

**MARINE ADVISORY BOARD  
THURSDAY, SEPTEMBER 7, 2006  
CITY COMMISSION CONFERENCE ROOM – EIGHTH FLOOR  
CITY HALL  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA**

**BOARD MEMBERS PRESENT**

**CUMULATIVE ATTENDANCE  
FROM 5/4/06**

Randolph Adams	P-2	A-1
John Baker	P-3	A-0
David Bernier	P-2	A-1
Alec Anderson	P-2	A-1
Ryan Campbell	P-1	A-1
Bobby Dubose	P-1	A-0
Richard Duncan	P-2	A-1
Barry Flanigan	P-3	A-0
Norbert McLaughlin	P-2	A-1
Rick Schulze	P-3	A-0
John Terrill, Chair	P-2	A-1
Stephen Tilbrook	P-2	A-1
Michael Widoff	P-2	A-1
Eugene Zorovich	P-3	A-0

**Board Members Absent**

Chair John Terrill and Board members Randolph Adams, Ryan Campbell, and Stephen Tilbrook were not in attendance.

**Staff Present**

Jamie Hart, Supervisor of Marine Facilities  
Jeff Modarelli, Director of Business Enterprises  
Andy Powell, Sgt. Ft. Lauderdale Marine Police

**I. CALL TO ORDER**

Vice-Chair Barry Flanigan called the meeting to order at 7:10 p.m. Roll call was taken.

Mr. Flanigan welcomed board members Alec Anderson and Bobby Dubose who introduced themselves.

**II. APPROVAL OF MINUTES – JULY 13, 2006**

Mr. Schulze made a motion to delay approval of the July 13, 2006 minutes pending adjustments and more detailed recording of Board members' discussion. Mr. McLaughlin seconded the motion. In a voice vote, the Board voted unanimously to approve.

Jeff Modarelli advised the Board that minutes were considered draft format until final approval.

**III. WATERWAY CRIME & BOATING SAFETY REPORT**

Sergeant Powell from the Fort Lauderdale Police Department Marine Unit provided a brief update on waterway crime in August. He spoke of two boat burglaries at the Lauderdale Marine Center and Bahia Mar sites. There was also one theft of a 13-foot whaler which was stolen by joyriders but recovered the following day.

**IV. PRESENTATION – CONSULTANT STUDY/BROWARD COUNTY DRAFT BOATING FACILITY SITING PLAN (BFSP)**

▪ **Beth Zimmer, PBS & J**

Mr. Flanigan referred the Board members to hard copies PBS&J's review of the boat facility siting plan relevant to the presentation. Mr. Hart advised that the City Commission had received the packet earlier that day and that the County Commission would review the final plan being presented that evening. Mr. Hart introduced Beth Zimmer, representing PBS&J.

Ms. Zimmer presented a brief summary of PBS&J's review of the August 2006 Broward County Boat Facility Siting Plan (BFSP) via PowerPoint presentation. She gave specific attention to the 10 tasks outlined in the scope of work.

Mr. McLaughlin commented that the increase in manatee migration to the area necessarily correlated to a higher death rate. He asked whether this increase in manatee migration along with survival rates were factored into the data presented. Ms. Zimmer stated that this was not specified in the plan. She added that the plan would be revised in 5-year increments.

Mr. Flanigan recalled the previous discussion on FPL discharging hot water which attracted manatees to the area. He felt the current 5-year plan would function well as the trigger for future reviews. Mr. Hart recalled that the May report indicated that a certain number of manatee deaths would trigger a review of density limitations. Mr. Hart asked if there was any other mechanism to change density. Ms. Zimmer stated it would be necessary to wait 5 years for a revision to the data.

John Baker asked what method would be used to track marinas with slips that were being bought out by developers. Mr. Hart stated this was a question for Frank Herhold. He believed that this was taken into consideration to allow for property densities to replace these. Ms. Zimmer stated this did not subtract anything from the allotment but would affect waterfront access.

Mr. McLaughlin commented on the reduction of slips at the Bahia Mar resulting in reduction in overall density. Ms. Zimmer stated there was no distinction made between 40' and 100' slips. Mr. Flanigan assumed the City would still be guided by zoning and the caps on the number of slips in a given area. Mr. Flanigan. Ms. Zimmer stated she had not seen this issue addressed in the plan.

