

**MARINE ADVISORY BOARD MEETING  
THURSDAY, MARCH 3, 2005 - 7:00 P.M.  
CITY HALL  
CITY COMMISSION CONFERENCE ROOM – EIGHTH FLOOR  
100 NORTH ANDREWS AVENUE**

<u>BOARD MEMBERS</u>	<u>ATTENDANCE</u>	<u>ATTENDANCE</u> <u>Cumulative From 5/1/04</u>	
Randolph Adams	P	P-1	A-0
John Baker	P	P-6	A-0
Ryan Campbell	P	P-8	A-1
Richard Duncan	P	P-7	A-2
Barry Flanigan, Chair	P	P-9	A-0
Joseph Hessmann	P	P-9	A-0
Roger McKee	P	P-8	A-1
Norbert McLaughlin, Vice-Chair	P	P-8	A-1
Robert Sadowski	P	P-7	A-2
Rick Schulze	P	P-7	A-2
John Terrill	P	P-9	A-0
Stephen Tilbrook	P	P-6	A-2
Dr. Geraldine Udell	P	P-8	A-1
Eugene Zorovich	P	P-7	A-2

**Staff Present**

Jamie Hart, Supervisor of Marine Facilities  
 Bruce Larkin, Director of Business Enterprises  
 Peter Partington, City Engineer  
 Mike Fayyaz, Assistant City Engineer  
 Officer Joe Genna, Fort Lauderdale Marine Police Unit

**Guests**

Frank Herhold, Executive Director/Marine Industries Association of South Florida

**I. CALL TO ORDER/ROLL CALL**

Chair Barry Flanigan called the meeting to order at approximately 7:15 p.m., and stated it was the first time they had been in their regular meeting room for the approximately the past 60 days. The January meeting was held on the first floor. In February they met at the Marina and had an informative pleasant evening.

They were on the Carrie B and after the business portion they toured some of the marine facilities.

## **II. Approval of Minutes – February 10, 2005**

The minutes of the meeting held February 10, 2005 were reviewed and the following corrections noted

Chair Barry Flanigan stated that in one paragraph it referred to “her” and should have been “him”.

Steve Tilbrook stated that although he arrived after the business portion of the meeting was adjourned, he would like it noted that he attended. Chair Barry Flanigan noted that amendment.

**Motion** to approve the February minutes except for the attendance list was made and seconded. Board unanimously approved.

## **III. Introduction of New Members**

Jamie Hart advised the Board that they have a new member and asked the Board to introduce themselves.

Randolph Adams then introduced himself and stated he had been in South Florida since in 1988 and worked for Summerfield Boatworks. He had also worked for Nassau Underwood Rigging doing deliveries and working on boats. He was also a member of the Broward County Marine Advisory Committee.

Jamie Hart stated the Board would value his presence because they have the County represented as well as the interests of Riverwalk.

## **IV. REPORTS - Waterway Crime & Boating Safety Report**

Officer Joe Genna of the Fort Lauderdale Marine Police stated there were 3 vessel accidents the previous month:

- Minor wake damage caused at Roadhouse Grill at Commercial and the Intracoastal
- Minor accident involving 2 vessels that were fueling at the 15th Street docks one guy came in and just tapped the other guy.
- Two vessels at Pier 66.

Officer Joe Genna stated there was one vessel burglary at Allied Marine/Bertram Yachts. A gentleman had his boat being repaired and there was a handgun stolen while it was in the yard. There are no suspects at the present time and no leads. The police thought it could possibly be connected to a worker on the property.

Officer Genna stated the other thing he wanted to do was give an update on Port Closings for the upcoming OAS in June 2005.

- Friday, June 3, 2005, through Tuesday, June 7, 2005 there will be no inflatable vessel traffic less than 16' in length throughout the entire port.
- No personal watercraft will be allowed in or out of the Port.
- All other boat traffic will be escorted through the Port on a 24-hour basis for the period mentioned.

Jamie Hart asked if each boat over 16' was going to be escorted to their destination as a group or would they just be escorted out of the security zone which included what exact area.

Officer Genna stated it depended on the number of boats going across there and coming in and out. He said that during the later part of it would probably become mostly singular, but during the earlier daytime hours the police would probably escort boats as a group. He indicated that once boats pass north or South of the Port they are on their own and once they pass through the inlet they will be on their own. The Security Zone is from Port Everglades on the North would be the 17<sup>th</sup> Street bridge the jetty's will be the Eastern and then South once you pass the turning basin itself, or the Dania Cutoff.

Norbert McLaughlin asked if commercial vessels like barges and tugs were going to get prior permission or be escorted through there.

Officer Genna stated they would be required to radio ahead of time to the Port actually calling the Harbor Master and the Coast Guard and they could be met and escorted as well.

Rick Schulze asked how much notice they were going to require.

Officer Genna stated he was not quite sure and about that right now since they were in the preliminary planning stages, but they would be working the operation for a longer period of time as a unit. It will be almost a week prior to the event that we will be activated and if it needs to be extended, it will be extended.

Ryan Campbell asked if when the plan gets finalized, could the police bring the information in to the Marine Advisory Board so they could distribute it through proper avenues.

Chair Barry Flanigan stated he was not sure if anybody was aware that Officer Robbie Bliss who had been at our meetings many times in the past is no longer with the Marine Unit because he has been promoted to Sergeant. Chair Flanigan would like to remind Sergeant O'Connor that there was the new fireboat introduced several months ago and the Board was told that some of the fire personnel who operate that boat would receive some special type of training through the marine unit.

Officer Genna stated he did not believe that it had occurred yet, however he knew they were in the process of setting up a schedule. The program is 140-160 hours and they are trying to free up some scheduled time for manpower concerns where they can complete the entire class rather than try to piece meal it together.

Chair Barry Flanigan asked if Officer Genna could let Jamie Hart know when that was setup so they have the proper training.

#### **V. RIVERWALK/NEW RIVER DOCKS PROJECTS REPORT**

Chair Flanigan asked the Board if they would consider allowing the presentation be made first and did not think it is going to be as lengthy or time consuming as what the following item might be.

