

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 **February 5, 2013** 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	Absent
Phil Goodman	Present
Paul Koisch	Present
Rudy Krause	Present
Pam Martin	Absent
Sandy Walters	Present
Pat Wells	Absent
Pete Worthington	Present

STAFF

Richard Jones, Sr. Administrator	Present
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MOTIONS MADE

Motion 1

To approve agenda, hearing Item 6 after hearing Item 3

Motion/Second	Passed
Sandy Walters/Pete Worthington	Unanimously

Motion 2

To approve the minutes of November 7, 2012

Motion/Second	Passed
Pete Worthington/Paul Koisch	Unanimously

Motion 3

To postpone election of Chair and Vice-Chair

Motion/Second	Passed
Phil Goodman/Paul Koisch	Unanimously

CALL TO ORDER

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

PUBLIC MEETING

Chair Hunter requested that Item 6 be heard after Item 3.

Motion: Ms. Walters made a motion to approve the agenda, hearing Item 6 after Item 3. Mr. Worthington seconded the motion. There was no opposition. The motion passed unanimously.

Item 1. Approval of minutes from the November 7, 2012 MPAC Meeting

Motion: Mr. Worthington made a motion to adopt the minutes as reported. Mr. Koisch seconded the motion. There was no opposition. The motion passed unanimously.

Item 2. Nomination of new Chair and Vice-Chair

Mr. Jones explained that the Bylaws state that a Chair and Vice-Chair are to be elected at the first meeting of the year, but because the Board of County Commissioners (BOCC) has directed the number of MPAC members be changed from ten to five, Mr. Jones suggested postponing nominations until the next MPAC meeting.

Motion: Mr. Goodman made a motion to postpone the nomination of a Chair and Vice-Chair until the next scheduled MPAC meeting. Mr. Koisch seconded the motion. There was no opposition. The motion passed unanimously.

Item 3. Presentation on the development of the Marina Siting Plan by South Florida Regional Planning Council

Mr. Jones introduced Rachel Kalin from the South Florida Regional Planning Council (SFRPC), who is making a presentation on the Marina Siting Plan.

Ms. Kalin explained that within the Monroe County comprehensive plan there are two policies that guide the development of marinas within Monroe County. These policies prohibit the development of any new marinas until marina siting criteria are adopted into the comp plan and also until full utilization of existing marinas has occurred within a five-mile radius of a proposed new marina site. Ms. Kalin provided a brief background of these two policies. In 2011 the County and SFRPC entered an agreement with four main tasks: To perform a needs analysis; define marina siting criteria; revise the 2007 marina siting plan; and propose a new comprehensive plan amendment to the Department of Economic Opportunity (DEO). Ms. Kalin then described what was involved in performing the needs analysis. The first step was to

determine the capacity and utilization of vessel slips at marinas open to the public. After evaluating the 2007 marine facilities inventory to determine which facilities were public marinas, vessel slip data was collected using County aerials from 2006 and 2009, as well as County vessel registration data and the Florida Fish & Wildlife Conservation Commission's (FWC) 2009 Boating Access Facilities Inventory Economic Study. The analysis found in 2006 that 14 marinas out of the 44 open to the public, and in 2009 only nine marinas out of the 44 open to the public, had over 75 percent utilization. Then the level for 'full utilization' had to be determined. SFRPC and County staff determined that 90 percent is appropriate, which provides for incidental movement of vessels. Based on that 90 percent threshold, in 2006 only four marinas met that full utilization threshold and in 2009 only one marina met it. Then a GIS analysis was performed. This analysis showed that in the Upper Keys and Middle Keys there was no need for new marina development. However, in the Lower Keys there is a 15-mile stretch between Mile Marker 11 and 26 that has potential for marina development. These sites will have to be subject to marina siting criteria, which the SFRPC and the County have developed and are proposing.

Ms. Kalin then explained the conclusions and recommendations based of the Needs Analysis are that boating in Monroe County is on the decline, and projections also indicate the same thing. SFRPC is recommending that development of new vessel slips should be guided toward expansion and/or redevelopment of existing marinas. If there is a need for a new marina, any development proposal will be subject to marina siting criteria. Ms. Kalin then outlined the marina siting criteria the SFRPC is proposing.

Mr. Worthington inquired into the time of the aerial flyovers performed. Ms. Kalin explained that for both 2006 and 2009 the flyovers were performed in the winter when the County is at its peak of marina occupancy and only slips in the water were counted. Mr. Worthington and Ms. Walters feel the utilization numbers seem extremely low. Mr. Jones agreed that the utilization shown was lower than the County and SFRPC expected.

