

MARINE COMMISSION MINUTES
Tuesday October 22, 2019 – 9:30 a.m.
Council Chambers, City Hall, Vero Beach, Florida

PRESENT: Chairman, Bill Johnson; Members: Daniel Thomas, Ben Trautman, and Alternate Member Keith Drewett, **Also Present:** Marina Director, Sean Collins, Assistant City Attorney, Karen Emerson, and Senior Administrative Assistant, Rita Hawkins

Excused Absence: Brian Cunningham, Robert Snyder, and Clinton Lanier

1. CALL TO ORDER

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

2. APPROVAL OF MINUTES

A) August 5, 2019

Mr. Johnson asked if there were any comments or concerns about the August minutes. Mr. Thomas said they were very thorough as usual.

Mr. Johnson said that in the minutes it was noted that Mr. John Turner, City Attorney, would be bringing back information and examples of regulations that Fort Myers Beach used (for removing derelict vessels).

Mrs. Karen Emerson, Assistant City Attorney, said that the minutes indicate that Mr. Turner believes that Fort Myers Beach complied with and followed State Statutes. She said they can discuss this at the meeting today, because there are statutes pertaining to derelict vessels and removing them. They are not simple though and they have to deal with the issues with Maritime Law, they have to search the title, find out if the boat is encumbered, etc. Many areas have someone who is dedicated to following it through when they enforce these laws.

Mr. Johnson said he attended the last City Council meeting when the budget was approved and derelict vessels were addressed. They are going to try to beef up patrols to go visit the derelict vessels.

Mr. Sean Collins, Marina Director, explained that the City of Vero Beach Police Department and the Florida Fish and Wildlife Conservation Commission (FWC) met this fall and they are going to do some joint operations. What he understands is that the City Police would ride with FWC and vice versa to try some different enforcement efforts.

Mr. Trautman made a motion to approve the August 5, 2019 Marine Commission minutes. Mr. Thomas seconded the motion and it passed unanimously.

3. PUBLIC COMMENT

Mr. Johnson stated at the last City Council meeting Mrs. Phyllis Frey made mention that he did not ask for public comment at their last Marine Commission meeting. He said that was flat

out not true. There were a lot people at the meeting and he specifically asked them why they were there. He was curious because he had never seen them at their meetings before.

Mr. Collins said that perhaps they don't have many people here in the gallery because of the time of their meetings. Maybe every other meeting should be scheduled after the workday, so that more of the public can attend. Mr. Johnson stated that the meetings have always been in the early morning since he has been on the Marine Commission.

Mr. Trautman asked what time do the other Commissions and Boards meet. The Secretary replied that they all vary from early morning to late afternoon. Mr. Trautman asked if any of them meet at night. The Secretary replied no, except for the City Council.

Mr. Johnson explained that in the past they have also scheduled meetings at the Marina. That makes it interesting, because they can walk around and look at the facility to see what they have been talking about. It might be nice to schedule at least one (1) of the Marine Commission meetings at the Marina when it is a little cooler.

Mr. Trautman made a motion that they schedule their next meeting at the Vero Beach Marina.

Mr. Johnson said that would be great and it will be a good time of the year. Mr. Collins said he would be happy to host them. Mr. Trautman said that might give Mr. Collins enough time to outline what work is scheduled for the future.

Mrs. Emerson asked if they have held meetings at the Marina before. Mr. Johnson replied yes. He explained that they have met at the Marina about four (4) times. The meetings are tape recorded, but there is no video. He said that meeting in the Council Chambers is relatively new for the Marine Commission and it is a great improvement. Mr. Thomas stated before that, they always met in the second floor training room.

Mr. Trautman suggested that they post a flyer at the Marina notifying the patrons that there will be a Marine Commission meeting there. It might generate more public involvement.

Mr. Collins said their focus should not be just the Marina, but things that affect the whole City.

Mr. Drewett stated the best attended meeting (by the public) was last year at the Marina.

Mr. Drewett seconded the motion and it passed unanimously.

4. OLD BUSINESS

Mr. Johnson said there is not a lot of old business, but he would like to comment on the last City Council meeting when the Marina proposal was put in front of the City Council. He thought he would have to make a comment, but Mayor Zudans put it all together and made it clear that it made sense to look at all three (3) options and to move forward with them. He said the proposal passed 4-1 with Mrs. Laura Moss, City Councilwoman, voting against it. He said that Councilwoman Moss made her own presentation, which seemed somewhat biased. She showed pictures that were taken in the middle of the summer when the slips and the moorings were very empty. She gave the impression that the Marina is a quiet and peaceful place that nobody comes to, so why disturb it. She also had her own opinions on water flow that did not

mesh with the presentation or the rest of the City Council. There was quite a bit of conversation and input from the public and the City Council. Now it is up to the Marine Commission to make sure it pushes forward with the new City Council and Mayor and to make sure it stays on track.

