

## AGENDA

### MARINE AND PORT ADVISORY COMMITTEE

August 4, 2015

PURSUANT TO Board of County Commission Resolution No. 110-2013 the Marine and Port Advisory Committee of Monroe County will conduct a meeting on **August 4, 2015** beginning at 6:00 PM in the first floor Media Room of the Monroe County Office, located at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida.

*ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30 a.m. - 5:00 p.m., no later than five (5) calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711".*

#### MARINE AND PORT ADVISORY MEMBERS

David Makepeace, Chair  
Bill Kelly, Vice-Chair  
James Fitton  
Phil Goodman  
Paul Koisch  
Lynda Schuh  
Mimi Stafford

#### STAFF

Richard Jones, Sr. Administrator

#### CALL TO ORDER

#### PUBLIC MEETING

1. Approval of draft minutes from May 5, 2015 MPAC Meeting \*
2. Update on County Pumpout Program
3. Update on Derelict Vessel Program
4. Update on Whale Harbor regulatory zone
5. Update on Valhalla Quarry Park recommendation to BOCC
6. Committee discussion
7. Adjournment

\* indicates backup documentation:

Item 1. Draft Minutes from 5-5-2015 MPAC meeting

**MARINE AND PORT ADVISORY COMMITTEE**

**Draft 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 **May 5, 2015**, beginning at 6:00 PM at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida.

**MARINE AND PORT ADVISORY MEMBERS:**

David Makepeace, Chair	Present
James Fitton	Present
Bill Kelly	Present
Phil Goodman	Present
Mimi Stafford	Absent
Paul Koisch	Present
Lynda Schuh	Present

**STAFF**

Richard Jones, Sr. Administrator	Present
Celia Hitchins, Marine Biologist	Present

**COMMISSIONERS**

Sylvia Murphy	Present
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**MOTIONS MADE**

**Motion 1**

To approve minutes of February 3, 2015	
Motion/Second	Passed
Phil Goodman/Bill Kelly	Unanimously

**Motion 2**

To nominate Bill Kelly as Vice Chair	
Motion/Second	Passed
David Makepeace/James Fitton	Unanimously

**Motion 3**

To recommend to the BOCC to consider the Grassy Key quarry for a public/family park with non-motorized vessel access and possibly remand it to the Parks & Rec. Committee	
Motion/Second	Passed
Paul Koisch/Bill Kelly	Unanimously

## **CALL TO ORDER**

Chair Makepeace called the meeting to order at 6:00 p.m.

## **PUBLIC MEETING**

### **Item 1. Approval of draft minutes from February 3, 2015 MPAC Meeting**

**Motion: Mr. Goodman made a motion to approve the meeting minutes of February 3, 2015. Mr. Kelly seconded the motion. There was no opposition. The motion passed unanimously.**

### **Item 2. Nomination of Vice-Chair**

Ms. Hitchins explained that Linda Schuh was nominated at the last meeting when she was not present and, when notified of the nomination, Ms. Schuh declined. Ms. Schuh then announced this will be her last meeting on the MPAC.

**Motion: Mr. Koisch then nominated Mimi Stafford as Vice Chair. Ms. Schuh seconded the motion. Mr. Jones recommended against nominating a member not present to accept the nomination. Mr. Koisch withdrew the nomination.**

**Motion: Chair Makepeace nominated Bill Kelly as Vice Chair. Mr. Fitton seconded the motion. Mr. Kelly accepted the nomination as Vice Chair. Mr. Makepeace informed Mr. Kelly he foresees no problems with attending the meetings during the year. If any problems arise, Chair Makepeace will notify Mr. Kelly with ample notice. There was no opposition. The motion passed unanimously.**

### **Item 3. Update on Pilot Program anchoring ordinance activity/enforcement**

Ms. Hitchins reported that FWC has recently performed an enforcement sweep in the Key West Harbor managed anchoring zone and wrote some citations mainly for general boating infractions. FWC is still struggling with staffing levels and prioritization of enforcing the ordinance.

### **Item 4. Legislative update**

Mr. Jones reported that, due to the House of Representatives shutting down in the legislative session, consequently the proposed boating bills that Monroe County was interested in did not pass through the House. These bills were regarding a 200-foot buffer zone from residential shorelines, a 200-foot buffer zone from public maritime infrastructure, and the prohibition of at-risk vessels. Mr. Jones anticipates that County staff will send a list of items to Monroe County's Legislative coordinator for future action. Representative Holly Raschein has requested additional funding for Monroe County's Pumpout Program, but this action has also fallen by the wayside this year. Monroe County is currently struggling to find sufficient funds to support the Pumpout Program. It is anticipated the program will be funded for the next two years, but the BOCC has directed staff to start developing ideas of how to charge the boaters at the end of that two years. The charge of \$20 per pumpout would cover Monroe County's funding if the Clean Vessel Act grant continues to provide a share of the funding. If that grant is not continued, it would probably be in the neighborhood of \$35 to \$40 per pumpout. Mr. Jones explained getting people to pay is not the only problem involved with charging for a pumpout. Administratively it is very difficult because vessels are typically pumped out when nobody is aboard. Monroe

County is unique in providing such a high number of free pumpouts compared to both the rest of the state and the country.