Ms. Kalin then described the next steps in this process. SFRPC is waiting to hear back from the State reviewing agencies that did a cursory review on the marina siting criteria developed. Once their feedback is received this can be finalized with County staff. Next the Needs Analysis findings and the new marina siting criteria will be incorporated into the Marina Siting Plan. Finally, the SFRPC will be drafting comprehensive plan language to adopt the marina siting criteria. Mr. Jones explained that the Needs Analysis and the Marina Siting Plan will be data analysis that supports the new marina siting criteria policies.

Mr. Jones then clarified that there are three documents that have been created: The Marina Siting Plan, which is now a supporting document; the Needs Analysis, which provides data and analysis for the comp plan amendment; and the Marina Siting Criteria, which is what will actually go into the comp plan. When a developer comes in to apply for a permit for new marina development the needs analysis can be used as a guide, but the responsibility will be on the developer to show that their project meets all the marina siting criteria. Mr. Jones then noted that

the Department of Environmental Protection (DEP) currently has a moratorium on bay bottom leases from Tea Table Key north and that moratorium will only go away after Monroe County adopts Marina Siting Criteria.

Ms. Walters commented on Criteria Number 6. Ms. Walters believes there are great opportunities associated with marina development for marking channels with perpetual maintenance of the markers that can reduce or eliminate prop dredging. Ms. Walters is concerned that prohibiting siting of marinas in areas where propeller scarring is a problem is missing the opportunity to significantly reduce the amount of prop dredging in that area associated with the marina development. Ms. Walters suggested more thought be given to this item. Ms. Kalin reported that Rebecca Jetton of DEO also desired more details regarding this item. Ms. Walters reiterated that there are significant opportunities as part of a state and local permitting process that could result in reducing the impacts that currently exist. Mr. Jones reminded the Committee members that these criteria are in the comp plan already in one form or another and this is an opportunity to firm up what the comp plan already says. Mr. Krause agreed with Ms. Walters' comments regarding the opportunity to decrease prop scarring in certain areas. Ms. Walters suggested including maintenance in perpetuity as part of the project. Mr. Jones indicated that the input will be considered.

Mr. Koisch voiced skepticism at how the 90 percent for 'full utilization' was determined. Mr. Jones explained that staff and Ms. Kalin had analyzed utilization data at several levels and found that 90% and 95% provided the same results, and that staff had determined that 90% was an appropriate level. At the time of a permit application the utilization would be looked at in real time. Mr. Jones explained the challenge of determining facility capacity. Mr. Goodman believes this is a good plan provided that an independent needs analysis is conducted at the time an application is made. Mr. Jones then clarified for Ms. Walters that this language does not apply to mooring fields. Mooring fields have a different set of rules, although some of the criteria are in common. Mr. Jones is recommending to have the current language that 'there shall be no mooring fields over seagrass' removed from the comp plan for public mooring fields.

Chair Hunter is concerned that the marina siting criteria being used today will transition into the future and agrees that the 90 percent number for full utilization is somewhat arbitrary. Chair Hunter is also concerned that eliminating broadside dockage in a needs analysis opens areas up to development that do not meet the criteria. Mr. Jones clarified broadside dockage was eliminated from the study analysis only, not from the criteria that will go into the comp plan.

Mr. Worthington commented again that the utilization rates seemed low. Mr. Jones reminded the Committee members that the utilization rate only analyzed facilities open to the public. Ms. Walters raised the point that some private facilities, like Fiesta Key, can be considered open to the public even though the only people who can use it are people keeping a trailer there. Mr. Jones stated that these are situations that have issues still to be worked out as the plan goes

through the system. Mr. Jones would like to have Mayte Santamaria, Monroe County Assistant Planning Director, at the next MPAC meeting to address these questions. Mr. Jones suggested any recommendations made by the Committee tonight may be premature considering this will be brought back to the Committee in three months and during that time various regulatory agencies will be reviewing the siting criteria and providing comments.

Chair Hunter asked for public comment.

Paul Keever, Key Largo resident, asked what the goal of adding more marinas is. Mr. Jones responded that there is no goal of adding new marinas, but to take away the moratorium on new marinas. Mr. Keever asked whether counting vessels at anchor and in the mooring fields were counted in this study. Mr. Jones clarified that the comp plan states there shall be full utilization of marinas within five miles of the proposed marina development site. Mr. Keever suggested new marinas be required to provide low income slips that live-aboards could access. Mr. Jones explained that the marina siting criteria has nothing to do with mooring fields or liveaboards.

