

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

PRESENT: Members: Ben Trautman, Brian Cunningham, Bill Johnson, and Keith Drewett
Also Present: City Clerk, Tammy Bursick; Marina Director, Mr. Sean Collins; Assistant City Attorney, Jenny Flanigan; and Senior Administrative Assistant, Rita Chartier

EXCUSED ABSENCE: Clinton Lanier

1. CALL TO ORDER

Mrs. Tammy Bursick, City Clerk, called the meeting to order at 9:30 a.m.

2. SWEARING IN OF NEW MEMBERS

Mrs. Bursick performed the Oath of Office en masse.

3. ELECTION OF OFFICERS

A) Chairman

Mrs. Bursick explained that their first point of business is to appoint a Chairman and Vice Chairman. At this time she opened the floor for nominations for Chairman.

Mr. Drewett nominated Mr. Bill Johnson for Chairman. Mr. Cunningham seconded the nomination.

Mr. Johnson said he is declining the nomination, but he would like to nominate Mr. Ben Trautman.

Mr. Drewett stated that he will withdrawal his nomination.

Mr. Cunningham seconded the nomination for Mr. Trautman. With no other nominations, Mr. Ben Trautman was unanimously appointed as Chairman of the Marine Commission.

B) Vice Chairman

Mr. Trautman opened the floor for nominations for Vice Chairman.

Mr. Cunningham nominated Mr. Keith Drewett for Vice Chairman. Mr. Trautman seconded the nomination. With no other nominations, Mr. Keith Drewett was appointed as Vice Chairman of the Marine Commission.

4. PUBLIC COMMENT

Mr. Bob Jones, Vero Beach resident, read a prepared speech regarding the Vero Beach Yacht Club (VBYC) (attached to the original minutes).

Mr. Trautman thanked Mr. Jones for his services at the VBYC and coming to speak with the Marine Commission today. He asked if there were any design plans the Commission could see.

Mr. Jones said he does not have any pictures, but they have some preliminary sketches that they have shared with the City. He explained that right now, their dock goes out the same distance as the existing City docks. There is a forked t-head with four (4) slips and two side ties and slips on both sides of the dock. Those slips are constrained to boats that are no more than 30 feet in length.

Mr. Johnson asked if the VBYC has been working with the City's Dockmaster on this project.

Mr. Jones replied absolutely, they have met several times, which has led to some good ideas. He is hopeful that the unresolved issues will be worked out.

Mr. Johnson asked how long have they been working with the City on this project.

Mr. Jones replied that it has been about a year.

Mr. Cunningham asked what are the unresolved issues.

Mr. Sean Collins, Marina Director, replied that they pertain to the north side of the VBYC's docks and the south side of the Marina main complex. They have already rotated and moved the City's floating docks more to the south to accommodate the VBYC's dock expansion. The City's submerged land leases for the moorings currently comes within 40 to 50 feet of the VBYC's current dock. The City does not have any objections to giving up some of that land lease so the VBYC can expand out to the 50% mark to match the City's distance. He explained that the City has reallocated the foot print of the submerged lands lease for the south complex to stay within 10 percent of the expansion. They are giving up several feet of the right riparian line on the south side. He said there is an existing agreement from 1973 between the VBYC and the City which establishes that riparian line.

Mr. Trautman asked if any of this is impacting the Master Plan that was approved.

Mr. Collins replied potentially. He explained that the space that the VBYC is requesting would affect the number of slips, the size of the slips and ultimately the amount of revenue the City and the Marina can generate.

Mr. Cunningham asked if it affects any of the grant money.

Mr. Collins replied no, not at this time. He stated that if the Marina gives up any more space on the right riparian line so that the VBYC can have bigger slips, it would have a significant financial impact on the City's revenue.

Mr. Trautman asked if that is what the VBYC is asking for.

Mr. Collins replied yes.

Mr. Jones said the VBYC does acknowledge that the 1973 agreement exists, but they do not feel it is relevant any more. He explained that the VBYC's south dock has been surveyed and determined that it is beyond its life and needs to be replaced. He said the City acknowledges that today's boats are beamier and longer. He briefly explained the history behind the 1973 agreement.

