

**MARINE ADVISORY BOARD
WEDNESDAY, MARCH 7, 2007
CITY COMMISSION CONFERENCE ROOM - EIGHTH FLOOR CITY HALL
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA**

BOARD MEMBERS

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

John Terrill, Chair	P-8	A-1
Randolph Adams	P-7	A-2
John Baker	P-8	A-1
David Bernier	P-5	A-4
Alec Anderson	P-7	A-2
Ryan Campbell	P-7	A-2
Bobby Dubose	P-7	A-1
Richard Duncan	P-6	A-4
Barry Flanigan	P-8	A-1
Alan Gabriel	P-7	A-2
Norbert McLaughlin	P-7	A-2
Rick Schulze	P-7	A-2
Stephen Tilbrook	P-6	A-3
Michael Widoff	P-6	A-1
Eugene Zorovich	P-8	A-1

Staff Present

Jamie Hart, Supervisor of Marine Facilities
Andrew Cuba, Manager of Marine Facilities
Jeff Modarelli, Director of Business Enterprises
Andy Pallen, Sgt., Marine Police Unit
Raymond Nazaire, City of Fort Lauderdale
Karim Rahmankhah, City of Fort Lauderdale

Also Present

Gina Ellis
Loranda Ware
Reed Morgan
Travis Woods, Recording Clerk, Prototype, Inc.

I. CALL TO ORDER

Chair Terrill called the meeting to order at 7:05 p.m. Following the Roll Call, it was determined that a quorum was present.

II. APPROVAL OF MINUTES - FEBRUARY 7, 2007

The Board discussed their ability to change minutes, and debated what authority they have to make alterations. Chair Terrill stated the point of this part of the meeting is to add, subtract, or correct the minutes.

Mr. Adams suggested tabling the February minutes until they were revised to include more detail regarding their discussions, although Chair Terrill recommended not taking that action as they had been discussing potential code violations, with the Board agreeing that the way the docks were situated and the size of boats at the facility being discussed, there would be no code violation; the discussing having been devising ways to make it more practical for the marina operator to handle their boats and not violate the code, to which the operator had agreed, and a determination had been made that there would be no code violation or reasonable chance of same. Chair Terrill stated that the developer would be going before the Planning & Zoning Board in a couple of weeks and it would be unfair to the developer to not have the minutes of the Marine Board available at that time.

Mr. Modarelli stated that draft minutes could be presented, however, if the Board felt the minutes are not an adequate summary representation of their meeting, the Clerk can request the minutes clerk provide more detail.

(It was noted the prior discussion had involved code and set back requirements, and Mr. Hart had indicated that based on the 125 width, 37.5 feet was the maximum allowed. Apparently, the proposal had not passed the "straight face test" in the way the docks had been configured and they would fit the size of boats anticipated. It was expected there would be no code violation with the Board clarifying that the code was of utmost importance with the recommendation being made that the docks be reconfigured. It was noted that the minutes also did not accurately reflect their conclusions and their final approval recommendation based upon the condition that there be three parallel slips up to 45 feet with no rafting.)

Motion made by Mr. Gabriel and seconded by Mr. McLaughlin to approve the Minutes of the February 7, 2007 meeting with the following corrections:

1. Page 8 fourth paragraph, second sentence, beginning with “Mr. Colyer indicated the code permits a maximum of 37.5 feet from the property line.” Corrected to read, “Mr. Colyer indicated the code permits a maximum of 37.5 feet from the property line, because the waterway is 125 feet wide, and the Code permits vessels to extend into a waterway up to 30% of the width of the waterway.”

(It was noted that it was presumed when the Building Department looks at the plans a determination will be made whether or not the pilings together with a vessel exceed the 30% width; however, the issue previously discussed had been the vessels extending more than 30% of the width of the water, not the pilings. It was additionally pointed out that the boat, dock, and pilings cannot exceed 30% in total.)

