

**MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE
WEDNESDAY, JANUARY 7, 2009 – 7:00 P.M.**

<u>Board Members</u>	<u>Attendance</u>	Cumulative Attendance 5/2008 through 4/2009	
		<u>Present</u>	<u>Absent</u>
John Terrill, Chair	P	7	0
Barry Flanigan, Vice Chair	P	6	1
Rick Schulze	P	3	4
Mark Swenson	P	7	0
Randolph Adams	A	4	3
Norbert McLaughlin	P	4	1
Alec Anderson	A	6	1
John Baker	A	4	3
John Custer	A	5	2
Bob Ross	P	7	0
Lisa Scott-Founds	P	5	2
Stephen Tilbrook	P	6	1
Michael Widoff	P	7	0
Eugene Zorovich	P	7	0
Herb Rassing (arr. 7:14)	P	5	0

Staff Present

Jamie Hart, Supervisor of Marine Facilities
 Cate McCaffrey, Director of Business Enterprises
 Levend Ekendiz, Intracoastal Facilities Dockmaster
 Matt Domke, Downtown Facilities Dockmaster
 Sgt. Andy Pallen, Marine Police Staff
 Greg Brewton, Director of Planning and Zoning
 Diana Alarcon, Director of Parking and Fleet Services
 Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

I. Call to Order/Roll Call

Chair Terrill called the meeting to order at 7:01 p.m. Roll was taken, and it was determined a quorum was present.

II. Approval of Minutes

- **November 20, 2008**

Motion made by Mr. Ross, seconded by Mr. Widoff, to approve the minutes of the November 20, 2008 meeting. In a voice vote, the **motion** carried unanimously.

- **December 4, 2008**

Motion made by Mr. Ross, seconded by Mr. Schulze, to approve the minutes of the December 4, 2008 meeting. In a voice vote, the **motion** carried unanimously.

III. Waterway Crime & Boating Safety Report

Sgt. Andy Pallen of the Fort Lauderdale Police Marine Unit stated that December was “a great month” for the City, for the Police Department in general, and for the Marine Unit in particular. He described the Winterfest Boat Parade as “an incredible success,” with no incidents or injuries during the event. He added that the feedback he had received from the public, as well as professional boat captains, had been very positive.

Two minor accidents had been reported in December, he added, both involving the *Princess Lady*, a charter boat in downtown Fort Lauderdale. One incident involved excessive wake damage to some docks and one boat; the other occurred when a City Public Works boat was struck and damaged.

A small inflatable boat was stolen from an individual’s dock, Sgt. Pallen continued. It was discovered floating in the water and returned to its owner once it was reported. A small outboard engine attached to this boat was not recovered.

Chair Terrill thanked Sgt. Pallen for his report and congratulated him, as well as the entire Marine Unit, on a successful Winterfest Boat Parade.

IV. Update – SE 15th Street Boat Launching and Marine Complex Improvement Project – Diana Alarcon

Chair Terrill introduced Diana Alarcon, Director of Parking and Fleet Services for the City, who would describe these upcoming changes to the Board. He noted that many of these changes will not directly impact the Board or its role in advising the City Commission; however, as they were occurring at a particular boat ramp, he felt the project would be of interest to the Board.

Director Alarcon provided visual aids to assist in explaining the improvement project. She stated that the City, and Parking and Fleet Services in particular, are in the process of updating all City parking lots to ensure that they comply with current Americans with Disabilities Act (ADA) guidelines and requirements. The

15th Street boat ramp is regulated by these requirements as well. Once ADA improvements were underway, the City discovered that additional improvements would be necessary as well.

Director Alarcon showed diagrams of the lot as it currently exists and the lot as it should look once improvements have been completed. She noted that at present there are 58 trailer spaces, no car spaces, and 17 police parking spaces. Some of the most common complaints Parking and Fleet Services hear are in regard to the lack of regular car spaces; once the project is underway, on-street parking will be added for single vehicles, as well as two handicapped spaces per ADA guidelines.

The trailer spaces in the lot will increase from 58 to 67 spaces; there will also be 13 regular car spaces, including on-street parking as previously mentioned, and five police spaces inside a secure storage area.

Additional changes include an access aisle from the street and bathrooms brought into ADA compliance. Bathrooms will be moved from their current location in the lot, as shown on the diagrams.

Director Alarcon stated that when Parking and Fleet Services had approached the Planning and Zoning Department with the need for improvements and ADA compliance, they entered into the DRC process and were reviewed by the City to ensure compatibility with Code. This means landscaping, lighting, and resurfacing improvements must occur in the lot as well, and the cost of the project was driven higher.

She continued that Parking and Fleet Services will go before the Planning and Zoning Board for approval of this project, as it abuts a waterway. They are also requesting a Public Purpose Use variance on landscaping, as they hope to avoid reducing any further parking in this lot. There is also nothing in Code to allow for the type of parking stalls to be used.

Director Alarcon informed the Board that a small area in front of the lot is technically considered a park, and must also comply with ADA regulations. Parking and Fleet Services partnered with the Parks and Recreation Department, and have proposed to add picnic tables, shelter, and an ADA-accessible route to the bathrooms from the parking lot, street, and park area. Additional ADA-accessible docks will also be added.

Mr. McLaughlin asked how extra spaces had been designed for the lot. Director Alarcon replied that in moving the bathrooms, additional spaces were created. The ADA-compliant spaces are located in front of the bathroom area. She pointed out on the diagram where landscaping will be removed to create additional parking, but will be added back along the right-of-way.

Vice Chair Flanigan asked if the shelter in the park area was required for ADA compliance. When Director Alarcon assured him that this was the case, he asked what the grounds were for this particular requirement. Director Alarcon replied that a shelter in an open area must be ADA-accessible.