**Motion** was made by Joe Hessmann to move Item 6 to Item 5's place and Item 5 to Item 6's place and seconded by Ryan Campbell. Motion failed.

Chair Barry Flanigan thanked Paul Flanigan for volunteering to wait and asked they move on to Item 5.

Jamie Hart stated he had provided a memo from Mike Fayyaz and that he and Peter Partington, City Engineer were there to update the Board. The New River Village project appears to be wrapping up and there are a couple of sticking points and a lot of frustration. There were two problems and Mike would update them on what was happening. He said the said they could not obtain a Certificate of Occupancy until everything was tested and the pump for the sewage pumpout system had been fully tested.

Mike Fayyaz stated the manufacturer would not test it. He said our contractor turned it on and it was operating and our inspector was there and appeared it seems to be working. He further said that to be on the safe side, they requested that the product be fully certified.

Mr. Fayyaz stated they had spoken to the developer of the adjoining development and the New River Village project and they are making the final tie-in with the temporary roadway into the project and he believed that would start next week after the City's contractor was finished with the eastern half of the site. Mr. Fayyaz stated they had basically done a walk through with a punch list and were ready to take over the eastern portion of the project.

Chair Flanigan asked if the upland was done as well as the docks. He wanted to know if the upland portion of the site on the eastern half including Riverwalk had been completed? Mike Fayyaz indicated that it had been completed. Chair Barry Flanigan stated that he understood the temporary access road was not tied-in, but and that the road actually goes through the construction site to the east on a temporary basis to allow vehicular access.

Jamie Hart asked if the City's contractor would continue to work on the western portion and Mike Fayyaz stated they would continue to work on the western portion though it was substantially complete. There was some minor work to be done there.

Jamie Hart asked if there were no insurance issues there if we start utilizing the eastern portion. Mike Fayyaz reiterated that it would not be a problem because they have basically "punched out the project".

Peter Partington stated they did not want to allow any use the western portion for safety reasons.

Jamie Hart stated that the Marshall Point project was not going very well and it was through no fault of Mike Fayyaz or Peter Partington. These are problems that essentially go back during the construction and Mike Fayyaz had tried to research the records to know what went astray in terms of the problem with the location of the FP&L transformer which was the cause of the delay. He said Mr. Fayyaz could not determine where the transformer was originally suppose to have been located, but may have been on the developers proper an then relocated to the HUD property.

Peter Partington stated that most recently the transformer was to be located on the property of the housing authority. Mr. Partington stated this problem was not discovered at the very beginning, but rather from fairly early stages in this project. He said that FP&L had been working with the City and cooperating to assist the housing authority with a couple of things that they wanted in return for an easement on the HUD property. He said that as it turned out the Housing Authority found out they did not have the authority to grant the easement and therefore are looking for the City to use its eminent domain powers. He said the City Attorney suggested that he would be prepared to come up with a revocable license agreement with FPL whereby the City basically allows FP&L to install the transformer into the right-of-way. Mr. Partington said that currently FP&L has not accepted that approach and they are still on the housing authority side. He

further said that the problem is specifically the lack of a place to site the transformer or place it immediately that is delaying this project significantly.

Chair Flanigan stated that he was at a total loss as to how this has transpired over this time frame. He was not knowledgeable enough and would want to defer to Bruce Larkin. Chair Flanigan stated he felt Mr. Larkin to be a calming force in many ways and through him we may get satisfaction or answers on situations and how to eliminate these problems.

Chair Flanigan asked if they knew the time frame they planned to wait for FP&L.

Bruce Larkin stated he would feel more comfortable if he knew some of the Board members questions because he had inherited this project along with a lot of other things. He did not know who the Engineering Project Manager was for this project and was not familiar with the history of the project or what the assumptions or original expectations were as to where this facility would go. Mr. Larkin went on to state that someone obviously miscalculated somewhere along the line and may have thought the housing authority could do something they could not do or maybe the City thought it was going to be able to acquire something it could not acquire. He would look to the engineers and whomever else they need to get involved to figure out who are the decision-makers. The decision needs to be made either at FP&L or the housing authority on the housing authority or who can push the right buttons with FP&L to accomplish what needs to be accomplished. He said they are holding up a beautiful project that has been long delayed up to this point.

Bruce Larkin concluded by stating that he guessed it was who was doing the telling and there was always room for negotiation and always room for exceptions under proper circumstances and this may be one of those situations that we need to get to that level.

Peter Partington stated it was obviously at the level of the City Manager's office and are trying to work it through their contacts both with FP&L and even politically to see if there is some way to come in to the housing authority angle and to see if there was a way through the apparent quondam. The only way they want to give up the land was if the City uses an eminent domain path. The City Manager's office is exploring a couple of avenues as well. He said that everyone is only too well aware that this issue was holding up the completion of this project.

Peter Partington stated this was not a straightforward project and tried to summarize this as he understood it because he was not involved right from the very beginning. Mr. Partington continued to say there were two phases to this project and the phases are spelled out in an agreement between the City and the adjoining development. The City's phase is done and the development phase is not done, not totally done because the developer was held up because of the

electricity. The agreement between the City and the developer does not appear to actually reference a set of plans that you can look at but clearly in the agreement the plans call for one thing or another to happen. There are words in the agreement that do not reference a set of plans and that was the way the agreement was drawn up. The City's work has been finished but unfortunately the developer can't because he is waiting on the transformer. It would appear that everyone made the assumption that siting a transformer to provide power as a fairly routine matter. As you look down to the end that has proven not to be the case.

Chair Barry Flanigan stated coming down this side he thought it important that they have Scott Strawbridge from Riverwalk as an integral part be given time to speak on some of the issues.

John Terrill stated clearly someone was asleep on watch and to go from the boating to trains this is a train wreck. He said we do not know who was asleep on watch and it was not as important to find out at the present time as it was to find out who was going to take responsibility for where we proceed from here and who was going to get them out of this mess. Are there any ideas as to solve the problem? It sounds like a standoff right now between FP&L and the City.

