

**MARINE COMMISSION MINUTES**  
**Monday, November 5, 2018 – 9:30 a.m.**

**Vero Beach City Marina (Pavilion), 3611 Rio Vista Boulevard, Vero Beach, Florida**

**PRESENT:** Chairman, Robert Snyder, Members: Brian Cunningham (arrived at 9:41 a.m.), Daniel Thomas, Clinton Lanier, William Walker, Alternate Member #1, Bill Johnson, and Alternate Member #2 Ben Trautman **Also Present:** Marina Director, Tim Grabenbauer, Assistant City Attorney, Stefanie Beskovoyne, and Senior Administrative Assistant, Rita Hawkins

**1. CALL TO ORDER**

Chairman Snyder called the meeting to order at 9:36 a.m. and the Senior Administrative Assistant performed the roll call.

**2. APPROVAL OF MINUTES**

**A) August 7, 2018**

**Mr. Walker made a motion to approve the August 7, 2018 Marine Commission minutes. Mr. Johnson seconded the motion and it passed unanimously.**

**3. PUBLIC COMMENT**

Public comment was included in the discussion of item 5.

**4. OLD BUSINESS**

**A) Update on the Vero Beach Rowing Club**

Mr. Snyder stated each member received a copy of a report that was prepared by Mr. Jimmy Michael, Vero Beach Rowing Club (on file in the City Clerk's office). He said the Director of the Vero Beach Rowing Club will be here shortly to provide them with an update on the programs they offer. He said that Mr. Chris Ryan, Board Member of the Vero Beach Rowing Club, informed him that the Vero Beach Rowing Club will be on the November 20, 2018 City Council agenda for their final approval of the site design. All the required permits have been submitted and they have raised 95% of the funding for the project. He said Mr. Ryan said it would be nice to have a Resolution from the Marine Commission to the City Council showing support of the project.

Mr. Johnson stated they have covered it many times and they have always supported it.

Mr. Thomas stated that the Marine Commission has always been in support of the Rowing Club and they previously sent a letter to the City Council expressing their support. He does not believe another letter is necessary.

Mr. Snyder introduced Mr. Austin Work, Director of the Vero Beach Rowing Club.

Mr. Work stated that the rowing programs are going well. They currently have 48 children in the youth rowing club and 48 adults in the masters rowing group. The masters program is for adults over the age of 27. In the height of the season they have well over 100 members. The children have been conducting a fundraiser on their own to raise money for scholarships and for travel expenses. They have been able to raise about \$36,000 in the last month and a half. They also get a lot of support from the schools because they are a club team. The next big step is the building of the boathouse. They are in the final phase of the permitting process and they hope to break ground in January 2019.

Mr. Walker asked what contractor are they using. Mr. Work replied that they are currently with Proctor Construction, but they are still looking around at others.

Mr. Thomas asked for an update on the Dragon Boats. Mr. Work replied that they have one (1) Dragon Boat and they hope to get a second one. Right now the Rowing Club wants to focus their attention on their current programs, but the Dragon Boats will be a nice addition. Mr. Snyder commented that they still take the Dragon Boat out every Saturday.

## **5. NEW BUSINESS**

### **A) Leasing of the City Marina**

Mr. Snyder asked if they can talk about the Marina proposals. Mr. Jim O'Connor, City Manager, replied yes. The 30-day waiting period has passed. Mr. O'Connor explained that they received two (2) proposals. One (1) of them proposed that they would share 10% of the revenues. The second proposal included \$300,000, adding more docks to the south, taking over a portion of the Dog Park, and also working with the Yacht Club on the use of their facilities. They kind of discounted that second proposal because they thought it was too large of a discussion point to pursue. They went back to their original plan of capital projects for the Marina. If they take some of the proceeds from the electric sale to pay off the debt they can free up some money for capital projects at the Marina. Other than a financial decision it becomes a philosophical discussion. They will be sending the two (2) proposals to the City Council for discussion.

Mr. Walker asked if the City Council will be presented with which proposal is more favorable.

Mr. O'Connor explained that it is referred to as a ranking. There was a four (4) member Committee that heard the presentations by the two (2) companies, which were Oasis and City Marina LLC. Each Committee member individually ranked the proposals on a point score system and the proposal from City Marina LLC ranked higher than Oasis.

Mr. Cunningham asked if they expected more than just two (2) proposals. Mr. Tim Grabenbauer, Marina Director, replied that there were five (5) that showed interest when they sent out the first letter. Mr. O'Connor said he expected the company that was interested in a management contract to submit a proposal, because they did a lot of background work. He was surprised when they did not receive a proposal from them. Mr. Grabenbauer said he also thought that a company based out of Miami that showed interest would have submitted a proposal.

