

# MARINE ADVISORY BOARD

December 1, 2005 – 7:00 P.M.

CITY HALL

CITY COMMISSION CONFERENCE ROOM – EIGHTH FLOOR

100 North Andrews Avenue

Fort Lauderdale, Florida

| <b>Board Members</b>            | Present | Cumulative from 5/01/05 |     |
|---------------------------------|---------|-------------------------|-----|
|                                 | Absent  | (P)                     | (A) |
| Randolph Adams                  | P       | P-5                     | A-1 |
| John Baker                      | P       | P-5                     | A-1 |
| Joan Brochu                     | P       | P-4                     | A-2 |
| Richard Duncan                  | P       | P-6                     | A-0 |
| Joseph Hessmann                 | A       | P-5                     | A-1 |
| Heather Keith                   | P       | P-4                     | A-0 |
| Roger McKee                     | P       | P-5                     | A-1 |
| Norbert McLaughlin              | P       | P-6                     | A-0 |
| Robert Sadowski                 | P       | P-4                     | A-2 |
| Rick Schulze                    | P       | P-3                     | A-3 |
| John Terrill, Chairman          | P       | P-6                     | A-0 |
| Stephen Tilbrook                | P       | P-5                     | A-1 |
| Dr. Geraldine Udell, Vice Chair | A       | P-3                     | A-3 |
| Eugene Zorovich                 | P       | P-5                     | A-1 |

## **Staff**

Jamie Hart, Supervisor of Marine Facilities

Bruce Larkin, Director of Business Enterprises

Marlene Kimble, Downtown Facilities Dockmaster

Officer John Rose, Fort Lauderdale Marine Police Unit

Officer Jim Hancock, Fort Lauderdale Marine Police Unit

## **Visitors**

Robert Lochrie, Esquire

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

Tyler Chappell, Chappell Group

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

The December 1, 2005 meeting of the Marine Advisory Board was called for order at 7:07P.M. by **Chairman Terrill**. A quorum was achieved with twelve board members present.

## **II. Approval of Minutes – October 6, 2005**

The minutes of the October 6, 2005 meeting were reviewed.

A motion was made by **Mr. Adams** and seconded by **Mr. Duncan** to accept the minutes with no corrections, deletions, or additions. A vote was taken and the motion carried unanimously.

Mr. Schulze made a motion to move agenda item #6 to the number four spot, moving all other items down numerically. Mr. McKee seconded the motion. A vote was taken and the motion passed unanimously.

## **III. Waterway Crime and Boating Safety**

Officer Rose reported that in October there were four marine related burglaries. In addition there were four boating accidents, all-minor with no injuries.

In November he reported two burglaries, and added that there was no pattern associating October's crimes with this month's. In addition there were two boating accidents, minor with no injuries.

After the hurricane the department assisted with clearing debris and increased the patrol in areas with no electricity. Marine Patrol also maintained a presence throughout the waterways to deter vandalism.

**Chairman Terrill** inquired is there was any increase in crime or any unusual activity after the hurricane. Officer Rose's answer was no.

## **IV. DEP Permit for Modification for Waterbus Storage at Las Olas Marina**

**Chairman Terrill** read an email that was forwarded from Bob Bekoff to Jamie Hart regarding vandalism of watertaxi vessels at the Performing Arts Center dock, and inquired if it had been reported to the police department. Officer Rose answered that as far as he knew no report has been made.

Chairman Terrill advised that he had spoken to Sgt. Pallen with regard to this issue and Sgt. Pallen was not aware of it being reported to the police. He noted that there are three names on the email: Pete Marhan (assumed to be a captain), Tim Wenger (who is unknown) and Mr. Bekoff. Sgt. Pallen has investigated this through all the names on the e-mail and through the six addresses of the watertaxi with no results.