Vicki Boguszewski from the Monroe County Health Department asked what the impetus is of lifting the moratorium. Mr. Jones responded that the comp plan requires Monroe County to amend the comp plan to provide marina siting criteria. Mr. Jones clarified this is not a matter of Monroe County trying to open up the Keys to new marinas, but that the County is complying with its comp plan which requires the County to amend the comp plan to include marina siting criteria. Ms. Walters noted that this plan does not in and of itself create an incentive for people to apply, but legally there are issues with indefinitely implementing moratoria on particular land uses. Mr. Jones pointed out the last sentence of the needs analysis, which states, "While new marina development applications may be accepted by Monroe County and subject to established marina siting criteria, this needs analysis recognizes that the development of new vessel slips in the foreseeable future will be primarily guided towards expansion and/or redevelopment of existing marinas." Ms. Walters noted that meeting the four-foot minimum depth requirement in the lower Keys is a huge constraint on the development of new marinas. Mr. Worthington discussed the different reasons the City of Marathon adopted their marina siting plan.

Chair Hunter asked for further public comment. There was none. Public comment was closed.

Item 6. Discussion of MPAC duties

Mr. Jones reported that during the presentation regarding MPAC's specific duties to the BOCC the Board approved six duties as proposed in a draft resolution and then commented that the Board would like the number of members on the Committee changed from ten to five. Mr. Jones anticipates taking this resolution back to the BOCC in March. Chair Hunter suggested reviewing Mr. Jones' proposed draft resolution and discuss each section for any comments, questions or concerns the Committee members may have.

There were no comments regarding Section 1 (MPAC Purpose). The duties listed in Section 2 were then discussed. There were no comments regarding Duty Number 1. As to Duty Number 2, Chair Hunter suggested 'Provide recommendations regarding anchoring and mooring regulations' to afford the MPAC the ability to look at regulations in a broader manner in the future. Mr. Goodman and Ms. Walters agreed with the suggestion.

Duty Number 3, Siting of marinas, mooring fields and boat ramps; Chair Hunter suggested removing the word 'siting of' to make it more encompassing. Mr. Goodman and Ms. Walters agreed with that suggestion. Mr. Jones mentioned that the BOCC through this resolution is providing for focus and removal of these words in the duties may be taking away from that focus. Mr. Goodman pointed out that the name of this organization indicates it is an advisory committee, which is broad in and of itself. Mr. Jones pointed out the described purpose of the Committee in Section 1 of the resolution. Chair Hunter responded that he sat through the BOCC meeting and did not get the feeling that the MPAC should limit itself to siting. Mr. Worthington feels the MPAC is covered under Section 1 and that it is up to the action of the Port Authority or the BOCC, staff or the Committee, itself, to deal with recommendations. Mr. Koisch agrees the Committee is covered, but thinks there is more to marinas, mooring fields and boat ramps than just siting them. All Committee Members indicated they were in favor of removing the word 'siting of'.

Regarding the Duty Number 4, Recommendation on preservation and enhancement of public water access, Ms. Walters questioned the wording of this duty. Mr. Jones noted that the language came from Chair Hunter. Ms. Walters asked to add language to state "the location, preservation and enhancement." Mr. Worthington pointed out that would be covered in Duty Number 3, Siting of marinas, mooring fields and boat ramps. Ms. Walters agreed and withdrew her substitution. For Duty Number 5, Provide a forum for the gathering of public information, Ms. Walters suggested making it 'relevant public information'.

Duty Number 6, Provide input on the development of educational outreach materials and resources; no comments. Chair Hunter suggested a seventh duty; providing recommendations on channel marking. Mr. Worthington also believes it is an important component, but thinks it may be covered by Section 1. Ms. Walters thinks it is consistent with the current comp plan that requires the studies that have been conducted by the County on channel marking and there is a lot of focus currently in the comp plan on the subject. Mr. Jones commented that there was a channel marking master plan developed 15 years ago, which is complete, and again noted that the Committee's purpose in Section 1 provides for the MPAC to talk about any matters relating to ports and marine issues. Mr. Goodman stated in his work with the Coast Guard Auxiliary he has noticed that nobody seems to be maintaining the private channel markers. Without opposition, providing recommendation on channel marking was added as Duty Number 7 as a recommendation. Chair Hunter then asked the Committee members if they wanted to get into providing recommendations on derelict vessel identification or removal. Ms. Walters believes

that was addressed through the Pilot Program in limited areas. Mr. Goodman agrees derelict vessels are a problem, but wants to wait and see how effective the Pilot Program is. Mr. Worthington added derelict vessels or channel marking issues can be put on the agenda as an item for discussion or Mr. Jones can be notified of any problem.