Mr. Drewett stated that Mr. Collins reported to him yesterday that the slips for the upcoming season are completely full and calls are still coming in every day. He believes that the moorings are also going to be very busy. They are looking forward to a very busy and profitable season.

Mr. Johnson thanked Mr. Collins for providing the Marine Commission members with the weekly updates. He reported that new benches were constructed at the Marina, which was an Eagle Scout project. Mr. Collins replied that they were just completed.

A) Follow up on the Derelict Vessels – Mr. Bob Snyder

Mr. Drewett said he would like to comment on the follow up on the derelict vessels by Mr. Bob Snyder. He explained that he just returned from an eight (8) week boat trip and he had the opportunity to go to many marinas and observe waterways to see what was going on with derelict vessels. He said he asked Mr. Collins to take him out on a patrol of the City waters, which they did yesterday. He provided the Marine Commission members with a report on his findings (attached to the original minutes). He reported that there are two (2) vessels anchored north of the mooring fields, 14 vessels tucked away in the mangroves to the north of the Marina, two (2) abandoned vessels north of the Barber Bridge, and two (2) vessels by the 17th Street Bridge that are either abandoned or derelict. This gives them about 22 vessels in City waters, which are abandoned or derelict and they are likely to sink. These vessels contain oil diesel fuel, hydraulic fluid, etc. He reported that one (1) vessel north of the Barber Bridge was tagged for removal by the FWC. With only one (1) vessel being tagged during the entire year it is clear that enforcement efforts are not working. This needs to be addressed if they want to make this a first class Marina.

Mrs. Emerson stated that it might be helpful if the Marine Commission members knew where to look for the Florida Statutes on abandoned vessels. Chapter 327.70 is for enforcement by FWC and local law enforcement. She said there were changes that went into effect at the end of July where the State was supposed to provide money to study how to solve the derelict vessel problem, because it is statewide issue. There is a new Section under the Florida Statutes for *at risk* vessels, which is 327.4107. On the FWC website there is a checklist form the Florida Statue about what it takes to determine that a vessel is *at risk* of becoming derelict. She suggested if there is a concern of the Marine Commission they should forward it through the Marina Director. He can express to the City Council that there are derelict vessels that the City might need to address.

Mr. Johnson replied that derelict vessels are something they talk about at almost every Marine Commission meeting. The issue in the past seemed to be a lack of manpower to go out and visit the vessels. Mrs. Emerson stated that giving Maritime Law, the manpower, and the procedures, it is not just a process of towing them away.

Mr. Johnson said they have brought this to the City Council's attention and they have addressed it. At the last City Council meeting there was a directive to add some manpower to exercise some of the City Ordinances.

Mr. Collins said that more of the issue falls in line with the enforcement action with getting the proper agencies out there, doing the formal inspection, to do an investigation, and determining the vessels are at risk or becoming derelict. They have a process to go through. He is not sure where the disconnect is, but the problem in most cases is probably funding. He said there are a lot of question such as, if FWC starts the process and they determine a vessel is at risk does it go back to the County, who is the County person that is involved, is the County provided the money to remove the vessel, or do they have to pay for it and then get reimbursed by the State, etc. With all these hoops to jump through he thinks that is where there is a disconnect.

Mr. Drewett said they all know this has been an issue for many years and the existing enforcement powers are not being used effectively. It took one (1) year for FWC to tag one (1) vessel after multiple complaints of it being at risk, run aground, and now it has sunk. The expansion of the powers is helpful, but the enforcement mechanism is where the issue is. He has complained to FWC, the Coast Guard, and Indian River County. It is hard to get a response let alone any action.

Mr. Johnson said he lives on the water south of the 17th Street Bridge on the east side of the river and he has perfect view of one (1) of the derelict vessels. What he understands is that Vero Beach falls in between the Fort Pierce inlet and the Sebastian inlet so they are kind of neglected. At the last City Council meeting, he heard that there will be a slip available for an FWC boat at the Marina.

Mr. Drewett reported that there are FWC funds available to refund the cost of removing vessels. The period for applying for the funds closed on October 9, 2019 and he suspects that the City did not apply for it, so it is closed for another year.

