

MARINE AND PORT ADVISORY COMMITTEE

Meeting Minutes

PURSUANT TO Board of County Commission Resolution No. 057-1991 the Marine and Port Advisory Committee of Monroe County conducted a meeting on **July 31, 2012** beginning at 6:30 PM at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida.

MARINE AND PORT ADVISORY MEMBERS:

William Hunter, Chair	Present
Mimi Stafford, Vice Chair	Present
Lilli Ferguson	Present
Phil Goodman	Present
Paul Koisch	Absent
Pam Martin	Present
Sandy Walters	Present
Pat Wells	Present
Pete Worthington	Absent

STAFF

Richard Jones, Sr. Administrator	Present
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MOTIONS MADE

Motion 1

To add to the agenda an item for roll call for election of Chair and Vice Chair and an item for discussion of removal of non-derelicts vessels to the agenda

Motion/Second	Passed
Pam Martin/Mimi Stafford	Unanimously

Motion 2

To approve the May 1, 2012 MPAC Meeting minutes

Motion/Second	Passed
Pat Wells/Mimi Stafford	Unanimously

Motion 3

To recommend that the County consider public/private partnerships as the most cost effective approach for mooring field development and management, as well as explore the potential for public/public partnerships, but to research it to see if there are viable options and alternatives.

Motion/Second Passed
Sandy Walters/Mimi Stafford Unanimously

Motion 4

To recommend to the BOCC to go forward with the six boat ramp repairs included in the documentation and to include any other boat ramps in need of repair

Motion/Second Passed
Pat Wells/Sandy Walters (6-1)

Motion 5

To consider the acquisition of distressed properties as another option on equal footing with the other two recommendations for use of BIF funds for a boat ramp park

Motion/Second Failed
Pam Martin/Mimi Stafford Unanimously

Motion 6

To recommend to the BOCC that they direct Marine Resources to contact a realtor to conduct research on potential locations throughout the Keys to further the goals of marine public access consistent with the BIF guidelines

Motion/Second Passed
Sandy Walters/Pam Martin Unanimously

CALL TO ORDER

Committee Chair, Bill Hunter, called the meeting to order at 6:30 p.m.

Bill Hunter informed the Committee that he would like to add two items to the agenda: A roll call vote for election of the Chair and Vice Chair (for clarification), and the discussion of removal of some special vessels, not derelict vessels, that will be going before the Board of County Commissioners (BOCC) for discussion in two weeks.

Motion: Ms. Martin made a motion to add those two items to the agenda. Ms. Stafford seconded the motion. There was no opposition. The motion passed unanimously.

Mr. Jones called the roll for the election of William Hunter as Chair with the following results: Lilli Ferguson, Yes; Phil Goodman, Yes; Pam Martin, Yes; William Hunter, Yes; Mimi Stafford, Yes; Sandy Walters, Yes; and Pat Wells, Yes.

Mr. Jones called the roll for the election of Mimi Stafford as Vice Chair with the following results: Lilli Ferguson, Yes; Phil Goodman, Yes; William Hunter, Yes; Pam Martin, Yes; Mimi Stafford, Yes; Sandy Walters, Yes; and Pat Wells, Yes.

Item 1. Approval of Minutes from the May 1, 2012 MPAC Meeting

Ms. Walters asked to abstain from voting on the approval of the minutes since she had not read them.

Motion: Pat Wells made a motion to approve the May 2, 2012 MPAC Meeting minutes. Mimi Stafford seconded the motion. There was no opposition. The motion passed unanimously.

Item 2. Discussion of MPAC meeting scheduling in the future

Mr. Jones stated that several MPAC members have complained about the lack of a set schedule for meetings. Mr. Jones suggested getting back on a set quarterly schedule beginning in November. The Bylaws state that the Marine & Port Advisory Committee (MPAC) should have quarterly meetings occurring on the first Tuesday of the month. It was pointed out that the first Tuesday in November is Election Day. Mr. Jones wants to avoid the first Tuesday in January because of the holidays. Ms. Martin questioned the imposition of a set schedule. Mr. Hunter reiterated that the Bylaws do request a meeting be held the first Tuesday of the month at least once a quarter, but they do not say what month. Mr. Hunter then proposed setting the schedule up for the first Tuesday of the month in a quarter, but purposely changing the November meeting to another day that month. Mr. Jones pointed out that the important thing is to establish meetings a year out, not just scheduling the next meeting. Mr. Jones suggested meeting in November on a Wednesday rather than a Tuesday. Ms. Walters believes a set schedule with the ability to adjust the day when necessary is a reasonable way to handle the Committee members' schedules. The Committee members agreed that the meetings will be held the first Wednesday of November, and then the first Tuesday of February, May and August. Mr. Hunter asked Mr. Jones to send an e-mail to the Committee members to that effect.

