

**MINUTES OF THE MARINE ADVISORY BOARD  
 100 NORTH ANDREWS AVENUE  
 8<sup>TH</sup> FLOOR CONFERENCE ROOM  
 FORT LAUDERDALE, FLORIDA  
 THURSDAY, APRIL 1, 2010 – 7:00 P.M.**

<u><b>Board Members</b></u>	Attendance	<b>Cumulative Attendance 5/2009 through 4/2010</b>	
		<u><b>Present</b></u>	<u><b>Absent</b></u>
John Terrill, Chair	P	10	0
Barry Flanigan, Vice Chair	P	8	2
F. St. George Guardabassi	P	3	0
Mark Swenson	P	7	3
Randolph Adams	P	8	2
Norbert McLaughlin	P	10	0
Tish Flavin	A	7	1
John Baker	P	6	4
Emilio DiPietro	P	6	4
Bob Ross	A	9	1
Lisa Scott-Founds	A	6	4
Stephen Tilbrook	A	6	4
Tom Tapp	P	7	2
Herb Rassing	P	9	1
James Harrison	P	4	0

As of this date, there are 15 members appointed to the Board, which means 8 would constitute a quorum.

**Staff**

Jamie Hart, Supervisor of Marine Facilities  
 Cate McCaffrey, Director of Business Enterprises  
 Andrew Cuba, Marina Manager  
 Levend Ekendiz, Intracoastal Facilities Dockmaster  
 Matt Domke, Downtown Facilities Dockmaster  
 Jack Seiler, Mayor of Fort Lauderdale  
 Sgt. Andy Pallen, Marine Police Staff  
 Kim Rhodes, Service Aide, Marine Police Unit  
 Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

**Motion** made by Mr. Harrison, seconded by Mr. Rassing, to include the creation of a waiver process for review by the Marine Advisory Board in the rewrite of the Code relating to boat lifts that is before the Commission now. In addition, the

City Commission is requested to specifically reference the Parcview Townhomes dock waiver application, contained in the Marine Advisory Board Minutes of April 1, 2010, as an example of what should not happen again. In a voice vote, the **motion** carried unanimously (11-0).

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

Chair Terrill called the meeting to order at 7:06 p.m. and roll was called.

**II. Approval of Minutes – March 4, 2010**

**Motion** made by Mr. Adams, seconded by Mr. Tapp, to approve the minutes of the March 4, 2010 meeting. In a voice vote, the **motion** carried unanimously.

**III. Statement of Quorum**

The eight Board members necessary to constitute a quorum were present.

**IV. Waterway Crime & Boating Safety Report**

Sgt. Andy Pallen of the Marine Police Unit noted that traffic on waterways is beginning to increase for the season.

There were two unrelated boat burglaries in the month of March, with two arrests resulting from one of these burglaries. Abandoned vessels remain an issue: one was “dumped” the previous month with its identification numbers scratched off so its owner could not be detected.

Two jet-skis were stolen from a rental business but were recovered the following day. No suspects were apprehended.

A boat accident occurred when control was lost of a vessel on the New River, and it struck a docked vessel. Another incident occurred off the Intracoastal Waterway when two officers responded to rescue an individual from a sinking jet-ski. The individual was rescued and the sunken jet-ski was recovered.

Mr. Cuba clarified that his Department pays “up-front costs” associated with removing dumped vessels from public waterways. They are seeking grant funding to assist with these costs. He estimated that the removal of, for example, a 40 ft. vessel with engines costs \$5000. The number of abandoned vessels continues to increase. The Marine Police Unit is successful in identifying many of the vessels’ owners, who often remove the vessel themselves when informed of the legal consequences of abandonment.

