

MARINE COMMISSION MEETING
Monday, September 27, 2021 – 9:30 a.m.
Council Chambers, City Hall, Vero Beach, Florida

AMENDED AGENDA

- 1. CALL TO ORDER**
- 2. SWEARING IN OF NEW MEMBERS**
- 3. ELECTION OF OFFICERS**
 - A) Chairman**
 - B) Vice Chairman**
- 4. APPROVAL OF MINUTES**
 - C) April 26, 2021**
- 5. PUBLIC COMMENT**
- 6. OLD BUSINESS**
 - A) Vessel Enforcement Update – Mr. Keith Drewett**
 - B) Update on Senate Bill 1086 – Mr. Keith Drewett**
 - C) Update on the Missing Waterway/Bridge Signs**
- 7. NEW BUSINESS**
- 8. MARINA DIRECTOR’S MATTERS**
 - A) Update on the Marina Master Plan**
 - B) Update on the Permitting Status for the South Complex Rebuild**
- 9. CHAIRMAN’S MATTERS**
- 10. MEMBER’S MATTERS**
- 11. NEXT MEETING DATE**
 - A) Set the Date for the Next Marine Commission Meeting**
- 12. ADJOURNMENT**

This is a Public Meeting. Should any interested party seek to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and that, for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Anyone who needs a special accommodation for this meeting may contact the Americans with Disabilities Act (ADA) Coordinator at 978-4920 at least 48 hours in advance of the meeting.

MARINE COMMISSION MINUTES
Monday, April 26, 2021 – 9:30 a.m.
Council Chambers, City Hall, Vero Beach, Florida

PRESENT: Chairman, Ben Trautman; Vice Chairman, Brian Cunningham; Members: Clinton Lanier, Bill Johnson, and Alternate Member Keith Drewett, **Also Present:** Marina Director, Mr. Sean Collins, Assistant City Attorney, Jenny Flanigan, and Senior Administrative Assistant, Rita Hawkins

Excused Absence: Robert Snyder

1. CALL TO ORDER

Chairman Trautman called the meeting to order at 9:30 a.m. and the Senior Administrative Assistant called the roll.

2. APPROVAL OF MINUTES

A) February 1, 2021

Mr. Cunningham made a motion to approve the February 1, 2021 Marine Commission minutes. Mr. Drewett seconded the motion and it passed unanimously.

3. PUBLIC COMMENT

None

4. OLD BUSINESS

A) Update on the Marina Master Plan and Improvements

Mr. Sean Collins, Marina Director, reported that they filed for some grants for additional funding to help pay for the improvements. They are trying to tweak a couple of boundaries on the site plan and they are still pushing ahead. The public optimism is good and they have about 17 boats on the waiting list for the dry storage facility. Most of them they have to bypass, because they are too large for the current building. The Marina is full and he expects them to stay full during the summer.

Mr. Cunningham asked if larger boats are coming in. Mr. Collins replied yes.

Mr. Cunningham asked what is the average size of the boats that are on the waiting list for the dry storage. Mr. Collins replied those on the waiting list are in the range of 26 to 27 feet, but some are larger and they are not worth putting on the list.

Mr. Cunningham asked what is the weight limit for the new forklift. Mr. Collins stated that it can lift 6,500 pounds, so it is meeting their current needs. When they build the new building that will accommodate larger boats then they will need a forklift that can handle 15,000 to 20,000 pounds.

Mr. Trautman asked Mr. Collins if he thinks he will be able to fill the new building. Mr. Collins said based on what they have heard and the positive news articles, hopefully they can keep that rolling when they kick it off next summer.

Mr. Trautman asked if he has looked at any preliminary figures on the amount of profit from the new dry storage facility if it is full. Mr. Collins replied that he has looked at the basics, because they are still looking at whether they will charge a flat rate or by the foot. They are also still looking at the size of the building and the interior layout.

Mr. Trautman asked when does he think there will be a decision on the size of the building. Mr. Collins said it is hard to say, but probably in the next couple of months.

Mr. Drewett explained that the way the project is set up and the way City Council approached it is in many different phases. Each phase will take two (2) or three (3) months before it is approved, because there will be public comment on the different phases. It is broken down in the study by phases and cost structures.

Mr. Collins said the main problem is the age of the infrastructure at the Marina. It is well beyond its life expectancy. As they start getting City Council's approval and things get moving, he hopes they know that they cannot keep coming back to multiple City Council meetings, because they need approvals rather quickly.

Mr. Trautman said that is something he is worried about. They have a Master Plan, but it is more like a large scope of ideas they have to go through every step. He is worried that it will get bogged down in the bureaucracy. They are not even to a point of knowing what the facility is going to look like.

Mr. Collins explained that they are trying to make it as specific as possible and weed out some of the gray areas. There are some things they need to work out so that they are prepared to have answers for City Council. They want to take their time to make sure they are ready.