Vice Chair Flanigan asked if the sheltered area could be expanded to include a fish cleaning station as well. Director Alarcon responded that this cleaning station was being moved to the back of the restroom area, due to the availability of plumbing and water lines, and would be made ADA-compliant as well.

Mr. Rassing joined the meeting at this time (7:14 p.m.).

Mr. Hart explained that the fish cleaning station could not be placed along the canal due to the necessity of equipment that used a macerating system. It would be less expensive to include such a station where plumbing entered a building rather than extending plumbing closer to the dock. Disposing of waste materials in the canal was also discouraged, he added, and fish debris under the shelter would make for a less pleasant experience in the park area.

Vice Chair Flanigan asked if floating docks could be positioned differently than as shown in the diagram. Director Alarcon suggested that this might be a project for consideration at another time; the current project, however, was intended only to bring the lot into ADA compliance.

Mr. Hart felt Vice Chair Flanagan's proposal was "not a bad idea," but reminded the Board that people fish in the area in question, as well as other issues to be taken into consideration regarding a multiple-use facility such as the lot.

Vice Chair Flanigan felt that since improvements must be made, it was preferable to create a "state-of-the-art" facility. Mr. Hart emphasized that this was the goal of Parking and Fleet Services. He pointed out that solar lighting has been proposed for the parking lot, and noted that this technology is not in use at any other City location at this time.

Mr. Hart reminded the Board that at this point the diagram shown was only a "concept drawing," and Parking and Fleet Services was willing to hear input on the improvement issue.

Chair Terrill suggested that regardless of what necessitated the improvements, such as ADA compliance, the project should also be designed to make it as attractive and appropriate a marine facility as possible.

Mr. Tilbrook asked what the project's planned budget might be. Director Alarcon stated that roughly \$1.3 million was budgeted for parking lot improvements alone;

she did not have figures for the bathroom and park upgrades at this time. Funds would come from several sources, including from the revenue generated by the parking lot. Mr. Hart added that 80% of funding, an estimated \$1.1 million, would come from grants.

Mr. Tilbrook requested further information regarding how much revenue could be generated from parking. Mr. Hart explained that a good deal of funds would come from the Capital Improvement Program (CIP). Any parking revenues would return to the general fund.

Mr. Tilbrook stated that he felt funds for a project to bring the parking lot into ADA compliance would come from parking revenues rather than any monies budgeted toward marine facilities.

Mr. Rassing noted that the Police Marine Unit had been "begging" for docks for quite some time, and while the \$1.3 million spent on making the parking lot ADA-compliant was "suitable," he felt these funds could be diverted to other areas more in need of attention.

Director Alarcon informed the Board that the driving force behind making ADA improvements was a consent decree, which also had a time limit. The consent decree includes items such as the parking lot improvements and accessibility issues with the park, pathways, and restrooms.

Mr. Hart explained that a consent decree is part of a settlement on a lawsuit against the City, which mandates that all parking lots must be brought up to ADA standards. Grants to fund these projects have been pursued, as funds from Parking and Fleet Services would not be sufficient alone.

Director Alarcon reiterated that revenue from the parking lot does not remain with the Parking and Fleet Services Department, but goes into the general fund.

Mr. Hart added that in addition to the parking and restroom improvements, the docks and storage capability would be improved as well. The additional parking being added would generate additional revenue, which he hoped could be used to offset some of the costs of the project.

He added that a cable line being buried in the area is the result of a lawsuit as well, as a boater had struck it with a mast. Although Florida Power & Light is satisfied with its current status, Mr. Hart and Director Alarcon each noted that the "front end" of the property was being undergrounded as well.

Due to the terms of the consent decree, the projects described must be initiated and/or completed by August 2009, Mr. Hart stated, which made completion of the projects a high priority.

Parking consultants Chen & Associates have worked with Parking and Fleet Services on the improvements. Mr. Hart felt they were doing a good job addressing the City's needs. City Staff is also participating in the project by designing the restroom area.

Chair Terrill thanked Director Alarcon for sharing information about the project with the Board. He added that the Board takes a great interest in supporting both recreational boating and the marine industry, and attempts to represent both sides on any issues involving this industry, which is one of the most important to the community. He felt the parking and boating facilities discussed before the Board tonight were "a gem" in the City.

He continued that he had seen concern among Board members that the previous discussion concerned a parking lot and therefore did not directly relate to the Marine Advisory Board. However, the Board was clearly interested, he asserted, and brought a good deal of personal experience to their questions on the issue.

Director Alarcon thanked the Board for allowing her the opportunity to speak about the SE 15th Street project.

V. Report – RS-8B Zoning District for Vehicles, Boats, and Trailers

Chair Terrill noted that this item was added to the Board's agenda the previous day (January 6, 2009), and backup material was sent to the Board via email. He felt it was possible that some members might not have received the email, or had not yet had an opportunity to read it; therefore he felt it might be appropriate to spend "more time than usual" on the subject.

Mr. Hart felt the subject was "straightforward," and apologized for any confusion regarding the topic's presence on the agenda. As some members of the Board had not received the email, he explained that the ordinance is designed to mirror what was done in RS-4.4, with the focus on low-density single-family residential areas in RS-8. RS-8B would allow for more restrictive provisions regarding parking of boat trailers, recreational vehicles, and other items of a similar nature in a side or front yard of a property. It allows a neighborhood or community association, or even a single resident, to apply to add these restrictions to their particular zone. This means the ordinance would not be automatically applicable to every resident in an RS-8 zone. He noted that a good deal of the City is zoned RS-8, and that there are relatively few restrictions placed on residents in this zone.

He drew the Board's attention to RS-4.4, which he described as "the same process," placing restrictions on the size of recreational items placed in a front or side yard without cover.