Mr. Collins explained that the Marina's south dock follows the same foot print as it did back then, but it had a t-head that went south in front of the three (3) plots of land that the VBYC now occupies. He said the City obtained that land for the VBYC back in the 1960's. At that time, the VBYC was still managing the City Marina and it was in the 1970's when they split. The City took control of the Marina and that is when the agreement was made. The dock that ran south across those lands was removed and that was when the current south dock came into existence and established the right riparian line.

Mr. Jones said they have discussed the riparian lines and they do not have a problem with them, but the two (2) reiterations of the Marina Master Plans both have docks or finger piers that significantly intrude into the area the VBYC wants to expand into. They have enough property to easily construct 45 foot boat slips on the north side. He explained that they have had a submerged land lease since they built the dock in the 1970's. However, they are unable to expand their finger piers on the north side to the boundary of the submerged land lease because of the location of City's south dock.

Mr. Johnson said that some people are more familiar with the VBYC than others. He asked Mr. Jones to provide them with a quick synopsis of their membership and some financials.

Mr. Jones explained that people can join the club by applying and paying a \$50 fee to be placed on their waiting list. They have 650 members and 167 people are on the waiting list, so the wait time is in excess of a year. The club is run by a professional staff and Mr. Shawn Witmer is their hired Club Manager. They have a Board and a series of Committees that supplement the Manager with running the club on the member's behalf. It is a private 501c3 nonprofit club, but it is member directed. Half to two-thirds of their members are people who are active or had been active in boating and the other third are people who just like to be around the water and enjoy the social part of the club. Like with most clubs, they break even on their food and beverage operation. Their monthly dues gives them the ability to cover their fixed overhead and have a minor profit. All of their initiation fees go into a Capital Fund, which has enabled them to completely transform the club.

Mr. Drewett reported that the VBYC is about to complete the remodeling of the patio and the seawall. The seawall was replaced and the patio will be covered with a pergola. It was a \$700,000 project that took two (2) to three (3) years to complete and it was paid for very comfortably. Their initiation fee is \$5,000 per person and they have over 150 people on the waiting list, so they can see that they have ample capital to proceed with the dock expansion.

Mr. Jones stated that over the last five (5) years and including the new docks they want to do this winter, the club has spent well over one (1) million in improvements.

Mr. Cunningham asked if the expansion is because there is a call for new boats that are coming in, or is it just for the comfort of existing boats.

Mr. Jones replied that their current docks only allow for a few boats larger than 30 feet and there is a demand from members who have larger boats. If they expand the docks, there would be eight (8) or nine (9) additional slips and some of them would be wider. The majority of the boats they accommodate are 20 to 33 foot boats. They will fine tune the schematic to off weigh the width of the slips and the number of slips they need. They will go with a timber dock and raise the deck so the timbers are out of the water more than they are now.

Mr. Cunningham asked what is the club's dockage rate.

Mr. Drewett replied that it is \$6.00 per foot.

Mr. Trautman asked if they are planning on increasing the number of slips.

Mr. Jones replied yes, the intent is to add slips. They currently have 23 slips plus two (2) side ties and they want to increase that number to 32 slips.

Mr. Trautman said as this agreement sets right now, Mr. Collins estimates that it would create a \$50,000 loss to the City. He asked if that also takes into account the dredging costs.

Mr. Collins replied that there will definitely be additional costs with moving the south dock more to the south to widen the fairway.

Mr. Drewett said he believes "loss" is the wrong word, it is more of a reduction in gain. The City is doing a massive expansion and has many places to put large boats, but the VBYC has limited options.

Mr. Collins said in their earlier meetings with the VBYC they discussed the size and number of boats they would like to accommodate and he mentioned to the VBYC that they might need to expand the main dock out further to account for some of that. To date, the VBYC is fixed on leaving the length of their dock as it is.

Mr. Jones explained that their main dock goes right down the middle of their property and they can only accommodate up to 30 foot boats. If they just lengthen the main dock, the fairway would remain the same and still constrain them to 30 foot boats.

Mr. Collins said if they could come up with a concept that would eliminate a shared fairway, how receptive would the VBYC be to that.

Mr. Jones replied that they would have to see what it entailed, but if the fairway could accommodate a 45 foot boat he thinks they would seriously consider it.