Mr. Johnson stated that the Marine Commission has spent an enormous amount of hours on the Marina Master Plan. They also spent many hours on the Three Corners project and it is no further along today than it was eight (8) years ago. He asked if anything is going to move along with the Marina and the Three Corners projects.

Ms. Jenny Flanigan, Assistant City Attorney, she said she has heard this criticism before and it is partially due to the Florida Sunshine Law and the open meeting requirements. She said she understands the frustration and how slow things can be. City Council has to call the meeting, notice the meeting, have an agenda, and consider input from the Commissions and Boards, so it takes a lot of time. Mr. Johnson replied that he is not sure it can be blamed on the Sunshine Law. It seems to be the structure of City Council and the ability to represent the people of Vero Beach and do what they say they are going to do and get it done. Ms. Flanigan replied that people who are used to the private sector, the government way of doing things can be frustrating. She announced that there is a Three Corners Steering Committee meeting this afternoon and she encouraged them to attend. The Marina process is moving forward and they are getting grants for the funding.

Mr. Johnson said he is not disgruntled, but the Marine Commission members are all very passionate about this and what Mr. Collins is doing.

Mr. Collins explained that it is a slow process. Some of this started before he came on board, but it is moving ahead. It is drawn out compared to the private sector, but they need to keep their eye on the prize, stay focused, and get the Master Plan and the projects done as quickly as possible.

Mr. Trautman said he agrees that it is a slow process and the Three Corners project is a perfect example. He said the Marine Commission was deeply involved with that project and now it seems like all of that work is going to be pushed to the side. He said he has been trying to make sure that the Marine Commission is getting a little bit more visibility with City Council and by talking with the press. He wants to make sure that everyone knows the Marine Commission is here, they have an opinion, and they are involved in the work. He suggested to Mr. Collins that when they get the final plan together on the boathouse and he is trying to promote it to City Council to make sure he is showing them how much the City can make when it is full and the positive feedback he is receiving. Mr. Collins replied absolutely. There are a couple of issues they are working on, which will affect the building and once that is figured out they can move forward.

Mr. Cunningham asked what percentage of the building would be funded by grant money. Mr. Collins replied that in the five (5) year Capital Plan they are shooting at about one million dollars in grant money to go towards the building.

Mr. Cunningham said he assumes they don't have an exact figure for the project because they don't have the final layout and size. Mr. Collins replied that they are figuring about three million dollars for the building and another million dollars or so for the docks.

Mr. Cunningham asked if there has been any push back from the community about the Marina.

Mr. Collins replied that it has been quiet.

Mr. Trautman stated that the Commission is on Mr. Collin's side and to let them know if there is anything they can do to help him.

B) Vessel Enforcement Update

Mr. Drewett reported that he has been in touch with the Florida Fish and Wildlife Commission (FWC) and the County and their patrols have continued at a good level. FWC has been doing inspections and they have not had any discharge violation, but just some lesser events. He reported that four (4) derelict vessels are in the process of being removed by the County. There are two (2) others in the Sebastian River that are close to being approved for removal and the boat in the mangroves west of Fritz Island is being processed on an expedited basis for removal. Compared to where they were a year ago he thinks they are in a better place and the derelict vessels are discussed frequently at City Council meetings. He said House Bill 639 and Senate Bill 1089 have been reported out of Committee with no negative votes out of Committee and it is wrapping up. This will give FWC increased powers over vessels that are on their way of becoming derelict. He explained that if these Bills pass the State will be required to apply to the

Department of Environmental Protection (DEP) for the whole State of Florida to be a no discharge zone.

Mr. Cunningham stated that he agrees and they have made great progress. He asked Mr. Drewett if the boat he mentioned west of Fritz Island is a sinker. Mr. Drewett replied that he is not sure.

Mr. Cunningham said that he has observed people aboard it, so he is not sure if people are living on it or not. It might be someone freeloading without an anchor and tying off on the trees.

Mr. Trautman thanked Mr. Drewett for all the work he is doing.

Mr. Johnson said Mr. Drewett mentioned that FWC is doing patrols on the water, but he never sees them. Mr. Drewett explained that there are two (2) local officers and they keep their boat at the Marina. These officers also handle wildlife enforcement as well as marine enforcement, so they have a huge territory.

Mr. Johnson asked if they mainly stay between the bridges. Mr. Drewett replied no, they cover all the way up to the Sebastian Inlet and the Sebastian River.

Mr. Drewett reported that City Council asked the Police Department to budget for 20 hours a week for the Police patrol to be out on the water. He believes the Police are also getting a new boat that was donated by a citizen.

Ms. Flanigan stated that in reference to the piece of legislation in the Senate, it did pass on April 21, 2021. The House Bill is on its second reading and that legislation would be enforced on October 1, 2021, so changes will be in affect this year.