2. Page 6 second paragraph, line 4, beginning with “100 miles per hour.” Corrected to read “150 miles per hour.”
3. Page 9, paragraph 2, last sentence of paragraph should be corrected to read “45 foot slip” instead of “425 foot slip.”

The motion was approved by all present, with Mr. Widoff dissenting.

Chair Terrill asked for clarification regarding the Board’s parameters as far as approving, correcting, and/or adding to the minutes.

III. WATERWAY CRIME AND BOATING SAFETY REPORT

Sergeant Pallen of the Fort Lauderdale Police Department Marine Unit reported on January and February 2007 statistics as follows:

- January – There were four boating accidents; two in the New River with no injuries and no significant damage; and one in the Middle River with a serious injury as a result of a speed zone violation on the part of the boater who left the scene and an intoxicated occupant of a kayak operating the vessel without lighting. There were two stolen vessels reported in January.

- February – There was a small motor removed from a dinghy and some fishing poles stolen.

Sergeant Pallen also reported that the Marine units would be undergoing mass migration training in the event of a possible influx of immigrants from Cuba. Preparation and training have been ongoing for almost a year.

IV. REPORTS

SEAWALL REPAIRS

Chair Terrill asked that this matter be placed on the agenda as he has been contacted by various persons concerned about the condition of some of the City's seawalls, further asking what the process and schedules were for repairs. Specific problem areas noted were the seawalls in front of the Performing Arts Center, The Strannahan House, the Icon Development, the Coast Guard Auxiliary by Bahia Mar, and the Las Olas Bridge near Idlewyld.

Chair Terrill introduced Karim Rahmankhah, Design Manager, and Raymond Nazaire, City Engineering, who will be showing the Board seawall repair plans.

Mr. Rahmankhah explained when complaints are received from residents or damage is reported, the engineers evaluate the situation, define public safety concerns and seawall integrity, and then discuss funding for repairs with Jamie Hart and Jeff Modarelli. He stated that currently there is a contractor in place to perform 14 seawall repairs.

In response to Chair Terrill's inquiry, Mr. Rahmankhah stated that the Coast Guard seawall is on hold due legal issues, and the Performing Arts wall had been delayed because of funding. Mr. Tilbrook inquired about the funding issue and was advised Mr. Modarelli that the Performing Arts Center wall is a very large projected estimated to cost \$450,000. Mr. Modarelli stated any seawall could collapse at any time unexpectedly within the City, requiring priority changes. There are limited funds for repairs, so in essence decisions have to be made based on safety and structural integrity of what area needs to be fixed first.

Mr. Tilbrook noted that on Riverwalk the brick pavers on the walkway have been sinking and holes have been developing. It is his belief there is currently a public safety issue in this area and from a structural perspective he is concerned that if something is not done soon, an even bigger problem will be created, adding to the initial repair estimates. He encouraged the Board to recommend staff get this

item in the City's five-year Capital Improvement Plan so repairs can be made as soon as possible. Mr. Hart pointed out that funding for the project had been requested in the Capital Improvement Plan; however, funding was denied. There are approximately 300 feet of seawall at that location to be repaired.

Mr. Hart noted that there are several worse areas including Las Olas Riverfront.

Mr. Tilbrook recommended that the Board request that staff create a working plan for seawall issues affecting their marine areas including maintenance and replacement of seawalls.

Mr. Modarelli reported that, in the past, funding for seawall projects has come from the Capital Improvement Plan, prioritized by safety and integrity issues, with engineering making those determinations. The current budget is \$684,000 for repairs. Mr. Flanigan asked if grant monies were available for maintenance and repair and was advised that FIND funds were available, but no one else will fund for maintenance. Mr. Hart stated that down the road they could conceivably wrap repairs into a floating dock project; however, they would need matching funds of at least \$225,000.