Peter Partington stated it was rough to be in the Engineering Department or the City Manager's office or any combination. It was obviously going to take initiative to solve the problem. He said it may be that the City Manager's office can get to the right level in FP&L and get them to revisit the decision that would allow their authorities to sign the revocable license agreement.

Mike Fayyez stated that at the point power was made available in terms of the work to be done was probably a month or two to complete the entire project. Most of this time is for building a stairway that goes from one level to top of the bridge not taking use of the seawall and marine facilities if the power was there. If the power were turned on tomorrow, he would say probably within 4-6 weeks you could utilize that marine facility. If it requires eminent domain, Mr. Fayyaz stated it would be a 3-4 month process and maybe more.

Scott Strawbridge, Chair of the Riverwalk Master Plan Projects Committee, stated he would like to fill in a couple of gaps and if he said something out of turn he would like to know. Scott stated he has been involved in this project for a little time as well. He said about 3 years ago, the developer of Esplanade on the New River signed an agreement with the City. Mr. Strawbridge said that while there were not a set of plans there was a paragraph in that agreement which gave the City as one of their obligations to provide utility services to the site. He said that plans or no plans this was something the City agreed to about 36 months ago. He further said that about thirteen months ago, Esplanade on the New River started closing their first units and had residents moving in and the Suffolk Construction who was the builder of the project was responsible through the developer to finish the upland portion. He said the City paid for the seawall

and the infrastructure and their job often to bring in the utilities. Mr. Strawbridge said it was the developer's job to complete the aesthetics, roadway improvements, paving, gazebo and staircase to allow the residents to be able to get to the other side of the river more conveniently. Mr. Strawbridge said he became aware last spring that this was not happening. He said that he tried to go through channels and to talk to engineering to get to the root of the problem and at that point there were still CO issues and it was not that urgent, but it was starting to come up on our "radar." He said in late September or early October right after our City Manager took his position he said he had a meeting with the new City Manager Mr. Gretsas and the Developer who became aware of the problem and realized how critical it was to get this open. He said at that time he understood it was approximately \$30,000 per month in dockage revenue that was being lost.

Scott Strawbridge said that he was troubled about this as a citizen especially when he hears the City does not have enough staff to do this or we does not have the money to pay for that or the staff and have lost funding. He said that although he had asked for a specific answer he had not received one. He said that given the vacancy rates and the over-all amount of financial loss if the city had finished these projects on time and brought the marinas in on line the way they were supposed to be if they had been managed properly it would have been to the City's advantage.

Jamie Hart stated he could provide very conservative figures because he was using occupancy rates for the last 4 years that Marshall Point and Riverwalk South were operational which was from 1998 through 2001. He said conservatively the City has lost about \$146,565 for both facilities combined. If you figured it in today's real world with the newer facilities you probably would be looking at 25% to 50% higher or more like \$200,000.

Scott Strawbridge stated that each and every other capital improvement project along the Riverwalk is equally troubled or worse and they are concerned about that. Not just from the dockage revenue point but also from the property value point of view from the promise we gave 5,000 new residents moving in that have been told of a certain expectation that we all have an exceptional property values rising. Are they rising as high as they could be with this infrastructure done, no absolutely not and are losing the farm here?

Joe Hessmann asked if Scott could pin point why this was happening.

Scott Strawbridge stated he was a volunteer and he did not happen to be a contractor, but if he operated his business like this he would probably be flipping burgers. He thought the City lacked oversight on these projects and could not fault the individuals who are doing their best to work on them, but does not think they have sufficient staff and that it will spiral downward when they say "we don't have the staff to do the jobs that will bring revenue to the City".



Peter Partington stated we suffer that way within the City when we only have five employees taking care of three marinas.

Scott Strawbridge stated we suffer that way with maintenance on Riverwalk when we are down from 12 maintenance employees to 4. He did not know but perhaps maybe they could just say he was not that the priorities had been put in the proper order.

Chair Barry Flanigan stated he wanted to point out that the City is in partnership with Riverwalk. He said Scott does not have the answers and he was not expecting him to have them and it was important that we have another Board meeting. Mr. Flanigan said that they have Board members from Riverwalk and someone heading the Riverwalk Trust that come here and monitor and watch things that we should be on top of ourselves. Chair Flanigan then thanked Mr. Strawbridge for his watchdog approach.

Chair Barry Flanigan stated that was why they looked to Bruce Larkin and his office to look at this as a serious situation that we desperately need to get resolved.

Bruce Larkin stated he could assure the Board he will be in close communication with Mr. Partington and Mr. Fayyaz and the City Manager and would see what those alternatives were and what was needed to try to move it forward. He thought Peter and his staff wanted to move it forward just as much as he and the Board did. There was no point in pointing fingers they just needed to figure out how to get it done and get back to business.

Chair Barry Flanigan stated there were a tremendous amount of big homes being built by Harbor Beach and every one of these homes are having diesel generators put on them for temporary use. He thought there might be a way to muffle this sound through landscaping so they could be used at Marshall Point to provide temporary power.

Mike Fayyaz stated he would look into it and wanted to make a quick correction on what Scott Strawbridge had stated. Mr. Fayyaz stated that on the Marshall Point project, the contract required the contractor or the developer in this case to finish the project by October 2004. If there were any lose of use of the dockage space it should be from October 2004 not really five years or two years.

Chair Flanigan asked if revenue was one year. Mr. Fayyaz stated it was but construction has to be done. Chair Flanigan stated he understood but he was looking at was how much was lost in the event that these were finished on time. Chair Flanigan stated just to clarify with Mr. Fayyaz that it was just two different ways at looking at the same thing. Chair Flanigan further stated Jamie Hart's numbers did not come from his time line and if it was over dramatic he could appreciate that. Mr. Fayyaz stated the project was late and was as concerned as much as they were but it was not five years.

