

**MARINE ADVISORY BOARD  
THURSDAY, DECEMBER 2, 2004  
CITY COMMISSION CONFERENCE ROOM – EIGHTH FLOOR  
CITY HALL  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA**

**BOARD MEMBERS PRESENT**

John Baker  
Ryan Campbell  
Richard Duncan  
Barry Flanigan, Chair  
Joseph Hessmann  
Roger McKee  
Norbert McLaughlin, Vice-Chair  
David McNulty  
Robert Sadowski  
Rick Schulze  
John Terrell  
Stephen Tilbrook  
Dr. Geraldine Udell  
Peter Zachary  
Eugene Zorovich

**ATTENDANCE  
Cumulative From 5/1/04**

P-3	A-0
P-6	A-0
P-4	A-2
P-6	A-0
P-6	A-0
P-5	A-1
P-5	A-1
P-4	A-2
P-4	A-2
P-5	A-1
P-6	A-0
P-4	A-1
P-5	A-1
P-5	A-1
P-4	A-2

**Board Members Absent**

David McNulty

**Staff Present**

Jamie Hart, Supervisor of Marine Facilities  
Chuck Adams, Redevelopment Services and Marine Facilities Manager  
Bruce Larkin, Director of Business Enterprises

**CALL TO ORDER**

Chair Barry Flanigan called the meeting to order at approximately 7:08 p.m., roll call was taken, and a quorum was present.

**APPROVAL OF MINUTES – November 4, 2004 Meeting**

**Motion** made by Joseph Hessmann and seconded by Ryan Campbell to approve the minutes of the November 4, 2004, meeting Approval was unanimous.

Dr. Geraldine Udell entered the meeting at 7:10 p.m.

**REPORTS**

**Waterway Crime & Boating Safety**

Sgt. Mike O'Connor apologized for not having representation at the November meeting. Sgt. O'Connor had two months of data to provide.

In the month of October, there was one boating accident that was reported at the boat show with damage to the docks, one dingy was stolen on the New River and one boat burglary off Las Olas. In November there were two accidents and one boat fire. The boat fire occurred near SW 18<sup>th</sup> Ave and was due to faulty wiring. Two dinghies were stolen on the New River. Sgt. O'Connor stated they were looking at that to see if there is a pattern developing. There were no reported burglaries however yesterday a burglary was reported but was unsure of the date because it was reported late. The officer had suggested the owner visit e-bay to determine if any of his property was there. Subsequently, the property was discovered at a pawnshop. The boat captain had taken liberty to remove some of the property in the owner's absence.

The owner of the boat on fire in October was present and reported problems with the fireboat's speed and wake caused damage. The response time involved because of lack of proximity and lack of training caused problems. Sgt. O'Connor indicated that training of fireboat operators was necessary.

Sgt. O'Connor reported that they conducted a training session for the boat operator for North Bay Village Police Dept. Additional inquiries for training have been received from the Hillsboro Co. Sheriff's Office.

#### **Proposed S.E. 17<sup>th</sup> Street Waterbus Storage Facility**

Bob Bekoff, from Waterbus provided a letter and rendering of a proposed Waterbus Facility located on the FDOT Right-of-Way at SE 17<sup>th</sup> Street Causeway. The letter provided was a summation of a meeting with FDOT, City and Broward County staff. This initially started with the question as to who would regulate this activity. The concept is to have an area on a permanent basis where their vessels can be housed on an overnight storage basis and have customer service, boarding, ticketing, etc. and have an operations center. This area would not house the business offices of the company.