Mr. Collins said again, that would go back to the City giving up a substantial amount of dockage.

Mr. Cunningham asked Mr. Jones how long is their seawall.

Mr. Jones replied that it is 175 feet.

Mr. Collins said it is about 80 feet from their dock to the property line.

Mr. Cunningham asked if they are requesting another 10 to 20 feet to the north.

Mr. Jones explained that they are just asking the City to design docks so they are contributing to half of the fairway and the VBYC will contribute the other half. That will give the VBYC the ability to have 30 to 45 foot slips on the north side.

Mr. Trautman asked if the City Attorney's office has been working with Mr. Collins, since they are talking about a lot of property rights.

Ms. Jenny Flanigan, Assistant City Attorney, replied yes, they have been assisting Mr. Collins with the negotiations, but he has it fully under control.

Mr. Trautman stated that before he can even make an opinion, he would need to see the design plans and property lines.

Mr. Jones said he will provide the Commission members with plans that show this issue clearly.

Mr. Collins stated that they have been repeatedly throwing around concepts of what they could do to accommodate the VBYC, so the Marina's plans are constantly changing. They were informed that the dock office building structure has to stay in the exact same footprint, so that changed what they originally thought they could do.

Ms. Flanigan said there is no action being requested of the Marine Commission at this time. It is just an item of discussion.

Mr. Steve Boehning, Florida Inland Navigation District (FIND) Commissioner, explained that he was invited to their meeting by Mr. Collins. He hopes to bring information to their Commission and the marine community to take advantage of the grant program, because they have missed a lot of opportunities in the past without having a Commissioner. He explained that FIND runs from Jacksonville down to Miami and part of Okeechobee. Their responsibility is to maintain the Intracoastal Waterway. Areas outside of Florida do not have this navigation taxing district. The taxes are used to maintain the waterways and a portion of it is put back into the communities through programs. The Waterway Assistance Program is one (1) of them and the Marina applied for a grant through that program, which will be voted on this week at their tax hearing. He explained how available funding is used for a variety of other projects as well.

Mr. Trautman asked what is he talking about when he said they are maintaining the waterways.

Mr. Boehning replied that he is referring to dredging the waterways. He explained that they hold outreach events and the next one (1) in this area will be in August, 2022.

5. NEW BUSINESS

A) Vessel Enforcement Update – Mr. Keith Drewett

Mr. Drewett said he has not been out on the water very much, but south of the bridge there are five (5) boats that have been there for a couple of months. At the fishing pier, there are three (3) more boats. He said he talked with Chief Currey who informed him that the new Police

boat will be arriving in December. They are fully staffed, their training is complete, and they expect the water patrol to increase. He reported that the Mayor asked for them to provide 20 hours a week of water patrol.

Mr. Collins explained that the power boat that was aground on Fritz Island and moved closer to Veterans Memorial Island was address by Florida Fish and Wildlife Conservation (FWC). The vessel was not registered, so the owner was charged with a misdemeanor and a \$1,000 fine, so that is why it took off and left the area. FWC is also working a case on a sailboat that goes aground quite often, but all the rest are in compliance.

Mr. Johnson brought up the derelict vessel that broke loose and landed on an island and was later set on fire. He said the debris is still sitting there and pieces are poking up through the sand and now it needs to be dug out. It is a huge hazard because the island is used daily by kids and families.

Mr. Collins stated that this boat has been discussed several times, but it still comes down to enforcement. The City now has a boat and they will have more enforcement in the City, so they should see less of this. He imagines that the island is owned by the State, so it is out of their jurisdiction.