With regard to the question being discussed, Jeff Modarelli clarified that the inclusion of slips that might be lost would actually raise the density figure. He felt the appropriate question to ask the County was: **[verbatim]** "When you lose those slips, is that going to change the number the plan was being based upon?" He felt that whether slips were lost or not, the number being used was used to set the rates to go forward. He stated that the number being used determined the rates being proposed at this time. Ms. Zimmer felt the county did not want to change the existing slip density. Mr. Modarelli advised that staff would contact the county for further input on this.

Rick Schulze asked what methodology was used to keep a running inventory of slips being used in any given month. Mr. Modarelli advised staff would ask the County about this. Mr. Flanigan acknowledged that staff would get back to the Board with further clarification on his question.

Mr. Flanigan asked how the existing number was identified. Ms. Zimmer explained that this would be covered in detail in the May review. She stated that the methodology used to count single family, multi family, and marine facility slips was described in detail.

Richard Duncan asked about counting of slips behind houses and whether these complied with density requirements. Ms. Zimmer stated that the County did not want to regulate single family units. She added that any single family unit on the water was considered to have one slip.

Mr. Flanigan commended Ms. Zimmer on the PBS&J report which he felt was quite clear and "people friendly" in its format. He did not believe there would ever be a plan 100% acceptable to all parties. He felt the current plan was acceptable to move forward with right now pending future improvements. Mr. Flanigan was in favor of approving the plan as presented that evening and hoped the Commission would take its support of staff to the County for its approval.

Mr. Duncan made a motion that the Board strongly recommend that the City Commission approve the plan as presented and move forward with the County. The motion was seconded by Mr. McLaughlin.

Mr. Modarelli advised that the following Tuesday, the County Commission would set the public hearing date on this plan for September 26, 2006. He also commended PBS&J for putting this report together quickly.

**In a voice vote, the Board voted unanimously in favor.**

**V. UPDATE – COMMERCIAL LEASE AGREEMENTS**

- **New River/Riverwalk – Tour/Charter Vessel Operation**
- **Las Olas Marina – 2006/2007 Fort Lauderdale International Boat Show**

Mr. Hart referred Board members to relevant data provided on these lease agreements. He stated that tour boat operators had suffered a 25% increase over the last 3 years. He added that the City Commission was recommending a CPI increase from the current 4.1%. He stated that the current leases significantly contributed to the City's net revenue and would generate \$368,056 under the proposal for 2006 lease agreements.

Mr. Hart also requested the Board's concurrence for the lease agreement for the Fort Lauderdale International Boat Show which would be presented to the City Commission on October 3, 2006. He explained that the boat show paid 100% value of the dockage fee which generated an additional \$3,484.50.

Mr. Duncan asked why there was a difference in fees charged to different operators. Mr. Hart explained that fees were based on a lineal rate of 95 cents per foot. Mr. Duncan asked about a disparity in fees charged to Allied Marina which paid significantly less. Mr. Hart advised that Allied Marina was charged a bulk rate because they leased 650 lineal feet of space that was not always used 100% of the time. He further stated that fees paid by Allied Marina generated more revenue than would be received from transient dockage. He considered this stable revenue for the City and wanted to shy away from increasing their fees.

Mr. Anderson asked how these rates compared with market rates. Mr. Hart explained that the City was the established market based on its high volume of business in this industry. Mr. Anderson voiced his surprise that there was no other means of comparing the City's rates. Mr. Hart asserted that the rates were consistent with what the market would bear locally.

Mr. Flanigan questioned what the *Jungle Queen* paid. Mr. Modarelli indicated he would find out.

Mr. Anderson spoke of various marinas being bought out and developed into condominiums which thereby placed dock spaces at a premium. He felt the City should consider some type of market analysis instead of doing a simple CPI increase as it could possibly generate more revenue if market rates were in fact higher.

Mr. Flanigan recalled a previous analysis conducted 2-3 years ago as a result of great opposition from the Board about the City's increases to tour boat operators.

Mr. Duncan pointed out that the City's docks were not meant for permanent storage, therefore commercial rates had to be applied. Mr. Hart advised that the City tried to keep the average for commercial rates consistent with transient rates.

Mr. McLaughlin spoke of difficulties faced by tour operators who were losing customers due to inaccessible parking. He felt there should be a limit to rate increases as these operators were losing clientele.

Mr. Schulze made a motion to approve both lease agreements and present them to the City Commission.

Mr. Zorovich seconded the motion. In a voice vote, the Board voted unanimously in favor.