Mr. Hart concluded that the ordinance in question will be more restrictive than the current Code, which addresses right-of-way more thoroughly than property issues.

Greg Brewton, Director of Planning and Zoning, stated that the City Commission had directed his Department to come up with a new zoning classification, RS-8B. He reiterated that RS-8 zoning is "all throughout the City." RS-8B allows an individual or community association to voluntarily place these restrictions on their property, and noted that there are currently no restrictions on recreational or commercial vehicles parked in an RS-8 zone.

He noted that the issue had arisen at the request of various neighborhood organizations, who had asked for a more restrictive zoning classification to be made available to them as an option.

As in RS-4.4, Director Brewton added, persons would only be able to park such vehicles in their side or rear yards, and they must be screened from the public view of an adjacent residential property. They would not be allowed to park any such structures over 35 ft., and the restriction would apply to vehicles with a height of 21-35 ft.

Mr. Zorovich informed the Board that his neighborhood had actually initiated contact with the City Commission for the enactment of a rule. He described his neighborhood as a waterfront area, in which some people had parked inordinately large vehicles close to the street and some had placed boats in their front yards, despite adequate space for them in the back.

He asked why the Marine Advisory Board was hearing this issue, other than the possibility of boats being involved.

Director Brewton responded that the City Commission had wished to hear any comments the Board might make on the proposed zoning change.

Mr. Zorovich asserted that any neighborhood that wished to apply for RS-8B zoning would have to vote on the issue itself, which allowed for the possibility that the request might not pass. The concern that had arisen, he noted, was that the restriction would be applied "across the board" to the entire City, although it had now been explained that this was not the case.

He continued that of the 367 homes in his neighborhood, the complaints had arisen regarding four or five individual issues.

Director Brewton clarified that the RS-8B zoning designation was created because, should a homeowners' association wish to control the issue at present,

there is no way to do so. RS-8B would make this option available so any association or individual could self-impose the restriction.

He pointed out that “grandfathering” issues would still need to be worked out, and would be discussed with the City Commission at greater length. There was no solution to how grandfathering would be handled at this time.

Vice Chair Flanigan asked if a specific percentage of a neighborhood or homeowners’ association’s vote is required by the City Commission. Currently no specific percentage has been set, although Director Brewton stated that 50% of the property owners in a neighborhood requesting the change would be suitable to bring the matter forward.

A 70% requirement had been specified for a previous application, he continued, and the question had arisen as to whether the vote should consider property owners, residents, or a combination of both groups. The City Commission will make a decision on this at a later time, Director Brewton said.

Vice Chair Flanigan asked if language in the proposal allowed an association to “change back.” Director Brewton assured him that this would be possible.

Mr. Zorovich stated that his understanding of the rezoning issue was that 50% of the homeowners or residents must wish to proceed with the process; the vote is then conducted, and if a majority are in favor, the matter moves forward to the City Commission. He described it as a ‘very democratic process,” and Director Brewton agreed that this was the way the Planning and Zoning Department understood the process would work as well.

Mr. McLaughlin referred to the rezoning definition of “recreational vehicle,” which affected “any self-propelled vehicle having more than four tires.” He expressed concern that dual-wheeled trucks parked in a driveway might be affected.

Director Brewton pointed out that the definition has further criteria that must also be met before a particular vehicle falls into this category.

Mr. McLaughlin felt this could result in business owners whose work required large trucks with more than four wheels being unable to park their work vehicles in their own driveways.

Director Brewton explained that with any creation of new zoning, some people would be impacted if the change went through.

Mr. Rassing asked what had brought the issue of potential rezoning to the City Commission’s attention, reiterating that a Marine Advisory Board did not normally deal with “four-wheeled vehicles.”

Director Brewton stated again that the City Commission had requested the Planning and Zoning Department bring the issue before the Board for informational purposes, and to hear any feedback that might be generated from the issue.

Mr. Tilbrook departed the meeting at this time (7:40 p.m.).

Chair Terrill noted that this item could have appeared before the Board "a long time ago," and that the Board would advise the City Commission of its thoughts even though they had not been previously informed of the issue.

Director Brewton assured the Board that if they wished to have more time to discuss and review the issue before responding, that could be arranged.

Chair Terrill pointed out that the issue had undergone its first reading before the City Commission prior to the Boat Show, and he had not been aware of its existence until this time, when the request was passed 3-2. The second reading, which would make it law, was delayed until February 2009 so it could appear before the Marine Advisory Board.

Mr. Schulze clarified that there is a caveat on the commercial vehicle ordinance, stating that any five- or more wheeled vehicle must be parked after 8:00 or 9:00 p.m. Director Brewton confirmed that this was part of the request.

Vice Chair Flanigan asked if there was currently no language in Code to address large vehicles of this nature parked in residential areas. Director Brewton replied that only RS-4.4 addresses these vehicles.

Mr. Zorovich felt, while he ordinarily did not prefer a great many restrictions on his property, that some individuals took an "in your face" stance against the community regarding their vehicles. He reiterated that a neighborhood association had the right to assemble and vote for or against the zoning restriction. He added that only a few restrictions would apply to the community, should they pass RS-8B.

Chair Terrill referred to the earlier mention of RS-4.4, asking if it is set up in the same manner as the proposed RS-8B and allows homeowners to vote on adoption of the rezoning classification.

Director Brewton advised that RS-4.4 is an existing zoning classification that is also optional. He noted, however, that if an area is currently zoned RS-8, they would not meet the existing classification of 4.4 due to the limitations on square footage, side yard setbacks, and other limitations.

Chair Terrill asked if RS-8B has any effect on side setbacks. Director Brewton asserted that it would not.

Chair Terrill continued that he did not feel the Board should necessarily weigh in on the parking of boats and boat trailers and how it might affect neighbors; however, he recognized that the rezoning classification had the potential to affect the marine industry and recreational boaters in any given community that might adopt the classification.

