

MARINE COMMISSION MINUTES
Monday, February 1, 2021 – 9:30 a.m.
Council Chambers, City Hall, Vero Beach, Florida

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

Excused Absence: Clinton Lanier

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) **January 28, 2020 – Regular Meeting**
- B) **March 5, 2020 – Special Call Meeting**

Mr. Drewett made a motion to approve the January 28, 2020 Regular Marine Commission minutes and the March 5, 2020 Special Call Marine Commission minutes. Mr. Cunningham seconded the motion and it passed unanimously.

3. ELECTION OF OFFICERS

- A) **Chairman**

Mr. John Turner, City Attorney, explained that he will conduct the Election for the position of Chairman and once that person is selected the Chairman will proceed with the Election of Vice Chairman. He said the floor is now open for nominations for Chairman of the Marine Commission.

Mr. Cunningham nominated Mr. Ben Trautman for Chairman. Mr. Drewett seconded the nomination.

Mr. Turner asked if there were any other nominations. With no other nominations being made the nomination was closed. The motion passed unanimously and Mr. Turner announced that Mr. Ben Trautman was elected as Chairman of the Marine Commission.

- B) **Vice Chairman**

Mr. Trautman asked for nomination for Vice Chairman.

Mr. Drewett nominated Mr. Brian Cunningham for Vice Chairman. Mr. Johnson seconded the nomination. With no other nominations, Mr. Brian Cunningham was unanimously elected as Vice Chairman of the Marine Commission.

4. PUBLIC COMMENT

Mr. Paul Fafeita, President of Clean Water Coalition (CWC) of Indian River County and President of the Treasure Coast Chapter of the Coastal Conservation Association (CCA), stated that he is an avid fisherman and a lifelong resident of Indian River County. On behalf of the CWC he read a prepared statement listing their concerns with the Marina expansion and the effect on the Indian River Lagoon, because people can no longer fish or swim in it. The CWC is concerned with the detrimental effects of the dredging at the Marina and they want more details on how the muck will be removed and where it will be taken to. He said research shows that muck dredging can cause adverse effects. The CWC sees the expansion of the City's mooring field as a positive change. The vessels would be required to lock their discharge valves and be pumped out upon arrival and on a regular basis. They would also like to recommend that the mooring field be expanded south of Riverside Café, which would curb the live aboard vessels that are currently anchoring there. They do not believe there should be a major expansion of the dingy dock area.

Mr. Cunningham asked Mr. Fafeita if he was talking about the area south of the bridge.

Mr. Fafeita replied yes. He said there have been as many as 13 boats there and one (1) is in really rough shape. If they could expand the City's mooring field into that area it would generate more revenue and give the City more control.

Mr. Cunningham asked if the Marina has any jurisdiction over that area and do they ever check on those boats.

Mr. Sean Collins, Marina Director, replied that the City Marina does not check on them. He said there are six (6) to nine (9) boats there on a regular basis. Some of them have been coming in to be pumped out, some just don't want to be at the Marina, and others will not pay a fee for anything no matter where they go. He said the boats south of the bridge might get checked on more often than the boats up in the islands.

Mr. Cunningham asked if it is the responsibility of the Fish and Wildlife Conservation Commission (FWC) to check on those boats.

Mr. Collins stated that the FWC and the Vero Beach Police Department share that responsibility.

5. OLD BUSINESS

This item was discussed after item 5-B).

A) Update on the Marina Master Plan and Current Work

Mr. Collins announced that he will be going before City Council tomorrow with the permitting and design for phase one (1) of the Marina Master Plan. The first construction project they are looking at is the South Complex and the docks in that area. He said he does not know what type of dredging will be done because they are still early in the process, but he is sure the appropriate agencies will work out the details and authorize what type of dredging will be done and where it will go. If all the permits come through in a timely fashion they will hopefully start construction in the late spring of 2022.

Mr. Cunningham asked if he has had any pushback from the neighborhood.

Mr. Collins replied none yet.

Mr. Trautman asked if the City has committed any funding for the construction.

Mr. Collins replied not yet because they are still in the design and permitting phase. It is in the Marina's five (5) year Capital Plan and the City will have to approve it project by project. In the mean time they are keeping up with the small repairs as they pop up.

Mr. Drewett stated that the mooring field expansion is a great project. For environmental reasons he would like the expansion work to be done sooner, because the more boats they can get on the mooring balls the less anchors they will have disturbing the bottom.

B) Vessel Enforcement Update – Mr. Keith Drewett

This item was discussed after item 4.

Mr. Drewett explained that he has been following the vessel enforcement very closely and he has been talking with Mr. Collins, the Sheriff's office, the FWC, and the Vero Beach Police Department. He said he handed out a report containing information from a large multi-agency patrol effort that took place in January, which covered all of Indian River County (attached to the original minutes). They found and ticketed four (4) vessels for actively discharging, there were some safety issues noted, and several tickets were mailed for expired registrations. He said of all of the boats north of Fritz Island, only one (1) met the FWC's standards for removal. The question is, what can the City or any agency do about all the boats in that area that are abandoned, derelict, unsafe, etc., if they do not meet the FWC's standards for removal. He was told that the City cannot issue warnings, but Florida Statue 327.4107 addresses vessels that are at risk of becoming derelict. He recommends that the City look at this Statue to see if it would be helpful with addressing vessels at the intermediate stage of becoming an issue.