**V. Application – Dock Waiver of Limitations / ULDR 47.19.3 – 2800-2806  
N.E. 15<sup>th</sup> Street – Fred Blitstein**

Fred Blitstein, representing the owners of the Parcview Townhomes, explained that the property he represents is located at the end of the canal as it enters the Intracoastal Waterway, and is subject to “very serious wave action.” As a result, several boat lifts are located in this area. A small boat lift has been located on the property for some time. They are seeking to change the existing boat lift to a parallel lift that would accommodate a 28 ft. boat. The canal is 127 ft. in width and its dolphin pilings are at 20 ft.; the lift would be at 19 ft., which is within the existing footprint of the property.

Mr. Blitstein stated that on busy days, a boat cannot be docked along the waterway because it is “beaten” by waves in the area. The request has already been approved by the Board of Adjustment. Due to the 10% rule, the lift would be limited to 12.7 ft. instead of the requested 19 ft.

He advised that a full set of plans is included for the Board, including the dimensions of the proposed lift.

Chair Terrill commented that two months ago, the Board had unanimously recommended that the City Commission change the limits and extensions allowed for boat lifts. The current Application would not have come before the Board if the suggested changes had been made.

There being no further questions from the Board at this time, Chair Terrill opened the public hearing. As there were no questions or comments, the public hearing was closed and discussion was returned to the Board.

**Motion** made by Mr. Baker, seconded by Mr. Adams, to approve the Application as presented.

Vice Chair Flanigan asked why the Application had gone before the Board of Adjustment. Chair Terrill requested that the Applicant share his experience of the approval process, including “what he went through to get to this point.”

In a roll call vote, the **motion** carried unanimously.

Frank Bruno, one of the owners of the property in question, explained that the application process has lasted over two years and cost roughly \$12,000. The owners were only requesting to replace a perpendicular lift with a parallel one. He felt the application process has proved to be “really unreasonable.”

Mr. Blitstein pointed out that Code states one boatlift is permitted per 100 ft. Because there are 187 ft. of waterfront seawall, the property comes “a little bit

short.” After several meetings with Planning Staff, the owners requested to rebuild their existing finger pier and place a lift on either side of it. However, because there were less than 200 ft. total, they were required to ask the Board of Adjustment for permission to install a second lift. He stated that while some members of the Board of Adjustment were “boaters and builders” and understood the situation, others did not. The result was that the two lifts were approved to be placed 100 ft. apart. Mr. Blitstein clarified that Code does not specify lifts must be 100 ft. apart, but must be “one per 100 ft.”

The Applicants provided financial, safety, and view analyses, which pointed out that placing two small lifts 100 ft. apart would be more harmful to the view than placing them closer together. Upon appeal of the approval, the Board of Adjustment acknowledged that they had “misinterpreted the Code.” When the Application was filed a second time, the Board of Adjustment had agreed to require a distance of 75 ft. between the lifts instead of the previously required 100 ft. At this time plans were made to present the Application to the Marine Advisory Board.

Mr. Blitstein concluded that the process had been “absolutely ludicrous” prior to the Board’s approval tonight, and felt any boater would understand that the owners’ request was reasonable. While he felt the City itself is “boater-friendly,” he did not believe the same could be said for the approval process.

Mr. DiPietro requested clarification of the relationship between the Board of Adjustment and the Marine Advisory Board. Mr. Hart explained that the Board of Adjustment is “an adjudicated Board” with legal authority.

Mr. DiPietro also asked if the entire length of the property’s seawall, which turns a corner, is considered when determining the number of boatlifts allowed. Chair Terrill advised that he would interpret the Code as applying to the 187 ft. of contiguous seawall. Mr. Hart agreed with this interpretation. Chair Terrill added that prior to the ruling made by the Board of Adjustment, he had never heard of a stipulation regarding where, within a length of seawall, lifts may be placed.

He continued that the Board has spent “a lot of time” on the issue of lifts, including the recent Marine Workshop, and noted that the Board of Adjustment’s minutes reflect specifics that the Marine Advisory Board “hadn’t... felt a need to discuss,” including where a boat should be placed within an individual’s property.