A letter has been received with 8 points that have been reviewed by architects that do not have any problems with the requirements. The big problem is that this has to be approved by many entities such as the U.S. Coast Guard, Army Corps, DEP, BPEP, Broward County Officials, City of Ft. Lauderdale and probably more. He stated that the time involved in the permitting and approvals is extensive. Waterbus representatives had spoke to the businesses and neighbors in the area to obtain their input. The required physical aspects of the storage facility are located directly inside of the FDOT right-of-way. The use consists a waterbus transport terminal with vessels proceeding in and out twice an hour for 15 hours during the slow season and 4 times an hour for the same period during peak the season. The physical structure for storage of the vessels consists of a barge held in place with steel pipes, not driven. Mr. Bekoff explained that all components of the facility must be mobile in the event of evacuation for hurricanes. He stated that access is controlled by a fenced gate and cannot be opened from either side without a combination.

Mr. Bekoff stated that the business was initiated as a water taxi operation in 1988 and when it converted to a waterbus service in the year 2000 they boarded 176,000 passengers and have reached 750,000 passengers this year. Annual passes are common and the system works very well. He said the S.E. 17<sup>th</sup> Street location would provide a permanent home for operations. He also said that he realized there are navigational problems from operating in the area for such a long time. He stated there would be a learning/training curve, but there just was not anywhere else that would be better because of dead head time.

Norbert McLaughlin asked about moving a barge in and out of that area because of the number of utilities in the area and clarified that it would only be probable during a hurricane. Mr. Bekoff advised that this would only be done for evacuation of the DOT right of way and they had completed the required search for utilities. Mr. McLaughlin asked if the area would be able to hold the 11 boats in the area. Mr. Bekoff stated that the proposed site plan was proportional in scope and the architect would be creating the plan for the 16 boats anticipated by February 2005. Mr. Bekoff stated he did not plan for any additional number, but any expansion would include expanding the service area north to Atlantic Boulevard with a stop at Commercial Boulevard. The boat for this specific route would shuttle back and forth between Atlantic and Commercial Boulevards with a transfer point at Oakland Park Boulevard.

Chair Barry Flanigan asked where the City come in line to actually issue a permit or does the City not issue a permit. Mr. Bekoff stated that he was not sure if it would be a permit, a license or a lease that is being talked through with the City Attorney, the FDOT attorney and Broward County staff. Mr. Bekoff anticipated that it would be a 4-party agreement between State, County, City and Waterbus operations. Chair Flanigan asked if they would then be coming back for something the Board would be able to offer in the way of a supportive role or approve at a later date. Mr. Beckoff said they would definitely be coming back to ask for their see endorsement or support.

Roger McKee asked what the plan would be if people were waiting at the Whistle Stop on west side of the bridge if a boat could not get in to the area. Mr. Bekoff indicated that the boat could usually get in close enough to call out to let them know in advance.

Chair Barry Flanigan asked about other access such as the canal by Best Western. Mr. Bekoff indicated that they had a pretty active area and the requirements from ADA would not make it a viable alternative.

### **U.S. Coast Guard Auxiliary Annual Lease**

Jamie Hart provided information on the US Coast Guard Auxiliary lease that comes up for renewal every year. Ryan Campbell indicated that if this item required a vote of the board, he would like to abstain because of his new membership in the Auxiliary. Mr. Hart indicated that the lease is for a flotilla for the McVey house which is the old building located at the north end of the Bahia Mar yacht basin that the City has leased for years to the Coast Guard Auxiliary for that operation. The lease is for the same terms and conditions located on the agenda attachment. This agreement allow the Auxiliary to provide a valuable service to the Coast Guard acting as the ears and eyes for different types of search and rescue missions and monitoring using there own vessels.

**MOTION** made by Joseph Hessmann and seconded by Roger McKee to accept the continuation of the Annual Lease.

Steve Tilbrook asked what the Coast Guard Auxiliary would be doing at this facility. Jamie Hart stated they do training and safety navigational programs for the public. Steve Tilbrook also wanted to know if this was just the upland portion or if it included any docks and was advised that they have 4 slips there for their use in search and rescue activities and was included with the upland use. Mr. Tilbrook asked if there were any houseboats at the slips because it appeared at one time that someone was living there. Jamie Hart stated that this was not an intended use and he would make sure that isn't occurring.