He noted that generally only a "small fraction" of the residents of any given neighborhood are active in their community associations; these are generally the "most active" members of the community, and some associations might even represent less than 1% of the residents. He felt it was positive that such organizations are not the only means of bringing this rezoning classification before the City Commission, as individual minority voices should also be heard. However, he did not recall, in five years of experience on the Board, any individual or group appearing before them to discuss a boat trailer issue, although he did not wish to suggest that it was not a problem in some neighborhoods.

Mr. Ross suggested that a public hearing might be appropriate, as individuals as well as homeowners' or other groups would be informed and encouraged to attend. Director Brewton advised that the second reading before the City Commission is actually a public hearing and is advertised as such.

Vice Chair Flanigan asked if large vehicles of this nature might be registered with the City so they might be allowed on a property for the duration of a "normal visit," and are then removed. He added that he owns a large vehicle as well, but keeps it on City property rather than his own, which is another means of generating revenue for the City.

He felt that, as it was not permitted for individuals to live on a boat for several days without being instructed to leave, it should also not be permissible to store a vehicle of this size for more than a set amount of time, "if it's offensive" to members of the neighborhood.

Mr. Widoff explained that the classification would not be retroactive, but could only apply to new persons or new vehicles coming into a neighborhood.

Mr. Zorovich reiterated that the classification was still subject to the democratic process, as a homeowners' association must convene and vote on the matter.

Motion made by Mr. Rassing that Item V be deferred until more members of the Marine Advisory Board are present, and until the Board has had sufficient time to review it more thoroughly. No second was made on this **motion**.

Chair Terrill stated that the Board could choose to look at the issue of RS-8B as an update, for informational purposes, or could come to a consensus to recommend or not recommend passage of the issue by the City Commission.

Director Brewton offered that the Planning and Zoning Department had created the RS-8A zoning district for the Poinsettia Heights neighborhood in a process similar to this one. The City Commission had approved the creation of this district, although Director Brewton noted that no one had yet approached the City Commission to do so. The change had affected side yard setbacks in relation to the height of buildings.

Mr. Widoff supposed that the Board was supposed to state its position on the City's potential zoning classification to restrict the way in which boat trailers were displayed. He felt they should advise for or against this regulation.

Mr. Widoff made a **motion**, seconded by Mr. Ross, in favor of the City Commission using its discretion in regulating boat trailers in residential areas, subject to any protocols involved in the process.

Chair Terrill opened the floor to discussion of the **motion** to recommend the City Commission's regulation of boat trailers.

Vice Chair Flanigan felt the issue was unclear to him, with regard to whether the regulation applied to boat trailers only or motor homes and other large vehicles as well.

Mr. Widoff explained that he had specifically mentioned boat trailers as they were within the scope of the Board's advisory capacity.

Vice Chair Flanigan also felt the issues of grandfathering in items was unclear, as an item deemed offensive in a neighborhood might never be removed.

Director Brewton pointed out that a means of grandfathering in specific items was still undecided by the City Commission. He added that the Planning and Zoning Department felt the only way to grandfather in an item would be for the individual property owners establish the current use of the vehicle in question, with documentation.

He specified that the Planning and Zoning Department would not suggest that the City Commission decide "one way or the other" on the issue, but would lay out a "normal process" to establish grandfathering. After a zoning change, a policy or procedure to identify what would and would not be grandfathered would have to be established, he explained.

Mr. McLaughlin remarked that he had felt encroached upon in a previous neighborhood by the addition of regulations such as the one under discussion. He believed that ordinances of this nature “started off small” and gradually increased, and that a small group in a neighborhood association might have too far-reaching an effect if the zoning classification was established.

Chair Terrill stated again that he had not seen an “outcry” on this issue regarding boat trailers, and suggested that it was possible that they were “tossed in” to a regulation intended to address an existing problem with motor homes. He stressed that no one had complained to him in five years’ time about a problem with boat trailers. He concluded that he would not vote in support of the motion.

Mr. Widoff felt individuals with a concern of this nature might approach the City Commission rather than the Board. Chair Terrill disagreed, pointing out that the Board was not a “hidden entity” and could be approached as an outlet on the issue.

Director Brewton noted that the Planning and Zoning Board had voted unanimously to approve the creation of the new zoning classification. He added that this had occurred in a public hearing.

Mr. Schulze contributed that in his experience in Code Enforcement, he had seen a “very small percentage” of instances in which these large parked vehicles created a problem. He pointed out that a personality conflict between neighbors was often at the root of such a complaint. As he did not feel this was a rampant problem, he would not support the motion.

Mr. Ross responded that he did not believe the ordinance would be more restrictive, but that it would give neighborhoods the opportunity to vote on and regulate such an issue. He pointed out that it would require, at the least, a 50% majority vote from a neighborhood association.

Chair Terrill suggested that the Board could recommend that a majority of a neighborhood must be involved in such a decision, rather than leaving it to the discretion of a small group.

Mr. Schulze contended that civic associations do not often reach a consensus, and their boards make most of their decisions. He added that often many residents do not receive or do not read the newsletters published by the associations, and therefore a majority level can rarely be reached.

Mr. Zorovich stated that his understanding of the process was as follows: when the request was formally made, a mailing was sent to all City residents requesting approval or disapproval of moving forward on the decision. If at least 50% respond, the process continues, and 50% must approve it for the

classification to be established. He felt this meant the neighborhood must be properly notified and must respond, and if that percentage fails to respond, the process ends before a vote is taken.

Mr. Widoff withdrew his **motion**, as he felt the discussion had exposed more complications to the issue than he had originally observed.