Mr. Rassing asked if the Board of Adjustment is comprised of City employees. Mr. Hart explained its members are appointed by the City Commission as volunteer board members.

Vice Chair Flanigan asserted that the process to which the Applicant had been subjected was “disgraceful,” and further illustrated that the existing process is in need of change.

Mr. Rassing asked how the decision is made for an application to go before the Board of Adjustment rather than the Marine Advisory Board. Mr. Hart advised the decision lies with the City Attorney, and is partly determined by whether an application is considered to be “more of a zoning issue” than a marine issue. Mr. Cuba added that another determining factor is the lack of a waiver process for boatlift requirements. Chair Terrill recalled that the Marine Advisory Board had also recommended a waiver process be added for applications.

Mr. Hart pointed out that when an application goes before the Board of Adjustment, the applicant must show “hardship,” as their request would be considered a variance.

Mr. Guardabassi asked if the Board’s recommendations from the previous month have gone before the City Commission. Chair Terrill explained that the first set of recommendations have been considered, and require two readings; the recommendations from March 2010 have not yet been presented.

Mr. Guardabassi asked if it is now clear that the two lifts previously requested by the Applicant could have been placed side by side, or if the Board should make a recommendation that this be considered in the future. Vice Chair Flanigan replied that the waiver process the Board has recommended would bring any such application before the MAB. Chair Terrill observed that other boards which may not regularly consider marine issues may not be aware that requirements such as the one made by the Board of Adjustment could conceivably double the work and cost related to such an application.

Mr. Harrison felt the Application further illustrated the need for “a waiver process through this Board” in order to prevent the Applicant’s situation from recurring. Chair Terrill proposed that each Board member call the individual who had appointed them, and encourage them to consider approving a waiver process. He expressed concern that there could be “some watering down” of the Board’s recommendations, as they would go before at least one other board before being decided by the City Commission, and felt the Board members could clearly communicate the emphasis placed on these issues at meetings. He encouraged Staff to relay this sense of passion to the City Manager as well. Mr. Hart suggested the Board could send a communication to the City Commission regarding this issue if they wished.

Mr. McLaughlin observed that the Board will most likely hear many requests for perpendicular boatlifts, and pointed out that one reason for the 100 ft. restriction was the preponderance of parallel lifts. If boats are allowed to extend further into

a waterway alongside a dock, the lifts could be easily placed on opposite sides of a dock.

**Motion** made by Mr. Harrison, seconded by Mr. Rassing, to include the creation of a waiver process for review by the Marine Advisory Board in the rewrite of the Code relating to boat lifts that is before the Commission now. In addition, the City Commission is requested to specifically reference the Parcview Townhomes dock waiver application, contained in the Marine Advisory Board Minutes of April 1, 2010, as an example of what should not happen again.

Director McCaffrey advised that while the issue is “not entirely up to our Department,” a meeting is scheduled with the Planning and Zoning Department with regard to boatlifts, and Staff will ensure that this issue is part of that discussion. Chair Terrill agreed, but stated the Board could speak directly to the City Commission to “drive [the issue] home.”

Mr. Guardabassi asked how the suggested waiver process might work. Mr. Harrison replied that the Application “would come to us first;” Chair Terrill added that the Board would then send their recommendation to the City Commission, which would take it and other related circumstances into consideration before voting on the issue. This is the process at present for docks and pilings, he noted.

In a roll call vote, the **motion** carried unanimously.

At this time Chair Terrill recognized Mayor Jack Seiler, who wished to address the Board.

Mayor Seiler stated he wished to thank the Board for its service to the City, and acknowledged that the City is built in part on marine industries. He thanked Mr. Hart for his 29 years of work and leadership on behalf of marine industries, and noted that he was “a true champion” of both the marine industry in general and the marinas in particular. He presented Mr. Hart with an award in recognition of his years of service.

The Board and all present recognized Mr. Hart’s contribution with a round of applause.