B) Update on Senate Bill 1086 – Mr. Keith Drewett

Ms. Flanigan stated that Senate Bill 1086 is one (1) of the largest bills that the FWC has and it is called an Agency Bill. It is a wish list for the law enforcement agencies to help them deal with the derelict vessel problem. The Florida Legislature found that it is about 100 times more costly to remove wrecked or dismantled vessels once substantial dismantling has taken place. This will change how law enforcement agencies in Florida can deal with derelict vessels. The law enforcement agencies are bound by our constitutional rights, so there is a lot of due process involved and this Bill helps to streamline the process in multiple ways. It also allows officers to relocate at risk vessels to keep them a certain distance from mangrove vegetation. It will allow for increased penalties, but most infractions are non-criminal. However, if civil penalties start to accrue and a derelict vessel has to be removed it becomes a misdemeanor. She said an interesting provision is that all waters in Florida are now declared no discharge zones under the Department of Environmental Protection. Florida is only one (1) of seven (7) states to have this prohibition of discharging sewage into a waterway, but this will require a final approval from the United States Department of Environmental Protection. She stated that an operator or owner of a live aboard or house boat must be equipped with a marine sanitation device and has to maintain records of the pump outs. This is a huge bill and it also adds a “nuisance” category for boats. If a boat has been sighted as a nuisance more than two (2) times in a certain timeframe it can be dealt with in that way.

Mr. Drewett stated that the bad news is that nobody knows about it, so he and Ms. Flanigan are trying to organize a virtual training session for law enforcement. It will be given by Mr. Phil Horning, Derelict Vessel Program Administrator for FWC. It will be tailored towards law enforcement and how they can use the new provisions to improve their patrols on the water.

Ms. Flanigan added that this was originally a State function, so this Bill gives more authority to local governments to address the problem, because locally there is so much more detail that can be gathered about each vessel.

Mr. Drewett said there is a form in the Bill that that can be filled out and affixed to a boat by any law enforcement officer, so they do not have to wait on the FWC to apply their sticker.

Ms. Flanigan stated that the Bill went into effect July 1, 2021. She said recently there was a sailboat that was aground on South Beach and the Police Department used this new provision to have the boat removed very quickly by the owner's insurance company.

Mr. Johnson asked how do they get the word out about these changes.

Mr. Collins replied that they could start distributing it through Sea Tow, the Marine Industries Association, Marinas, and marine related organizations who can start getting it out to their members.

C) Update on the Missing Waterway/Bridge Signs

Mr. Trautman stated that he brought the signage problem to City Council's attention and they said they were going to get it taken care of.

Mr. Cunningham said that the sign on the Barber Bridge has been fixed.

Mr. Drewett said his understanding is that the FWC will provide the new signs and the Sheriff's Office patrol will fix them.

Ms. Flanigan said she spoke with the Coast Guard and they informed her that the signs are Florida state assets. They were assured that by the end of 2021 all of the markers and signs would be restored.

6. MARINA DIRECTOR'S MATTERS

A) Update on the Marina Master Plan

This item was discussed under item 4).

B) Update on the Permitting Status for the South Complex Rebuild

Mr. Collins announced that on Monday, September 20, 2021 they got their permits and they were able to get them to FIND by the end of that day, so they met the deadline to apply for the grant money for the south complex.

Mr. Drewett reported that Mr. Collins received a \$400,000 grant for the design phase and this grant is for over \$400,000, so that will be close to \$1 million in grant money if it goes through. He announced that City Council was able to fully fund the first phase of this project. There was \$4 million in loan money and \$2 million of grant money. He thanked City Council for making this happen.

7. CHAIRMAN'S MATTERS

Mr. Trautman said it was mentioned that if they wanted alternate members on their Commission, it could be requested by the Chairman. He asked if that is still an option. Ms. Flanigan replied yes, that request is something the Chairman would make to City Council.

There was a discussion among the Commission members on having alternate members.

Mr. Trautman made a motion that he will submit a request to City Council asking to add two (2) alternate members to the Marine Commission. Mr. Cunningham seconded the motion and it passed unanimously.

8. MEMBER'S MATTERS

Mr. Johnson asked what is the procedure for getting the burned up boat debris off the public beach.

Mr. Drewett replied that it would be up to FWC.

Ms. Flanigan said she will talk with FWC to determine ownership of the island and see who would be responsible for the removal of the debris.

9. NEXT MEETING DATE

A) Set the Date for the Next Marine Commission Meeting

The Commission members discussed possibly holding their April meeting at the Marina.

The next Marine Commission meeting is scheduled for January 10, 2022 at 9:30 a.m. in the City Hall, Council Chambers.

10. ADJOURNMENT

Today's meeting adjourned at 10:51 a.m.

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