Rick Schulze stated that a month prior at a meeting there was a proposal of redevelopment from Bahia Mar that included providing a facility to the Coast Guard at Bahia Mar's expense leaving

the City out of the lease situation. He understands this to be an interim period. Jamie stated that Bahia Mar is in the process of being sold so that project is on hold but could occur.

Chair Barry Flanigan stated that the Board was encouraging not just the reconfiguration of the floating docks but how the overall scope and picture was going to be. The City may not have the agreement after the property is sold to have a facility there as the current owner does. This will have to be a part of a new agreement.

Jamie Hart stated the Bahia Mar lease includes the submerged land and we have no right to that land. It has always been a part of that lease. Steve Tilbrook clarified this it was his understanding part of the lease to the Coast Guard is the structure that allows them to dock at Bahia Mar. The Bahia Mar property and the basin is owned by the City of Ft Lauderdale and the only thing being sold is the lease hold interest to Blackstone groups who will probably come in with a completely new plan and start over again going through the whole process.

Jamie Hart stated that this is a long-term leased property that the City owns so in the interim, the Coast Guard would use that without any conflict because it has been leased for so many years. Chair Flanigan asked if there were a caveat or clause that in the event that the sale happens sooner that is part the agreement. Chair Barry Flanigan asked that Jamie keep the Board informed what the owner's plan may be.

Chair Barry Flanigan proceeded to call the question on the motion.

Board unanimously approved the motion.

### **OLD NEW/BUSINESS**

None as of this time.

### **REPORTS**

#### **Waiver of Dock Distance of Limitation Review Process**

Chair Barry Flanigan stated that this was postponed until January. Steve Tilbrook had sent e-mail to Jamie outlining some questions and the City Attorney will bet back to Jamie Hart and let us know the time frame.

Chair Barry Flanigan suggested that Steve Tilbrook address his concerns directly to the City Attorney and have a final memo. Steve Tilbrook asked the questions and would leave it up to the City Attorney how he wanted to address the issues either by letter or appearing at the Board. Jamie Hart suggested the response be included as reports. Chair Flanigan would like to review the response prior to any presentation.

#### **New River Floating Dockage Plan**

Jamie Hart stated that the City was in the final stages for the pilot program, which is what the City Commission had decided and approved, for just one dock adjacent to the old Post Office Site which is a 100' by 10' dock to be used in conjunction with exhibits for the proposed antique boat museum project as well as events that are held at the Esplanade Park. It would also be for use in conjunction with activities in the City Park adjacent to the Reed's Riverhouse Restaurant which is controlled by the City Parks Department. Mr. Hart indicated that provided there were no additional concerns or comments typical with the FDEP permits should be received within the

next 30 to 60 days, we should be able to begin to move forward with construction design work for the dock. The City Commission wanted to see what type of use the dock would get, what kind of security issues would be raised, implementation of fees etc. After a report could be presented that the City Commission found favorable, the City could move forward for additional permits at another location the Marine Advisory Board had suggested. A more definitive plan could be made with areas that expand and perhaps matching grants could be obtained. The docks are expensive at least \$150,000 if built properly depending on size and location. Mr. Hart said that additional restrictions may be imposed in the future, which will make it more difficult to obtain approval.

Chair Barry Flanigan asked for clarification on the need for the permit before the design. Jamie Hart indicated a sketch of the dock would be provided with the cross section of the size, piling design, depth of the piling, etc.

Joseph Hessmann stated that the Board has been told the cost for a floating dock is about \$150,000 for the last 3 years. Mr. Hessman asked how far along on the historic marina in the completion of converting the Old Post Office into a museum.

Chuck Adams stated that they were in the final stages of developmental plan approvals, rezoning of the sites and should be on the City Commission agenda December 21, 2004 or some time in January 2005. He said they have to get an amendment to the plat to Broward County which would take a couple of months, so it will probably be February or March 2005 before they can finalize plan approval and start on construction documents in order to apply for building permits.