Mr. Trautman stated that Mrs. Emerson mentioned other law enforcement agencies. He asked if the other agencies include the Vero Beach Police. Mrs. Emerson replied yes. She explained that a good place to look at the State laws is at *online Sunshine*. Most of this is covered under Florida Statutes Chapter 370 and it states it can be local law enforcement. They will need the money and the staff, because it is not just a matter of having the vessels towed. Mr. Drewett said that is correct. He said he believes the law states that there has to be a law enforcement officer with a permit to carry a weapon to do any enforcement.

Mr. Trautman said it sounds like they could be engaging the City Police, so they do not have to go to the Sheriff or FWC. It would be nice to have their presence out there. Mr. Drewett said that is his understanding after reading the Statute. He asked Mrs. Emerson if that is also her understanding. Mrs. Emerson replied yes.

Mr. Johnson stated that the Marine Commission knows there is a problem, but are they delinquent in getting the information to the authorities that need to act on it, or is there a process they are missing.

Mrs. Emerson explained that the Marine Commission's basic duty is to advise the City Council on issues of concern on marine related activities. If they had a specific motion and a vote about their concern on the number of derelict vessels, they could advise them (the City Council) to help with the issue.

Mr. Drewett stated that out of the 20 vessels there are clearly 12 to 15 that are abandoned or at risk right now.

Mr. Johnson asked if they could make a motion to present to the City Council to act on those 15 derelict vessels.

Mrs. Emerson said it would be more of a note expressing their concern, because the Marine Commissions duties are for Marina related activities.

Mr. Johnson said that the Marine Commission respectfully requests that the City Council address this issue (derelict vessels) as noted. Mr. Drewett seconded that request and the other Marine Commission members were all in favor.

5. NEW BUSINESS

A) Marine Industries Association of the Treasure Coast, Inc. – Mrs. Michelle Miller

Mrs. Michelle Miller, Director of Operation for Marine Industries Association of the Treasure Coast (MIATC), stated that she came to the meeting today to introduce herself to the Marine Commission. She said that she did not know this group existed until Mr. Brian Cunningham told her. She explained that she started working for the Marine Industries Association of Florida (MIAF) in 2007 and the Treasure Coast Association in 2009. She said anchoring and mooring and derelict vessels have been disused at every legislative session. As the Marine Commission has recognized their concerns are statewide. She explained that the MIAF has representation in Tallahassee trying to simplify the laws, make sure the money is available, and the budget is in place to help with these issues. As she was listening to the meeting this morning she was taking notes, which she will take back with her to the next MIAF Board meeting. They will have a Legislative Action Day in January during the Legislative Session where they will be meeting with legislators. She will make sure that the Marine Commission receives an invitation if anyone wants to go to Tallahassee with them. They will learn how to talk to legislators about their concerns and issues. They work in groups of four (4) or five (5) and they have an assigned person who walks them through the Capital to make sure they get to all their meetings. She stated that derelict vessels and funding will definitely be in their list of topics. She said the MIAF is here to help the Marine Commission and if they want a Marine Industries Representative to attend and be a voice at a City Council meeting they will gladly do that. If the Marine Commission thinks of anything the MIA should address they can call her. They have a nice budget and they are able to do things for the community. She would love to come to the Marine Commission meetings and take their information and concerns back to the local and state Associations, because she is on both Boards.

Mr. Johnson said it was nice having Mrs. Miller here and they are grateful to be noticed. The Marine Commission's number one (1) goal is to add value to the community through water activity, the Marina, future development, etc. They want to create value in the community by improving property values and economic value.

6. MARINA DIRECTOR'S MATTERS

A) Report on Coastal Tech's Presentation to the City Council

Mr. Collins reported that the City Council voted 4-1 in favor of moving forward with Coastal Tech's proposal. The next task should take 10 to 12 weeks depending on when the City's Engineer can align meetings with the appropriate agencies.

B) Marine Commission Mission Statement

Mr. Collins said he is new to being involved with a Commission, but a lot of the focus seems to be on the Marina in regards to the short one (1) line definition of the Marine Commission (on file in the City Clerk's office). He asked if something should be changed to give them more of a mission statement so the community knows what to bring to the Commission. Maybe there are different zoning areas that need to be changed to allow for more Marine related business. He thought it might be time to update their mission statement.

Mr. Drewett said the phrase *all areas of marine related activities* seems to be broad. It would be up to the City Council to determine if and how they can expand. The Marine Commission does focus on the Marina, but they also talk about abandoned vessels over all City waters. Other areas such as zoning and shoreline restoration are things they should be involved with, but how do they do that.