Chair Hunter asked for comments regarding Section 3, Committee Members and Terms. Mr. Goodman voiced concern regarding a possible lack of a quorum considering the number of people missing meetings. Chair Hunter stated it will make the job that much more important to each individual on the Committee. Mr. Jones explained the reduction in number of members to five came from Mayor Neugent. Ms. Walters recommended reducing the number from ten to seven to give a slightly larger quorum and the ability to solicit participation from other Keys marine-involved entities. Chair Hunter agreed that with a smaller group there is less opportunity for everyday citizens to participate and the representation may become more focused on the agency and their goals and current issues. Mr. Goodman believes ten members allows for a more varied background of the Committee. Mr. Krause feels that having a quorum with only three people does not allow for enough input on an issue. Mr. Worthington agreed that since the MPAC is an advisory committee, the more advice given, the better recommendations can be made. Mr. Goodman pointed out that seven members would allow each Commissioner to make one appointment and then asked who would get two appointments. Mr. Koisch stated that if the Commissioners give more consideration about who they appoint, a nice cross section of walk of life is appointed. Five members really narrows it down, and considering the turnover in the Committee, maybe more members would be better. Mr. Koisch also spoke of the importance of having an effective Chair to move the issues and the importance of notifying Mr. Jones when unable to attend.

Chair Hunter asked for public comment. Paul Keever thinks ten is a good number. Even though it may be harder to get a consensus, the more input allowed, the better. Ms. Boguszewski agreed that the diversity of opinion and diversity of representation is more important than making quick and easy decisions because of having fewer members. Ms. Boguszewski suggested five Commission appointments and two agencies be chosen that are representative of a cross section of County concerns for a seven-person committee. Mr. Jones recognized the school of thought that more is better, but pointed out that absenteeism has been a problem for the MPAC. Ms. Walters then stated that the people appointing members need to spend time and effort to find people who would be good members to participate on this panel. Ms. Walters then suggested that the MPAC members could make a list of the areas they could draw from for appointments. Then when they think about their two appointments they can look to try to develop a diversity of the membership, and diverse geographically as well. Mr. Worthington stated many years ago this Committee had five appointments and those five appointments had an alternate.

Mr. Goodman questioned what the MPAC has been asked to accomplish and has not. Chair Hunter spoke of the importance of the Committee members receiving their tasks in a more timely

manner to be able to understand the issue, discuss it, and give advice prior to decisions being made. Mr. Krause asked why reduce the number of members when what is supposed to get done has been gotten done. Mr. Krause believes the timeliness of getting the information is more important than reducing the number of members. Mr. Worthington agreed to stay with ten members, whether with alternate members or not, and agreed that it is up to the Commissioners to make appointments of members interested in being present representing their expertise. Ms. Walters supports the idea of recommending that the MPAC stay at ten members. Ms. Walters also believes it is important the MPAC have a strong Chair who keeps things moving. Mr. Koisch would like to keep with ten members and does not think alternates would work on this Committee. Mr. Koisch would like to see a record made of no-shows who do not call beforehand and do not return those people on the Committee. Mr. Koisch also suggested the bylaws be changed to state the quorum should be the majority of filled appointments. Mr. Goodman thinks ten members is better, but agrees more thought should be put into who those ten people would be. Chair Hunter pointed out that the MPAC's bylaws say the definition of a quorum is the majority of the whole number of members of the Committee. Mr. Koisch asked if meeting on a quarterly basis is adequate for the Committee. Chair Hunter pointed out that the Bylaws state, 'The Committee shall hold regular meetings on the first Tuesday of the month, no less than once a quarter'.

There were no comments on Section 4. Mr. Jones asked if anybody has concerns that there needs to be term limits. The Committee felt that term limits were not necessary.

Item 4. Staff update on implementation of the Pilot Program anchoring ordinance

Mr. Jones reported that things are progressing and enforcement has not started yet because educational and outreach materials and signage are being implemented. A brochure that staff developed and FWC approved was provided. Mr. Jones described the brochure and where the brochure will be made available. A draft sign for a regulatory zone was displayed. Mr. Jones anticipates enforcement (beginning with warnings) starting in the next few weeks.