Mr. Hart thanked the Board for its influence in bringing marine issues before the City Commission, and noted Chair Terrill’s work toward this effort in particular. He felt it is important for the community at large, and the marine industry in particular, that they continue to bring forward issues about which they feel strongly.

## **VI. Update – Marine Industry Workshop: Marine Advisory Board**

Frank Herhold, Executive Director of the Marine Industries Association of South Florida, thanked all who had participated in the Marine Industry Workshop in December 2009. He felt the core philosophy of “attraction, retention, and expansion” of the industry is shared by the City, with “some work to do” at the County and State levels.

Mr. Herhold thanked Director McCaffrey, as well as Economic Development Director Stephen Scott and Planning and Zoning Director Greg Brewton, for their participation in the Workshop, and urged the Board members to read the minutes of the event at their leisure. He noted that marine industry has unofficially been declared one of 10 “target industries” by the County.

At Chair Terrill’s request, Mr. Herhold added that the recent Waterway Cleanup event had 1800 participants and retrieved roughly 15 tons of trash at 28 sites.

## **VII. Discussion – City Marina Dockage Rates: Marine Advisory Board**

Chair Terrill recalled that this issue had arisen at the March 2010 meeting when several commercial operators had discussed their experiences in the current economic environment. He noted that although it is the height of the season, many of the City’s commercial marinas presently have higher occupancy rates than City marinas; however, there are many actions that can be taken by private businesses that cannot be taken by the City. He asked Mr. Cuba to provide an overview for the Board.

Mr. Cuba explained it is difficult to state what the City’s rates are, as these differ depending upon the sizes of vessels. Rates are “tiered” so larger vessels pay more per foot per day, which is a “common rate structure.” With regard to how the City’s rates compare with those offered in the private sector, he stated, a competitive analysis is made of the rates of all marinas in the Fort Lauderdale area. The City then intentionally sets its rates lower than those of the private sector, which they feel is “the right thing to do as a public marina.”

The private sector, however, has the option of “making deals” with boats by offering different rates to vessels of the same size. The City may not take similar steps within its rate structure. Mr. Cuba continued that there is “a full load” of commercial vessels presently on the river, and the City has maintained 60-65% occupancy on the transient side. While the City is unable to make deals, he hoped to discuss options that might help increase business.

Chair Terrill agreed that the City’s marinas should attempt to remain as competitive as possible, although there are steps private marinas can take that they cannot. He recalled that Staff had asked the City Commission to fund a

project that would improve the electricity for the boats at Las Olas Marina, and requested an update on the status of this project.

Mr. Cuba advised that the two largest slips at this facility offer 480-3 phase power, which is required by many boats larger than 150 ft. The City has recently sought funding to equip the two next largest slips with the same type of power, but was not granted permission to do so. They are continuing to seek funding for this project.

Chair Terrill expressed concern that the City Commission may not have gotten “the big picture” with regard to the importance of large boats from an economic and business perspective. Prices for mega-yachts are “much greater” than those for small boats; however, he stated that two boats of, for example, 50 ft. each would not bring the same revenue to the marina as a single mega-yacht, which brings in “far more than double” the amount. He concluded that large boats put a great deal more money into the economy, including revenue to the City.

He added that Bahia Mar had recently eliminated several small boat slips in order to accommodate more mega-yachts, going from 350 slips overall to 240.

Mr. Cuba noted that the City is also interested in other projects that will benefit “boats of all sizes,” including seawall replacement and pump-out upgrade on the New River.

Mr. Baker asked if alternate sources of funding might be available for the electricity and other projects. Mr. Cuba advised other grant sources are available, but matching funds are needed in order to apply, and the City Commission decides whether or not these funds will be provided. If funds are sought from a non-City provider, they must be demonstrably in place before the marina can apply for a grant. Florida Power and Light did not assume any of the costs relating to the recent electrical upgrade.

Mr. Adams asserted that smaller boats represent “a nursery to our industry,” and that they represent a large percentage of business as well. Without smaller vessels, many services could not be provided to larger ones.