Item 3. Discussion of BIF funding to cities in FY '13

Mr. Jones informed the Committee members that the Board of County Commission (BOCC) approved at its July meeting a total of approximately \$95,000 in reimbursement funding for Islamorada, Marathon and Key West out of the approximately \$620,000 that the County receives annually in Boater Improvement Funds (BIF). Documentation was provided to the Committee showing how much each city received. This funding approval is now done once a year and is formalized like a grant program. Mr. Wells asked for the status of the funding of pumpout vessel service from BIF. Mr. Jones explained that is an agenda item to be discussed later in the meeting. Mr. Jones added that although the various cities have received all they are to receive this year for buoy maintenance, the County regulatory buoy maintenance will continue throughout the year. Unincorporated Monroe County will retain the remainder of the \$620,000 for County services and infrastructure that serves everybody in the County.

Item 4. Update on the Pilot Program anchoring ordinance

Mr. Jones reported that the BOCC approved the Pilot Program (Program) draft anchoring ordinance in May and that was sent to the Florida Fish & Wildlife Conservation Commission (FWC) in Tallahassee. FWC did an internal review and had some recommendations for some very minor technical changes. Also, two weeks ago there was a Public Ordinance Meeting held in Tallahassee by FWC to take comment from the general public and various agencies or boating organizations. Between the FWC internal review and the comments that came from the FWC meeting, Marine Resources made minor revisions and took the revised anchoring ordinance to the BOCC and had it approved. This is the ordinance contained in the packets distributed to the Committee members. The revisions included some very minor organizational and technical changes, and the no anchoring buffer zone around the Key West mooring field was reduced in size on the north. FWC recommended removing language stating that this ordinance will expire July 1, 2014 with the expiration of the Program because the Program may continue after that. This ordinance has already gone back to FWC staff, which will prepare a staff recommendation to the FWC Commission, which is expected to be heard at the FWC meeting on September 5th being held in Tampa.

Ms. Ferguson stated that “No Discharge Zone” in capital letters refers to the state waters of the Florida Keys National Marine Sanctuary under the EPA’s regulations, whereas overboard discharge is prohibited in the entire Florida Keys National Marine Sanctuary under NOAA regulations. Mr. Jones requested that Ms. Ferguson e-mail him the exact language to correct this issue. Ms. Walters agreed with Ms. Ferguson’s observation. Mr. Jones clarified for Ms. Martin that a “stored vessel” has not been defined at FWC’s suggestion. Mr. Jones reminded the Committee members that this is a pilot program, a test program, and whatever does not work can be removed.

Item 5. Discussion of potential additional mooring fields in the Keys

Mr. Jones reported that the Growth Management Director has requested input from this Committee for a recommendation to the BOCC on how to spend the \$1.5 million in BIF reserves: a mooring field, a new boat ramp or repair of six existing boat ramps.

Bill Hunter asked for public input. There was none.

Ms. Martin stated that now would be a good time to buy waterfront property for a boat ramp before the prices rise again. Mr. Jones interjected that several members of the BOCC would like to see a new boat ramp in the Lower Keys and at this point a suitable site has not been found. Ms. Martin suggested Indian Key Fill, to which Mr. Jones responded the FWC is working on that site already. Ms. Martin also suggested that bank-owned properties be looked into. Mr. Jones added that the difficulty is finding a site that is permitable. Ms. Walters suggested creating a list of the basic parameters needed for a boat ramp that realtors could use in researching possible properties. Mr. Jones stated that the County's GIS Department may be helpful in evaluating sites based on certain criteria. Mr. Jones added that the old swimming hole property on the west end of Big Pine Key is still being considered by the County for a non-motorized vessel launching site. Mr. Jones suggested that committee members inform him of any potential ramp sites.