Mr. O'Connor explained that there are some geographical limitations around the Marina. There are a lot of private properties, homes, condominiums, the Dog Park, and the Yacht Club, so expanding will be difficult. The other topic is that if a company leases the Marina from the City

their capital investment becomes an asset to the City right away, so there will be limitations as to where the company's financial backing is coming from.

Mr. Walker stated that the Commission members all received a three (3) page handout that he prepared based on his opinion on leasing versus keeping the Marina (on file in the City Clerk's office).

Mr. O'Conner stated if the City does not lease the Marina they will need to step up their game, because they cannot repeat the two-year bathroom project. They need to address the issues and get the repairs and updates done quickly.

Mr. Walker asked why is leasing the Marina not a violation of the protection of the Park property. He asked if leasing is different than selling the property. Mr. O'Connor replied that the Youth Sailing Foundation has a lease on a Charter protected property, so it has to be open to the public. The same application applies to the Vero Beach Rowing Club and the Dog Park. Anyone leasing property protected under the Charter cannot deny the public use of the property. If they were to lease the Marina, the company could not make it into a private club and they would have to abide by the defined regulations. For example, there are a percentage of the boat slots that have to be left open for the transient boaters.

Mr. Johnson asked if they are leaning more towards the leasing option rather than the City keeping and operating the Marina. Mr. O'Connor stated that will be a big part of the discussion with the City Council. When they first approached the leasing option some people thought that there would be a company with a windfall of money that could keep the money flowing in, but this exercise showed us that it is not going to happen. He had discussions with the interested parties and each indicated that a restaurant would be the key to drawing people to the Marina and making it work. He said that the insurance company that leases the building at the Marina indicated on several occasions that they would be willing to give up their lease if a proposal is made. He thought that someone who wanted to make a proposal would go to the insurance company to get that lease and make it into a restaurant, because it has plenty of parking available. That was not an option in the proposals they received. He said they made the companies aware that whatever they do cannot have a negative impact on the residents surrounding the Marina.

Mrs. Phyllis Frey, Vero Beach resident, asked if they have any idea on the amount of revenue that a restaurant would bring into the community. Mr. O'Connor replied that the City did not run any of those figures, because they were looking at whoever made a proposal would bring in a restaurant.

Mr. Keith Drewett, Vero Beach resident, said he agrees with Mr. O'Connor and that his analysis is right on the money. The Oasis proposal was high in glitz and short on details, but the Kennedy proposal was extremely detailed with site plans and surveys. They are right to focus on the Kennedy proposal, as it is the more attractive offer. In his opinion the correct solution is for the City to continue to operate the Vero Beach Marina and the Kennedy proposal gave them a terrific blueprint on how to do that.

Mr. Trautman stated that on Mr. Walker's hand out he listed a figure for capital improvements, but he would like to know what is included in the future capital improvements for the Marina facilities. Mr. O'Connor explained that Mr. Grabenbauer put together a capital plan for over the

next five (5) years. If they can pay off some of the debt service it will free up some capital funds, which will allow them to expedite the projects plus add some additional infrastructure.

Mr. Trautman asked Mr. Grabenbauer if he has done any market surveys of other Marinas, such as Sebastian or Fort Peirce. Mr. Grabenbauer explained that he is required to do a survey when he applies for a grant, but he also does a survey when he goes out for rate increases. He usually does comparisons from Saint Augustine down to the Miami area.

Mr. Trautman said he keeps his boat in Fort Pierce at Harbor Town and it is about the same price as the Vero Beach Marina, but they also have a pool, a bar, a restaurant, and nice facilities. He wants to make sure they have a good idea of what they will need to maintain local ownership and local worth.

Mr. Walker asked Mr. Drewett if he was still thinking about putting together a subcommittee.

Mr. Drewett stated that perhaps he will once the City has made up their mind on what they want to do.

Mr. O'Connor said that he never envisioned the City getting into the restaurant business. His vision is to make this a bigger and better facility as it exists.

Mr. Cunningham stated that he believes they are still leaning towards getting some of the debt service removed and Mr. Grabenbauer will still have a full time job. Mr. O'Connor stated that he will still have a job, but the expectations will grow quickly.

Mr. Walker reported that he reviewed the proposals after they became available and he put together a few notes this morning that he would like to share with the Commission (see attached). He said he believes that the City Council needs to get feedback from the public to find out what changes they would like to see at the Marina. He suggested they conduct a charrette to identify the wants of the residents and the boaters.