Director Brewton addressed the concern that the zoning reclassification could lead to more regulations. He explained that when Code is written, it sets specific requirements; when Code is amended, this must take place in a public hearing. While he did not rule out the possibility that an amendment could “lead to something bigger,” he pointed out that it would have to go through this process, and those opposed to the amendment would have the opportunity to speak at the public hearing.

Regarding the concern about grandfathering, Director Brewton reiterated that a process for this would need to be written into Code along with the amendment. Any regulations accompanying the proposed amendment would need to be voted upon and adopted by the City Commission at the same time as the amendment.

Chair Terrill advised Mr. Widoff that if he felt the issue was clear in his mind, he should allow the **motion** to remain before the Board; however, if the discussion had led him to change his mind, it may be appropriate to withdraw it from consideration.

Mr. Widoff felt the Board had been asked if it had any opposition to the regulation of boat trailers by the City. He explained that he had no objection to this, and his motion was based upon this belief. As so many different issues had evolved from the conversation, however, he felt the Board was not ready to move forward on the issue, and withdrew his **motion** accordingly.

Mr. McLaughlin was unsure how 50% of a neighborhood’s respondents might be determined. Mr. Zorovich explained that there might be a certain number of homes in a neighborhood, and this would be used to determine the percentage of respondents. He felt this led to a “double vote,” as a 50% overall response would determine whether or not the issue came to a vote.

Mr. McLaughlin felt that neighborhood associations might instead require a “simple majority” of respondents to pass a regulation. Mr. Zorovich stated that he understood the process differently.

Director Brewton did not feel it would be possible to pass a reclassification without at least a 50% response from homeowners.

Mr. Ross reintroduced his proposal that the Board defer the issue and move on with the agenda. Chair Terrill pointed out that parliamentary procedure does not allow a member to repeat a motion in the same meeting in which it was originally moved. He did, however, offer the opportunity for another Board member to repeat the motion to defer.

Motion made by Ms. Scott-Founds, seconded by Mr. Ross, to support the City's adoption of the proposed RS-8B zoning reclassification. In a roll call vote, the **motion** failed 5-5. (Vice Chair Flanigan, Mr. Rassing, Mr. McLaughlin, Mr. Schulze, and Chair Terrill dissenting).

Chair Terrill asserted that the failure of the motion did not mean the discussion was ended, or that another motion could not be made.

Mr. Swenson felt it would be a good thing for neighborhoods to have the option of adopting the reclassification. He added that a compromise might be to apply stringent guidelines for passage of the reclassification, such as a requirement for more than 50% of the vote; the stricter guidelines would ensure that the change would only pass if there was a "true issue" in a particular neighborhood.

Chair Terrill offered that if the Board took any action, they should support the marine industry and recreational boating; to this end, until there was a proven problem, he felt they should take no action to regulate it, particularly as there was potential impact to recreational boaters. He reiterated that he had not seen evidence that a problem must be regulated.

He stated that the Board could support or not support what the City Commission is considering, or they could choose to do neither.

Mr. Swenson agreed that the reclassification does not address a widespread problem, which was why he felt the guidelines for passage should be made particularly stringent. He felt neighborhoods should have the option of adopting the reclassification.

Mr. Zorovich did not feel there would be a negative impact on recreational boating. He agreed that most neighborhoods may not even react to the option to apply for rezoning, should it be passed; however, he believed it provided neighborhoods with an opportunity to decide on it.

Mr. McLaughlin felt that, had the issue appeared on the agenda at an earlier time, members of the public might have attended the meeting to address it. He added that the reclassification might heighten existing disagreements between neighbors, and that while "derelict" vehicles might be regulated as intended, other vehicles could be affected as well.

Chair Terrill recalled that the issue, according to Director Brewton, had already undergone two public hearings, one before the City Commission and one before the Planning and Zoning Board.

He continued that there were persuasive arguments for sides, and offered that any Board member who might have been convinced to change his or her previous vote, or had a motion to put forth, should speak to the issue at this time. Otherwise, he felt the Board should not offer a recommendation to the City Commission, as there was no consensus.

Mr. Zorovich noted that there are existing exceptions to Code within the City that are not addressed or enforced, such as the rental of docks. He proposed that the reclassification simply gave a neighborhood the opportunity to act, should a serious issue arise.

Mr. Ross pointed out that RS-8B goes on to specifically address derelict vehicles as well as boat trailers, recreational vehicles, and the other examples previously discussed. He felt the proposed reclassification could allow neighborhoods to get rid of junked cars and other eyesores, should they opt into the reclassification.

Chair Terrill felt this meant boat trailers were “lumped in” with these other items, which could affect individual boaters in a neighborhood where boat trailers were never the issue. He believed the proposal could be rewritten to include or exclude boats and/or recreational vehicles that might not have been the intended focus of the regulation when it was created.

Mr. Ross felt the right to eliminate problem vehicles did not mean a neighborhood would seek to eliminate structures that posed no problems.

Mr. Schulze added that the City would not take a “proactive” stance on an ordinance as a result of a single specific complaint.

Chair Terrill asked again if any Board member wished to reconsider his or her vote. There being no response, the Board moved on to its next Item.

VI. Update – New River Floating Dock Project – Bill Sadler

Mr. Hart introduced Bill Sadler, Consultant with Sea Diversified, who would give the Board an update on the status of the floating dock project. Mr. Sadler also introduced Dan Moss, one of the project’s engineers.

Mr. Sadler stated that five floating day docks are planned for the City in the following locations: near the Performing Arts Center, in front of the River House, by the Marine Facilities Office, near the Stranahan House, and along Southeastern Avenue.

After an agreement was reached with the City in May 2008, applications have been filed with the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers, and Broward County. The applications went in to these agencies in July 2008. All federal permits were received by August 2008 for the five facilities; the State has agreed to permit the project from a regulatory standpoint. However, there is a submerged land lease held by the City that needed to be updated to conform to current standards. By January 6, 2009, Mr. Sadler stated that an agreement had been reached with the City to update this lease.