Mr. Jones then reported on the potential for additional mooring fields. Mr. Jones explained the map of mooring fields throughout the County. Mr. Jones believes the Jewfish Creek anchorage is the fastest growing anchorage in the County at this point. Buttonwood Sound was described as a good potential site at which to have a public/private partnership. Mr. Jones then explained the different mooring field options included on the budget sheet. Mr. Jones explained that the big costs to install a mooring field are planning and design, engineering, permitting and mitigation. Putting the moorings in is the smallest cost, and long-term maintenance and management is an ongoing cost.

Mr. Wells feels that a mooring field at Jewfish Creek makes sense because it does have the potential for shoreside facilities, it has enough space to be fairly large if positioned correctly, and people are already using it. Mr. Wells also believes a mooring field offshore of the Lorelei in Islamorada would make sense because there is the potential for shoreside service there. Ms. Stafford believes that a need exists at Boca Chica as well.

Bud Meaker, a local liveaboard, stated that there is not enough water flowing through Jewfish Creek and Buttonwood Sound to maintain the water quality. Mr. Wells countered that there is a tremendous amount of flow in the Jewfish Creek area, but not necessarily Buttonwood Sound. Mr. Hunter stated that there is the possibility that some of the problems such as pumping overboard and derelict vessels may be resolved with an enforcement arm in the Pilot Program

rather than a capital investment. Mr. Hunter also wants the Committee members to keep in mind that there are some people who would rather anchor than pick up a mooring and the Committee should think about who is being targeted when a mooring field is put in. Mr. Hunter is concerned that moorings for transients may become permanent tie-offs for some people, so some type of management or some type of enforcement is necessary to keep people moving along.

Mr. Jones asked first if the Committee wants a mooring field, and if they do, what kind of mooring field and where would the location or locations be? Ms. Ferguson believes it makes sense to see where the Pilot Program is going before prioritizing locations on a map for more mooring fields. Mr. Wells responded that all the answers will not be clear even after the Pilot Program begins, but there are existing issues that need to be addressed, such as gear on the bottom doing far more damage than being on a mooring ball and having regular pumpout service improves the water quality in the area.

Ms. Martin suggested spending the money on more pumpout boats if the goal is for cleaner water. Then Ms. Martin suggested looking into purchasing Mangrove Marina, which is in foreclosure. Mr. Jones stated that just like money going farther to repair existing boat ramps rather than building a new one, the same is true for mooring fields. It is likely to be less expensive to have an existing shoreside facility operate a mooring field rather than acquiring property for the County to own and operate a shoreside facility.

Ms. Walters asked for an example of a public/private partnership management facility in the Keys. Mr. Jones mentioned, for example, the potential of Gilberts becoming a manager of a mooring field at Jewfish Creek. Mr. Jones then explained that a property owner at Buttonwood Sounds has actually written into their development application that they would like to consider in the future providing dinghy dockage to an adjacent public mooring field. Mr. Wells suggested facilitating a relationship with the property owner in Buttonwood Sound, and see if any interest can be generated in areas like Jewfish Creek and Islamorada to get a better handle on the anchorages they already have in those areas.

Bill Hunter stated that the County needs to move forward with mooring fields, but agrees with Ms. Ferguson that until knowing how effective the new anchoring ordinance is going to be, problems that might be corrected with mooring fields might be solved elsewhere. Mr. Wells recommended that the BOCC or Mr. Jones have a dialogue with the property owners in the three areas mentioned, Buttonwood Sound, Jewfish Creek and Islamorada. Ms. Ferguson asked about the amount of money being allocated to these options that are being recommended in this coming fiscal year, and then asked what would happen to the public/private enterprise if the private side fails. Mr. Jones responded that that would be looked into and it would be something that would go into a contract. Bill Hunter added that this Committee should give input as to how a potential mooring might be operated and managed, and that there should be some sense of running it for

the benefit of the public and not the private entity. Mr. Jones explained for Ms. Ferguson that the \$250,000 allotted in FY '13 for the creation of a mooring field would include design, permitting and engineering.