Mr. Thomas said the phrase *marine tourism affecting the City* in the statement is very broad and inclusive. The biggest thing he sees is the quality of the water and they are close to being in danger of not allowing anyone in the water. When it gets to that point tourism and the industry will decline. If they do not have excellent water surrounding the City then the City Council should be addressing that issue.

Mr. Johnson stated that it seems like the City Council and not the Marine Commission made the Marine Commission's definition. Mrs. Emerson replied that your very existence was created by the City Council and it is in the City Code, Chapter two (2). The Marine Commission is listed under Advisory Boards and the description is very broad. If they have advisory items that they would like the City Council to consider they need to make motions on specific subjects for them to address.

Mr. Johnson agreed that the statement is very broad and vague. He asked Mrs. Emerson if it is appropriate to suggest that the City Council refine the statement. Mrs. Emerson replied that they are an Advisory Board and they can make that request. If they look at what the statement says, it is very broad. If they have specific concerns then the Commission needs to discuss each one (1) and decide how they want to articulate that into a motion to be forwarded to the City Council. Mr. Johnson said it might be nice if there were more specifics on improving the quality and not just studying areas.

Mr. Thomas said he would have to disagree. Having it as broad as it is gives them more latitude. He would hate to see it narrowed down, because right now they can address the City Council on any matter even vaguely related to tourism and marine related topics. He likes the way it is worded.

Mr. Collins said he has some numbers to share on both the mobile pump out boat and the fuel dock pump out station. From March through September 682 boats were pumped out, which was just under 15,000 gallons of waste. When it is broken down, 444 boats were visited with the mobile unit and they pumped 9,725 gallons of waste. At the fuel dock, they pumped 5,260 gallons of waste from 237 boats. These figures are based on what the boat owners provide as their estimated gallons to be pumped. They are doing their part contrary to what a lot of people are saying about boats not pumping out. It is happening, these are the figures, and they have the logs to back it up.

Mr. Trautman said the numbers sound great, but what is the trend. Mr. Collins replied that he can break that down further. In March the mobile pump out boat serviced 169 boats and pumped 3,600 gallons, April was 106 boats and 2,400 gallons, May was 46 boats and 1,000 gallons, June was 32 boats and 570 gallons, July was 39 boats and 800 gallons, August was 27 boats and 700 gallons, September was 25 boats and 500 gallons. They can see as they come out of season, the numbers drop. At the fuel dock in March they serviced 83 boats and pumped 2,300 gallons, April was 60 boats and 1,700 gallons, May was 42 boats and 1,200 gallons, June was 24 boats and 700 gallons, July was 14 boats and 300 gallons, August was 11 boats and 280 gallons, and September was 4 boats and 90 gallons.

Mr. Thomas asked Mr. Collins if he is happy with those figures. Mr. Collins replied it is hard to say, because some of the record keeping might have been spotty before he took over. To see the trend it will take a couple of years of keeping records.

Mr. Thomas said in the past, they had some real concerns about vessels being out there for an extended amount of time and they had people reporting that they saw discharges. Personally, he is pleased with what is going on at the Marina. Mr. Collins said that people state they are reporting these discharges, but who are they reporting it too. He hears people talking out in the public, but have they ever come to the Marina or the local Law Enforcement Agencies with proof. If someone is complaining, it is hard to take action unless there is proof.

Mr. Thomas said this goes along with the at risk and derelict vessels north of the mooring field. In the past they were worried, because none of them were coming in for pump outs and they were there for extended periods.

Mr. Collins reported that they know for a fact that one (1) of the boats out there has a composting head on his vessel. The FWC officers boarded the vessel and it was the first time they had ever seen a composting head operating live and they were very impressed with it. The majority of the other boats seem like they are there for wet storage. There is one (1) other power vessel out there and they have records of it being pumped out twice in the past six (6) months.

Mr. Trautman asked Mr. Collins if he is advertising for people to report any illegal pump outs.

Mr. Collins said he is not advertising for it, but in City Council meetings and at functions everyone seems to have a story of *I saw this person pumping out*. Mr. Johnson said he has heard that too, but since it is below the water how do they know it was done. Mr. Collins said he does not have an answer for that. If people have seen it they need to produce some proof. Everyone has cell phones with a camera these days, or take a water sample and have it tested.

Mr. Trautman said he heard that they cannot get a clean water designation because of the Dog Park. Mr. Collins replied he is not familiar with that.