Now that State and federal regulatory issues have been worked out, and when the submerged land lease issue is concluded, Mr. Sadler felt designs could be finalized and ready for construction by mid-year. He added that hopefully the project could be completed by the end of November 2009.

Mr. Hart noted that all documentation, including designs, plans, and specifications, must be signed off upon by the City Engineer. He felt confident that the project could be concluded within the time frame Mr. Sadler had described.

Mr. Sadler continued that there would be some overlap between his firm's design services and the work of the City Engineers. Mr. Hart explained that Mr. Sadler would be acting as project manager for the endeavor, although he would be coordinating with the City Engineer.

The project currently has \$970,000 in funding, Mr. Hart continued. He estimated the total funding needed at roughly \$1.1 million. Some locations might need to be "tweaked" as well, he added.

Mr. Sadler explained that there are issues with the location of the Stranahan House dock. Members of the Department of Homeland Security attended a meeting with the Department of Transportation and expressed concern regarding the ability to park a boat at this dock, which is located close to a tunnel. Mr. Hart noted that Homeland Security has its own guidelines for protection of bridges, tunnels, and other structures. They did not plan to allow the drilling of any pilings at that location, he concluded.

Chair Terrill opened the discussion to questions from the Board.

Mr. Widoff noted that he was not part of the Board during the planning process, but stated that he had seen dolphin poles with ladders near the structure. He asked why these were built when public docks with ladders were available a short distance away.

Mr. Sadler explained that floating docks are designed to accommodate boats smaller than 30 ft., and gave access to the Riverwalk during “any tide situation.” He also pointed out that the docks must be ADA-compliant. Mooring against dolphin poles can be “very challenging” for smaller boats.

Sgt. Pallen added that at the locations where floating docks are planned, the dock must extend further out into the water, as the boat cannot get close enough to the seawall due to rocks. In addition, if a seawall is replaced, County regulations require riprap to be added.

Mr. Schulze recalled that the configuration and material content of the floating docks had been discussed many times by the Board, and asked if the projected plan would follow a specific design as shown by renderings.

Mr. Sadler explained that a concrete floating dock system had been approved, and had been found to be a very stable system after testing over the years.

Mr. Schulze noted that the greatest point of contention from those previous discussions had related to the width of the dock and ramp, and whether or not these were ADA-compliant. He asked if this had been finalized.

Mr. Sadler advised that although the design had not yet been finalized, the width of the docks had been discussed, and they had been made “as ADA-compliant as possible.” For public facilities such as these, it had been decided that a 10 ft. wide dock was preferable to an 8 ft. wide dock.

Mr. Zorovich felt the suggested ramp harmed the dock at Riverwalk the most, as it might be located sufficiently close to the seawall that people might try to jump on and off the ramp. Mr. Hart added that there was also a chance of damage from riprap at this dock.

Chair Terrill felt the installation of floating docks could prove to be “unpopular,” as some very large boats move up and down the river. He felt this could be restrictive to navigation, and the draft of the dock and depth of the river should be studied carefully in the future, with an eye to the effect on navigation.

Mr. Hart agreed that there were concerns about the docks’ location, with regard to distance into the waterway, along with other “intangibles.” He added that he was not happy with the location of a particular gangway, but felt the best course of action would be to accept this as a learning experience and move on.

He asked Matt Domke, Downtown Facilities Dockmaster, if the dock in question had received any complaints with regard to navigation of boats. Mr. Domke stated that there had been no complaints of this nature.

Chair Terrill felt it would be best for any future docks to extend no further than absolutely necessary into the water. Mr. Hart agreed with this and described it as “good common sense.”

Mr. McLaughlin pointed out that at Bahia Mar, a handrail was placed along the shoreline to prevent anyone from jumping onto a ramp from the seawall.

Chair Terrill described an existing ramp extending from the shoreline by the Maritime Museum and down to the dock, noting that it reaches “a long way” onto the dock in order to be ADA-compliant. He felt it could easily extend at the same angle from a different distance, and asked if this might be an option for consideration in the case of the floating docks.

Mr. Sadler agreed that the point of access could be shifted so the floating dock started quite a ways away from where the gangway starts. If the gangway could be shifted, it would affect the room necessary for people to exit their boats. He felt this could be reevaluated going into the final design.

Mr. Rassing recalled that some issues had been raised at previous meetings regarding the timeliness of the floating dock project. He asked if Mr. Sadler’s contract, begun in May 2008, was for a set fee or if it took time and materials into consideration. Mr. Sadler confirmed that the contract was a set fee of \$100,000 from initial planning through to the end of construction, including the permitting and design phases, as well as overseeing of construction.

Mr. Hart added that 50% of this fee is being paid by a grant, so it did not come strictly from City funds. He added that \$50,000 of the dock’s cost was also paid by a grant. He explained that Mr. Sadler had gone through a competitive process with other vendors in order to be selected for the contract.

Mr. Rassing stated that he was attempting to understand the issues responsible for the project’s delays. He asked if some of the “major hurdles” that had faced the project could be explained to him.

Mr. Sadler commented that the only issue that had arisen was the submerged land lease. Mr. Rassing asked if this could be further clarified.

Mr. Sadler explained that the river is owned by the State, from whom the City leases it. This includes the entire Riverwalk area, he noted. Mr. Hart contributed that the State owns all submerged land, such the river bottom, and the City may not do anything to this property without the State’s approval. The City must pay 6% of its gross revenue to the State for use of this property.

Due to their ownership of the property, Mr. Hart continued, the State wishes to know what structures will be placed on it, their dimensions, their impact upon navigation, and other issues.