**Chairman Terrill** reported that he has received quite a few calls about the watertaxi docking in various locations over the last month or two along both sides of the New River. Questions of what the watertaxi is paying for rent have been asked as well. Rumors report rents from nothing to greatly reduce. Mr. Hart answered that after the boat show, with the hurricane damage to the docks, the watertaxis had nowhere to dock so they were allowed to temporarily dock at the floating dock at the Riverhouse Restaurant. The watertaxi had apparently worked out an agreement with the Riverhouse. **Mr. Duncan** inquired if Riverhouse owned that dock. Mr. Hart answered that it was city controlled, but Riverhouse uses it more than anyone else so it was cleared through them. It is Mr. Hart's belief that there remains one vessel on the river east of 3<sup>rd</sup> Avenue, and that that watertaxi is paying rent. Mr. Hart added that the watertaxi has a right to rent dockage like anyone else, and they are renting dockage at the normal rate. Mr. Hart noted he has since secured dockage at Sun Paradiso and the Riverside Hotel. **Mr. Schulze** noted that the email indicates three vessels parked at PAC received damage; are there three watertaxis docked there? Mr. Hart said they were docked there at one time as a temporary measure, mostly at night. **Mr. Duncan** noted that the Riverhouse doesn't control the dock as it is city owned.

**Mr. Zorovich** asked if there was any way to follow-up on the e-mail allegations. Officer Hancock said it had been investigated and they cannot find any documentation of the accusations occurring. **Mr. Schulze** suggested contacting Bob Bekoff to find out why he did not report it. Officer Hancock responded that he has tried contacting Mr. Bekoff but at this point does not have an answer. **Mr. Duncan** requested that Office Hancock relay any information subsequently obtained back to this Board.

Mr. Hart added that if there was vandalism it would not be handled by the marine police, it would be dealt with through the land police. He added that the Riverwalk area is a known area for crime. **Mr. Baker** noted that that area is close to 2<sup>nd</sup> Street where a lot of bars and activity are located. Mr. Hart noted that that area used to be patrolled more but because of budget cuts, security has been cut back. Mr. Hart suggested it was not reported because the insurance would not cover the costs.

**Chairman Terrill** added that Sgt. Pallen checked to see if any reports had been made to a land-based law enforcement agency and had been told there had not. **Chairman Terrill** asked Sgt. Pallen if there had been any break-ins or burglaries along the New River at Riverwalk during this period, and again he reported there has been none. The question of "Do we have a vandalism/burglary problem?" was discussed several meetings ago whereby Mr. Bekoff announced that it would be too dangerous to place his boats at Riverwalk, that they would be damaged from burglaries and vandalism. It is Chairman **Terrill's** opinion that it is this Board's duty to scrutinize if we need to devote resources to protect the boats that are docked there.

**Mr. Schulze** felt the reason for the e-mail was to influence this Board and that Mr. Bekoff should have reported it to the police department.

Mr. Hart added that staff has withdrawn the application for obvious reasons.

**Chairman Terrill** announced that Mr. Bekoff has a representative attending this meeting, Robert Lochrie. He asked if Mr. Lochrie had any comments. Mr. Lochrie had no comments other than to agree that the application should have been withdrawn.

**Mr. Norbert** inquired if any photos were taken of the vandalism. That was not known.

Mr. Duncan inquired about the vessel docked at Cooley's Landing. Mr. Hart replied that the memo was self explanatory and he had nothing to add at this time. **Mr. Adams** inquired if Exhibit #2 was now to be considered void and there was no need to discuss Cooley's Landing. Mr. Hart felt there was no need. Mr. Lochrie added that space was being sought from Pt. Everglades and those discussions were still open at this time, but there would be out-of-pocket expenses for the watertaxi at that location for development costs.

**Chairman Terrill** requested a report be made at the next meeting advising if the watertaxi is docked anywhere along the New River, where it is docked, and what the rental fee is. In addition **Chairman Terrill**

requested a report be done on the watertaxi drop-off sites, their exact location. He also inquired if the sites have been approved by this Board, and would like a report on any construction being performed on any new sites.

#### V. **Hazardous Boat Usage on Middle River**

Mr. Hart advised that Glen Wright, the gentleman who complained of this issue, was noticed about tonight's meeting and appears to have elected to not attend. Mr. Hart advised that Mr. Wright indicated that there were problems with wake activity from skiing activities on the north end of the Middle River. Mr. Wright felt an acceptable solution would be to not allow water skiing within 50 feet of the seawalls. Mr. Hart advised that at one time buoyed lanes had been attempted for this purpose, but the Coast Guard vetoed that project. Mr. Hart e-mailed the Boating and Waterways Section of the Florida Fish & Wildlife Conservation Commission with regard to this complaint and they indicated that the signage would be a safety concern and in their opinion there was no need for added signage. If the Board wishes to pursue this, the code would have to be changed and permits applied for, which has a good chance of being denied.

