

MARINE COMMISSION MINUTES
Monday, January 10, 2022 – 9:30 a.m.
Training Room, 2nd Floor, City Hall, Vero Beach, Florida

PRESENT: Chairman, Ben Trautman; Vice Chairman, Keith Drewett; Members: Clinton Lanier, and Alternate Member, Robert Snyder **Also Present:** Marina Director, Sean Collins (arrived at 9:47 a.m.); Assistant City Attorney, Jenny Flanigan; Director of Planning and Development, Jason Jeffries; and Senior Administrative Assistant, Rita Chartier

Excused Absences: Bill Johnson and Brian Cunningham

1. CALL TO ORDER

Chairman Trautman called the meeting to order at 9:31 a.m.

2. APPROVAL OF MINUTES

A) September 27, 2021

Mr. Drewett stated that on page 3, Mr. Bob Jones might have misspoken because the Vero Beach Yacht Club is a 501(c)(7) nonprofit club, not a 501(c)(3).

Mr. Lanier made a motion to approve the September 27, 2021 Marine Commission minutes with the one (1) correction made. Mr. Drewett seconded the motion and it passed unanimously.

3. PUBLIC COMMENT

None

4. OLD BUSINESS

This item was discussed after item 4-B).

A) Update on the Three Corners Project – Mr. Jason Jeffries, Director of Planning and Development

Mr. Jason Jeffries, Director of Planning and Development, said he was requested to provide this Commission with an update on the Three Corners Project. He said he provided them with a copy of the Master Plan that has been recommended by the Three Corners Steering Committee and the Planning and Zoning Board (on file in the City Clerk's office). They both found it to be consistent with the City's Comprehensive Plan, so it will be presented to City Council on January 18, 2022. He provided them with the background on how the planning process started and how it got to where it is today. He explained that while all the planning was taking place, the City was in the middle of updating the City's Comprehensive Plan, which was adopted in May, 2018. The City hired a professional firm, DPZ CoDesign, which is a well-known urban design firm. They are known for creating mixed use sites like the illustration on the cover of the proposed plan. He said a lot of the early ideas from this Commission, the Recreation Commission and the Chamber Taskforce have made their way

into this plan. There was an extensive outreach to the community through radio, media, charrettes, and a website called Speak Up Vero Beach where people could leave their comments and suggestions. The consultant presented numerous scenarios to the City, both before and after the pandemic. In January, 2021 the consultants came back with their final plan recommendation and it was called the Community Plan. After the Community Plan was accepted, City Council directed City staff to have an economic feasibility study done on the plan. The study came back indicating it was feasible and well-conceived. He continued by going through the Master Plan and explaining the different uses proposed for the property.

Mr. Trautman said for this update, maybe he could just focus on the Marina portion of the plan so they do not take up too much of his time.

Mr. Jeffries replied that is fine. He said he will cover the Waterfront Village. He explained that along the waterfront is a walking promenade. The adjacent marina started off more as day docks, but now some of the docks might be leased to the hotel for overnight stays. The marina presented in the plan is now more than just day docking, but it is not a full service marina either. He explained that the Wastewater Plant property has been mothballed for now, but in the interim it could be used for an event field. He explained that the City entered into a Memorandum of Understanding (MOU) with the Youth Sailing Foundation for them to be able to develop a portion of the site once the Wastewater Plant is decommissioned.

Mr. Snyder asked if there is definitely a hotel planned for the site.

Mr. Jefferies replied if it is feasible, the preference is to redevelop "Big Blue" Power Plant building into a hotel with a conference center.

Mr. Snyder explained that the Vero Beach Rowing Club is growing rapidly and when college teams come to Vero Beach to train they are always looking for places to stay. This location would be very convenient.

Mr. Jefferies stated that the Financial Analyst reported that there is potential for a three (3) to five (5) star hotel, so it will be more of a destination resort. There were also some comments that someone might develop the site with a variety of hotel types and with a range of pricing. He will still need to update the Comprehensive Plan, do future land use amendments, and update the specific zoning codes for this site. He explained that both the Power Plant and the Wastewater Plant sites are protected under the City Charter, which means the City cannot sell or lease them for commercial purposes. The City can lease them for recreational or civic purposes, so in order to develop the properties as presented they will need to put it to a vote by the public to change the City Charter.

Mr. Trautman asked if there will be any issues with dredging or preparing this land because of seagrass beds.

Mr. Collins replied that no matter what, surveys will still have to be done down the line. He said based on the depth and the clarity of the water it is very similar to the area around the City Marina, so he believes there will not be any seagrass there.

Mr. Drewett asked Mr. Collins if he has any concerns about conflicts with the City Marina and the commercial viability of the development.

Mr. Collins replied that he has always been in favor of some sort of day docks and it is evolving, but there is a long way to go.

Mr. Trautman asked if there is a timeframe for decommissioning the Wastewater Plant.