Joseph Hessmann asked what grants had the City been given since the project started in 2003. Chuck Adams stated that at this point they were relying on surplus funds or programs adopted this year in the budget, residual funds from programs not being completed plus what was asked for, it is hoped that they could have the funds anticipated as estimated costs.

Joseph Hessman stated that the Board continues to listen to plans of what is being done for the New River downtown and to sit here for 3 years and not understand why it takes so long to get something that is needed very badly and then only get approval for one. Does it mean that if this one doesn't work, that's it, after 3 years working to get it done?

Chuck Adams stated that the project has proceeded with Jamie Hart making good progress with minimal objections from the State. Excessive environmental studies have not been needed so the cost has been kept down. No requirements have been received that cannot be managed so from the standpoint of permitting, the track record has been good since the direction the City Commission gave in September 2004. Additionally, capital funding is in place or will be in place shortly so we do not have to be looking for grants to get this first dock constructed.

Chair Barry Flanigan stated he was more concerned with the statements on the Manatee situation received earlier from Frank Herhold from the Marine Industries Association of South Florida. He indicated that Mr. Herhold did not know if the new restrictions apply to floating docks but thought someone needs to stay on top of this issue.

John Terrell stated that this is the most important thing the Board could do for the New River and the City of Ft. Lauderdale is in desperate need of some floating docks, not just 100' and if we have been given direction by the City Commission, maybe this needs to be revisited and we need to expedite this by starting from square one by talking to the City Commission and everyone that is interested in this to move forward with it when the long delays, projects and studies may be unnecessary and cause unnecessary delays.

Chair Barry Flanigan stated that John Terrell may be on the right track, that some of these people were not here and maybe something needs to be done to jump start the program.

Pete Zachary asked about information on the County program concerning Manatees. Chair Barry Flanigan did not have much information other than a short newspaper article not favorable for the marine industry but there is a public meeting Tuesday at 5:30 pm. Jamie Hart said he will e-mail the information since he just received it yesterday and there was not adequate time to provide comments to the Board for their input.

Steve Tilbrook asked Jamie what were the permit requirements for the pilot project when he sees hundreds of floating docks brought in for the boat show and perhaps more is being done than necessary for a pilot project of one dock. Steve Tilbrook also wanted to know about the first pilot program dock located outside the Broward Center for the Performing Arts if a permit had been obtained. Jamie Hart indicated that situation has been changed and a permit had been obtained. Two different divisions must grant permits, one from the Endangered Species and Wildlife Conservation Program and the other from the FDEP for the general construction permit. Steve Tilbrook also asked if the City needed to purchase a dock for a pilot project and if the pump outs would need to be installed.

Chair Barry Flanigan asked when the talked about pump outs and was advised that with the events with the museum there may be cases with the need for overnight dockage. Mr. Flanigan indicated that any discussion for overnight be discouraged and this was to be for transient dockage. Chair Barry Flanigan asked if the City should hire an expert to design the project.

Joseph Hessmann stated that the Board had sent a recommendation to the City to hire a consultant and it had been turned down.

Jamie Hart suggested that this be brought back next month after looking at the restrictions on the Manatee Plan.

Rick Schulze suggested that the only concern had been with the ADA requirements and why does the project now have to be hooked in with the museum. The locations suggested had been sent to the Commission and they preferred that location. The location just happens to be where the museum is.

Chair Barry Flanigan agreed that there were several justifications for the location including fuel purposes and access to both Esplanade Park and the museum but it was not the museum's dock.

Jamie Hart stated that the dock located there for museum activity was part of the commitment for development of the property. The developer is New River Trading Post with Kelly Drum as the principle overseeing maritime museum.

Norbert McLaughlin asked if he understood that the docks being considered were 10' by 100', which increase the cost by adding a shipping problem to the price of the docks. If the size were cut down to 8' from 10' you gain access as far as boats tying up the New River and you are discouraging use when there are other docks available.