#### **Item 5. Update on County Pumpout Program**

Ms. Hitchins reported that the pumpout vendor has continued to exceed their pumpout quota. The amount of sewage they are removing is trending along the same line. Mr. Jones then reported the annual cost of the Pumpout Program contract has gone up \$50,000, which makes the Boating Improvement Fund (BIF) budget extra tight. It is anticipated the program will continue for another two years. In the next year staff will be coming up with ideas for alternate funding, primarily by boaters paying part of the cost. The quota has increased from 1300 pumpouts per month to 1500 pumpouts per month. The vendor only gets paid for what they pump out based on a cost per pumpout, and Monroe County don't pay above the quota, regardless of their operational capacity. They have no incentive to do more than 1500, although they have never turned anybody down. Mr. Jones guesses 70-80% of boaters are pumping out. Mr. Goodman asked if the committee can participate in the alternative funding discussion; Mr. Jones said yes.

#### **Item 6. Update on Derelict Vessel Program**

Ms. Hitchins reported that three removals were performed in February, none in March, and one removal was performed last month. Since FWC has started to send in more reports, Ms. Hitchins expects that number to go back up. Ms. Hitchins explained that the County is working under an existing FWC grant currently. Funding was received to remove four large vessels and as of this past Monday FWC approved the County to proceed with the bid process. By the next Committee meeting Ms. Hitchins is hopeful those removals will be complete. Staff has asked for some reimbursement funding from FWC for removals already accomplished that meet certain criteria and is also asking for future removals. The total amount of funding the County is asking from FWC is \$77,000. A second grant application was submitted for channel marker maintenance signs and new pilings.

Ms. Hitchins reported that she attended NOAA's Marine Debris Program workshop in St. Petersburg, Florida, in March. NOAA is looking to put together a Florida Marine Debris Action Plan. Ms. Hitchins is hopeful that some potential Federal funding will come out of that to be utilized for derelict vessels in the Keys. Chair Makepeace commented that participation in that program with that certain group is a great networking source. Chair Makepeace asked about the removal of the aluminum vessel from Lake Surprise. Ms. Hitchins explained that quite a few agencies were involved in that removal. The Coast Guard did a lot of the pollution response and FWC worked with a Good Samaritan to help fund the removal efforts. No County funds were used for that removal. Chair Makepeace was encouraged to see how quickly that vessel was removed considering what an environmental threat it posed. Ms. Hitchins noted that there is a new Upper Keys derelict vessel coordinator for FWC who has been a real asset in helping address derelict vessels. Ms. Hitchins explained for Mr. Goodman the way to tell if a vessel is a derelict vessel is by looking for an orange sticker, which is what FWC puts on the vessel to start the notification process. FWC also has an online database you can look at to see what active cases FWC is working on. Ms. Hitchins will provide that link to the Committee members.

**Item 7. Update on Whale Harbor regulatory zone buoy installations**

Ms. Hitchins reported that the bid process has been approved by FWC for the County's grant. American Underwater Contractors was the low bidder and they will be performing the buoy installation. The installations are to begin in June. There will be 80 new buoys to mark the Whale Harbor zone.

**Item 8. Update on Boat Ramp repairs**

Ms. Hitchins reported that the ramp repair on Blimp Road on Cudjoe Key has been completed and should be open soon. Ms. Schuh stated she went by there today and it was open. Ms. Hitchins then reported that Project Management just finished plans and drawings for three other priority ramps and started the permitting process. Those three ramps are located in Harry Harris, Big Coppitt Key and Little Torch Key.

**Item 9. Update on Grassy Key quarry**

Mr. Koisch stated this item is in keeping with the MPAC's duties to provide recommendations regarding the preservation and enhancement of public water access. Monroe County owns this property that is an old borrow pit/quarry on US-1. Mr. Koisch feels this property would make a great non-motorized waterfront park. There is a mandate to build a rest center on the Florida Keys Scenic Highway, which is the only All American Road in the state of Florida. So this may be a good source of funding if this site could be developed as an All American Road rest center. Because of the close proximity this site is to the Coroner's office with electricity and running water nearby, it would be a perfect site for a Tesla car charging station. Ms. Hitchins showed a map of the area.

Mr. Jones noted that the County has purposely closed this site because of four-wheelers, trash, etc. Commissioner Murphy commented this is a very good idea and is a beautiful piece of property, but the cost of the maintenance of this proposed water park has to be a consideration. Mr. Koisch asked if BIF money could be available for this proposal. Mr. Jones replied there are no funds available because it is all earmarked every year currently, unless the Board directs staff otherwise. Commissioner Murphy pointed out that FDOT puts together money for scenic overlooks, which this may fall under.

