

# MARINE ADVISORY BOARD

September 6, 2005 – 7:30 P.M.

CITY HALL

CITY COMMISSION CONFERENCE ROOM – EIGHTH FLOOR

100 North Andrews Avenue

Fort Lauderdale, Florida

<u>Board Members</u>	Present	Cumulative from 5/01/05	
	Absent	(P)	(A)
Randolph Adams	P	P-3	A-1
Joan Brochu	A	P-2	A-2
John Baker	P	P-3	A-1
Ryan Campbell	P	P-3	A-1
Richard Duncan	P	P-4	A-0
Joseph Hessmann	P	P-4	A-0
Heather Keith	P	P-2	A-0
Roger McKee	P	P-3	A-1
Norbert McLaughlin	P	P-4	A-0
Robert Sadowski	P	P-3	A-1
Rick Schulze	P	P-2	A-2
John Terrill, Chairman	P	P-4	A-0
Stephen Tilbrook	A	P-3	A-1
Dr. Geraldine Udell, Vice Chair	A	P-2	A-2
Eugene Zorovich	P	P-3	A-1

## Staff

Jamie Hart, Supervisor of Marine Facilities

Bruce Larkin, Director of Business Enterprises

Andy Pallen, Sergeant, Fort Lauderdale Marine Police Unit

Mike O'Connor, Retiring Sergeant, Fort Lauderdale Marine Police Unit

Marlene Kimble, Downtown Facilities Dockmaster

Laura Voet, Aquatics Complex Manager

Breck Ballou, Ocean and Rescue, Captain

## **Visitors**

Glen Bryant                      Susan Engle  
Chris Kjos                         Frank Herhold

### **I. Call to Order/Roll Call**

The September 6, 2005 meeting of the Marine Advisory Board was called for order at 7:30 P.M. by **Chairman Terrill**. A quorum was achieved with eleven board members present at time of the call to order. **Chairman Terrill** commented that he understands that each member is a volunteer that donates his/her time and expertise; however, a quorum is needed to conduct the business of this Board. He asked each person to try to attend each month's meeting and to stay until the adjournment. He added that the applicants that appear before this Board expect and should receive respect for their time and their presentation, and it is disheartening to not have their issue dealt with due to a lack of a quorum.

### **II. Approval of Minutes – July 7, 2005**

The minutes of the July 7, 2005 meeting were reviewed. There were no corrections, deletions, or additions.

A motion was made by **Mr. Hessmann** and seconded by **Mr. McLaughlin** to accept the minutes as written. A vote was taken and the motion carried unanimously.

### **III. Waterway Crime and Boating Safety, Sgt. O'Connor**

Sergeant O'Connor advised that he brought two month's worth of statistics because there was no meeting in August.

**July:** He noted that school was out. There were a total of eight boat burglaries spread throughout the city, with no pattern. There were no boat thefts, but one boating accident where a boat struck a bridge resulting in property damage but no injuries.

**August:** There were three boat burglaries, one dinghy stolen, and no accidents. Hurricane Katrina hit our area at the end of August. The

County enacted the flotilla plan which started at 6:00 A.M. Thursday, August 25<sup>th</sup>. Approximately 53 boats were escorted up the river. The plan went smoothly with no problems. He noted a houseboat sank in Marina Bay, and a Coast Guard boat got stuck under a fallen tree at the old Summerfield Marina. **Mr. Duncan** inquired about the boat that sank at the city's dock. Sgt. O'Connor acknowledged the sinking and noted that it was not part of the storm.

Sgt. O'Connor announced that on Friday he will have served 30 years and he is retiring. He introduced Sgt. Andy Pallen, who will be taking his place. **Chairman Terrill** thanked Sgt. O'Connor for his service to the City and added that he will be missed. He welcomed Sgt. Pallen.