Jamie Hart pointed out the need for the height for the loading and ADA elevation requirements and for gangway access for large vessel docking that was anticipated in conjunction with exhibitory use for planned events periodically with the antique boat museum.

Steve Tilbrook asked if the Board could review the sketch at the next meeting. Chair Barry Flanigan stated this would be an agenda item for the January meeting.

John Terrell stated that this was the most important issue to come before the Marine Advisory Board and it should be treated that way.

John Baker asked in reference to the new manatee law if there was a point in time where we could apply now for the South Side and get it done before the law was put into effect. Jamie Hart indicated that was his point to get it on the agenda, get the time table in effect and perhaps we should apply for the permits now.

Chair Barry Flanigan stated the Board needed to be more objective and explore what options are available, the understanding of the new manatee program, a plan on the site on the New River, see the plan for some south locations and in the meantime call Jamie to get as much information as possible. Chair Flanigan stated he would speak with Kaye Pearson to see if he could come to the meeting next month or send someone that could provide direction.

Chair Barry Flanigan stated that everyone should be able to leave the meeting next month with a clear understanding of where the Board is going with respect to the floating docks.

Roger McKee agreed to attend the meeting and get information on the upcoming manatee program.

### **Riverwalk/New River Docks Projects**

Chair Barry Flanigan indicated that he walked and surveyed the South New River Dock Project and since the previous meeting there is clearly more than 100% improvement. He indicated that improvement has been made in many areas that the Board did not think possible by this time. He referred to the schedule attached to the item and pointed out that it was broken down into several portions. The landscaper is very diligent and the inspector, Scott Van Lowe is keeping a detailed inspection list on the project with a very elaborate punch list of items that are not completed. It appears that the electrical contractor would like to be done by Christmas and once the power is provided the pump out facilities, sprinkler system etc. can be tested. The fishing shelter, picnic shelter roofs are almost done. The pavers and the ramp area leading to it should be done by January 18, 2005. They want to finish the pavilion roof work should be finished before the pavers. The lift station is waiting on the electricity for power.

Mr. Flanigan said the marina should be finished on at least half of the slips and then there would be an access problem on the east end where the developer has things are messed up. Mr. Flanigan said the upland project has changed hands recently and it is being finished as a condominium rather than an apartment complex as originally permitted. He said no one wants to keep a boat there where there is questionable access and the City may not want the liability of people coming back in the area. Mr. Flanigan informed everyone that there is supposed to be a meeting within a couple of weeks and they have seen the situation created and have a timetable to resolve it. Plans are to provide some interim access on the mid-point through SE 5<sup>th</sup> Avenue which would allow us to have the east half finished or some type of covered situation like they did on the north side of Riverwalk. He also thought there is a possibility that they could provide parking in the garage and they would provide the east slips with a golf cart that the boaters could use as a shuttle to and from the Riverwalk. There is one other option in its early stages that would provide access to a partial marina and something needs to be done on the west side, perhaps utilize as some barge storage. Perhaps the city could offer some attractive dockage in front of the west end where you may not need electrical, access and parking etc.

Robert Sadowski stated he had suggested that the developer finish the landscaping at least up to a point.

Steve Tilbrook clarified that in November they had projected the middle of January and were giving the developer 2 weeks to get things moving. Mr. Tilbrook asked Jamie to talk to Mike Fayyaz to continue because the Board is very cognizant of what was going on. Chair Barry Flanigan said it was looking so much better than before and would provide an update next month.

John Baker stated that he had noticed the fence open all weekend long during the Jazz Festival.

**Broward County Marine Advisory Committee**

No report.

**Winterfest Boat Parade**

Ryan Campbell reported that the Winterfest Boat Parade plans were being finalized for the December 18, 2004 parade and Shaquille O'Neil would be there and they were still accepting boat entries and control boats were always needed.

There being no further business to come before this Board, the meeting adjourned at 8:45 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Debra Giehtbrock", written in dark ink.

Debra Giehtbrock  
Recording Secretary