of Ordinance is the chapter for the application and the requirements for the review process. She explained that initially, the application is forwarded to the Code Compliance Division for its initial review, it is then forwarded to the Planning Division for the parking review. She spoke of how the parking review standards are based out of Article 8.06.04, where they ensure that the correct number of parking spaces are available per person/per vessel or watercraft (1-parking space per every 4-passengers or 1-parking space per every 4-personal watercraft). The next step, is the application is then forwarded on to the Building Department to ensure it

meets the Florida Building Code Requirements. And lastly, the application is forwarded back to the Code Compliance Department so inspections of Livery Vessels can be conducted prior to the issuance of the permits. She then presented the members with the following issues and solutions:

- ❖ **Issue:** There is no submittal requirement which provides Staff with an inventory of all current and existing uses on a property.

Solution: Amend Section 13-144 of the Code of Ordinances to include as a requirement of the application, a complete list of current and existing uses on the property, the size/quantity of each use, and a notarized acknowledgment by the property owner.

Harbor CRAAC Recommendation: Inventory all existing uses on a property, not limited to livery vessels but to all other uses.

Fix: Amend Section 13-144, Code of Ordinances to require a list of ALL current and existing uses on property to be submitted with application, to include:

- List of ALL seasonal, current, and existing uses on property (i.e., size and quantity)
- Requires notarized form of acknowledgement from property owner

Committee member Best suggests adding the word “yearly” between ALL and seasonal to the bullet point to read, *“List of ALL yearly to include: seasonal, current and existing uses on property (i.e., size and quantity).”*

- ❖ **Issue:** There are not adequate definitions for all vessel types (i.e., charter, rental, private vessels) operating within the City of Destin. Staff requires clarification for determining parking requirements and zoning compliance.

Solution: Amend LDC to include one general definition for water vessel types; operating as a charter, livery, or private vessel.

Harbor CRAAC Recommendation: Amend LDC to include one general definition for “passenger vessel,” operating as a charter, livery, or private vessel.

Fix: Amend Article 3, LDC and Section 13-141, Code of Ordinances to include an umbrella definition for passenger vessel to include the following:

1. **Passenger vessel** - a marine vessel whose primary function is to carry passengers to and from, and can further be defined as:
 - a) **Charter** – a marine vessel that is for hire; operated by a licensed Captain
 - b) **Livery** – a marine vessel (i.e., pontoon or personal watercraft) that is rented by the hour or daily basis.
 - c) **Private** - a marine vessel not engaged in business (business includes, but is not limited to, transportation of passengers for hire or commercial fishing).

Committee member Best asked what category the floating bars fall under. According to the Code Compliance Manager, Joey Forgione; they would fall under the Charter category since they are considered fare carrying vessels. Committee member Best questioned whether the two floating tiki type bars that she has seen are captained by someone that actually has their license per the Coast Guard guidelines. Chairman

Pro-Tem Trammell stated that they may have just the one license that is used for all of their vessels. Mr. Forgione stated that he would check into this and report back to them with what he finds out.

Committee member Raim spoke of witnessing right after sunset in the summer months several pontoon boats being towed in from the direction of Crab Island into Joe's Bayou en masse and perhaps being parked behind residential homes every night.

According to Mr. Forgione, what he is not sure of is if these boats are being rented in the city jurisdiction or if they're just being stored. According to Committee member Raim that is correct and mentioned that none of the boats he's seen being towed in have any commercial markings on them, so he is not sure either. Mr. Forgione stated that once he can get the night shift on staff he should be able to get better intel on how to direct his harbor unit.

- ❖ **Issue:** There is not enough specificity regarding the requirement for permanent bathrooms for use by livery vessel patrons.

Solution: Amend Section 13-145(4), Code of Ordinances to require permanent Florida Building Code – Accessibility/ADA compliant restrooms. Committee member Best asked to add the word “on-site” after restroom to read, *Accessible ADA compliant restrooms onsite*.

Harbor CRAAC Recommendation: Amend Section 13-145(4) to require ADA compliant restrooms, during hours of operation per Florida Building Code.

Fix: Amend Section 13-145(4), Code of Ordinances to include a requirement for permanent restroom facilities to meet and comply with the Florida Building Code for ADA accessibility.

Chairman Pro-Tem asked for clarification that the Code still reads that the restrooms have to be within 100-feet of the waters edge and wants assurance that this amendment would not negate that rule.

Sec. 13-145. - General regulations/standards.

(4) Permanent ADA accessible restrooms and business-owned trash and recycling receptacles must be provided on the property on which the livery vessel docking location is located.

- ❖ **Issue:** The only requirement concerning the parking plan is that it must be drawn to scale and must “demonstrate compliance”. There are no requirements in place which indicate what specifically should be included as a part of the parking plan that demonstrate compliance with Article 8, LDC.