Mr. Guardabassi asked if the dockage rates offer discounts for City residents. Mr. Cuba replied while there is no resident rate, “day dockage” rates are available. Many of the grants for which the City applies do not allow the offer of favorable dockage rates to residents.

Vice Chair Flanigan suggested that the Board had not lobbied sufficiently when grant funding was available, pointing out that the revenue brought to the City by the marine industry may not have been adequately recognized by the City Commission. He cited a 60-year-old seawall and the lack of sufficient power at



the Las Olas Marina as examples of how the City's facilities are "in bad shape" and not competitive. Furthermore, he stated that the upcoming dredging project will benefit Bahia Mar at the expense of other City marine facilities.

He added that if the condition of the City's marinas is taken into consideration, they should be allowed the flexibility that could make them more competitive with the private marinas that will "undercut" City dockage rates. He advocated asking the City Commission to allow charging "less money for larger boats than smaller ones" on a temporary basis.

Mr. Cuba advised that the City's occupancy rates were similar to those of the private facilities until the economic downturn began; this was when "dealmaking" became an issue from the private sector. He felt that this is an unfair practice, and pointed out that in a strong economy, these practices did not occur. From a municipal standpoint, the City cannot fairly lower one individual's rate within a facility unless they lower the rates of like vessels.

Some of the ideas under consideration to address the issue of competition include offering lower seasonal rates "much earlier" than normal, offering additional discounts to boats that will dock for longer periods of time, and aggressively marketing a six-month rate.

He added that municipal businesses require a level of transparency that is not expected from the private sector.

Mr. Cuba also clarified that the City's docks set their own rates rather than the City Commission. These rates are adjusted "following the general trend," which is twice annually; although there is no restriction on the number of times this can be done.

Chair Terrill pointed out that many of the marinas do not abide by their published rates; when the City attempts to offer rates slightly lower than the published rates, they lose business.

Mr. Cuba agreed that the City docks would appreciate more flexibility in setting their rates. He explained that "the real challenge" is the requirement to charge the same rate for everyone.

Mr. Tapp agreed, stating that transparency is very important at City marine facilities: they are "run by a City Commission" and paid for by City taxes as well as their own revenue. He did not feel there was a way to circumvent the issue of "[cutting] a deal" with one boat while the owner of a vessel the same size continued to pay more, as government revenue requires that all those renting space be treated fairly.

He suggested that the docks might be given flexibility “within a range” for charging dock rates, but felt the issue ultimately lies with the current economy. He concluded that a public facility must “be careful what we do.”

Mr. Guardabassi expressed concern that the City is asked to “be fair to non-residents,” noting that the City’s residents are the actual taxpayers and are unlikely to be concerned with fairness to non-residents in the current economy. Mr. Cuba explained that there are rates that could be interpreted as “resident rates,” such as vessel storage rates; the difficulty is that many grants specifically state the City may not charge differently for residents and non-residents, and a great deal of funding comes from these grants. Mr. Tapp agreed with this, pointing out that grant funds from other jurisdictions are used for some facilities, which is one reason differing rates are prohibited.

Mr. Cuba noted that beginning off-season occupancy rates “much earlier” is a recent trend under consideration by the City docks. Another challenge they face, however, is their lack of a marketing budget to attract yacht clubs and other sources of revenue. He noted that the City marinas will not be included in the Waterway Guide this year or the following year. Another issue is that many more boats are renting docks behind homes, which is also affecting the private sector’s business.

## **VIII. Reports**

- **Broward County Marine Advisory Committee**

Mr. Adams reported that today’s meeting included approval of \$760,000 in EMLEG grants, which will allow for marine patrols throughout the City and County.

- **New River Floating Dock Project**

Mr. Rassing stated he had attended a public meeting on March 23, 2010, with representatives of construction, marine technology, engineering, and other interests in the project. He distributed copies of the Riverwalk Floating Dock Program. He felt they would provide “strong support” for the small boat community. Use of the docks will be free to the public.