## **VI. OLD/NEW BUSINESS**

### **NEW BUSINESS:**

Mr. Schulze announced that the City would hold a symposium on Thursday, September 21, 2006, at the War Memorial Auditorium entitled ***How to Conduct a Meeting***. He commented that there was a tremendous divergence and no continuity from one board to the next in terms of how meetings were conducted. He stated that a lot of meetings were conducted illegally. He recommended that as many board members attend as possible.

### **OLD BUSINESS:**

#### **Riverwalk South Construction:**

Mr. Flanigan asked if there was any further concern about the construction contract on Riverwalk South. Mr. Hart advised that the project was completed. There were no concerns with the contractor and only some maintenance issues remained.

#### **Birch State Park Dockage:**

Mr. Flanigan referred to a letter from Mayor Jim Naugle dated April 28 regarding the proposal to get dockage for a boat ramp at Birch State Park. Mr. Hart advised that the City's lobbyist, Linda Cox, was working on this issue in Tallahassee. He stated that to his knowledge some dockage was being considered.

Mr. Schulze asked who would pay for this. Mr. Hart advised that state funding was in place under a grant program, but the management at the park was reluctant to allow extensive dockage. Mr. Schulze recalled that "the question was whether the funds would come out of the park manager's personal operating budget." Mr. Hart advised that there was legislation set up to cover this cost. Mr. Flanigan stated the legislation referred to was the *Working Waterfront Protection Act*. Mr. Hart explained that this Act created a mechanism for grant funding for state parks to build dockage. However, Birch State Park management was still reluctant to come up with a plan for this. Mr. Schulze questioned how the park management could put up a roadblock to this process if a state mandate was in place. Mr. Hart advised he would provide an update on this issue at the next meeting.

#### **Lauderdale Marine Center:**

Mr. Flanigan stated he had driven down 20<sup>th</sup> Street twice and was pleased with the soft and pleasant appearance and nice landscaping. He also advised that James Cromar of Planning and Zoning reported that the applicant had successfully presented the project to the River Oaks Civic Association which had voted to approve it.

#### **Expansion of Las Olas Marina:**

Mr. Flanigan advised that the City was still in litigation with the former developer and therefore this item could not yet be discussed officially.

**OTHER NEW BUSINESS:**

Water Quality Issue:

Mr. McLaughlin spoke of a contractor that was installing water pipes along Davie Boulevard. He spoke of incidents where the contractor had broken water pipes which had released large amounts of mud into the river. He voiced his concern about the water quality and about mud flowing into storm drains. He also complained about the lack of response from the City's environmental staff. He wanted more monitoring of this issue especially along 9<sup>th</sup> Avenue and Davie Boulevard.

Mr. Flanigan stated the City had encountered similar problems a few years ago during construction of Jackson Towers and had involved police staff to monitor this. He asked Mr. Modarelli to look further into this. Mr. Modarelli requested that Board members contact Public Works immediately at 954-828-8000 when they saw such occurrences. They should also bring these issues to the attention of the Marine Advisory Board.

Mr. McLaughlin further voiced his concerns about pipes separating and potentially creating mudslides that would get into storm sewers. Mr. Modarelli asked that he point this out to Public Works. Mr. Flanigan requested that staff ask police personnel to monitor this.

Mr. Hart advised that staff would have police or code compliance staff look into this.

Mr. Zorovich asked whether police staff could report such incidents if they observed them while riding on the water. Mr. Hart pointed out that the police handled law enforcement. He indicated staff would ask how they handled situations like this.

**OTHER OLD BUSINESS:**

Mr. Duncan recalled a \$2.50 charge added to water bills that was implemented 4-5 years ago for cleanup of sewer systems. He asked about the status of this project. Mr. Hart indicated he would provide an update on this at the next meeting.

Mr. McLaughlin advised he was on the Canal Cleanup Committee and announced their next meeting was scheduled for September 19, 2006 at 9 a.m. in the Engineering Department. He felt a representative of the Board should attend. He advised that the Committee was moving forward on this project and was considering privatizing this effort.

Mr. Baker recalled a grant proposed for a filter system for the runoff across from the dock master's office and asked for a status report on this. Mr. Hart indicated he would provide an update on this at the next meeting.

**VIII. REPORTS**

- **Status/Engineering Design Consultant Contract/New River Floating Dock Project**

Mr. Hart advised that the following month, he would have a consultant present to show different materials being considered for the structural support of the facility and for the design of the gangway. He stated that if the Boat Facility Siting Plan went through, it would make the permit process much easier.

- **Broward County Marine Advisory Committee**

This item was not addressed.

**IX. ADJOURNMENT**

There being no further business to come before the Board, the meeting was adjourned at 8:30 p.m.