

**MARINE ADVISORY BOARD
WEDNESDAY, APRIL 5, 2007
CITY COMMISSION CONFERENCE ROOM - EIGHTH FLOOR
CITY HALL
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA**

<u>BOARD MEMBERS</u>	<u>PRESENT/ ABSENT</u>	<u>CUMULATIVE ATTENDANCE FROM 5/4/06</u>	
John Terrill, Chair	P	P-9	A-1
Rick Schulze (arrived 7:45)	P	P-8	A-2
Barry Flanigan	P	P-9	A-1
Alan Gabriel	P	P-8	A-2
Eugene Zorovich	P	P-9	A-1
Michael Widoff	P	P-7	A-1
Ryan Campbell	A	P-7	A-3
David Bernier	A	P-5	A-5
Alec Anderson	P	P-8	A-2
Bobby Dubose	P	P-8	A-1
Norbert McLaughlin	A	P-7	A-3
Stephen Tilbrook	A	P-6	A-4
Richard Duncan	P	P-7	A-4
Randolph Adams	A	P-7	A-3
John Baker	P	P-9	A-1

Staff Present

Jamie Hart, Supervisor of Marine Facilities
Andrew Cuba, Manager of Marine Facilities
Jeff Modarelli, Director of Business Enterprises
Levend Ekendiz, Intracoastal Facilities Dockmaster
Andy Pallen, Sgt, Marine Police Unit
Marlene Kimble, Downtown Facilities Dockmaster

Also Present

Veronica Gutierrez, The Madfis Group
Michael Madfis, The Madfis Group
Bob Cox, Former Mayor and Resident
Gordon Connell, MIASF
Joe Hessmann, Former MAB Member and Resident
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.

Chair Terrill recognized former-Mayor Cox who served as Mayor of Fort Lauderdale from 1983 until 1991, adding that Mr. Cox had been the founding chairman of the Marine Advisory Board, and thanking him for attending.

II. APPROVAL OF MINUTES

Motion made by Mr. Baker, seconded by Mr. Gabriel, to approve the minutes of the March 2007 meeting. In a voice vote, the motion passed unanimously.

Item IV, Application, Westport Shipyard, Inc., Case 27-R-07, was then taken out of order on the agenda.

IV. APPLICATION – Westport Shipyard, Inc., Case 27-R-07

Mr. Hart stated that the applicant would be giving a presentation, materials of which have been provided to the Board along with staff comments with regard to standard recommendations made for these types of applications. Mr. Hart pointed out, however, that this current application would require a waiver of limitations for an existing pier being replaced. The pier had been permitted in 1999, but without the waiver, which had been an oversight on staff's part. The permit will now require a waiver and will have to be separately scheduled for City Commission approval in the near future. The waiver is part of their site plan approval process and part of the DRC application.

The presentation was then interrupted to allow Sgt. Pallen to give the crime and boating safety report.

III. WATERWAY CRIME AND BOATING SAFETY REPORT

Sergeant Pallen of the Fort Lauderdale Police Department Marine Unit reported March had been a good month with only one boat stolen from Tangelo Isle which had been recovered within two days; two vessel accidents, one with minor damage and the other involving a jet skier and a tuber in the Middle River resulting in serious injuries. There was one burglary to a vessel with electronics stolen.

Chair Terrill then introduced Mr. Ekendiz as the new Dockmaster of the Las Olas Marina, welcoming him to the City.

Thereupon discussion on Item IV, Application, resumed.

IV. APPLICATION – Westport Shipyard, Inc., Case 27-R-07 (continued)

Mr. Madfis introduced himself and Veronica Gutierrez as the architects of the project. He noted the comments received from the DRC and has addressed same without particular objections noted. In addition, the project has received a DRC sign-off for landscaping. Mr. Madfis give a presentation, highlighting the following:

- The site has been used as a yacht brokerage with a barge currently on the site where the yacht brokerage offices are house.
- There is a warehouse on the west side of the site for customer service.
- The plan is to repair the floating barge, replacing the existing customer service warehouse facility, into one combined two-story building in the same footprint as the existing warehouse.
- Building layout, survey of existing conditions, and proposed site plan were reviewed.
- Current number of boats will be downsized from 28 to 26 with additional yacht storage facilities.
- Excavating and dredging plans.
- Replacement and relocation of existing dock.
- Parking, greenspace, and waste requirements.

Mr. Duncan asked if the vessels stored at the dock would belong to owners or would be for sale and was advised that they would be vessels for sale or scheduled for delivery to new owners. No one will be staying on board the vessels overnight. It is not anticipated pump-out stations will be required; however, a contractor will perform that service if needed.

In response to Mr. Flanigan's question, he was advised that there is an existing FPL easement through the canal east of the property, which easement is not part of the proposal. Mr. Flanigan noted that Westport is a major yacht manufacturer, remarking that the City is fortunate they have chosen to retain their presence in Fort Lauderdale.