Solution: Amend Section 13-144(9) to include a specific list of requirements for a submitted parking plan, such as aisle dimensions, stall dimensions, specific allotted spaces, and the uses.

Harbor CRAAC Recommendation: Amend Section 13-144(9) to a specific list of requirements on the submitted parking plan, such as aisle dimensions, stall dimensions, specific allotted spaces for uses, etc.

Fix: Amend Section 13-144(9), Code of Ordinances to include a list of requirements for submitted parking plans, drawn to scale, and submitted by property owner:

- Aisle and parking stall dimensions
- Total number of spaces provided on property

- Identify spaces used by ALL subject business on parking plan (i.e., restaurant, livery)
 - Use (i.e., customer or employee parking, storage, etc.)
- ❖ **Issue: Parking standard requirements are not the same for ALL passenger carrying vessels (i.e., charter boats, livery, and personal watercraft).**

Solution: Amend Article 8.06.04, LDC to require the U.S. Coast Guard rated passenger capacity of 1 space per 4 passengers for all “passenger vessels”

Harbor CRAAC Recommendations:

Amend Article 8.06.04, to use the U.S. Coast Guard rated passenger capacity of 1 space per 4 passengers as the parking review standard for both livery and charter vessels. In addition, amend the LDC to require all passenger vessels have the same parking standards and require staff parking for livery vessels.

Fix: Amend Article 8.06.04, LDC to Require all passenger vessels (newly defined) have the same parking standard to match the Coast Guard rated passenger capacity of 1 space per 4 passengers.

1. Require all passenger vessels (newly defined) have the same parking standard to match the Coast Guard rated passenger capacity of 1 space per 4 passengers.
2. Require Staff parking for livery vessels
 - a) 1 space per employee

According to Committee member Best, there is no reference to on or off site parking and asked if they are referencing a requirement to have onsite parking; like the bathroom facilities. Adding that the businesses should be able to rent off site spaces for their employees; if necessary.

Chairman Pro-Tem stated that it should be dedicated in the businesses parking plan submittal.

According to Mrs. Goodhart, all the applicant would need to do is to note the locations and inform Code Compliance where their employee parking is located, whether on or off site, and if off site; where it's located.

Committee member Best asked for clarification regarding the personal watercrafts that they can have four passengers for one parking space. According to Ms. Goodhart, currently that is the ruling however staff is wanting to change that parking review standard to match the US Coastguard's one space per four passengers.

Committee member Jones pointed out that on the jet ski, there should be a medallion that states how many passengers it will carry.

According to Committee member Best, the way the parking requirements read and how their comprehended does not sound the same and both she and Chairman Pro-Tem Trammell agreed that the languages needs additional work so that it reads the way it's intended; or, staff will be challenged.

In discussions the members all agreed that the Fix should be amended to read: ***“Require all passenger vessels have the same parking standard to match the Coast Guard passenger rated capacity of 1 space up to 4 passengers.”***

- ❖ **Issue:** Parking Agreements that are submitted for other properties are not in a standard form, and therefore the content included, and the time periods vary from property to property. Additionally, staff has no way to determine if properties have more than one parking agreement per site.

Solution: A City form or template for parking agreements will be created, to include the number and location of parking spaces being used, and the lease term and other parking agreements.

Harbor CRAAC Recommendation: A standard template for parking agreements will be created as a City form. This will include specific required content such as other parking agreements, lease term, other conditions, etc.

Fix: City Staff will create a standardized form for parking agreements submitted by the property owner to include:

- Copies of all parking agreements on property
- Total number and location of parking spaces being used
- Lease term
- Notarized and recorded form of acknowledgement from the property owner

According to Ms. Goodhart, the parking agreement and plans is on the property owner since they are the ones that are entering the leasing agreements with others.

Committee member Best asked for clarification that what staff will do, is look at the form and compare it to what was required when the building was originally built. According to Mr. Zunguze, that is correct, and it will have to be consistent and approved by the city. Adding that the requirement for recording the acknowledgement was advised by the Land Use Attorney, Kim Kopp or otherwise the documents are meaningless.

In regards to the different businesses that are using one property for parking; Committee member Mizel asked if staff intended to list them all individually by property to make the determination how many are using the spaces. According to Mr. Zunguze, the owner has to declare how many businesses he has on his property and his dedicated parking.

Committee member Raim spoke of multiple businesses at a location and the overlapping component that comes into play and how is that going to be handled.

The Chairman Pro-Tem added that if a business is adding a new venue that requires parking, would they be under the new requirements or the old parking requirements.