#### **IV. Intracoastal Drawbridge Closure Trial Study Impacts**

- **Marine Advisory Board**

Mr. Hart noted that there were only two bridges that are not on schedule; Oakland Park and Las Olas Boulevard. There will be a notice published to include those two bridges with all the other bridges on a format. He added that there is no indication from the Coast Guard as to when the notice will be published, but Mr. Hart believes it will be a fixed schedule at the quarter/three-quarter hour mark with a reasonable distance between boats. Public input will influence the final decision.

**Mr. Duncan** inquired about the Davie Bridge. Mr. Hart noted that a request was made to extend the morning schedule by one half hour of the mandatory closure. This request must also go through a publication/notification process. He noted that the Coast Guard doesn't feel this request is justified based on the analysis of their bridge logs, adding that they only look towards boating safety, not car counts. **Mr. Duncan** noted that that request originally came from Commissioner Hutchinson. He also noted that since the development of the downtown area this bridge is often gridlocked. **Mr. Duncan** inquired what type of documentation is needed when the bridge is open during the mandatory closure hours. Mr. Hart noted the bridge should only be opened for emergency situations, tour boats, or tugs.

**Ms. Keith** made a motion to reaffirm this Board's prior resolution in favor of extending the hours of lockdown on the affected bridges. **Mr.**

**Campbell** seconded the motion. A vote was taken and the motion passed unanimously.

**Ms. Keith** suggested sending the resolution to FDOT so they may be apprised of the situation. Mr. Hart noted that FDOT was aware of the situation and sequenced the lights in response, he would contact them again reiterating that the bridge situation has not been addressed.

**V. Application for Non-Motorized Beach Boating Concession Waiver  
. Chris Kjos, Watersports Unlimited, Inc.**

Mr. Hart addressed the Board using a PowerPoint presentation. He noted that Mr. Kjos has been operating a watersports concession for over fourteen years with an excellent safety record. Watersports Unlimited, Inc. was recently awarded an RFP to operate a watersports concession on the public beach opposite of the 600 block of the South Atlantic Boulevard. The City is the applicant in this case. The City Commission may grant or deny the request and must specifically consider whether: the waiver application is incomplete in a material respect, has been fraudulently completed, and the activity proposed is not a reasonable or likely threat to public safety. The site area consists of a 200' wide corridor marked with buoys. An A-frame sign has been posted at the high water mark to warn swimmers to stay clear of the boat-launching corridor. His watercraft, including the chase watercraft, have identifiable signage. Mr. Hart included a list of watercraft inventory in the backup information.

To summarize, staff found the proposed business operation met the conditions of the code. Additionally the following recommendations are proposed:

1. Corridor buoys not to exceed a maximum of 6 buoys with up to 3 on each side of the corridor and shall be placed equidistant between the white buoys that identify the limitations of the 100-yard boating zone.
2. Vessel identification markings shall be affixed to both sides of the watercraft sufficient in size to permit identification at a minimum distance of 150 yards.

3. Operator shall post a minimum of 2 signs daily on the high water mark to warn the swimming public. Such signs shall be removed daily and stored above the high water mark.
4. Operator shall not restrict or interfere with public launching area and the use of the marked corridor by the public without approval of the City.
5. Operator must comply with all federal, state and local regulations.

**Mr. Duncan** inquired if this operator was similar to last month's applicant. Mr. Hart noted it was similar except this operator is non-motorized.

**Mr. Hessmann** noted that Mr. Kjos does an excellent job and is a credit to the City. It was Mr. Hessmann's understanding that the wooden slats at the launching site were the county's responsibility. He noted that the slats are in poor shape and are a hazard to persons who walk upon them. He requested that these slats need to be replaced or repaired. Mr. Hart noted that he would contact Parks and Recreation about the situation.

**Mr. Hessmann** made a motion that the wooden slats at the launching site be repaired or replaced by the appropriate authority, which appears to be the Department of Parks and Recreation. In addition, the City Manager is to be apprised of the situation. **Mr. Duncan** seconded the motion.