It was pointed out that the previous dock had been platted, but somehow the waiver had been missed and with building a new dock under a new permit, they were now required to comply with all requirements. Mr. Widoff asked if the

waiver was not granted how it would affect the project and was advised by Mr. Madfis that in order to be able to store double yachts, they would need the additional space, therefore, granting of the waiver is critical to their plans. The distance from the floating dock to the 30% requirement is approximately 30 feet from the platted line to the outside edge; the typical beam on a 160' yacht is 24'+ up to 30 feet.

Motion made by Mr. Flanigan, seconded by Mr. Gabriel, to approve the application subject to staff recommendations. In a roll call vote, the motion passed unanimously.

V. REPORT - BOAT SHOW ROAD SHOW

Mr. Cuba reported that they are looking into a pilot study on the Boat Show Road Show in the form of attending one or two shows after the summer, looking for measurable results to ensure positive funding. Mr. Flanigan asked for further discussion regarding the Board's objectives, including County site plans, and other issues affecting the image of Fort Lauderdale. He felt it was important to determine direction and the type of draw anticipated.

Mr. Cuba agreed it was important to identify the target market before determining the type of show. He stated they have looked at occupancy and the availability of certain sized slips and will be determining the type of show based on that information. Mr. Cuba stated they are looking at a trawler show as those vessels fit into the 40-50 foot range, an area they are targeting, as trawlers do stop at Fort Lauderdale marinas on the way to the islands. Mr. Cuba felt it would be better to have a more boat-oriented show.

VI. REPORT - NEW RIVER FLOATING DOCK UPDATE

Mr. Terrill introduced Joe Hessmann in attendance who was a former member of the Marine Advisory Board.

Mr. Hart provided documents to the Board stating that the schedule was the same as previously presented in November of 2006. The dates on allocations of time frames for the "enhanced project sites" have not changed, with the completion date still anticipated to be October 2008. He stated Army Corp time has been reduced so the project should be moving along, even though they had not obtained the grant as hoped. Losing the grant has been a hindrance in keeping the project on track.

The Marine Maritime Project site is behind schedule and is now anticipated to be completed in January. The Army Corp permit will need to be extended. Mr. Hart indicated that funding problems delayed moving forward with the CCNA project for the consultant for the five sites regarding ADA issues, etc., however, Mr. Hart indicated they are back on track as the City's Engineering staff has now undertaken that project and it is hoped at the latest the completion date will be January 2008 in concurrence with the Boat Museum project which is nearing final phases of completion around late summer. Mr. Hart expressed concern regarding project costs as utilities will affect the cost estimate, but he felt they should be okay in terms of overall cost. The City has agreed, for enhancement of the site, to provide full amenities, including electric and a pump-out station at the dock for over-night docking; \$100,000 is the estimated cost; however, the exact amount will not be known until it is put out to bid. Antique boat museum operations are expected to commence in July or August, with public opening expected in the fall of 2007 according to the property owner.

VII. REPORT - COMMERCIAL USAGE OF WATERWAYS

Mr. Modarelli stated that this code had been presented to the Marine Advisory Board originally in 2001; however in-between that time and now, although the current code (reading that commercial use on the waterways is not prohibited) has not changed, this issue is being brought before the Board for comment. Mr. Duncan inquired why they would need to discuss this if the code has not been changed and was advised by Mr. Modarelli that the Board's discussion in 2001 although fairly long, should be readdressed after this period of time to ensure that the lack of prohibition of commercial waterway use should continue.

Mr. Widoff suggested perhaps the entire issue be fully revisited with a recommendation made by the Board at a future time.

Mr. Modarelli indicated that most commercial businesses apply for applications through the City Building Department obtaining a license to operate. He could not state how many are currently operating.

Chair Terrill then opened the meeting for public hearing.

Mr. Cox felt that the Board was being asked to make a determination on an issue out of their domain. He gave a brief history of the Board's discussion in 2001, also mentioning zoning, State rights for bottom land and marina usages; and federal regulations for waterways, making an analogy to road and auto uses. Mr. Cox felt that staff has been "chicken" in failing to codify the rules and establishing what can and cannot be done on the waterways. It was his opinion that the

Board should reinforce the recommendations made in 2001 and ask for proposals from the City covering various aspects of using the waterways for commerce, including safety, health, and zoning, as all other businesses in the City are regulated in this manner and pay for the privilege to conduct their business.

With no further persons wishing to speak, Chair Terrill closed the public hearing.

Mr. Flanigan restated the original motions made by the Board in 2001 indicating that the intent of the Board at that time had been to prohibit solicitations in compliance with code. He felt it was out of the purview of the Board to “embark upon navigable waterways” controlled by Congress and monitored by the Coast Guard, or picking certain types of industries they could or could not allow, when municipalities to the north and south had no such regulations, creating an enforcement problem.