Ms. Martin then suggested looking into public/public options. Mr. Hunter asked Ms. Martin between now and the next meeting to get more detail on that suggestion and bring it back to the Committee. Ms. Martin indicated that she would do so. Ms. Martin then stated that the Committee needs to gather more information before going forward. Mimi Stafford asked about the Hickory House property. Mr. Hunter replied that the BOCC is still in the process of trying to sell that property and if they get to the point where they cannot sell it, it would be a property the MPAC should look into developing. Mr. Hunter asked the Committee members whether they wish to move forward or wait for more information. Mr. Wells would like to move forward. Ms. Ferguson feels like the Committee is making recommendations based on very little information. Mr. Jones clarified that right now the BOCC needs to know how much money to budget towards something, and if it does not get budgeted, nothing gets done. This process is just to set money aside for these types of projects.

Mr. Jones clarified for Ms. Martin that if all the BIF funds do not get used, they do not disappear, but go into reserves. The allowed use is the same whether it is from current funds or reserves. Ms. Ferguson expressed concern that sufficient information to understand an agenda item is not always provided. Mr. Hunter suggested that since Ms. Ferguson is new to the committee she can call Mr. Jones if she needs any background information or explanation of any item that the MPAC may deal with. Ms. Ferguson believes the items should be laid out more clearly for the entire Committee before discussing them.

Ms. Walters feels that a general recommendation could be made to the BOCC with the caveat that this has to be studied further, but this is what appears to be the most cost effective approach right now.

Motion: Ms. Walters made a motion to recommend on the subject of mooring fields that the County explore public/private partnerships as what appears to be the most cost effective approach, but that this needs to be researched to see if there are viable options and alternatives. Ms. Stafford seconded the motion, and then asked to amend it to include public/public partnerships also. Ms. Walters accepted the friendly amendment. There was no opposition. The motion passed unanimously.

Mr. Jones discussed the estimates included in the backup documentation to repair existing boat ramps and stated that this money would come from reserves.

Motion: Mr. Wells made a motion to recommend to the BOCC to go forward with the six boat ramp repairs included in the documentation and to include any other boat ramps in need of repair. Ms. Walters seconded the motion. Ms. Martin added that spending this money would eliminate the possibility of purchasing a piece of waterfront land. Mr. Jones stated that these boat repairs would increase the use at some of the boat ramps, and increase the quality and the safety of these facilities. Mr. Jones explained that the general question of the BOCC is to find the best and most effective use of the reserve funds. **The roll was called with the following results: Vice Chair Stafford, Yes; Lilli Ferguson, Yes; Phil Goodman, Yes; Pam Martin, No; Sandy Walters, Yes; Pat Wells, Yes; and Chair Hunter, Yes.** Mr. Jones added that staff's recommendation on this is in keeping with the motion made.

Motion: Ms. Martin made a motion that the acquisition of distressed properties should be another option on equal footing with the other two recommendations for use of BIF funds for a boat ramp park. Ms. Stafford seconded the motion. Mr. Jones told Mr. Wells that he is unaware of the County looking into those types of properties previously (for a park). Mr. Wells suggested that the County could consider acquisition of property for public recreation from different sources of funds. Ms. Walters again commented that the Committee is making recommendations without enough information and suggested a friendly amendment to Ms. Martin's motion that it would be a more productive motion to recommend that the BOCC request the Marine Resource Office to approach a realtor to do some research on the potential for real estate purchases that would further the goals of increasing public access to the water. Ms. Martin amended her motion to reflect what Ms. Walters stated. Mr. Jones believes the amendment is so different as to require the motion to be withdrawn. Ms. Martin asked to withdraw her motion. Mr. Hunter does not believe Ms. Martin can withdraw her motion once committee discussion has begun and asked for a vote on Ms. Martin's original motion. **The roll was called with the following results: Vice Chair Stafford, No; Ms. Ferguson, No; Mr. Goodman, No; Ms. Martin, No; Ms. Walters, No; Mr. Wells, No; and Chair Hunter, No.**

Motion: Ms. Walters made a motion to recommend to the BOCC that they direct Marine Resources to contact a realtor to conduct research on potential locations throughout the Keys due to the economic downturn to further the goals of marine public access consistent with the BIF guidelines that might result in cost effective opportunities. Ms. Martin seconded the motion. The roll was called with the following results: Vice Chair Stafford, Yes; Ms. Ferguson, Yes; Mr. Goodman, Yes; Ms. Martin, Yes; Ms. Walters, Yes; Mr. Wells, Yes; and Chair Hunter, Yes.

Mr. Jones again mentioned that if the swimming hole property on Big Pine Key were to be given to the County by the State, the County may be looking for funding to create a passive park there.