Ms. Walters asked about the penalties that will be incurred if citations and warnings by law enforcement are ignored. Mr. Jones replied that the violator will continue to be cited. As has been discussed by the BOCC, staff and FWC, the purpose of the ordinance is to receive compliance by the public. Uniform Boating Citations will be used by enforcement officers. Mr. Jones explained that FWC has made it a priority to have their officers enforcing the regulations in the designated zones. Mr. Worthington urged Mr. Jones to move as quickly as possible in getting this program up and running.

Mr. Jones reported that the County's contract for privatization of pump-outs throughout the Keys went in place yesterday. The pump-out service will need to be up and running before enforcement begins. Mr. Jones explained to Mr. Goodman that the pump-out contractors intend to pump out marinas, but they are not required to according to the contract. Mr. Jones further

explained that the comp plan requires all marinas with one live-aboard or ten slips to have a pump-out facility, which has never been made part of land development regulations. At this point in time that is going to stay in the comp plan and is anticipated to go into the land development regulations. This will have to be phased in over time.

Chair Hunter strongly believes as the program works its way forward marinas need to be included in the pump-out program. Mr. Jones stated that these marinas need to be responsible for providing pump-out services themselves just like the comp plan calls for. Mr. Jones stated that a press release will be written, it will go out to all of the radio stations and all of the newspapers will receive it, including national magazines. Ms. Walters suggested including photos with captions to catch the eye of the reader. Mr. Jones believes there may be a significant number of boats at the beginning of the program that are not in compliance with all of the prederelict conditions. Mr. Worthington again voiced concern regarding getting the Pilot Program in force and effect before it sunsets. Mr. Jones would like to see this implemented by the end of February. Mr. Jones then mentioned the anchoring ordinance will be re-adopted in its entirety because a map series was inadvertently left out of the agenda item that went to the BOCC.

Item 5. Discussion of feasibility study for a public/private mooring field

Mr. Jones reported that a Scope of Work for a feasibility study is being drafted and the County anticipates hiring a consultant to perform the study and evaluate environmental and physical conditions at anchorage sites for the potential of a future mooring field. Three areas are being considered: Jewfish Creek, Buttonwood Sound and Boca Chica Basin. The feasibility study will also go into the RFP that staff will develop later this year to contract for the engineering and permitting of the mooring field. Staff also anticipates this study being used for a proposal for the BP Restore Act process.

Chair Hunter asked for public comment. Mr. Keever stated that the Nelson Government Center in the upper Keys has been established as a new mooring location, although not a legal mooring location, and asked staff to consider this location as a possible site. Chair Hunter would like for the public to give input as this study progresses.

Item 7. Committee discussion

Ms. Walters informed the Committee members that there are proposed comp plan amendments that would allow limited re-dredging of private entrance channels and/or boat basins that are serving existing private docking facilities. A public meeting for people to learn more about this amendment is currently scheduled for February 21, 2013 from 6 p.m. to 7:30 p.m. in Marathon. Ms. Walters explained that this does not apply to private canals. This amendment is very limited in scope and requires an individual comp plan amendment for every property that would apply. Every property has to be individually considered under a number of criteria and then adopted

into the comp plan. Ms. Walters explained to Mr. Goodman that the entrance channel and boat basin in Key West is a federally designated facility that the County has no jurisdiction over.

Mr. Jones mentioned that at the January BOCC meeting Mayor Neugent directed staff to create a list of objectives for the MPAC at the beginning of each year, and those objectives could be used for the MPAC annual report at the end of the year. Mr. Jones outlined that list as follows: Provide recommendations regarding the siting of the public/private mooring fields utilizing the results of the feasibility study; Provide a brief evaluation of the status or the results of the Pilot Program ordinance for anchoring and mooring; and Develop (conceptually) educational and outreach materials pertaining to boating and waterways which may be utilized by staff for further development and implementation. Chair Hunter asked Mr. Jones to send this list out to the entire Committee and ask them to not only comment on it, but decide if the MPAC accepts that responsibility or whether they want to modify it at all. Mr. Jones clarified that staff was directed to develop objectives for the Committee. Mr. Jones said he would send the memo regarding the objectives to the entire committee.

Chair Hunter asked if in the next couple of meetings a report could be given on the canal clean-up. Ms. Walters stated that the next EPA Water Quality Steering Committee meeting will be held February 20, 2013 at 9:00 a.m. at the Marathon Government Center, if anybody is interested in the topic.

Item 8. Adjournment

The MPAC meeting was adjourned at 8:58 p.m.