Mr. Rassing asked if it would be considered “unreasonable” to request to see progress reports on the project. Mr. Hart responded that these reports are filed as part of the administrative process, but the Department had agreed to provide the Board with monthly reports.

Mr. Rassing asked for an estimated time frame, as well as an estimate of any cost overruns. Mr. Sadler advised that the only cost overrun at the moment was the need to renew the submerged land lease, which was last renewed in January 2008. In order to renew the lease, he continued, the State reviewer had informed the City that a certified survey, among other considerations, must be conducted to satisfy current State standards. The City will be expected to pay for the survey, which is estimated to cost \$20,000, according to Director McCaffrey. Mr. Hart pointed out that this survey has been approved by the City Commission.

Mr. Rassing asked when the project would be brought to fruition. Mr. Sadler explained that all permits were pending; the submerged land lease was expected to be complete by the end of January or early February 2009; the State would then show a letter of intent to issue the permit; and the public notification process must be completed. He expected all permits to be issued by May 2009.

Mr. Hart reiterated that even with all grant efforts, the budget was still short \$120,000 for the project. Due to the State issue with the submerged land lease, permits had not been completed in time to apply for an additional grant; due to the need to reapply for the missed grant, the project’s completion would be held up.

Mr. Sadler continued that the designs should be ready by May 2009, when permits were issued, and the project would go out to the City’s advertising and bidding process, which generally took 60-90 days.

In response to a question from Mr. Zorovich, Mr. Sadler stated that installation time for a floating dock depended on the structure’s manufacture. He estimated that it would be a 60- to 90-day process to build one such dock and move it to its site; more than one dock could be built concurrently.

Mr. Schulze asked if the \$120,000 shortfall might affect the construction and installation of only one floating dock. Mr. Hart responded that this could be the case, if the budget shortfall was not made up before contracts were issued. He felt this was a good suggestion.

Vice Chair Flanigan recalled that the 3rd Avenue Bridge dock had been considered "least desirable" of the five proposed docks; if a dock were to be eliminated from the project, he felt it should be this one.

Mr. Hart reiterated that the goal is construction of five docks, as previously recommended by the Board and the City Commission. Chair Terrill requested that the City Commission be informed that the Board "would rather have four docks than no docks." Mr. Hart agreed that they would be informed of this preference.

Chair Terrill asked if all docks were required to be ADA-compliant. Mr. Sadler stated that this was the case. He added that while every slip at a City marina might not be ADA-compliant, the instructions were to ensure compliance in the floating docks, per City mandate for the project.

Chair Terrill asked when the floating docks would be completed, if everything occurred according to schedule. Mr. Sadler stated that the objective is to have them installed by the end of November 2009.

He cautioned that the public notification process was yet to come, and the City bidding process could take 60-90 days.

Chair Terrill related that Mr. Tilbrook, who had departed the meeting, was on the board of the Riverwalk Trust. He noted that Mr. Tilbrook was very interested in the floating dock project, and had shared several questions with the Board at the December 2008 meeting that had been emailed to Staff. Chair Terrill requested that Staff could answer Mr. Tilbrook's questions and email these responses to the Board.

Mr. Hart believed that the questions had already been answered via email directly to Mr. Tilbrook, but agreed to send the responses to the Board at large as well.

He added that Staff had agreed to provide reports on the floating dock project as part of the Board's agenda, on a monthly basis.

Chair Terrill stated that this project had gone on for quite some time, and while all Board members felt strongly about the project, he counseled that they should communicate about the project in a "non-passionate manner." He added that the Chair would recognize members when they wished to speak, and recognized Mr. Rassing at this time.

Mr. Rassing requested a report that gave the Board a timeline for the project, listing what has already been accomplished and what has yet to be done, as well as any obstacles, such as the submerged land lease issue.

Mr. Hart agreed to take this under consideration.

Chair Terrill related that he had seen a manatee warning sign on the shoreline near the location of the first of the floating docks. He felt that anyone not following the project would not know that the dock in question belonged to the City and was available for public use. He wondered what could be done to let the community know about the dock, and if a marketing plan might be appropriate.

He added that while a marketing plan could be a very costly undertaking for the City, it could also be accomplished via free notice in utility statements or an article in *Go Riverwalk* magazine. Community association newsletters might also be a good source, he suggested, as well as spreading the word to local boaters that the dock was available.

He expressed concern that the dock was labeled a “pilot project,” which Chair Terrill understood to mean the project would not be continued if it was not a success. He proposed a sign for the temporary dock as well.

Mr. Rassing volunteered to write an article for the *Waterfront News* about the temporary dock project and publicize its availability to small boaters. He felt the requested timeline would be of assistance in disseminating this information.

Chair Terrill felt it would be appropriate for the Board to reach a consensus on what action they might take, as well as to coordinate with Mr. Hart and Staff, as the project in question is a Marine Facilities undertaking.

Vice Chair Flanigan reminded the Board that the “no docking” signs currently in the area in question should be removed before further action is taken.

Ms. McCaffrey felt it was clear that the City was “on time” with the project, with regard to permitting, and felt they would continue to do their best to expedite the project with the help of the Engineering Department. She felt it was clear that Department was interested in moving the project along on time.

Chair Terrill recommended that the Board formalize Mr. Rassing’s representation of them as a body before he wrote a letter or article about the floating dock project.

Vice Chair Flanigan reiterated that they should be willing to give up one of the five floating docks in order to move the project along on or ahead of schedule. He pointed out that this would make the project lighter in terms of expense, time, and manpower.

Mr. Ross noted that the locations for the proposed docks are not rentable dockage at this time. Save the 3rd Avenue facility, no City revenue would be lost.

Vice Chair Flanigan reminded the Board that the 3rd Avenue location was intended to bring more people to the Riverwalk area, particularly on the south side. He continued that it was possible for Staff to change the prospective location at this time, should it be more economically advantageous to remove one proposed floating dock from the project.