Mr. Flanigan asked regarding a floating dock in the Hyde Park area or if it is a continuation of Riverwalk. Mr. Modarelli stated that the developer of Icon has agreed to fund seawall repairs, a small park, and the extension of the Riverwalk during construction. There was an understanding of a development agreement allowing the City an easement for the Riverwalk to go through there - with the seawall and Riverwalk built and paid for by the developer at the time the Icon is built, although there was a question of giving an easement for property not owned, with the developer's survey indicating they do not own the seawall. In spite of the legal ramifications, the developer has agreed to rebuild the seawall; however, it is unknown if the developer will be waiting until after the building is completed or do the repairs and Riverwalk beforehand. Concerns were expressed regarding loss of revenue from dockage of storage vessels.

Chair Terrill asked if there was a way for the City to communicate with the developer and if they had any leverage to get the developer to move more quickly on the seawall and Riverwalk construction. He stated that the condition of the seawall which has caved in behind the old Hyde Place Market was brought up at a City Commission meeting, suggesting the developer follow the "jag" and dredging the land that has fallen into the river providing a smooth contour to the river as the bank was naturally formed. He stated it may cost more money, but would be more attractive, and allow dockage of boats. At the City Commission

meeting, the developer said they would look into that proposal, but no further action has been taken in that regard.

Mr. Gabriel noted there is a site plan in place for the Icon building and it is being developed in accordance with the plan approved by the City. He suggested they review that plan, and also recalled that a park would be built by the developer as well as other improvements after the building is completed.

Mr. Gabriel asked regarding the process of identifying priorities for seawall repair and bringing those areas to the attention of the City. Mr. Tilbrook reiterated his suggestion that, as a Board, they ask staff to come back with a prioritization plan and a methodology for making that determination.

Mr. Modarelli explained that their methodology is based on safety and structural integrity. Requested repairs come from a range of sources throughout the City; they are not necessarily just coming from engineering or marine facilities. Based on engineering studies and evaluation of individual situations, determinations for repairs are made on an ongoing daily basis. Funding concerns are also taken into consideration.

Mr. Anderson asked how seawall repair complaints are tracked and was advised by Mr. Modarelli that they take note of the problem, go out to the site and take pictures, which are then reviewed by Engineering. A decision is then made, based on funding, what action can be taken. Mr. Modarelli reported a contractor was hired in January to commence seawall repairs. Repairs have already done on the Las Olas seawall. The Board requested that Mr. Modarelli report to them the current list of projects at the next meeting.

Mr. Dubose expressed concern regarding the "sliding scale" used for determining repairs, as large critical projects may be delayed due to funding. He asked as a Board when they are advised of a seawall that is a safety issue how to track when it is going to be addressed.

Chair Terrill then opened the meeting for public comment.

- Gina Ellis noted that the canals generally in the City are in "pretty bad shape" especially the seawalls, funding is inadequate, there is no plan for maintenance. She added it appears the City is "putting out forest fires" with whatever funding is available. She felt seawalls should be given a higher priority, further point out how bad the seawall is at Bahia

Mar, and suggesting there be implementation of a schedule for inspections.

- Loranda Ware stated she was appalled to see the condition of the seawall at the Coast Guard Auxiliary which has worsened since the last hurricane.

Chair Terrill asked if litigation was holding up the repairs, questioning whose responsibility it is to undertake the repairs. He felt this was a “hot button” issue and should go to the top of the list.

Chair Terrill also inquired if, with the money that is now available, there would be enough to address at least the safety concerns and was advised by Mr. Rahmankhah that, there would be enough funds to take care of what has been identified City-wide to date.

- Reed Morgan pointed out that he continues to hear the same problem: that there is no process within the City to identify the Capital Improvement Plan and differentiate it from maintenance funding. He also recommended an inspection process for seawall maintenance adding that \$600,000 for 600 miles of seawalls is insufficient.

Mr. McLaughlin talked about his concerns regarding the environmental impact from poorly maintained seawalls – citing the City as the worse offender. During rainy season, mud, silt, and fertilizers drain out through damaged walls into the water and eventually reach offshore reefs, damaging the waterway and the reef.