Item 6. Discussion of mobile vessel pumpout service project

Mr. Jones reported that the County has been negotiating a contract with National Marine Waste Foundation (NMWF) to provide free pumpout service throughout unincorporated Monroe County. Documentation was provided to the Committee members indicating the County's budget item that was approved by the BOCC for pumpout service; roughly \$330,000. Additional funding to NMWF is anticipated to come from a Clean Vessel Act (CVA) grant. The pumpout contract would be tied in with the parameters of the anchoring ordinance.

Bill Hunter asked for public input. There was none.

Mr. Jones explained for Mr. Wells that a draft contract and scope of work for the pumpout project has been received and revisions have been made by County staff. Simultaneously the CVA program is reviewing the grant application received from the NMWF. Currently the County's pumpout boat is still servicing vessels in Key Largo. The total estimated cost (based on a NMWF budget) of the Keys-wide pumpout project is about \$800,000. The CVA would pay about 60% and the County would pay about 40%. Incorporated areas would not be included in the service. Anchored vessels located 600' or 1200' from the shoreline of incorporated would be covered in the service. In the unincorporated areas marinas may be pumped out as well. Marathon and Key West have their own pumpout vessels and will continue to service their areas. Key Colony Beach and Layton have no need, as they have no liveaboards.

Rich Jones explained that there will be six pumpout boats located throughout the Keys. The County already has budgeted funding for a second pumpout boat and operator for Key Largo; that funding will go towards this service if a contract is reached. Ms. Martin pointed out that the Upper Keys should be serviced up to Mile Marker 115 as opposed to stopping at Mile Marker 108. Mr. Jones will clarify that with the pumpout provider. Mr. Hunter asked how the public is going to learn about this. Mr. Jones explained that part of what the contractor will be paid for is education and outreach. Mr. Hunter suggested having them give a presentation to the public.

Item 7. Committee discussion

Chair Hunter asked the Committee members what they would like to take on as part of advising the BOCC in the future. Ms. Martin stated that she feels the MPAC's main goals are making it safer and easier for people to travel in their boats; channel marking, derelict vessels, boat ramps and how to make the water more accessible to the public. Mr. Wells stated that the Committee should share their knowledge of any boating issues that need to be brought to the County's attention and provide information for potential solutions for any problems or situations that might occur. Mr. Wells thinks the County needs to address marinas and liveaboards by requiring

marinas to have pumpout facilities if they have liveaboard boats. The only way to require that now is if the marina does substantial improvements, restoration or renovations to their facilities.

Ms. Walters believes this was a very productive meeting and is looking forward to hearing the results of the research. Ms. Stafford added that she sees the Committee's responsibility as being the go-between; the voice for the people, to help them have access to the marine resources and to help get education out to the public to help them use the resources more wisely. Ms. Stafford would like to see the back country channel-marked again. Ms. Ferguson would like the Committee to keep focusing on the pumpout issues and reduction of sewage from vessels going into the waters. Mr. Ferguson does not think it would be productive to add on new items and thinks the County should be telling the MPAC what to focus on. Ms. Ferguson stated the Committee members should be given information and discuss items together as opposed to each getting a separate understanding of something.

Mr. Goodman asked what the County feels is their responsibility as far as outreach programs. Mr. Jones responded that the County has done minimal outreach besides putting information on the website, but now that the pumpout program is to be outsourced there will be much more outreach. Mr. Hunter would like to see this Committee provide a forum for public outreach, whether through regular meetings or at special meetings. Ms. Martin pointed out that this Committee's job is to weed out all the details, get things organized and then make a finished project recommendation to the BOCC. Mr. Wells asked about the potential for use of BIF for educational materials, because a lot of organizations have been dealing with some significant budget cutbacks and are having problems meeting the printing costs of basic educational materials. Mr. Jones will review the statute to see if that is allowed. Ms. Ferguson suggested distributing materials related to the new pumpout boats, the existing boat ramps and where the mooring fields are going to be.

Mr. Goodman announced that the Coast Guard and the Coast Guard Auxiliary is offering free Hazwoper training courses. The next course will be in Key West at the Harvey Government Center on August 18th, 2012 at 9 a.m., and is free.

Item 8. Adjournment

The Marine and Port Advisory Committee meeting was adjourned at 8:40 p.m.