Mr. Drewett said he does not believe that to be true. He explained that the Clean Water Coalition is considering applying for a Federal no discharge zone. There are only three (3) in Florida and none have been granted in the last 10 years. The Lagoon does meet the criteria of a severely impaired waterway. If they are going to have a Federal no discharge zone, they require pump outs to be free and readily available. The City or the County or the State could apply for a Federal no discharge zone. Discharges are already prohibited in all waters up to the

three (3) nautical mile line. What is permitted is the discharge from type one (1) and type two (2) devices, which treat the sewage on board and makes it safe for it to be pumped overboard. He does not think that makes a difference to Vero Beach, because those devices are typically on much larger vessels.

Mr. Trautman asked if they are pursuing a clean harbor designation Mr. Collins stated that the Marina has been designated a clean harbor for many years.

7. CHAIRMAN'S MATTERS

Mr. Johnson thanked the Commission members for being here and sharing their input and knowledge.

8. MEMBER'S MATTERS

Mr. Trautman said that Mr. Thomas represents the Youth Sailing Foundation and provides them with updates, but he would also like to have someone from the Rowing Club come to a meeting. The Rowing Club's building is going up quickly and it looks great, but it would be nice to have an update. Mr. Johnson said it would be nice if they could attend the next Marine Commission meeting.

Mr. Collins reported that recently he was at the boat ramps at MacWilliam Park and he heard some grumblings about the parking situation. The boat trailer parking is not clearly designated. There were cars parked in the long truck and trailer parking spaces, so that is a concern.

Mr. Johnson asked if there is signage. Mr. Collins replied that he did not notice any signs and it is a free for all. Mr. Johnson said posting signs is easy. He asked if they should ask City Council to post signs stating boat trailer parking only. Mr. Trautman said that since there is so much activity in that Park he would suggest they do a full review of the entire parking area. Mr. Collins agreed that there are a lot of people there for a variety of reasons.

Mr. Johnson said this sounds like something the Marine Commission should recommend to the City Council.

Mrs. Emerson suggested that they make a motion that clearly states what they are requesting.

Mr. Johnson said he would like a motion to review the current parking situation and create signage, so boaters can have access to trailer parking. Mr. Trautman asked to add that they do a master plan for the entire parking area. Mr. Collins stated that they do not need to get that specific. All they really need is to carve out certain areas with specific signage for trailer parking and just vehicle parking.

Mr. Trautman made a motion requesting the City Council to assess and evaluate the parking conditions for correct signage in the entire parking area at MacWilliam Park. Mr. Drewett seconded the motion and it passes unanimously.

9. NEXT MEETING DATE

A) Set Date for Next Marine Commission Meeting

The next Marine Commission meeting date is set for January 14, 2020 at 9:30 at the pavilion at the Vero Beach Marina.

Mrs. Joy Todd, City resident, said she knows the Commission has talked a lot about the pump out situation and the derelict boats. She thinks they should get some help from the Marine Industry Association. The way she understands the process is that the Florida Fish and Wildlife Commission determines if a boat is derelict. From there it goes to the County and then to the State, but there seems to be a big disconnect in following that process through. It would be great to have some help from the Marine Industry Association and the State to make it a clearer path for getting the derelict boats removed. She said that pump outs are illegal unless they are out three (3) miles. The laws are in place, so she likes the idea of posting a message at the Marina stating if anyone sees discharges actively happening to please call. She said the newspaper reports that nitrogen and phosphates are the biggest culprits in the decline of the Lagoon and they have never talked about illegal discharges as being a cause.

Mr. Johnson said he has been strongly encouraged to stop eating fish caught in the Intercoastal waterways. Mrs. Todd asked if there is someone who can educate them on what is causing the poor water quality in this area. Mr. Johnson replied that he knows a Biologist that would be happy to come visit with the Marine Commission and give them an update.

Mr. Drewett agreed there are a number of Biologist in and around Vero Beach that would be willing to speak with the Commission. He said Mr. Duane DeFreese, Biologist, has probably done the most work in terms of runoff, overboard discharge, etc. and he says there are multiple reasons for the poor condition of the water.

Mrs. Emerson asked if the Commission has been educated on the Florida Sunshine Law. Mr. Johnson replied yes.

Mr. Collins stated that there is a lot of focus on the Marina and Centennial Place and what will be going on along the waterfront. He is sure there are people watching these meetings on Channel 13 or reading the minutes on line. He encourages anyone to come to the Marina and he will show them firsthand the challenges they are dealing with.

10. ADJOURNMENT

Mr. Thomas made a motion to adjourn the meeting at 10:35 a.m. Mr. Drewett seconded the motion and it passed unanimously.

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