**Mr. McKee** commented that he had not seen the problem area, but he trusts the judgment of the board members. **Mr. Sadowski** wondered if the slats could be replaced with concrete. **Mr. Hessmann** felt concrete may deteriorate and crack. It was suggested by Mr. Kjos that brick pavers may be appropriate. **Chairman Terrill** noted the city would know the best way to repair the problem. **Ms. Keith** made the comment that this Board was not acknowledging any liability on behalf of the City for the existing condition, but just stating repairs are needed.

A vote was taken and the motion passed unanimously.

**Mr. McLaughlin** announced he had a conflict of interest with this application and wished to abstain from the vote. Mr. Hart noted there is a conflict form that will need to be utilized.

**Chairman Terrill** added that he has viewed this location and the operator and he felt it was a safe, clean and efficient operation.

A motion was made to recommend approval of the application for waiver submitted on behalf of Watersports Unlimited, Inc. by Mr. Duncan. A second was made by Mr. McKee. A vote was taken and the motion was passed unanimously, with one abstention.

## **VI. Application for Waiver of Distance Limitations – Nicolas and Terry Saban, 1115 N. Rio Vista Boulevard**

### **▪ Glen Bryant**

Mr. Hart noted that this application was for an elevator-type boatlift to extend off an existing pier beyond the maximum distance set forth in the Unified Development and Land Regulations. The applicant and property location is Nicholas and Terry Saban at 1115 No. Rio Vista Boulevard, Fort Lauderdale. The distance this structure will extend into the waterway is approximately 19.2 feet from the property line. The UDLR specifies a boat lift may be constructed to extend a maximum distance of 20 feet or 10% of the width of the waterway, whichever is less. In this case the waterway has an average survey distance of approximately 143.5 feet from the shoreline. The UDLR authorizes the City Commission to grant a waiver when extraordinary circumstances are found to exist. The property is in an RS8 zoning, residential, low-density district which allows a boatlift as an accessory use. Mr. Hart notes that this lift would pose no obstruction to the waterway at this juncture of the river.

**Mr. Duncan** noted that the lift would be permanent.

A motion was made by Mr. Duncan to recommend approval of the waiver. The motion was seconded by Mr. Campbell. A vote was taken and the motion passed unanimously.

At this point **Mr. Schulze** joined the meeting bringing the number of board members to twelve.

## **VII. Update on Manatee Boat Facility Siting Plan**

### **▪ Susan Engle**

Ms. Engle addressed the Board first announcing that the FIND board approved a study on dredging the ICW and the Dania cutoff.

Ms. Engle spoke on Siting Plan issues. A draft of the plan was issued on November 2004, which basically was a moratorium on future waterfront development. The core group was responsible for implementing change to the original document. The revision provides predetermined numbers of new boat slips within three segments of Broward's waterways; north (Palm Beach/Broward County line to Atlantic Boulevard), central (Atlantic Boulevard to Sunrise Boulevard bridge, and south (Sunrise Boulevard bridge down to the Miami/Dade county line). The Environmental Protection Department tried to come up with a current density ratio of boat slips, which included multi-family homes, boat ramps, dry stacks, and wet and dry marinas. Then based on manatee mortalities within those three segments of the waterways, a percentage of new boat slips was calculated. The north area was given 1267 new boat slips, the central area was given 573 new slips, and the south area was given 1580 slips. The core group was confident it would be the able to change those numbers with competent statistics, and in fact has been able to increase the number of slips designated to the south area to 2000 after the first round of fact gathering. Ms. Engle advised that the predetermined numbers will be net against lost slips. Ms. Engle encourages getting the economic departments of the City, City planners, Parks and Recreation and real estate persons involved to get a better view of the big picture. A meeting was held with developers last week to obtain their input.