C) No Wake Signs at the Bridges

Mr. Trautman said he read an email stating that the request for signs has to go through FWC. He asked if that was correct. Mr. Drewett replied that the City has to apply for a no wake zone sign to be installed.

Mr. Cunningham said he is surprised it is such a long process, because there used to be signs that were attached to the bridge stating it was a no wake zone under the bridge.

Mr. Trautman explained that when he was in the Coast Guard he worked in the office of Waterways Management in Miami for a number of years. That is the office that handles all the signage for the waterways. It used to be that they would replace a government sign if one (1) had previously been there. He said he reached out to that department in Miami and they told him that the City needs to work with FWC, which does not make sense to him. He would like to know if things have changed and if the City is now responsible for the Federal and State owned signs.

Ms. Flanigan said it sounds like there is lack of clarity on who has authority, but that is actually one (1) of the provisions in the legislation they discussed. It would give municipalities the right to request signage.

Mr. Trautman said his opinion is that the City does not want to pay for it, so they are not responsible if someone gets hurt.

Mr. Cunningham asked of the signs are the responsibility of who enforces that area. Mr. Drewett replied that he believes the FWC controls all the signage along the waterways. Mr. Trautman replied that is not correct. The Coast Guard still maintains all the signage through the Intracoastal Waterway (ICW) and navigable waterways. He does not want to get the City involved if it is not their responsibility. They are just trying to let the Federal Government know that one (1) of their signs is missing and they want it replaced for the safety of the public. He would like to recommend to the City that they follow up with the Coast Guard to find out who owns the no wake signs and clear up that confusion. Mr. Cunningham suggested that they contact a County south of here to find out who installed and maintains their signs.

Mr. Johnson reported that there is a sign hanging in the water on the north side of the Barber Bridge on the bulkhead and stuff is growing on it. He asked if it is prohibited for a Good Samaritan to put a bolt in it to fix it.

Mr. Trautman stated he would like to make a recommendation to the City that they get with the other government offices to start fixing their signs. Not only for the appearance of the City's beautiful waterways, but also for the safety of the people using them.

Ms. Flanigan stated as an Advisory Commission that would be a recommendation they would make to City Council. City Council can then direct City staff to look into it.

Mr. Trautman made a motion recommending that City Council contact the government agencies responsible for replacing the signs along the waterways in the City of Vero Beach for the safety of the public. Mr. Cunningham seconded motion and it passed unanimously.

5. NEW BUSINESS

Mr. Rey Neville, Vice Mayor, asked the Commission for their feelings about making the area between the bridges an idle speed zone. It used to be a slow speed zone, so he would like them to give that some thought. He said he also wanted to comment on the Three Corners project. He said the City had a plan and they were a few weeks away of writing the Resolution that was going to be voted on in November and then COVID-19 hit. After that, the consultant came up with several other plans and that put them in a tailspin on how to deal with it. They elected to wait until November to let the COVID-19 pass so they could have a clearer path on what they can do. For a government activity, he thought they were moving pretty quickly until the COVID-19 experience. He asked if it is a requirement that all boats go at idle speed or at least no wake under a bridge. They shouldn't need signs for that, because his understanding is that it is the law. Mr. Cunningham replied yes, that is correct. Anywhere in the ICW all bridges are idle zones.

Mr. Neville said as a citizen he would like them to consider making the area between the bridges and just beyond a no wake zone at the minimum. That will help protect the Youth Sailing Foundation and the people rowing in that area. There is a lot of traffic going between those two (2) bridges and some people are going 30 miles per hour or faster. There are signs

going north, but not south and he thinks that is a hazard. Mr. Cunningham replied that he is definitely in favor of signage and education on slow speed zones under the bridges and just past the south bridge as a supporter of the Youth Sailing Foundation. However, he would be one (1) of those people who would be opposed to a slow speed zone between the bridges. That is partially because when boats are up and running and they slow down fast they make a bigger wake. A slow speed zone under the bridge might help the Youth Sailing, but they might open up a can of worms if they do that between the bridges.

Mr. Neville said he noticed that the north bridge in Ft. Pierce has a 600 foot zone, so something like that might take it past the Youth Sailing area.

Mr. Cunningham stated that Martin County is a good example of Intracoastal Waterway safety. They have idle zones 300 feet to the north and south of every bridge, but no idle zones between the bridges. It seems like boaters really pay attention down there.