Mr. Strawbridge stated there was one other issue he wanted to make a part of the record. He has spoken several times with the developer recently and he has been done with this project for a year, the costs of concrete and steel are rising and he will not mobilize on the job to do this piece meal because it is already costing more than it should. He said the developer's hands are tied and he is ready to write a check for \$150-\$200 thousand would like to just leave. Mr. Strawbridge said he felt bad for the developer because the project has received a CO and he was asked to stay around until we approve his remaining portion of the project.

Randolph Adams asked what the expectation of this committee for this project. Chair Flanigan stated it did not require a motion and that this was an update. Randolph Adams suggested they close and move on to other business. Chair Flanigan stated he had asked Bruce Larkin to follow through with this.

Eugene Zorovich stated that in the last couple of years we kept hearing of all these projects going on and on. He thought the Board should get updates on a quarterly basis and when they are scheduled to be completed.

Chair Barry Flanigan stated we had a status one in December 2004 saying this project would be finished in February 2005.

Peter Partington stated that what Mr. Strawbridge said was a bit of criticism in a number of areas of the City. Since they had not had a construction management capability and function. He said that was recognized during this time and we should have recognized it sooner. Mr. Partington went on to say it was recognized during the time of the Acting City Manager provisions were made in the budget to set up a construction management team. He said that he and Mr. Fayyaz and a couple of other people had interviewed probably 12 people for the Construction Manager position and were close to being able to hire someone. He said the bottom line was that the City had recognized there was a significant deficiency in that area and are acting to correct it, but wished they could have brought someone onboard months ago. He further said that part of the reason that the City has these low bid contracts is that they have not been able to operate or move forward at looking at different types of contracts. He said that will change as staff gears up to be more proactive in construction management. He said that they are slowly and maybe belatedly recognizing deficiencies in this area and are trying to do something about it.

Peter Partington went on to say construction management was one of the hottest areas in South Florida to hire people from because there was a tremendous demand for extremely capable people and we are competing in that arena.

Chair Flanigan asked Mr. Partington how many people he was short in his department.

Mr. Partington stated that the construction management team was set up to be at least five people. None of those people are currently onboard because they wanted to start with the top position that is the actual Construction Manager. He said to that to give the Board a more global perspective as far as the Public Services Department is concerned, we are three months, 25% of the way through the year and our personnel is 18% expended. He said this means we are running 70% below budget. He said that was the budget, which was done during the time of the financial crisis and just subsequent to that.

Chair Barry Flanigan stated that the point he was trying to stress was that we need to figure out a way to help get these departments staffed up. He had some direct experiences and learned that no one wants to work for the City of Fort Lauderdale because of the so-called mess that it is in. Chair Flanigan stated he did not think it was in a mess and would love to offer to take someone and walk them along the Riverwalk. Chair Flanigan told Peter Partington if there was some way he or the Board could help interview applicants or get them excited by taking them around the City he would be happy to do so and was sure any of them would. He knew John Baker was always happy to help. Chair Flanigan thanked Peter Partington for coming.

VI. **PRESENTATION – FORT LAUDERDALE BEACH AND INTERCOASTAL WALK**

Mr. Jamie Hart introduced Paul Flanigan and stated he intended to make a presentation regarding improvements to the entryway from the Las Olas Boulevard to the beach from the Intracoastal Bridge. Mr. Hart said this included the street scape area south to the Doubletree Hotel and the small marina on the west side of Seabreeze Boulevard. He said he had color photographs to display which would give Board members a better idea of what some of the fountains and water spouts would look like.

Chair Barry Flanigan stated he wanted to say as a form of disclosure Paul Flanigan was not a relative and he had no financial interest in his projects.

Paul Flanigan owner of the Quarterdeck Restaurants stated he lived right across from the beach and for quite a while he had been trying to work within the City to improve that area and the beach project. He pointed out by photographic illustration the Quarterdeck Restaurant opposite of the parcel that the City had for 15 years, but had nothing to develop it. He said that the grass was cut one time per month and there is a great little trail across there that the public uses since it was not used for a parking lot or anything else. He said that last year, a former staff member Chuck Adams, gave him some advice and suggested he start working over in another area by the marina. Chuck Adams told him he would rather see this property developed because it was bigger and better suited for a restaurant. He said lot was ultimately tied up in the Palazzo project.

Mr. Flanigan stated he was able to acquire the Crazy Greg Marina, which goes from the corner down to the 7-11. He said he had recently been able to acquire

the 7-11 although they did not want to leave so they were filing legal action against him. He said he was also working with the new owner of the old Coconuts Restaurant who had purchased that property and is doing a great job to put a restaurant back in there. He said he wanted to install walkway similar to one he had seen in Key West.

Mr. Flanigan stated he then went to EDSA who had created Atlantis. He said EDSA had the idea of lowering the streetscape so the ocean was more visible from the bridge entering the beach. He said EDSA also proposed a walk around the central beach from Las Olas and A-1-A southbound down the beach and connecting to 5<sup>th</sup> Street and then to the beach walk connection. He said Beach Place is not really a good pedestrian street even though the City calls it pedestrian friendly. He said from this point you can go down to the City's marina. He said you really cannot walk all the way along the along the marina, but it can be fixed. He concluded by saying the trip back and depending on what happens with Palazzo is about five-eighths of a mile. He thought it was a tremendous walk.

Paul Flanigan said the marina property was going to have a restaurant named after his wife Ms. Margo's. He went on to point out that you can have a tremendous walkway and rarely could you go from the beach to the Intracoastal in one block. He said Key West does not have it, Palm Beach does not have it, and Miami beach does not have it. He said EDSA suggested taking out all the trees to have a sight line all the way to the beach.

Mr. Hessmann asked Mr. Flanigan to elaborate about the removal of the trees.

Mr. Flanigan said he planned to put in low coverage and palms so you could constantly see the ocean. He said the plan also called for the use of pavers to encourage events like a small art festival or some kind of beach event such as the dive events or other hundreds of events. Mr. Flanigan said he intended to make it a first class marina of the same quality as Atlantis. He was working with EDSA to actually have a minimal sidewalk on this side and to move the sidewalk. He said they were going to have a small sidewalk and actually move the sidewalk along the dock to be able to walk along the dock like Mallory Square where Key West lights the walk along the docks. He said the walkway would go all the way down to Swimming Hall of Fame.