Mr. Hart agreed that the 3rd Avenue location was the least priority, should the project's goal be changed from five docks to four. Ms. McCaffrey recalled the earlier discussion of Homeland Security's concerns regarding the tunnel beneath the bridge in that location.

Chair Terrill opened the meeting to the public at this time.

Michael Dodds, citizen, noted that there are other systems for the construction of docks than the system mentioned by Mr. Sadler. He asked if the Board was prepared to leave the specifications for bids "as open as possible" to allow more manufacturers to bid for the project.

Mr. Swenson felt this would be an acceptable idea if the project was just beginning; however, one dock had already been constructed, and the Board desired a "uniform look" and a measure of consistency.

Mr. Rassing felt there are alternatives to concrete that might save the City a substantial amount of money. If cost was a consideration, he stated he would like the opportunity to propose some alternatives.

Mr. Schulze agreed with Mr. Swenson, pointing out that there was an "aesthetic aspect" to the project. He felt there should be consistency in the docks' appearance, particularly since one was already in place.

Mr. Dodds stated that his company designs and manufactures floating docks, and noted that often pressure-treated wood splits under the sun when used in a different design. His company avoided use of this material, and he felt this could be of help to the City in saving money.

Tyler Chappell, board member of the Riverwalk Trust, asked for the dimensions of the floating docks. Mr. Sadler responded that the docks vary in length, but the largest one had a length of 250 ft.

Mr. Chappell also asked for the status of the County permit for the docks. He was informed that the County had approved the permit, but was waiting for the new manatee protection fee, required of all slips, to be processed.

Mr. Chappell asked if the existing submerged land lease charged the City separately for each dock, or a single fee for all docks. Mr. Sadler stated that this is "one large lease" for the entire group of docks.

Mr. Chappell requested information on the ADA ramps to be used for the docks. Mr. Sadler explained that all ramps had a "12 to 1" slope and were 4 ft. wide.

There being no further questions, Chair Terrill closed the meeting to the public at this time.

Mr. McLaughlin commented that docks constructed of different materials could be almost indistinguishable from one another. He added that recycled plastic might be used instead of pressure-treated wood.

Mr. Zorovich asked why the City might not be looking at the option of other materials. Mr. Hart did not comment on the issue.

Mr. Rassing felt the Board had a responsibility to help Marine Facilities accomplish the project, and save money if possible. From this standpoint, he did not feel it would delay the project unnecessarily if consultants explored some of the alternatives in construction. The results could be presented to Staff for review, he suggested.

Chair Terrill asked if the Board wished Mr. Rassing to write an article regarding the floating dock located near the Maritime Museum, advertising it as available to the community.

Ms. Scott-Founds felt this was a good idea, and recommended that Mr. Hart approve any such article before it is submitted. Sgt. Pallen added that it might be appropriate for an article representing the City, or a City project, to be approved by the Public Information Office in City Hall.

Ms. McCaffrey agreed, stating that nothing can be put forth on behalf of the City without the approval of the Public Information Office. The Board could submit such an article to a publication, but could not say that it was on behalf of the City.

She added that Chair Terrill had made "very good suggestions" with regard to marketing that could be accomplished without cost.

Chair Terrill summed up that if Mr. Rassing wrote the article he had proposed, suggesting that his comments represented the Board, it would be appropriate for the Board to first approve the issue. Mr. Rassing could also simply "share the word" regarding the dock as an individual, which would need no one's permission.

Mr. Rassing stated that he hoped to show that the floating docks were “user friendly,” as well as inform the public of the Board’s existence and participation in activities that benefit small boaters. He asserted that he had no intention of submitting anything in writing that had not been approved by the Board, and the Public Information Office as well, if necessary.

Chair Terrill agreed that the Board understood these goals, noting that they are compelled to make sure they proceed in a “technically correct” manner. He praised Mr. Rassing’s offer to write such a letter.

Mr. Rassing responded that he believed it was important for the Board to show it’s available to help boaters. This was his reason, he affirmed, for suggesting the letter represent the Board.

Chair Terrill reiterated that this meant the Board must reach consensus regarding the submission of a letter on their behalf.

Ms. Scott-Founds suggested that a press release, written by a reporter, might be a compromise.

Mr. Zorovich suggested erecting a sign that states the dock is City property and available to the public. Chair Terrill felt this was at least “achievable in the short term.”

VII. Reports

- **Peterson Fuel Barge Operation**

Ms. McCaffrey stated that an issue has arisen regarding the operation of a fuel barge within the City of Fort Lauderdale. It has not yet been resolved, although there are ongoing discussions about the matter with the City Attorney’s Office, City Manager’s Office, and the operator of the barge and his attorney.

- **Broward County Marine Advisory Committee**

Chair Terrill noted that the Board member who also sits on the Broward County Marine Advisory Committee was not present, and therefore the Board would move on to other business.

VIII. Old/New Business

Mr. Zorovich stated that the Board had recently criticized Staff regarding reports before the Board, and wished to compliment them on their presentation at tonight’s meeting regarding the floating dock project.

Frank Hierhold, Executive Director of the Marine Industries Association of South Florida, reported that the 44th Billfish Fishing Tournament was being planned by the Association for the weekend of February 7 and 8, 2009. He invited all present to attend.

Mr. Hierhold added that the 35th Waterway Cleanup was scheduled for March 7, 2009. Chair Terrill suggested discussing this event at the Board meeting scheduled before the cleanup.

Ms. Scott-Founds reminded the Board of the Duckfest, set to occur across from the Performing Arts Center. She noted that its proceeds go toward assisting children in distress.

IX. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 9:55 p.m.

[Minutes prepared by K. McGuire, Prototype, Inc.]