Mr. Johnson thanked Mr. Drewett for a good report. He stated that there was a boat south of the 17th Street Bridge that fit the description of a derelict vessel and nothing was done about it until it broke loose and ended up on a very popular island. He knew the inevitable was going to happen and one (1) day it was found burning. The wreckage has been there for a year and nothing has been done with it.

Mr. Drewett stated that the FWC is aware of it and it has not been processed for removal. He said the only thing he can think of is that it is probably the subject of a criminal investigation.

Mr. Johnson said there is no doubt that it was deliberately set on fire by someone that visits that island. It was a derelict vessel and it should have been taken care of long before it ended up on the island.

Mr. Fafeita said the history of that boat is that it was a live aboard and it was anchored south of Fairlane Harbor. They would take their dingy into Fairlane Harbor where they would get transportation to go shopping. A resident of Fairlane Harbor told him that the people living on the boat were trying to sell it for \$500, but it was not registered or legal. They ended up abandoning it and when a storm came through it broke loose.

Mr. Drewett said that Mr. Collins is doing a great job at the Marina and he will be fully staffed for the first time in quite a while. He stated that at one (1) point the Harbor Master's duties covered all of the City's waterways, but now, per the City Code the Harbor Master is limited to the removal of vessels outside of the Marina only if it is a danger. He said a solution might be to amend the City Code to give the Harbor Master jurisdiction over all of the City waters and give some parameters on what areas should be patrolled. Physical patrol presence is a big deterrent and if Mr. Turner could develop appropriate notices they could be placed on vessels.

Mr. Johnson asked if people constantly make complaints or comments about vessels or items of danger will they eventually be taken care of.

Mr. Drewett reported that there are five (5) or six (6) boats approved for removal, but the process is kind of frozen in Tallahassee. The County does a great job on escalating the process of getting boats removed. The County gets bids from contractors to remove the boats and then they get reimbursed by FWC.

Mr. Cunningham said he agrees that there should be more patrols of the City waters, but he understands that falls on FWC and not the Marina staff. He stated that FWC is extremely understaffed and they do not have enough vessels, so they are doing some patrolling by land.

Mr. Drewett stated that FWC has a boat and two (2) officers that work out of the Marina. He said he has met them and they are very enthusiastic and do a great job.

Mr. Collins explained that FWC has a fuel allotment per month as well, so that limits their patrolling.

Mr. Trautman asked if the City has any patrol boats.

Mr. Drewett replied yes they do.

Mr. Cunningham commented that the amount of law enforcement boats he sees on the water from all the agencies in Indian River County is really low compared to other counties.

Mr. Trautman stated that it would be hard for Mr. Collins and his staff to do anything just by increasing their visibility.

Mr. Cunningham said he agrees that it has to be a law enforcement agency.

Mr. Snyder said the people who should be enforcing these laws and rules don't have the vessels to do it. He said he would like to know if the FWC officers can ride around with citizens because there are probably people who would volunteer their time, boat, and fuel to drive them around.

Mr. Fafeita stated that Sheriff Raymond and the Sheriff before him used to have a boat on the water five (5) to six (6) days a week, but Sheriff Loar changed that and put volunteers out there as a public relations tool with no authority. There are a lot of valuable upscale homes along the waterways and without patrols they are inviting crime. They need to have the 22 miles of shoreline protected just like any other portion of Indian River County.

Mr. Johnson asked if anyone has a contact number for FWC that they can give to the public.

Mr. Trautman said that they talked about the enforcement, so is there anything the Marine Commission wants to put forward to City Council.

Mr. Drewett explained that most of what they discussed today has been given to the City Officials so they should have everything they need to consider this matter.

Mr. Snyder said it should at least be passed by City Council.

Mr. Turner asked if they want to make a recommendation to City Council. He stated that the Marine Commission's job is to address issues regarding the Marina community. He explained that enforcement is a big issue and the City has been working with the FWC and the Sheriff's Department. They are doing a very good job at trying to enforce derelict vessels and they have cleaned up many areas in the City limits and they have stepped up their efforts. It has been a high priority issue for City Council. If the Marine Commission wants to ask City Council to continue making it a priority issue and to continue their support of the Sheriff's Department and FWC, he would say that is appropriate. It can be put into a memo through the City Clerk's office and placed on a City Council agenda to address the Marine Commission's support of the derelict vessel Ordinance and other issues they are facing.

Mr. Johnson asked if it would be a good idea for them to make a motion that City Council consider expanding the Moorings south of the Barber Bridge.

Mr. Trautman said they are talking about two (2) different issues here and the enforcement of the derelict vessels expands much further than just that one (1) anchorage area.