Mr. Flanigan said that Phase II starts across from the Quarterdeck and really does not involve the Marine Advisory Board. He said he wanted to encourage a little fishing village community so people knew they were on the water. Mr. Flanigan referred to the public property across from his restaurant and said he planned to put a 2-story restaurant with public restrooms on the ground floor. He said he would maintain the public restrooms which were needed on the beach. He said part of the marina area is a poorly kept piece of property that the City owns to the west. Mr. Flanigan stated he had contacted Star Bucks and Coldstone Creamery, but the lot had already been approved for a 2800-sq. ft

building under the Palazzo project. He said that the Coldstone Creamery which is gourmet ice cream store and Star Bucks have already agreed to go there. He said in the middle of site would be a fountain that would be visible from the entryway from Las Olas Boulevard. He said the type of fountain being proposed has really no water, but a few inches that kids could play in and then around the edge there would be a trellis.

Joe Hessmann asked if they were going to extend the sidewalk from A-1-A to Seabreeze west on the Elbowroom side with that one lane of traffic.

Mr. Flanigan said he knew this was pretty well done with a completion scheduled for fall 2008 where you have two lanes coming in. He said this road comes right into the middle of the Quarterdeck. He said the City lists this property as surplus and he had offered to trade them his parcel to make it work.

Paul Flanigan said he wanted to come to the Marine Advisory Board because this was on the water and because he has a marina. He said there are two buildings for which he had given EDSA his design criteria and had hired Stromburg.

Dr. Geraldine Udell asked if Seabreeze was going to become a two-way street now because right now it only goes southbound and will you to be able to go north.

Paul Flanigan stated that there was only a 15 car-stacking lane from the Elbowroom south and once that exceeds 15 cars it goes into the traffic lane. Further south of that you turn into a parking lot. He said plans are to allow vehicles to make left hand turns turn at the Elbowroom and at the Oasis you will and proceed down two lanes of roadway.

Joe Hessmann said he wanted to discuss the part about going any further than Las Olas. He did not want anyone to think that Seabreeze Boulevard could be expanded to Casa Blanca. He thought if we change that area it should be grandfathered in and if that changes, parking must go to 1.5 and the City of Fort Lauderdale is not going to build that condominium a \$3 million 4-story parking lot to put cars in.

Richard Duncan asked if at the Quarterdeck they were proposing tiles going up to the pavers area would they be eliminating parking spaces and Mr. Flanigan told him no they were still there and just creating an area where you could have an event.

Paul Flanigan stated Peter Partington's idea came into play because land acquisition is so expensive so they would draw their mark and say this piece of his property would be leased back from the City for a dollar year or month or something.

Chair Barry Flanigan stated it had been a long time since they had anyone say they want to build restrooms on the beach. Paul Flanigan stated the restrooms would be located just a walk down Las Olas, accessible right from the street. He would build them and maintain them. Not 24/7 but during his operating hours and they close at 2:00 a.m.

Steve Tilbrook complemented Paul Flanigan on the effort he put in to making this plan and wished him luck getting it all the way through. The Marina itself was in pretty sad shape and thought there were some things that could be done particularly on Las Olas. He said there are gas pumps down there that are a hazard that needs to be considered. Mr. Flanigan stated they would be moving the removing the old tanks. Mr. Tilbrook thought this was wonderful news not to have a gas pump on Las Olas Boulevard and the temporary shelter where parasail tickets had been sold. Mr. Flanigan stated that it was all going to go and he was going to build someplace for them to do that.

Steve Tilbrook stated that creating the corner experience was important and creating a vital atmosphere at that location made it exciting. He said Parcel B is what they used to call part of the Palazzo Project and this looks like a much better use for Parcel B than anything previously conceived. A Star Buck's and ice cream shop would be a beautiful piece of waterfront property at the base of the bridge.

Randolph Adams told Paul Flanigan this was a great plan and asked what he wanted this committee to do. Mr. Flanigan stated he was looking for ideas and suggestions because it was on the water and that was what they did for a living and anything they could do to have this approved.

John Baker stated they have been struggling downtown to get things done and he was for this 100%.

Mr. Eugene Zorovich asked once he passed all the hurdles, how quickly could the project get done.

Paul Flanigan stated some time in 2008. He was trying to coordinate the landscaping project with his own and trying to coordinate so we build one row of palm trees and not have two rows. Everything could be coordinated and the same paver guy can do this whole corner at once. The City's plan for the road being completed by fall 2008 and that was basically his too.

Mr. Flanigan also mentioned that the with the Security of gates at the marina it would be more secure if the public us encouraged to walk on the marginal walkway.

John Terrill stated he did not agree with allowing the public to walk on the docks that did not have a reason to be their. He asked if just south of the Seven-11 would there be a place in front of the Doubletree that might be appropriate for

the day boats that are currently on the New River, the tour boats such as the vessel the Carrie B. Mr. Flanigan stated he thought it was zoned resort district.

Joe Hessmann agreed with John Terrill on the marina itself. He said that in the years he worked the City's booth at the boat show the questions that the always get first are about security. Mr. Hessmann said he was talking about the area from the Portofino where the part of the marina is locked out. He said at this location the public is 6'-10' away from the boats. He said if you walk along the existing sidewalk you can expand it and make it bigger. Mr. Hessmann pointed out that by walking on the existing sidewalk there is still the view of the boats.

Mr. Hessmann said that by opening up the marginal dock in its entirety to the public there will be four slips gone and not able to be rented. He said that no one wants to wake up in the morning and see someone walking by his or her boat. Mr. Hessmann questioned how this was going to work and the get the public into this secure area. He said there is a vessel sitting out there now paying \$2,600 per month for dockage rent from October to May. He said the only reason she is there is because she feels secure with her husband.

Paul Flanigan stated he could not disagree with Joe Hessmann because you still have 160' of open space with only 90' of closed space there for the security of that marina.