According to Mr. Zunguze, there is no grandfathering anymore and the parking spaces for all the businesses would be required per the new regulations; which should be in place before this coming summer season.

- ❖ **Issue:** As part of a shared parking agreement, different businesses utilize the same space during various operating hours (i.e., day or night). Currently, the Code Compliance Department has

no way to enforce shared parking during site visits.

Solution: As part of the application process, in addition to, a parking plan and parking agreement provided by the property owner, the livery business will provide its personnel and patrons with parking passes to be displayed in vehicle.

According to Mr. Forgione, staff will conduct site inspections and if there is a car parked that does not have the proper pass; the property owner will be in violation. Committee member Best stated that she has been doing this at her business for two years now and spoke of how it works. Adding that someone will only forget to put their pass up once or park illegally after getting towed.

The Chairman Pro-Tem asked if the city has the authorization to tow a vehicle.

According to Mr. Forgione, the city does not but they do have the authority to write a Notice of Violation (NOV) and take the business owner to the Special Magistrate.

Committee member Raim asked what the fines are. According to Mr. Forgione the fines, after not coming into compliance are:

- \$500.00 Administrative Fee
- \$500.00 per day for the business until the business comes into compliance

Citations are:

- \$50.00 per violation that go up \$50 per violation with a maximum of \$300.00

The Chairman Pro-Tem mentioned she sees a problem with the people that rent the pontoon boats having to walk back up to place the parking pass in their car. According to Mr. Forgione, he sees it as this would force the business owner and the property owners to self-enforce their parking lots. Adding that there may be some push back this upcoming year, but staff believes it will work out.

Fix: Livery businesses will provide a copy of the parking pass to the City as part of the livery application package.

- ❖ **Issue:** The application currently includes an “Affidavit of No Changes” that is not a notarized document. These applications go through a less stringent review.

Solution: Remove the “Affidavit of No Changes”

Harbor CRAAC Recommendation: Eliminate the “Affidavit of No Changes” for livery vessel applications, City-wide.

Fix: Amend the Livery Application form, removing the “Affidavit of No Changes.” The Property Owners will be required to submit a detailed parking plan, ALL parking agreements for subject property, and a notarized form of acknowledgment for each year.

- ❖ **Issue:** An applicant’s first stop to obtaining a livery vessel permit is a Business Tax Receipt (BTR). There is a misconception among members of the public that once you have received your BTR, the City has approved the use and business.

Solution: Concurrent application and review of BTR and livery vessel applications run concurrently.

Harbor CRAAC Recommendation: Change the review process so that a livery vessel application is reviewed for completeness in the following order:

- Code Compliance – receives application package, completeness review
- Planning – parking and BTR review
- Code Compliance - parking verification inspection
- Building – confirms proper facilities, i.e. restrooms, trash receptacles then they will issue the BTR
- Code Compliance – permit issuance and final inspection of parking plan and decal placement is in the correct location on the vessel.

Fix: Change the internal review process, as listed above. In addition to, educating operators of the proposed change.

❖ **Issue:** There is no current inventory of all existing livery vessel rental operators within the City of Destin.

Solution: A City-wide, site-by-site inspection is necessary to determine how many personal watercraft and livery vessels are operated within the City by:

- Physical inspections of rental locations
- Verification through the Harbor Capacity Study (to be conducted)

Harbor CRAAC Recommendation: Complete a City-wide, site-by-site inspection to determine how many personal watercraft and livery vessels are operated within the City.

Fix: A detailed inventory was conducted from May – Oct 2019:

- Yearly inventory will be conducted by code compliance
- Physical inspections of rental locations found:
 - 19 – Businesses
 - 276 – Pontoon
 - 228 – Jet skis
 - 140 – violations discovered, all brought into compliance
 - Verification through the Harbor Capacity Study
 - Pending Federal funding

Committee member Best asked why the Harbor Capacity Study is pending Federal Funding pointing out that they asked City Council to approve the study.

Mr. Zunguze reminded the members that the city partnered with the Army Corp. of Engineers. The \$200k has been appropriated by the city but the other \$200-\$300k is still in Washington, D.C. at the Federal Level; since the study will take about \$500k altogether.

Committee member Best then asked if there is going to be funds available for Mr. Forgione to increase his staff. According to Mr. Forgione, he will need to go to Council to get direction from them to increase his staff in order to have evening shifts.

Committee member Best made the motion for the Harbor CRA-AC to recommend City Council to direct staff to amend the city codes with the following 8 motions below; with the additional changes made as discussed throughout the presentation. Chairman Pro-Tem Trammell provided the

second; the motion passed with a unanimous vote of 5-0. Chairman Buckingham and Vice Chairman Green were absent.