It was unknown if residents were complaining as those complaints, if any, might not be directed to the Marine Facilities or Business Enterprises Departments. Mr. Anderson did not feel this was an issue to be addressed at this time, stating it was more of a philosophical matter, and adding that no recommendation should be made as there are enough regulations already in place. Mr. Flanigan suggested utilizing the police to enforce solicitation violations, although Mr. Modarelli questioned when code should be called versus the police. Discussion continued regarding the parameters of using the police to enforce that type of code violation. It was noted that gas barges are licensed and regulated by the Coast Guard.

Chair Terrill pointed out that in 2001, the Board had been asked by the City Commission to consider commercial usage on the waterways, but they have not been asked to reconsider that matter at this time. Mr. Modarelli clarified that staff instructed this matter be placed on the agenda as questions have arisen which they believed needed to be addressed, and prior recommendations do not preclude an issue being revisited. He felt the question before the Board was whether they felt the current code was adequate or should be revisited.

Motion made by Mr. Duncan to address this issue again in six years, which motion died for lack of second.

Mr. Anderson said if the Board was talking about recommending or making a motion to enforce the code as it exists, he would be in favor, further asking if the Board's task was codify or create a system for waterway commerce.

Mr. Cox reiterated his position that regulations are needed.

Mr. Zorovich expressed concern regarding enforcement of new regulations, pointing out that there is no enforcement now, i.e., dock rentals, speed and noise violations, and unless they put together “something with some bite to it” which can be enforced, it’s not worth doing.

The consensus of the Board was to take no action and move forward with the other items the agenda.

VIII. REPORT - SEAWALL LIST

Mr. Cuba provided two lists of scheduled seawall repairs which had been prepared by City Engineering, per the previous request of the Board.

Mr. Flanigan mentioned Mr. Tilbrook’s previous concerns about the seawall at the Performing Arts Center and that it was not shown on the schedule. Mr. Baker pointed out that 300 feet of that particular seawall were scheduled for repair.

Chair Terrill clarified that on the two exhibits; one identified 23 areas currently unfunded or with no plan for repairs, the other showing 14 areas funded and planned for repair.

Mr. Dubose noted that their concerns at the last meeting were the priority of repairs and the Board had not received a clear answer with regard to how the money was allocated and prioritized. Mr. Modarelli responded stating that Exhibit 2 shows the projects currently on the list for the contractor retained and planned for repair. He stated if Engineering determines after checking safety and integrity that another site is a bigger priority, then one of the items currently on Exhibit 2 may be dropped from the list with the higher priority item taking its place. However, Exhibit 2 reflects their projections under the current contractor at this time. Exhibit 1 is a list showing every site brought to staff’s attention and the order of that list depends on how priorities shift as determined by Engineering. He indicated it is hard to state a concrete group of areas to be fixed. Mr. Dubose advised the first list items are not priority as several show funding is not available. Mr. Modarelli said with the current contractor if funds are insufficient, they will not be able to complete all priorities. He said he would again check with Engineering; however, under their determination, 14 sites have been placed on the priority list.

Mr. Flanigan asked if partnerships could be created with the City to do projects such as repairing pavers, adding plantings and fill, pavilion repair, etc. Mr.

Modarelli answered he could get with Engineering regarding the work involved, and would be willing to pursue any suggestions.

IX. OLD/NEW BUSINESS

New Business

- Swimming Hall of Fame Feasibility Study

Chair Terrill stated that a feasibility study is being conducted by the City for the Hall of Fame swimming pool to consider options for redesigning the site. He asked if the Board had any thoughts or recommendations regarding the marine component of the site and possible uses to be included or considered in the feasibility study.

Mr. Baker suggested public beach dockage be put in; Chair Terrill suggested ensuring accommodations for the Boat Show and maximizing the use of the usable water area.

- Small Boat Storage

Mr. Cox mentioned the shortage of marine property for storage of small boats, proposing that the City-owned property on the Davie Cutoff Canal be utilized for that purpose.

- 11th Annual Plywood Regatta

Chair Terrill noted that on 4/21/07 there will be the 11th Annual Plywood Regatta where children build vessels which are then raced on 4/22. The event will be held next to the Dania Pier.

Mr. Connell added there would be 36 teams of children from 12-19 years old building boats out of plywood, spending the day with mentors from the marine industry, and learning about careers in the industry. The vessels are raced for a championship trophy. Funds raised by the event go towards the Broward County Schools Marine Magnet Program. Mr. Connell invited all members of the Board to attend.

Chair Terrill stated that Mr. Duncan, after serving on the Board for five years, has elected to not be reappointed. Chair Terrill thanked him for his participation.

Mr. Hessmann reported that the Council of Civic Associations for the City of Fort Lauderdale has on their agenda the issue of docking boats behind houses. He said he found out about this matter last week and also that many pump out hose connections throughout the City are not working which is what is bringing that matter to the forefront. He felt this was "a can of worms they do not want to open," and should be left alone. It was his hope that a representative of the Board would attend that meeting. Mr. Zorovich acknowledged he would be in attendance. Chair Terrill cautioned any Board members attending confine their comments to personal experiences and not as a representative of the Board.

VI. ADJOURNMENT

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