Steve Tilbrook disagreed with Joe Hessmann and thought having people walk along the water would be great and thought people would dock there anyway.

**Motion** was then made by Randolph Adams and seconded by Steve Tilbrook that this committee forwards a recommendation to give full emphatic support to Paul Flanigan's project that it is in the best interest of the City as well as the County.

Chair Barry Flanigan stated he thought no doubt there was encouragement and that Steve Tilbrook has been around enough to realize the work in it. He wanted to ask that somewhere along the road they need to look into the parking zoning issue for future boats or tour boats visiting a location point and that Staff incorporates that into the plan. Randolph Adams and Steve Tilbrook accepted the addition to the amendment.

Roll call showed motion was approved unanimously.

**VII. DISCUSSION – PROPOSED FLORIDA STATE SENATE BILL 7040 – COMMERCIAL WORKING WATERFRONT LEGISLATION**

Jamie Hart had provided everyone a copy of this proposed legislation Commercial Working Waterfront Legislation that he thought was a great bill.

Mr. Hart stated that it combined a lot of different things that needed to be done long ago but it accomplished a lot of objectives. The first is it provided more grant funding for public access, which we are going to talk about on floating docks. It also provides for tax incentives for commercial establishments and hopefully retain their properties rather than sell them for residential development like has been happening around the City. He said this is one thing that we seem to be continually talking about and trying to get some relief in the proposed boat siting plan that Frank Herhold speaks about in terms of net loss of marinas. He said this is a good alternative to what they used to call blue-belting in other states which is really the same thing. Mr. Hart pointed out that one important aspect of the bill is that it requires the FDEP to provide technical assistance and support for retaining and revitalizing waterfront areas. He said it also gets the FDEP more involved instead of sitting back and working more with the manatee protection element of their responsibilities.

Mr. Frank Herhold explained this was a 21-page bill. He said that all of you who have been working with the Marine Industries Association on our re-master plan know that we have been grappling for solutions. He said this bill has been prepared not by Frank Herhold or the Marine Industries Association, but prepared by the Senate and Community Affairs Committee based on a report that they commissioned at the end of the last session and was done over the summer and this fall. The report led them to a Bill that is everything that we would ever wanted from an Industry perspective. Mr. Herhold said he particularly liked what was woven into the bill that the legislature recognizes that there was an important State interest in facilitating boating access in the States navigable waters.

Mr. Herhold stated that there was a grant program which was actually funded by an increase in boater registration fees. Mr. Herhold stated he had a 23' boat and pays \$18.50 in boater registration fees. He said his boat registration fee would go up \$5.00 to \$23.50 and he did not mind paying an additional \$5.00 for boating access. He thought it was a good bill and it is something we would definitely like. He said it is important to have the Marine Advisory Boards full support and communicating to the City Commission your interest in seeing this Bill pass, asking them to communicate their support to the Broward delegation and anyone else that might be a part of the process, perhaps the Government.

**Motion** was made by Steve Tilbrook and seconded by Rick Schulze to support the legislation from the City Commission to the Broward Legislative delegation.

Roll call showed unanimous approval.

#### **VIII. UPDATE – NEW RIVER FLOATING DOCK PROJECT**

Jamie Hart stated this item and the previous item were really the same. The public or waterway access is the hottest topic in the Country. He said the Board



had talked about it here for many months and he was sure every Marine Advisory Board in the country was talking about the same thing.

Mr. Hart stated he did receive the General Use Permit from the Florida Department of Environmental Protection. The license became effective February 17, 2005, for the pilot dock and the permit was good for five years. There was one final review he had to do with the Army Corp, which did not appear to be anything too large. It had to do more with construction purposes and he hoped within the next 180 days (6 months) we could have the facility underway in terms of construction and it would be completed within about 8 months.

Eugene Zorovich asked if Mr. Hart would be overseeing the project and was told he would.

Steve Terrill asked for reports each month on the status.

Bruce Larkin wanted to comment on the ideas he had on Master Planning. He said when he got involved with Marine Facilities October 1, 2004, he did not know what a floating dock was so he made an effort to go back and actually look at the history of it to try to understand why it was so frustrating this Board. He went back and read minutes of Marine Advisory Board meetings and presentations and memos to the commission and various directions. He said In January 2005, the Board made a motion to hire a consultant to complete a plan to develop up to five locations after being identified on the New River. He said at this point he wanted to ask the Board to work with him on this a little bit. He wanted to try to fold that project by hiring of a consultant to conduct a study and design and permitting work into an approach he was trying to take with marine facilities, a two step process.

Mr. Larkin stated that at the last meeting he had explained how the City Manager had approved his request to create a full time permanent manager of marine facilities and that was going before the City Commission to extend their pay ordinance to create the job. He said the Commission approved it at their last meeting make it the second reading to amend the pay ordinance. He said that al, that was left was a little more bureaucracy to go through to file an appeal because of their former financial straights to fill any position they are required to fill out an appeal and go through a process with Human Resources. He said after that they would start recruiting and hopefully get that position filled by June 2005.

Mr. Larkin said he would like to develop a scope of services and would include in the study what the Board had asked for in terms of the New River identifying sites getting design and permitting help. Also he would like to task the consultant to look at all of our marine facilities, how the logistics work, what markets they are serving, what our operating procedures are and how operate them, how we are staffed, how our rates are, and are we going after the right

market. He said this would include the correct pricing of our product and if we are serving the customer right, etc.

Mr. Larkin said he has looked at the budget in his department and found some money that he can move around to be seed money to hire the consultant. He thought that perhaps the marine industry and Riverwalk may step up to the table and offer some money. He said between those sources and what he has identified, the Board can really do a first rate job.

Chair Flanigan stated he had heard directly from Mayor Naugle and a couple of Commissioners that there was no interest to just do a study for the River that they preferred expanding floating dock idea.

Mr. Larkin had indicated that some money could be found to advertise the floating docks over at Las Olas so those docks could be utilized for the summer months and spring where people can see something in the paper and come over and try it.