**Mr. McKee** inquired where the markers would be placed. Mr. Hart answered the existing markers might be able to be utilized, but there may not be enough.

**Mr. Schulze** strongly objects to adding additional hazards to navigation on the river, adding that even one marker would be a hazard and that they would have to be illuminated for night viewing and have to be of a triangular shape.

**Mr. Zorovich** inquired if a print-out could be done for dissemination by the marine patrol.

**Ms. Brochu** added that there was an incident in Seminole Bay with jet skiers weaving in and out of the boundaries. The police responded.

**Mr. Schulze** suggested that an informational sign suggesting the skiers stay 50 feet away from the shoreline for safety reasons be placed at the entrances.

**Mr. Zorovich** added that getting the marine patrol involved, making citizen contact, stopping people to talk, would make a greater impact.

**Mr. McLaughlin** suggested safety handouts be given when a boat is registered.

**Mr. Schulze** advised that this would be a request only; it is not a law and would not be treated as such.

**Chairman Terrill** noted that a pamphlet had been published by MIA SF that lays out the laws of boating and inquired if this route could be pursued. Mr. Herhold, MIA SF, noted that the Broward Safe Boating Guide does not contain a reference to this issue. Mr. Herhold feels it is important enough to include in the next set of printings, and they are in the process of gathering information for that purpose and would welcome material.

**Mr. Duncan** noted that jet skiing is not skiing, and that segment of watercraft users should also be addressed to make sure the driver is made aware of the appropriate use of the watercraft.

**Mr. Schulze** reminded the Board that anything beyond the safety pamphlet requires legislative action, as it is not currently law. He also noted that the issue only deals with the legal ski areas of Fort Lauderdale, and does not need to go any further.

Mr. Hart noted that a posting could be added to the existing signs.

**Chairman Terrill** noted that there is no demonstration of need at this time. This is one letter from one person.

**Ms. Keith** noted that 50' is not necessarily the correct distance for all portions of the river.

**Mr. McKee** noted that Mr. Wright claims in his letter that this area is already an unsafe area. Why is it an unsafe area? Mr. Hart ventured to guess that the waterway is narrow and there is a lot of activity there.

**Mr. Schulze** made a motion that the Marine Police be requested to pay special attention to this area and do a brief study to determine if there is a hazard at this area of the Middle River, and report back to this Board. **Mr. Duncan** seconded the motion.

**Ms. Keith** is leery of asking the Marine Patrol to perform this function. If the Marine Patrol reports to this Board that they feel any area is hazardous, this Board better be ready to immediately rectify the situation or be prepared to be held liable. Also is the Marine Patrol qualified to make that type of determination?

**Mr. Duncan** added that the Marine Patrol has been asked in the past to do make that type of determination and they have complied.

Mr. Schulze modified the motion to add: aside from determining if there is a hazard, as indicated in Mr. Wright's letter, also determine if the posting of signs, as suggested, would further the hazard. Mr. Duncan agreed to the amendment.

**Ms. Keith** noted that the packet for tonight's meeting contains an email from the FWC stating that additional signs would cause a hazard. It is her opinion that we do not need further analysis on this issue.

**Mr. Duncan** felt too much time has been spent discussing one person's letter.

**Mr. Schulze** withdrew the motion.

**Mr. Adams** made a motion that this Board send to the Mayor our recommendations, after reading the information and discussing the matter, and finding no evidence that no further action is required, that we reject Mr. Wright's suggestion to post signs in the Middle River. Mr. Duncan seconded the motion. A vote was taken and the motion passed unanimously.

**Mr. Tilbrook** added that during the following month if the Marine Patrol should find there is a cause for concern in any area, they can add that concern to the monthly report as is the custom.