Mr. Jefferies replied that it will be a five (5) year process. He believes the demolition of the Wastewater Plant will be taking place at the same time the Power Plant site is being developed.

Mr. Snyder made a motion that the Marine Commission is in favor of this plan and that they want to stay involved with this project. Mr. Trautman seconded the motion and it passed unanimously.

B) Vessel Enforcement Update – Mr. Keith Drewett

This item was discussed prior to item 4-A).

Mr. Drewett stated that he asked Police Chief, David Currey for an update on the derelict vessels, but he offered to send Captain Matt Monaco to their meeting to give them a report.

Captain Matt Monaco explained that they are still waiting on the delivery of the new police boat. The hull has been shipped, but they are having trouble obtaining a motor. He said there were a few vessels near Fritz Island that were brought to their attention, so they went out on January 6, 2022 utilizing their old boat to check them out. There were no vessels on the south or west sides of Fritz Island, but there were a few boats north of Fritz Island. One (1) was identified as being in the City limits and it is not a derelict or at risk boat. However, it was close enough to the mangroves that they will try to relocate it. There were three (3) other vessels further north, but they are in the jurisdiction of the Sheriff's Department. They can definitely say that one (1) is absolutely at risk if not a derelict boat. It has an open hull with some water intrusion, so they brought that to the attention of the Sheriff's Department and the Florida Fish and Wild Life Conservation Commission (FWC). The other two (2) vessels are sea worthy. They might be unsightly, but they are not derelict boats.

Mr. Trautman asked how will they be utilizing the new boat and how often will it be manned.

Captain Monaco replied that their first priority is patrol, but they would certainly like to have someone out there full time. Right now they have several officers out with COVID, but when the new police boat comes in they will continue their efforts and have an officer out there more often than not.

Mr. Trautman asked how are they determining at risk vessels. Are they basing it on a visual from the outside, or are they boarding the boat and doing a safety inspection.

Captain Monaco replied that with this particular vessel they drove by and they could clearly see the open hull and the water intrusion, so it was easy to determine it was at risk or derelict. There is some other criteria they use that helps them determine that as well.

Mr. Drewett stated that the FWC has a list of six (6) criteria that help them determine if a vessel is at risk of becoming a derelict boat.

- 1. Vessels in the City of Vero Beach Waters**
- 2. All Vessels in Indian River County South of Grand Harbor**

Mr. Drewett went through the photos of the vessels that are in the City and the County and he provided some information on each of them (on file in the City Clerk's office). He said he agrees with Captain Monaco that many of these vessels do not meet the FWC's technical standards for being derelict, but they are of concern. He would encourage City Council to think about how they can handle this. The City Code could be applied and the City Code can be amended with a vote by City Council. He continued discussing and sharing information on some of the vessels from the photos.

Mr. Trautman recommended they refocus on what they can do and discuss it among the Commission members. If they feel it is something they need to move forward on then they can make a recommendation to City Council. He said some of the boats are a concern and others may not be. They might have their own opinions on the condition of them, but they might still be operating under the requirements of the FWC. They will want to consider that before they bring this up to City Council.

Mr. Lanier asked if they have the ability to identify and contact the owners.

Captain Monaco replied yes they have that ability. If it is an abandoned boat it makes it more difficult, but they have other resources available to help identify the owner.

Mr. Lanier asked if a vessel is only documented and it does not have any Florida or State numbers on the hull how can it be identified.

Mr. Trautman said he believes that the name of the vessel can be registered and he is not sure if they even need to display a hull number.

Captain Monaco explained that in most cases if a vessel has a motor it has to have a hull number. It is very rare that they come across a boat without some sort of hull number or vessel number.

Mr. Lanier said if they can identify the owners would it be possible to draft a letter from the City to initiate contact with them. They can ask the owner what their intentions are for the boat.

Mr. Drewett said that process has been recently updated and sending a letter is part of the process per the Florida Statutes.

Ms. Jenny Flanigan, Assistant City Attorney, replied that the Florida Statue has always had due process notice requirements that the City and the State have to follow. The Statue is very specific on what notice has to be given and what it needs to state, but that applies when the law enforcement agency has determined there is an at risk or derelict vessel. It sounds like Mr. Lanier is asking for letter to be sent before that determination is made.

Mr. Lanier replied yes. It would be a letter to welcome them and let the owner know the City acknowledges their vessel and they are interested in the status of it.

Mr. Drewett said that one (1) of the requirements is that the vessel needs to be moved under its own power within 72 hours.

Ms. Flanigan replied that is just one (1) of the criteria under the Statue, but there are many.

Mr. Lanier said the letter would be sent to the owners of boats that have been anchored for quite some time or are in the mangroves and not the ones utilizing the mooring field. He has found that many problems can be avoided by establishing a basic line of communication.

Mr. Trautman asked what triggers a letter to be sent to the owner.

Ms. Flanigan explained that under the new Legislation there are three (3) categories. There are derelict vessels, at risk of becoming derelict, and somewhere in between are nuisance vessels and that notice is triggered when law enforcement has determined a vessel is at risk of becoming derelict.