Steve Tilbrook cautioned the Board because the Boating Facility Siting Plan and the Manatee Protection Plan were moving forward. That plan would prohibit any type of transient boat dockage on the New River and the more we delay this the more risk we have that we are going to lose all of our rights to bring more boating facilities and new boating facilities onto the river. Mr. Tilbrook stated he liked the management approach of trying to wrap it all up, get a big plan and move forward with the big plan. His only concern was that this was not going to be a big part of the big plan but probably a little part of the big plan.

Chair Barry Flanigan stated it was a Phase I and Phase II plan. Mr. Larkin thought they could identify what they want to be the first deliverables and that he had certainly heard them

Frank Herhold stated that in essence they have a marina and boatyard moratorium. The original timetable was to have it go before the County Commission in May and the next meeting was the first week of April. The person on the plan at the County Department of Environmental Protection is on maternity leave for three months and things are going to be slowed down a little bit.

Frank Herhold stated that on Thursday, March 10, 2005, our Tallahassee representative working on this particular plan on the water is going to be doing a tour around the loop. He would like to have Chair Flanigan and Jamie Hart on this boat as they travel through the City Waterways. He did not have the exact answer as to where they were on that plan but it appears to be slowing down.

Chair Flanigan stated that the point they were making was even if they went with their initial plan of trying to get three docks we would not be able get into the

permit and approval process before the siting plan came in. If it takes effect, we are not going to have any floating docks anywhere.

Steve Tilbrook stated he wanted Mr. Larkin to know that this was the highest priority, small boat dockage on the New River and did not want it to get lost in the Master Plan for the whole City of Fort Lauderdale and then become a low priority. He said from his perspective, he was only one board member, but he did not want to lose the momentum on this. The Board went down the river last month and looked at locations where there was a lot of excitement and talk to hire a consultant this month and he could accept 30 days.

Ryan Campbell asked Bruce Larkin how long it took to get through the appeal process before he could start interviewing.

Bruce Larkin stated they have to recruit. It would take 10 days to get through the appeal process then some advertisements nationally and a process of screening applicants conducting interviews and thought it would take at least until June.

Ryan Campbell asked Bruce if he had already contacted the consultant.

Bruce Larkin stated he had not contacted anyone because he thought the first step was to do a request for qualifications to develop a preliminary scope of services, send it out and tell the marketplace what we would like to do and how they are equipped to do it if they have done similar work and give us some references. Then we have an idea who the players are and then go forward with an actual request for a proposal.

Ryan Campbell asked if the City they had a list of authorized contractors.

Bruce Larkin stated one thing he did when he ran parking with an approach that may bear repeating with marine facilities and the airport as well. He said when he took over parking he entered into a standing contract through a search and found the best equipped parking consultants. He carved out a certain amount of money and said did not know how he would spend it or what the individual projects would be but he was going to hire the firm on a retainer basis.

Steve Tilbrook asked if the City's general engineering consultant could do that now under the current contract.

Mr. Larkin stated he was not sure whether they had to go through a certain technical process which is a very involved process to hire a consultant or whether we can go under that threshold and have a general consultant do a number of things including preliminary design and permitting.

Steve Tilbrook stated that possibly next month that question could be looked into because he thought they could task the City's general engineering consultant

with this task and they could do it quickly without going out to bid under the existing contract.

Chair Flanigan stated one of the possibilities was the contribution that Riverwalk had made and if they had that consultant maybe that would speed things along.

Scott Strawbridge stated they had talked about it a little but they did not have a consultant, but thought Chair Flanigan was talking about Riverwalk making some type of a contribution to the project. Mr. Strawbridge thought that in principle it was a good idea, however, our interests are not specific to Riverwalk marine facilities and when he was first approached about this to do a floating dock project for the Riverwalk or the Downtown. Mr. Strawbridge stated he did not think the Board of Directors were going to become engaged in an overall Master Plan for the marine facilities. He said that the Riverwalk Trust was 100% or more in support of additional small boat opportunities downtown and wanted to relate another experience that didn't have to do with engineering.

Mr. Larkin stated his interest was not to create some massive study that swallowed up the floating dock issue and nothing ever comes out the other end. Mr. Larkin thought when you go out for an RFP it can be phased into sections and determine how much to deliver in Phase I, etc.

John Terrill thought that since we have no idea what is going to happen with the Broward County Boat Facility Siting Plan that it was too early to throw in the towel on the floating dock plan. He was excited about the City taking a closer look at the marine facilities and creating a marine facility manager was the first step that was going to allow us to manage our resources in a better way. He thanked Bruce Larkin, the City Manager and Chair Barry Flanigan for their leadership on this issue and was hopeful that a marine master plan would be initiated. He was hoping floating docks would be included in that master plan.

John Terrill had an idea the other day that he would like to bring up for discussion with the Board. He said he had reviewed past Marine Advisory Board tapes of a meeting that had occurred over the past five years and there was one recurring theme and that was floating docks. There were comments that talked about the same discussions that occurred in 1994. This past January this board had voted unanimously to recommend to City Commission that we locate 5 areas appropriate for floating docks and the City Commission hire an outside consult to assist with the permitting process. He said In support of the City Manager and Mr. Larkin what if the Board were to identify those 5 locations? He thought the Board could suggest to the Commission that the 5 locations be in a certain area and that we begin the permitting process at each location independently of the other. He believed that when a marine facilities consultant is hired and a master plan is completed the Board could then look and those areas that agree with the master plan. Mr. Terrill thought that they could not continue to delay this because the Boat Facility Siting Plan currently drafted could eliminate any options that we do have right now. It may be

something we want to discuss now and might be something that in 30 days we might want to revisit.

Eugene Zorovich asked if they can actually get a permit right now for any additional dockage.