**Chairman Terrill** inquired if the developers had any quality input. Ms. Engle noted that not a lot of progress was made, but ideas were floated and information was shared. She noted that land banking is being considered by a few, and that is not something that would benefit the marine industry. **Mr. Duncan** inquired about the central figure, wondering if the number included private waterfront property that presently does not have boat slips or docks. Ms. Engle answered that the figure represents multi-family and marine facilities, but a single-family home is not in the equation. **Mr. Duncan** inquired why the dredging plan approved by FIND switched from working on the New River first to the Dania cutoff canal. Ms. Engle answered that there was a limit on the funding. The FIND meeting is

being held October 22nd at 9:00 A.M. Ms. Engle encouraged everyone to attend and will e-mail the address to Mr. Hart.

**Ms. Keith** was not familiar with the plan and asked why it was being undertaken. Ms. Engle answered that no permits are being issued until the county has a Boating Facility Siting Plan in place as per state requirements.

**Chairman Terrill** commented that it is documented that speed zone compliance will prevent manatee fatalities, and that if Broward County had full compliance there would be no manatee deaths. He added that the Moet study revealed that one of the greatest violators of the speed zones is the water taxi. Compliance is not the same between recreational boaters and commercial boaters. Ms. Engle added that the county met with a group of law enforcement agencies that represent Broward's waters and they felt Broward had sufficient enforcement and that Broward County's mortality record is good. Those discussions and studies are ongoing.

### **VIII. Update on DEP Permit Modification for Waterbus Storage Terminal at Las Olas Marina**

- **Jamie Hart**

Mr. Hart advised that the application process must proceed without knowing formally whether the state is going to deny or approve the application. There is quite a bit of opposition to the Las Olas Marina location. There is a lot of public concern, and the state is requesting a lot of additional information. In order for us to get their answer a public information request will be required at the time their recommendation proceeds to the Governor and Cabinet.

**Ms. Keith** expressed her dismay and concern that this application is still being pursued when the results would adversely affect the City's public marina. She added that neither this Board nor the City Commission has voted in favor of allowing commercial use at that facility. Mr. Hart noted that once we submit a public records request and get the recommendation of the state, we cannot proceed without direction from the City Commission. **Ms. Keith** noted that it's a lot of time and work for staff on a project that has never been formally approved by either this Board or the City. Mr. Hart noted that at this point he has directive from the City Commission to proceed with the modification application. Mr. Larkin added that no formal vote has been taken by the City Commission to modify the property, but there was a consensus by a majority of the Commission to



move forward with the application. With that directive, staff is moving forward with their request.

**Chairman Terrill** recognized Mayor Naugle who joined the meeting for a short time.

**Mr. Hessmann** noted that this item was scheduled to come back to the Marine Advisory Board for input. He added that at the last meeting it was purported that the Las Olas site was the only site that could be used; however, at least five other sites were listed that were never studied. It is his understanding that the sentiment that was forwarded to Tallahassee from the local residents and related boards is that this marina should not be changed to allow commercial use. He asked for clarification of exactly which person or what entity is responsible for driving this modification, adding that this Board has disapproved this item twice. Mr. Larkin answered that in developing this meeting, in consultation with our chair, he felt it was appropriate to give this Board an update on the situation. **Chairman Terrill** added that at this time it is up to the City Commission to put a stop to this process or to proceed. At the present time the City Commission has chosen to proceed, even though there is no public support, and it is out of our hands.

**Mr. McLaughlin** added that as this is only an update, no formal action is required of this Board at this time.

**Ms. Keith** made a motion that the City Commission reassess their desire to pursue the application for modification of the Las Olas Marina to include commercial use, and to instruct staff to either proceed or cease working on this project. **Mr. Zorovich** seconded the motion. A vote was taken and passed eleven to one, with Mr. McKee voting against.