Mr. Flanigan suggested the City float a bond issue for waterway improvement. Mr. Anderson added that an emergency fund was needed as well as funds for routine maintenance on the seawalls, agreeing that a bond issue for long term repair and maintenance might be a solution.

Mr. Modarelli pointed out there is a distinction between pro-active and reactive maintenance, stating that the list of problems brought to their attention is not that large, and each complaint is being addressed as it is brought up. Chair Terrill felt that if the four locations mentioned are still in the same condition in 12 or 24 months, then somehow “the list is too big and the system is too slow, as there are safety issues now and if they are the same situation or worse at that time, then the City is doing something wrong.”

Mr. Rahmankhah agreed, but stated there are issues which are outside of their control such as funding, property ownership, legal issues, etc.

Motion made by Mr. Tilbrook, seconded by Mr. Gabriel, requesting staff provide, at their convenience, a list of seawalls identified for repair and where each site is in the repair process/schedule.

Mr. Zorovich commented that the motion states the problem, but does not identify a solution for recommendation to the City Commission. Chair Terrill proposed encouraging a long-term plan taking maintenance into account and ensuring that all the waterways have adequate funding at the right time to maintain them. He cautioned about being careful not to “micromanage anybody.” Mr. Dubose felt the community and citizens should be made aware of the procedure for communicating their concerns to the City. Mr. Zorovich felt the Board should provide a recommendation on how to raise money to get the job done right. Mr. McLaughlin proposed the idea of a property tax consideration for residents maintaining their seawall.

In a voice vote, the motion passed unanimously.

Discussion continued regarding implementation of a long-term maintenance plan with Mr. Zorovich and Mr. Widoff suggesting the plan be addressed once they have had an opportunity to review and evaluate the list provided by staff.

NEW RIVER DREDGING

Andrew Cuba, Marine Facility Manager, reported that the City Commission unanimously approved the request for a matching contribution of 25% (\$150,000) for the River Dredging Project, estimated cost \$600,000. FIND will provide 75% of the funding (\$450,000). Final approval to move forward with the grant will be reviewed at the March 20, 2007 City Commission conference meeting. Mr. Modarelli reported had been a consensus of the Commissioners; the actual resolution to move forward and apply for the grant would occur at the meeting to be held on March 20th.

MARINE FACILITIES OFFICE LEASE RENEWAL

Mr. Hart reported the lease on the Marine Facilities Office was a yearly renewal and the property owner stated there would be a 3% Federal Index increase in the rent this year. The increase amounted to \$52.41 per month or \$628.92 per year; annual rent will be \$21,591. He felt it was a fair raise, CPI had approved the increase, and the conditions of the lease remained the same.

Motion made by Mr. Baker, seconded by Mr. McLaughlin, to renew the lease on the Marine Facilities Office with the 3% increase. In a voice vote, the motion passed unanimously.

V. OLD/NEW BUSINESS

Mr. Flanigan requested an update on the Floating Docks schedule and future grant funding. Mr. Hart reported that application was being made to the Florida Boating Improvement Fund for \$450,000; the amount could not be increased since matching funds were not available. Mr. Hart stated the project was scheduled for completion in October, about the same time the Museum of Maritime History project is completed. Mr. Modarelli stated the schedule had been revised and copies would be available at the next meeting.

Mr. Baker stated the problem at New River Village is becoming worse. The valet service is blocking the road and marine facility parking. Valets are unloading luggage, groceries, etc. and tying up the roadway for long periods. Mr. Tilbrook stated an agreement had been made that the spots in question were to be for marine use only. Mr. Chair Terrill requested Mr. Modarelli to look into this matter.

Mr. Anderson reported receiving complaints about boat rafting extending across 50% of the Seminole River in front of Sundance. Mr. Modarelli stated residents needed to report those issues to Code Enforcement, not the Marine Police. It is Code's responsibility for enforcement on private property.

VI. ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 8:35 p.m.