Mr. Hart stated there was one restriction that there was currently a policy adopted by the FDEP which permitted an applicant in Broward County to construct or expand a marina which would allow only one dock slip per 100 linear feet of shoreline. He said as an example for the City to obtain the permit at the old post office site he had to have 400 lineal feet of shoreline to allow 4 boats or 4 slips on the 100' concrete floating dock. He said there is ample shoreline in this area that is not being used so we did not have to give up any existing transient slips to install day dockage. Mr. Hart stated this was in effect the policy that the FDEP uses for permitting of new and expanded construction of wet storage until Broward County adopts the Boat Facility Siting Plan, but for now if the submerged land is owned by the state this is the rule. Mr. Hart suggested that we need to select areas where there is a lot of vacant shoreline that is not developed like down by the Performing Arts Center.

Joe Hessmann stated there was property by Stranahan House to the Federal Highway Tunnel area.

Steve Tilbrook stated the 1 dock per 100' would not last because it is unreasonable.

Jamie Hart stated the current 5 locations already picked are good sites and they may be right when the plan is ultimately approved that ratio may go away.

Bruce Larkin stated assuming that if they wanted to act now on the motion they made in January the process they would follow given the way the agendas are managed now is to meet with the City Manager and explain what the issue was first. He said if the City Manager was comfortable with the proposal then they would meet individually with the Mayor and Commissioners and determine where they might stand on that particular matter and report back to the City Manager. He said it was then up to the City Manager as to whether to agenda that item for Commission consideration or not and there was still a lengthy process to go through. The Mayor and Commissioner Teel expressed fairly strong opinion that they wanted the trial program to occur before the expense of permitting and constructing the facilities was incurred. He went on to say the minutes reflected that they wanted to get a sense of the market for day dockage, how it will be operated and manage and what the usage would be, etc.

Chair Flanigan stated that was why 30 days added into the plan on a Phase I basis would be the way to go. The Commission had approved the plan therefore there was credibility coming from the plan and then the 5 locations happen to be the ones we picked out, a 30 day period may not be bad. Chair Flanigan does

not see them getting the ability to lobby the Commissioners individually for the support any sooner.

Mr. Hart stated it made more sense to do a master plan with a consultant with the permitting construction issues because handling it with Staff in-house would take a lot more time.

Mr. Larkin addressed the Chair by stating that when he looked at the chronology of the dock that you finally have permitted, they would have to go through their engineering people and you just heard we do not have the staff to make it their highest priority. He said if he had to go and ask them to do a preliminary design of 5 or more locations he could be waiting months and months before he got something that to attach to a permit application.

**Motion** was made by Steve Tilbrook and seconded by Randolph Adams to allow staff to come back next month with a recommendation for how they can implement a plan for floating docks on the New River quickly. The plan would include 5 designated sites to consider and answer whether or not the City's General Engineering Consultant can undertake that task.

Roll Call showed all were in favor and none opposed.

## **IX. OLD/NEW BUSINESS**

Chair Barry Flanigan stated there was an article in the paper a while ago on the situation down at the port regarding a storage facility for the dry marina. He saw Monique the other day at a Rotary club luncheon and they have a new lease on life. It was not the most comforting thing but was better in April or May than in a few months. He said at the present they are happy with the facility that will be there probably for a couple of years until a bridge is built that does not even have a design or any engineers to design at the present time.

Chair Flanigan wanted to recognize Tom Neale who had attended the meeting but had to leave. He was a published author writing under Passageway and writes articles for Boat U.S. Mr. Neale always speaks very favorably of Fort Lauderdale's Marine Facilities. He and his wife travel on a trawler extensively and always stay at our facilities. He writes very well of us and he wanted the Board to recognize him.

Chair Flanigan stated he understood there were some renovations underway possibly at Pier 66 that some of the boaters there had been told were going to be major alterations and asked Jamie Hart to look into it.

Vice Chair Norbert McLaughlin stated that they were going to do the same thing at Pier 66 that they did at Bahia Mar. They were going to strip and put floating docks in there but didn't what has transpired since it has changed owners. It was supposed to be after the boat show of next year. Mr. McLaughlin said were in the preliminary stages and they had put it out to contractors for estimated costs. He said Bahia Mar had at least come to the Board with a proposal. As he understood it certain boaters under long-term lease had been given notice that there were alterations and major renovations. He also stated a person fell off a yacht at the Pier 66 and they were in the water for a lengthy time. He understood the female was about 6 pilings from the bridge by the time someone finally heard her and that just happened recently. He also stated that there were no ladders from the pier down to the water and it was private property so could not understand the reason for not having them.

Norbert McLaughlin stated Bahia Mar had did not have one solitary ladder there and that was brought up as a question when the construction of the floating docks were being installed. He said they were told that there was no ladder and that if somebody fell overboard that they should be able to access from the water onto a floating dock. He also said they were being told they could climb up on a boat ladder.

Chair Flanigan stated something had happened and that he would report it and it would certainly not hurt the City to look into their own facilities.

Chair Barry Flanigan said the last thing again he was when are we going to see the signs on the New River stating for vessels to monitor Channel 9. Jamie Hart stated he was waiting for the decision of whether the signs should be on the bridges or out where you are entering like the bend at Tarpon River.

Chair Flanigan confirmed that where the river started had been decided. Jamie Hart said they would be done in conjunction with the next phase of signs.

Eugene Zorovich commented that the trip they took last month was great and should be done more often. He lives on the north side of the City and he does not come south that often.

## **X. REPORTS**

- **Broward County Marine Advisory Committee**

Mr. McKee said he had spent two hours listening to the different municipalities that have marine police requesting money and there was one comment brought up about Marshall Point that the cleats are there for the larger boats only. He said that in order for a smaller boat to tie-up it would have to go across the wall.

Jamie Hart stated that they we needed to install some small cleats. Mr. Hart stated cleats were for day dockage.

Ryan Campbell reported that the waterway clean up would be Saturday March 12, 2005, at 9:00 a.m. with 32 sites and this will be bigger and better. He said each site coordinator is linked to the other sites by Marilyn Lamata our Chairperson by either cell phone or radio. He said you can go to any of the sites. He said that right now they should be distributing the flyers at any Publix store.

**XI. Adjournment**

There being no further business to be discussed, Chair Barry Flanigan adjourned the meeting at 9:45 p.m.

Respectfully submitted,

Debra Giehtbrock  
Recording Secretary