## **IX. Update on Commercial Lease Agreements**

- . Areas A and B, Jungle Queen
- . New River Commercial Tour Boat Facility
- . Las Olas Marina – Fort Lauderdale International Boat Show

Mr. McKee inquired if Allied Marine's lease was always separate. Mr. Hart answered that it was a separate lease, a storage lease, and is included in the above agreements.

Mr. Hessmann made a motion to accept the lease agreements as is. Ms. Keith seconded the motion. A vote was taken and the motion passed unanimously.

## **X. Old/New Business**

**Ms. Keith** advised the Board that the Dennison property, which is approximately four acres of land along the New River, has been approved to be purchased by the City using county park funds grant money for 4.3 million dollars. The property is to be preserved as a public park. The county is entering a local agreement with the City of Fort Lauderdale whereby the City will be responsible for the property. Commissioner Hutchinson was instrumental in this accomplishment.

## **XI. Reports**

### **▪ MegaYacht Week**

**Chairman Terrill** noted that MegaYacht Appreciation Week was started last year by this Board. The Mayor will issue a proclamation welcoming the boats this year, as was done last year. Discussions have been ongoing on how to expand the program to gain the greatest impact. It is Frank Herhold's opinion that more PR and attention is needed. The Friday before the event a kickoff party is planned. The Mayor will read the proclamation at this time, in addition to presenting it at a press conference the first morning of FLIBS. It is his opinion attention needs to be focused on the crew members. **Chairman Terrill** noted that a scholarship program has been discussed, but he recognizes that there are setup and funding questions that need to be addressed before a program of that magnitude can be implemented. Another idea that has been discussed is a conference that would contain information that would be welcome and appreciated by the intended target, which could be captain and crew. **Mr. Campbell** inquired as to how extensive and available training is in this area. **Chairman Terrill** noted that there is a solid industry in the area dedicated to this purpose. He added that the crew almost always has to pay their own tuition for this type of training and this would tie in with the idea of scholarships and grant money. **Mr. McKee** inquired as to who would run such a program. **Ms. Keith** wondered how we would be assured that the crew member who takes advantage of the training stays in the

area. **Chairman Terrill** noted that crew members are international and we cannot dictate where they take their training and expertise, adding that they are not the decision makers as to where the vessel will be docked. **Mr. Duncan** noted that when a yacht comes into town many of the crew are already certified in their positions. **Chairman Terrill** added that crew members often get upgrades. **Mr. Duncan** feels the effort should be focused more on information on the area with benefits for the crews in some form. Mr. Herhold showed the Board members a Captain's Club briefcase that was being utilized by MIA SF as a promotional item. The case contains information, coupons, invitations and offers. Last year 300 such cases were given out before the end of the boat show and proved to be a popular item. **Mr. Hessmann** noted that we could utilize our booth at FLIBS to distribute whatever benefit we decide upon. **Mr. Baker** noted that the Downtowner Saloon has sponsored competitions in the past whereby historic as well as commercial information is gained by the participants.

- **Floating Dock Update – Mr. Jamie Hart**

Mr. Hart advised that the RFP has been issued for the consultant for the design criteria, which includes the information necessary to put the plans out for bid. The first ranked proposer will be approved by the City Commission on October 18<sup>th</sup>. An evaluation committee is needed to review and rank each proposer in preparation for the final approval. The panel consists of five members, one of which should be a member of the Marine Advisory Board. The short listing will begin September 19<sup>th</sup> and may last two days. Mr. Hart asked for a volunteer. **Mr. McLaughlin** volunteered and was appointed by Chairman Terrill to act as our representative on the evaluation committee. **Mr. Hessmann** agreed to be his backup should it be necessary.

- **Broward County Marine Advisory Committee**

**Mr. McKee** advised that there was no meeting in August and the September meeting has not taken place yet.

## **XII. Adjournment**

**Chairman Terrill** adjourned the meeting at 9:07 P.M.

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Respectfully submitted,

Jody E. Lebel  
Court Reporter/Public Notary