Mr. Neville reported that the City is intending to put some docks in the Three Corners project. They are not sure if they will be strictly day docks or also overnight docks. The City will need the Marine Commission's expertise to guide them and help develop a satisfactory Resolution. He said he has no problem with the Marine Commission interjecting themselves into that process. Mr. Trautman explained that the Marine Commission has given recommendations and input to the City on dockage and boat ramps on that property. That is why they said it seems like the work they did was not passed along. Mr. Neville replied that they did not have a design context back then, but now they have drawings. They also have the Three Corners Steering Committee that is in between the Marine Commission and City Council. The dock decision will be addressed down the road and he is asking them to stay involved, because their expertise and knowledge in this area will be very beneficial to the project. He said the proposed final plans are going to be presented to the Three Corner Steering Committee this afternoon and they might be voting on it so that it can go to City Council.

6. MARINA DIRECTOR'S MATTERS

A) Update on the Anchorage Area South of the Barber Bridge

Mr. Collins stated that they covered most of the anchorage information earlier in the meeting. He reported that City Council approved a rate Resolution for the day use by dinghies, so these boaters have a place to go instead of landing on City property, which is against the City Code. He said they have not had any dinghy folks or boats from the anchorage come in and utilize the Marina since it was passed. Before it was passed, the Police were leaving notices with their business cards and a copy of the City Code on the dinghies at the boat ramps. They still see some dinghies tied up in the mangroves when they do their patrols. Last Friday they counted 14 anchored boats north of the Marina and eight (8) to 10 of them are questionable and might be used for free long term storage. There are a total of 20 to 25 boats that are just anchored out there. One (1) of those anchored boats north of the Marina broke loose recently in a storm and it was making its way down through the City's mooring field. His staff was able to get out there and grab onto the boat to get it out of the wind and drop the anchor again.

Mr. Johnson stated that there is a steel hull sailboat in that area with no mast, but it is attracting other boats and they are tying off on it. Mr. Collins replied that the second boat that is there

now is part of the same family, but at one (1) time there used to be several boats tied to it. Mr. Johnson said it looks like there has been activity on the boat. Mr. Collins explained that there has been activity in the past, but he has not noticed anything in the last couple of months. With the added 20 hours of marine patrol by the Police Department that will do wonders. Occasionally they have people blowing through the no wake zone, so having an officers presence out there should help. He believes that people know that if they are not near an inlet there is very minimal enforcement. He said the FWC has a slip at the Marina for their boat and they are doing what they can with their tight budget. The biggest thing is that they need the officer's presence out there and it sounds like there is a plan to do that.

Mr. Trautman asked if Mr. Collins is keeping track of the resources he is using to keep an eye on the anchored boats, such as staff hours, boat use time. Mr. Collins explained that they do not go out there in search of specific issues, but they will take a look around to see if boats have moved and things like that when they are out there for other reasons.

Mr. Cunningham asked Mr. Collins if all of his full and part time positions are full. Mr. Collins replied that he is fully staffed. The last person they hired is being trained on the fork lift and he is optimistic. He wants to be in the marine industry and running boats, so hopefully he does not lose him too quickly. He has a full time employee that went to part time because he is going to Firefighter school right now, so he hopes to have him through the summer.

Mr. Trautman asked how is business at the Marina. Mr. Collins replied that the fuel sales and the dockage have been doing well. The moorings revenue is down for this year, because hundreds of people did not come south due to COVID.

Mr. Drewett explained that per the City Code, the Marina Director is the Harbor Master, but his powers only apply in the Marina. He believes they should think about giving the Harbor Master jurisdiction over all of Vero Beach, which would require a Code amendment. He said south of the Barber Bridge they have a large project going on with a substantial budget and he thinks they should look at making the area south of the Barber Bridge an additional mooring field. It would generate additional income and give them more control over that area. Mr. Collins replied that there are huge costs involved for surveys that are required when trying to obtain submerged lands and it is a long process. He said he understands Mr. Drewett's statement to try to alleviate some of the boats from anchoring down south, but right now that it is not reasonable and the Marina does not have the money for another anchorage area. They are looking on expanding to the north, which will alleviate some of that issue. It would put an additional strain on the water patrols, it is a longer distance for the pumpout boat, and more staff time. As a Marina Director he does not think they need to go after that space and they should take it off the table.

Mr. Trautman said that Mr. Drewett had a good idea and he agrees with it, but he also recognizes what Mr. Collins is saying about having a resource issue with extending the moorings. He said in regards to expanding the responsibilities of the Marina Director to cover the entire City, he thinks there is value in that, but they might also run into a resource issue and it might require an increase in staff. If the City includes dockage with the Three Corners project that will start to pull more resources from the Marina. He is not sure if the Steering Committee has discussed what the staffing requirements will be for the new docks.

7. CHAIRMAN'S MATTERS

None

8. MEMBER'S MATTERS

None

9. NEXT MEETING DATE

A) Set the Date for the Next Marine Commission Meeting

The next Marine Commission meeting is scheduled for June 28, 2021 at 9:30 a.m. in the City Hall, Council Chambers.

10. ADJOURNMENT

The Marine Commission meeting adjourned at 10:30 a.m.

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