Mr. O'Connor said that he believes in openness and getting everyone involved, but they have done study after study. They need someone to make a decision and say what is going to happen. Every November he is faced with a new election and a whole change of philosophical views. Items they discuss in September are thrown out the window in December, because no one agrees with them anymore. If the Council says they are keeping the Marina, the electric sale goes through, and they retire some of the debt, he will expect Mr. Grabenbauer to have a contractor out there right away doing work on some of the projects. He is okay with conducting studies or putting together an Advisory Committee, but he prefers not to hire a consultant.

Mr. Walker said that he would recommend them taking care of the docks and the water issues, but they should be careful about making any major land changes until it can be looked at further.

Mr. O'Connor said he learned that a dry storage facility seems to have a good market place and a return on the investment. They would not want to rebuild the dry storage building, but they could construct a cover and put some type of fencing around the sides. The current storage building is filled, so they seem to have a demand for it.

Mr. Drewett said he agrees that they need to fix what they have and not do any expansions. They should focus on fixing the docks, finishing the bathrooms, and do what needs to be done. After the major maintenance work is done they can take another look, but he does not believe they should do another study.

Mr. Arthur Economy, Vero Beach Resident, stated that everyone wants to do the right thing and everyone has ideas, but there are City Councilmembers who do not care about any of that and they just want to get their ideas accomplished. He said his guess is that the City Council will go right to a lease option based on their past actions. He believes that legally a lease will be a challenge, because the community will come together and go after them. A long-term lease will be thrown out in the Court as a sale and that is illegal of a Charter property. There will be too many unanswered questions and the community is going to be in an uproar.

Mrs. Frey said that anything that affects the quality of life of the City residents gets her attention. In numerous projects the public has shown that they make a difference and their voices are the ones that should decide.

Mr. Economy said the benefit of them taking their time and being methodical is that there are several properties surrounding the Marina that could possibly be incorporated to be used by an improved Marina. He said the Riverhouse may have more than one (1) use to benefit the Marina if they could build a boardwalk to it. There are a lot of ideas but they will not be explored if they go with a lease.

Mr. Snyder thanked the public for attending the meeting. He asked them to go to the City Council, attend their meetings, and stand up to let them know how they feel, because the residents are the ones who make the decision.

## **6. MARINA DIRECTOR'S MATTERS**

### **A) Tour and Update on the Marina Repairs**

Mr. Snyder suggested that they move the tour of the facility to the end of the agenda after Member's Matters. The other Commission members approved the change.

At 10:40 a.m., Mr. Grabenbauer started the tour of the Marina facilities.

Mr. Grabenbauer stated that the bathroom remodeling is still underway. He explained that the siding on the outside of the bathrooms had to be replaced because they found water damage and termites. The ground along the foundation of that part of the building was graded, because the water was standing in that area and rotting the wood.

Mr. Grabenbauer reported that the mooring field is usually quite during the summer months, but this year they had about 20 boats. He said he would like to expand the docks in the Lagoon, but Marina Directors before him also tried to develop the Lagoon and it was always shot down by the residents.

Mr. Grabenbauer stated that he would like to be able to extend the T-head on the north dock out 25 feet to give them more docking space. He explained that he receives a lot of calls from

boaters who want to spend the entire season here, but he has to turn them away because he does not have enough space.

Mr. Trautman asked Mr. Grabenbauer if he every works with the Fort Pierce Marina to see if they can accommodate any mega yachts. Mr. Grabenbauer stated yes, he does refer them.

Mr. Grabenbauer and the Commission members toured the inside of the bathrooms that are under construction. He said the completion date would be 60 to 90 days from their restart date, which was two (2) weeks ago. He explained that the entire bathrooms will be tile free to make it easier for cleaning. Both bathrooms will have composite walls and ceilings and the floors will be finished with an epoxy. He pointed out that the gutters, the water fountain, and some additional rotted wood siding would be replaced and then the front of the building will be repainted.

Mr. Grabenbauer pointed out on the north dock where the City's Maintenance department made some repairs to the cracks in the cement.

Mr. Johnson asked how are things going with the renter of the apartment. Mr. Grabenbauer replied that he is a little nervous with all of the discussions about leasing the Marina. He stated that the renter pays \$1,500 per month. He continued the tour by showing them the waste pump out facility. He explained that the waste goes directly into the City sewer.