Mr. Drewett made a motion they draft a memo letting City Council know the Marine Commission appreciates the efforts that have been made by the City and the Sheriff's Department. They also encourage them to continue or intensify their efforts, if possible and for the City to consider any policy options that might provide a broader regulation for enforcement.

Mr. Trautman suggested they take what Mr. Drewett stated, make it more official, and add a little bit more to it to present to City Council.

Mr. Turner suggested they have the Chairman or Vice Chairman be present at the City Council meeting to address questions and make a presentation.

Mr. Cunningham seconded the motion and it passed unanimously.

Mr. Turner explained that there are some discussions going on between Mr. Collins and the City Manager's office regarding the boats that are anchoring south of the Barber Bridge, so he suggests they give them some time to work on it. Mr. Collins might have something to report back on at the next Marine Commission meeting.

Mr. Trautman stated that the long time cruisers know about Vero Beach and the lack of enforcement based on their conversations on the cruiser message boards. He said many anchorages have been closed south of here, so that is why they have seen an increase in boaters in Vero Beach.

Mr. Snyder said that is why they need to intensify the patrols here, because if they do nothing it is going to get worse.

Mr. Cunningham said he has brought up the subject before about not having a slow zone under the 17th Street Bridge and this ties in with the influx of boaters from other counties. There is a disregard to the channel under the bridge and boaters run through there on plane and it is a hazard to smaller boats fishing near the bridge. It used to be marked as a slow zone but the sign was taken out by a hurricane.

Mr. Drewett stated that the speed zones and signage are handled by FWC. The request has to come from the City, County, or municipality to make a change in the enforcement signage or regulations and not the Marine Commission. He asked if they wanted to make the entire area between the bridges a slow speed zone.

Mr. Cunningham replied no, they want to avoid that, but they need to get people to slow down under the bridge. He said this is the only bridge from here to the Keys that is not posted with a 300 foot buffer zone on each side of the bridge.

Mr. Turner stated that if it is the FWC's jurisdiction then the City cannot put any signs out there.

Mr. Drewett stated that the City can request to have FWC replace the sign since it is missing.

Mr. Cunningham explained that the original sign was on the bridge fenders and not on pylons 300 feet out from the bridge.

Mr. Turner introduced Ms. Jenny Flannigan, Assistant City Attorney, and announced that going forward, she will be assisting the Marine Commission as the Representative from the City Attorney's office.

Mr. Drewett said he will let the Commission know when more boats are scheduled for removal.

6. NEW BUSINESS

None

7. MARINA DIRECTOR'S MATTERS

Mr. Collins said he believed the City as a whole knows this is the time to have a City Marina that they are proud of. They are all working together to make this happen.

Mr. Cunningham asked Mr. Collins if he has any information on the Waddell building.

Mr. Collins replied that there has been no interest from anyone to rent it. He explained that the building was purchased with grant money through the Florida Inland Navigation District (FIND), so whatever goes in there has to be Marina related. An option they are looking at is to expand the dry storage building and take that building down.

Mr. Cunningham said that the income they gain from the dry storage would probably offset the rent from the building and there will be less maintenance, utility expenses, etc.

Mr. Trautman said he has heard some complaints about increased fees for the storage of kayaks.

Mr. Collins replied that some of those complaints are from their efforts to collect back fees from people who were delinquent in their kayak storage payments. He said the racks were originally designed to store dinghies for people in the mooring field, but most people choose to store them on the dinghy docks or on their boat. The previous management decided to allow them to become kayak racks. In the rental agreement it states that there is only supposed to be one (1) kayak per rack, but some people have put two (2) or three (3) together, so they are trying to work with those people.

Mr. Cunningham asked what is the current price they charge.

Mr. Collins explained that the annual fee is \$256.80 including tax, which is the same price of \$20 per month as it has been for many years. The change he made is that people now have the option to pay for the full year, but if they want to pay monthly the fee is \$30 plus tax. Previously they only had a monthly rate of \$20, so that is what went up. With offering the annual fee it saves the Marina staff time with invoicing and trying to collect the money every month.

Mr. Collins reported that the dockage revenue has been good, but the moorings are down about 50 percent compared to past years.

8. CHAIRMAN'S MATTERS

Mr. Trautman said he looked through the Marina budget, which is being presented to City Council tomorrow. He said before everything got shut down he was going to address the parking issues at MacWilliam Park with City Council, so he will get back on track and get that addressed.

9. MEMBER'S MATTERS

None

10. NEXT MEETING DATE

A) Set the Date for the Next Marine Commission Meeting

The next Marine Commission meeting is scheduled for April 26, 2021 at 9:30 a.m. in the City Hall, Council Chambers.

Mr. Cunningham asked if they will have someone present at the February 16, 2021 City Council meeting to address their items for discussion.

Mr. Trautman said that he would be attending the meeting.

11. ADJOURNMENT

The Marine Commission meeting adjourned at 10:33 a.m.

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