Mr. Rassing continued that pilings are expected to be put down in May; work will begin on the docks in June, and they are expected to be complete by Labor Day 2010.

- **Cooley’s Landing Boat Ramp Replacement Project**

Mr. Hart advised the second ramp should be completed within two weeks, leaving only a third ramp to be replaced within the next 60 days.

- **S.E. 15<sup>th</sup> Street Boat Ramp Improvement Project**

Mr. Hart stated these construction plans and permit must be approved by the City through the DRC process. Once bid specs are back, the project should go out for bid within 30 days of that time. The City Commission will award the construction contract in June, and the project will begin in August and be complete by early 2011.

- **Ordinance Amendment: Boat Hoists & Similar Mooring Devices / ULDR Section 47.19.3**

A meeting with the City Attorney's Office is scheduled for the following week to discuss the proposed amendment and finalize the draft of the Ordinance currently on the table. The City Commission has also requested that the Board's recommendation with regard to the number of boat lifts be deferred to Planning and Zoning Staff in order to provide them with a summary of the differences between the MAB waiver process and the Board of Adjustment process.

- **Commercial Dockage Rate Reduction Request**

The City Commission has requested from Staff the revenue impact that would result from a 25% reduction. This information has been provided in a memo from the City Manager's Office.

- **Commission Agenda Reports**

Mr. Hart stated that a review of the dock waiver application for 1720 N.E. 25<sup>th</sup> Avenue, renewal of the Marine Facilities Office Lease, and the beach boating restrictive waiver for Ocean Manor Hotel will come before the City Commission in April. A waiver of limitations for new police docks will come before the Board in the future.

## **IX. Old / New Business**

Mr. Tapp informed the Board that he belongs to a small cruising club that recently stayed in the New River for the St. Patrick's Day weekend. He strongly complimented the City Staff with whom the club had worked, including Mr. Domke. He noted, however, that while staying on the north side of the river, the condition of the seawall system, including the electrical and waste boxes, pilings, and lighting, were not up to what he felt the City's standards as a boating capital should be. He proposed that the Board encourage the City to restore the north seawall area.

Chair Terrill agreed to add this as a future Agenda Item, and encouraged the members to view the site in order to become familiar with its needs. He asked that Staff provide their input at the next meeting as well.

Mr. McLaughlin advised that many real estate sales in the City have been “stifled” due to the lack of water behind some properties. He asserted that the City “needs to be dredged in a big way,” and the City Commission should budget for dredging sections of the City on an annual basis. He pointed out that not only large vessels, but smaller ones as well, are having difficulty navigating on some canals.

Mr. Harrison encouraged the members to attend the Plywood Regatta, which is scheduled for April 17 at Whiskey Creek. Middle- and high school students build boats for this event.

Mr. Guardabassi requested more information regarding a manatee study being conducted by the State, which may result in the extension of slow speed zones. Mr. Herhold explained that Broward County has been selected for review of its existing manatee speed zones; County Commissioners will select 15 individuals to serve on a committee comprised of environmental, recreational, and commercial boating interests. Mr. Guardabassi stated he would like to see the Marine Advisory Board represented on the committee.

Chair Terrill stated that when a new commercial operator comes to the City to seek a long-term lease, the Board considers the business they are proposing and provides a recommendation to the City Commission. He felt a “storm” could be brewing due to more aggressive marketing by some of these operators, not all of which is within Code. He concluded that this issue may come before the Board in the future.

Mr. Rassing informed the Board that the 14<sup>th</sup> Annual Hospice Regatta will be held on May 14-15.

#### **X. Updated Communications to the City Commission**

It was noted that the **motion** related to the Parcview Homes Application will be a communication to the City Commission.

#### **XI. Adjournment**

There being no further business to come before the Board at this time, the meeting was adjourned at 9:15 p.m.