Mr. Walker asked if boaters get a free pump out when they buy fuel. Mr. Grabenbauer replied yes and they charge \$5.00 if they only want a pump out. If boats comes up to the main dock for a pump out there is no charge. He explained that the Marina needs more boatlifts, because everyone wants their boats out of the water.

Mr. Walker asked if the Marina office on the main dock would be left alone if the Marina is leased. Mr. Grabenbauer replied yes.

Mr. Grabenbauer reported that one (1) of the proposals requested a dock survey, so he has a dated video survey of the docks.

The tour continued over towards the Boylan Yacht Sales building and Mr. Grabenbauer explained that Boylan has been a tenant for many years.

Mr. Grabenbauer asked Mr. Thomas if the Youth Sailing Foundation would be interested in a sailboat. Mr. Thomas replied yes. Mr. Grabenbauer pointed out the boat and explained that the owner of the boat was run off the property for not paying rent, so now the boat belongs to the City and he has the title.

Mr. Grabenbauer showed the Commission members the forklift that needs to be replaced, which was parked in the dry storage building. He said he believes the City should continue to have a dry storage building. He informed the group that seven (7) or eight (8) years ago they stripped the racks back to the bear metal and repainted them. He explained that he charges \$350 per month for each of the slips except for the jet skis, which are less.

## **7. CHAIRMAN'S MATTERS**

### **A) Unidentified Objects in the Water near the Marina**

Mr. Snyder commented that he rows on this beautiful waterway several times a week and he notices things that change. He referenced the two (2) photographs that he took, which were attached to the agenda (on file in the City Clerk's office). He asked if anyone can identify these objects that are near the mooring field. Mr. Grabenbauer stated that he also saw them and they are permanent structures of some sort. Mr. Walker asked if there is any signage on them. Mr. Snyder replied no. They are orange posts with a piece of plywood screwed to the top. He is pretty sure that people are not allowed to put structures in the water. Ms. Stefanie Beskovoyne, Assistant City Attorney, stated that she could reach out to the Florida Fish and Wildlife Conservation Commission (FWC) to see if they know anything about them. Mr. Trautman commented that if it is unchartered waters they can be removed. Mr. Grabenbauer stated that they will check with the FWC District Office in Miami.

Mr. Snyder said another pet peeve of his is that people just show up and live on their boats. He asked if they can find out if this is legal. Mr. Grabenbauer replied that it is legal and it is called freedom of navigation and the State sticks with that law pretty hard. Mr. Snyder asked if anyone is checking their holding tanks. Mr. Grabenbauer stated that when the FWC comes through they check them.

Mrs. Frey asked if they know much it cost for someone to anchor on State submerged lands. Mr. Grabenbauer explained that Marinas are charged lease fees for the bottomland, but a boater is not charged for anchoring. He said most of the submerged land is owned by the State, but not all of it.

Mr. Arthur Tilley, Vero Beach resident, stated that he and his wife built their home across from the Marina 25 years ago, so they know the Marina very well. His complaint is that the parking lot in the Park across from the Marina has at least a half dozen or more boat trailers in it and some have been sitting there rusting away for five (5) years. It has gotten to the point where there is no where to park if someone wanted to rent a slip over there. He said that they have asked to have those trailers removed. They were told they would be removed, but that has been over a five (5) to ten year period. He said now they even have a person who brought his camper there. He takes it off the truck and just leaves it there. There is nothing in the Charter about leaving trailers in this Park. He said there is a big black trailer that has been there for five (5) years and it has no tag on it, so they do not know who it belongs to. He asked Mr. Grabenbauer if it can be towed away. Mr. Grabenbauer replied yes it can be towed away and he will look into it. He would just like to see that parking area cleaned up and he understands that Mr. Grabenbauer is working with a limited budget.

## **8. MEMBER'S MATTERS**

Mr. Cunningham asked if the construction to the dock at the end of Royal Palm Pointe has been completed. Mr. O'Connor replied that it should be close to completion, because they have the final inspection coming up.

Mr. Cunningham announced that the Christmas Boat Parade will be on December 15, 2018 and the Captains meeting will be at Quail Valley on the Wednesday prior to the Parade. They will follow the same route as last year. He stated that they had 24 boats last year and they are expecting 30 participants this year.

## **9. NEXT MEETING DATE**

**A) Set Date for Next Marine Commission Meeting**

The next tentative Marine Commission meeting was scheduled for Monday, February 4, 2019 at 9:30 a.m. in the City Hall, Council Chambers.

**10. ADJOURNMENT**

The Marine Commission meeting adjourned at 11:18 a.m.

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