1. *Harbor CRAAC recommends City Council to direct Staff to amend 13-144, Code of Ordinances to require an inventory of all existing and current uses on the property as part of the livery application process.*
2. *Harbor CRAAC recommends City Council to direct Staff to amend 13-145(4), Code of Ordinances, to include a requirement to provide accessibility/ADA compliant facilities per Florida Building Code for livery operations.*
3. *Harbor CRAAC recommends City Council to direct Staff to amend Section 13-144(9), Code of Ordinances to include a list of all yearly uses including seasonal requirements on submitted parking plans: (a) aisle dimensions, (b) stall dimensions, (c) number of allotted spaces and the use, and to (d) require such parking plans be notarized by the property owner.*
4. *Harbor CRAAC recommends City Council to direct Staff to amend Article 8, of the LDC to require one parking standard for all passenger vessels based on the U.S. Coast Guard rated capacity of 1 parking space per 4 passengers.*
5. *Harbor CRAAC recommends City Council to direct Staff to create a standardized template for parking agreements, and such agreements to be notarized and recorded.*
6. *Harbor CRAAC recommends City Council to direct Staff to include parking passes as part of the livery application package.*
7. *Harbor CRAAC recommends City Council to direct Staff to eliminate the "Affidavit of No Change" for livery vessels.*
8. *Harbor CRAAC recommends City Council to direct Staff to review Business Tax Receipts (BTR) simultaneously with a submitted livery application.*

Committee member Best also spoke of how they previously discussed not allowing boats, trailer, jet skis, etc. to be stored in the off winter season on Highway 98 and asked staff what's the status and do they need to make a recommendation to City Council. According to Mr. Forgione, its already in the Code of Ordinance and all of the business owners have been informed that its going to have to stop. Adding that he and his staff will be enforcing the code.

Chairman Pro-Tem Trammell asked how that affects the boat dealership on the southside Highway 98. Mrs. Witt explained that according to the site plans for the Development Order there is no dry storage of boats and all the boats will be in the water. Committee Trammell asked about Galati's. Mr. Forgione, stated they are a dedicated boat yard and all their storage is behind their building.

Mr. Zunguze spoke up and informed the members that staff would check the Development Orders and report back with their findings. There was also the question of The Ship's Chandler business and if they are in violation as well. According to Mr. Forgione, they are not actually storing boats and is not the same as what the livery vessels are doing.

Committee member Mizell asked if this includes cleaning and repairing of businesses boats.

According to Mr. Forgione, those businesses cannot put their boats in parking spaces for any reason. Committee member Mizell then asked how this would apply if there is a hurricane warning. According to Mr. Forgione, when the city is declared and under a State of Emergency; different rules will apply.

5. COMMITTEE MEMBER COMMENTS:

- Committee member Raim – Spoke of how well run the Visioning Session was recently and was well received.
- Committee member Jones – Thanked staff for the presentation and if they need anything to call him.
- Committee member Mizel stated that she learns something new at each meeting and that is a good thing.
- Chairman Pro-Tem Trammell – Attended the Visioning Session as well and spoke of the following:
 - Architectural Guidelines that the Council wanted to discuss for the CRA's
 - Continuity of streetlights; especially on Highway 98
 - Signage for the west end of the city to look at for next year
 - they don't feel they are getting the meeting minutes soon enough
 - whenever anything is discussed at their level; such as what was discussed at this meeting. Everyone on the committee should try to attend the Council meetings to answer any questions they may pose.
 - She asked for staff to let them all know when their discussed issues go to Council so they attend; if they can.

6. DIRECTOR'S REPORT: Redevelopment Conference Update:

Mr. Zunguze informed the members that he attended the Florida Redevelopment Association Conference and the topics covered were similar to Destin's regarding focusing on redevelopment since he does not perceive any annexations taking place anytime soon. He feels they need to go back and revisit their current Master Plan to look for things they can focus on that fall under redevelopment. He spoke of the Wayfinding Master Plan that has recently been finalized and presented to Senior Staff will be coming before them and the Town Center CRA soon for their input to help refine prior to going to City Council.

The Chairman Pro-Tem asked for a bullet list for them to review at their next meeting of items that need to be addressed. Mr. Zunguze agreed and would have his staff to provide them with those prior to their meeting in their packets.

Civic Clerk Agenda Packets:

Mrs. Goodhart explained the new process of how all city committees and boards will start getting their information packets via email through Civic Clerk. Adding that it is the same process City Council gets their information and each member will get their own email address to conduct all city business through to avoid any potential Sunshine Violations.

7. ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 8:15 PM.

Adopted and approved this 8th day of January 2020

Sandy Trammell
Sandy Trammell, Chairman Pro-Tem

Kim Montgomery
Kim Montgomery, Deputy City Clerk