## **VI. Consultants Proposal to Review Boat Facility Siting Plan**

Mr. Hart advised that the City Manager wanted to do an independent analysis of the current draft of the Boat Siting Plan. The current draft sets growth limitations and caps of approximately 10-25% of the three regions in our area. There is controversy on the limitations set, and on the issue of the port, where most of the manatee mortalities occur. This independent analysis will shed some light on the flaws with the current draft of the plan. Because of the hurricane, the deadline has been extended to the end of December. The firm of Post, Buckley, Schuh, and Jernigan, Inc. has been selected to perform the study.

**Mr. Adams** noted that the county has the same issues and inquired if our study would be shared with them and also with MIAASF. Mr. Hart has discussed this issue with Eric Myers and it was his feeling that Mr. Myers

will wait for our study before proceeding to the County Commission. This analysis will be shared with all interested parties.

**Chairman Terrill** asked to include this Board when final presentation is made from the consultant.

**Ms. Keith** requested the results of the study be placed on the January agenda.

**Chairman Terrill** advised that Bruce Larkin has announced his upcoming retirement. Mr. Larkin has suggested that he will be available for small projects. He has been active in the Boat Facility Siting Plan process. Should this plan extend beyond February, Mr. Larkin's planned retirement date, it may be wise to suggest Mr. Larkin be kept on the project.

Mr. Tilbrook asked if MIA SF has conducted similar studies. Mr. Herhold answered that MIA SF has worked internally conducting an analysis, working with Susan Engle, in an effort to change the stringent limitations proposed at this time. Mr. Herhold congratulated the City for taking the initiative to conduct a further study.

## **VII. 2006 State Legislative Funding Request – Dredging Project**

Mr. Hart advised that a survey and feasibility study for dredging of the New River is needed. A request for funding in the amount of \$150,000 has been submitted from the state legislature. These funds will be utilized as a matching source to acquire a grant from the FIND for an additional \$450,000. The estimated cost for the entire project is \$600,000. Given the need to prepare to receive mega-yacht activity on the New River, it is important that the channel be maintained to a controlling depth of 14' MLW. The study includes an environmental assessment, hydrographic surveys, geotechnical investigations, real estate administration, and various cost estimates.

**Mr. Duncan** noted that Ms. Engle addressed this Board a few years ago regarding this issue, and advised the dredging would be accomplished in phases. At that time the Dania Cutoff Canal was considered Phase I and the New River was Phase II. It is Mr. Duncan's opinion that the New River should be considered Phase I. Mr. Hart advised that the Dania Cutoff Canal has been included in the Intracoastal study and is currently being funded. He noted we are already in Phase II.

**Mr. Schulze** inquired if this dredging is due to seepage of seawalls or is it silting from the Everglades. **Mr. Hart** answered that that will be determined from the study.

**Mr. Schulze** noted that the dredging figure of 16' is problematic. The seawalls are not very deep and the dredging cannot be in close proximity to the seawalls. Once you dredge deep, the ground underneath the seawalls start to leach. Once that happens, the landowners dump fill in to repair their seawalls, eventually causing more infill into the river.

**Ms. Keith** made a motion that staff go forward to seek Commission approval to apply for the 2006 State Legislative Funding Request for the New River Dredging Project in the amount of \$150,000 to conduct a survey and feasibility study. **Mr. Duncan** seconded the motion. A vote was taken and the motion passed unanimously.

### **XIII. Old/New Business**

There was no old business brought before the Board.

**Chairman Terrill** addressed the Board, advising them that Ryan Campbell has tendered his resignation from the Marine Advisory Board due to his running for office, District 2 commission. The rules require that candidates running for office must step down from city advisory boards.

**Chairman Terrill** spoke about the Seminole/Hardrock Winterfest Boat Parade, encouraging everyone to attend and enjoy. This event is an important marine event. The theme is Jewel of the Nile and the parade is taking place on December 17<sup>th</sup>.

### **IX. Reports**

#### **. Grant Application Submittal/New River Floating Dock Project**

**Mr. Hart** advised he had submitted the application and has been awarded \$450,000 for the project. He will proceed with an application to FIND for matching funds.

**XI. Adjournment**

**Chairman Terrill** adjourned the meeting at 8:15 P.M.

Respectfully submitted,

Jody E. Lebel  
Court Reporter/Public Notary