Mr. Jones then suggested, if the Committee members wanted to move this proposal ahead, to vote to recommend for the BOCC to remand it to the Parks and Recreation Committee for their evaluation and review, who would then send the information to the BOCC. Mr. Jones then explained this property is within the City of Marathon's jurisdiction and the zoning is Public, which allows this sort of use. This would probably be a conditional use, so it would have to go through Marathon's approval process. Mr. Jones has been informed that DEP used to be the lead on funding along the Overseas Heritage Trail, but now they only allow that funding to go where it is actually a State park, which this property is not. That leaves DOT funding, which this would be ranked along with other projects. There are also TDC funds that might be available. Commissioner Murphy agreed that this should be sent to the Parks & Rec. Committee. Mr. Jones mentioned any MPAC member can go to the Parks & Rec. meeting and speak as the public in support of this project. Mr. Kelly believes the measure is worth exploring.

Mr. Koisch asked Commissioner Murphy about how borrow pits are operated. Commissioner Murphy said these are usually run by private operations, such as marinas. Mr. Kelly agrees that the idea is good, but costs are an issue and asked Commissioner Murphy about possible issues. Chair Makepeace mentioned the Grassy Key borrow pit operation, for example. Commissioner Murphy mentioned code enforcement issues with this property. Mr. Fitton explained that in Georgia corporate sponsors cover the maintenance fees for public facilities for the opportunity to place their name on the building, such as a kayak operator. Mr. Koisch noted that there was a lot of community push-back to the swimming hole on Big Pine Key because of fear of the homeless. That is not an issue on this site because there is no housing around this property. Mr. Koisch suggested Sheriff's housing or Public Works housing may be an option at this site. Commissioner Murphy replied the deputies have shown no interest in Sheriff's housing in Key Largo, but housing for Public Works employees might be a good option.

**Motion: Mr. Koisch made a motion to recommend the BOCC consider this site for a public/family park with non-motorized vessel access and possibly remand it to the Parks & Recreation Committee. Mr. Kelly seconded the motion. There was no opposition. The motion passed unanimously.**

#### **Item 10. Committee discussion**

John Sutter, Director of Parks and Recreation and Marine Resources for the Village of Islamorada, thanked Mr. Jones and Ms. Hitchins for all of their help and for providing so much good information and encouragement. Mr. Sutter stated all of the issues brought up tonight are issues of concern for the Village as well. The boat ramp at the Indian Key Fill is a complex issue because of overlapping jurisdictions with that property. There have been several public workshops and public meetings regarding what to do at Indian Key Fill with the ramp area and with the fills in general. There is talk about the scenic overlook idea, as well as leasing the property from FDOT. FDEP/FWC is going to build a new ramp at the site of the old natural ramp being used there. That has been approved by Village Council. What is still unsure are issues regarding access to the ramp from US-1, parking and whether there should be bathrooms built on the site. This is the first year for the Village's Marine Resource Department. The big project in that department is the in-shore buoy program in Islamorada, funded from the BIF grant. There are 135 in-shore Idle Speed zone buoys to protect the shallow water areas in Islamorada.

Mr. Kelly asked Mr. Sutter how the Village's Near Shore Water Committee is dealing with establishing boundaries or zones for lobster mini season. Mr. Sutter explained that is a source of a current challenge because Village Council has taken the position that they do not want any changes to the current regulations regarding mini season and some groups of homeowners are dealing with a real problem of nighttime lobstering essentially in their boat basins and on their shoreline. At this point it remains a law enforcement issue rather than a change in regulation and policy issue. Commissioner Murphy clarified some homeowners wanted a 300-foot limit everywhere, not just in front of developed property. Commissioner Murphy indicated that if this measure would have passed, it would have essentially eliminated mini-season in the Village.

Mr. Koisch asked if there is any traction to charge money for use of the boat ramp at Indian Key Fill. Mr. Sutter replied there are complications in doing that because FDOT property is publicly-

owned property and municipalities cannot use that property to charge for its use. Mr. Kelly pointed out that there is no place to park trucks and trailers associated with launching a boat on Indian Key Fill. There is very limited access. Mr. Sutter explained if the Village decided to lease the fills or parts of the fills from the DOT, there would be an opportunity to charge a fee for the use as long as that fee was used for maintenance of the property. Another discussion on the matter is the long-term maintenance implications with leasing FDOT property, such as infrastructure damage due to a hurricane, which the Village Council will be discussing at their next meeting. Commissioner Murphy indicated that the area is popular because it's free, which is similar to issues with jet skis at CR 905. Mr. Sutter indicated that the hospitality industry has a lot of concern about denying public access on Indian Key Fill because a lot of guests are recommended to use Indian Key Fill.

**Item 11. Adjournment**

The MPAC meeting was adjourned at 7:13 p.m.