Mr. Lanier said his thought was to send a friendly letter to establish a reliable line of communication with the owner and to let them know the City is here to assist them as well. It would have nothing to do with enforcement, but more about finding a way to contact them if a problem or concern should arise with their vessel.

Mr. Snyder said that Florida has a lot of coastline and he is sure other cities are dealing with this issue. He would like to know how other cities are handling it.

Ms. Flanigan explained that she is researching how other larger cities are handling their derelict vessels and she found that they utilize their Code Enforcement Boards. That might be an option for the City in the future once there is a vessel for patrolling, but right now that is a few months away. She explained that the City would have to update the City Code if they want to go that route.

Mr. Trautman asked the Commission members if they want to move forward with this and make a recommendation.

Mr. Lanier replied yes. He thinks it would be good to send out a friendly letter to establish communication between the anchored vessels and the City.

Mr. Sean Collins, Marina Director, said it would sort of be like a registration with the owners address as well as a phone number and maybe an email address as a way to communicate with them.

Ms. Flanigan said she will do some research and see if any other cities have creatively handled this.

Mr. Lanier volunteered to draft a letter for the City Attorney's office to review. He said they might not be able to identify every vessel but it would be nice to build a data base on the ones they do make contact with.

Ms. Flanigan said she will work with the Police Department on the suggestion of a data base and how that would work and report back to their Commission at their next meeting. She asked if they wanted to take a vote to make sure there is a consensus with this request.

Mr. Trautman said that he would entertain a motion to move forward with beginning the process of drafting a letter.

Mr. Collins said that a few years ago there was an article in the newspaper about the town of Jupiter trying to come up with some sort of registry where the vessels would have to register with the Police Department. He is not sure if they got it approved, but that is the most recent thing he has heard about any city trying to do something like this.

Ms. Flanigan said she does not think they could have a mandatory registration, but it would be more of a voluntary friendly process.

Captain Monaco explained that the Police Department can be held accountable if they are not handling the vessel registration database correctly, so they need to have a reason to run a vessel through the system. He stated once the patrol boat is up and running and they are fully staffed again maybe they could start doing vessel checks like they do on houses just to make sure the vessel has not been broken into.

Mr. Don Chambers, City resident, said he is not a boat owner, but he likes the idea of the letter because it lets the owner know they are welcome and that they have been seen. He said up until recently the County had a volunteer boat patrol. He thought if the City cannot get an officer out on the water, they could potentially consider having volunteers who could go out in a police marked vessel. There will be some liability involved and the cost for fuel, but just to have something that looks like enforcement on the water can be an amazing thing and it is rather inexpensive.

Mr. Trautman said that is a great idea and he supports volunteering, but he recommends they table it until they get the police boat and everything settles down with COVID. He said he would like to wrap up their discussion on the welcome letter for the boaters.

Mr. Drewett made a motion to move forward with the proposed welcome letter. Mr. Lanier seconded the motion and it passed unanimously.

5. NEW BUSINESS

Mr. Trautman stated that Mr. Drewett has some new business pertaining to an anchoring issue, but he asked to table this item until their next meeting.

6. MARINA DIRECTOR'S MATTERS

A) Update on the Status for the South Complex Rebuild

Mr. Collins explained that an Architect with Coastal Tech started putting some drawings together of dry storage buildings and he will be meeting with him on Wednesday. They will probably narrow it down to three (3) building options, a basic, mid-size, and a deluxe version. They will work out some figures and dial in on it as they work with the Planning and Zoning

Board. They still plan on trying to get the docks put in this summer. As of right now, with all the boats that typically leave for the summer he will have enough space for the remaining boats to move up to the main complex. That will save them about \$10,000 in revenue and they will not have to ask anyone to leave.

Mr. Trautman asked what capacity is the Marina at.

Mr. Collins replied that they are at 100 percent capacity.

7. CHAIRMAN'S MATTERS

None

8. MEMBER'S MATTERS

Mr. Snyder said the new Director of the Rowing Club reported that the youth rowing program has tripled in size from last year. Collages and people are finding out about the Vero Beach Rowing Club.

Mr. Trautman said that he is a big supporter of the Rowing Club and the Youth Sailing Foundation because they are huge assets to the City and they keep the youth active.

Mr. Lanier asked if the water quality was clean and safe enough for all these water activities.

Mr. Collins said when he first came to Vero Beach there was a big concern about the increase in boats and an increase in illegal dumping. However, the pump out boat is being utilized and boats are coming in for pump outs and that number has been consistently high all season.

9. NEXT MEETING DATE

A) Set the Date for the Next Marine Commission Meeting

The next Marine Commission meeting was tentatively scheduled for April 11, 2022 at 9:30 a.m. at the Vero Beach City Marina.

10. ADJOURNMENT

The Marine Commission adjourned today's meeting at 10:58 a.m.

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