

**MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE, FLORIDA
THURSDAY, MAY 6, 2010 – 7:00 P.M.**

<u>Board Members</u>	Attendance	Cumulative Attendance 5/2010 through 4/2011	
		<u>Present</u>	<u>Absent</u>
John Terrill, Chair	P	1	0
Barry Flanigan, Vice Chair	P	1	0
F. St. George Guardabassi	P	1	0
Bruce Johnson	P	1	0
Randolph Adams	P	1	0
Norbert McLaughlin	P	1	0
Jim Welch	A	0	1
Robert Dean	A	0	1
Mel DiPietro	P	1	0
Bob Ross	P	1	0
Lisa Scott-Founds	P	1	0
Stephen Tilbrook	P	1	0
Tom Tapp	P	1	0
Herb Rassing	P	1	0
James Harrison	P	1	0

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

Staff

Jamie Hart, Supervisor of Marine Facilities
Andrew Cuba, Marina Manager
Levend Ekendiz, Intracoastal Facilities Dockmaster
Matt Domke, Downtown Facilities Dockmaster
Sgt. Andy Pallen, Marine Police Staff
Assistant Chief Steve Kinsey, Police Department
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

Following a discussion of the north side of the **New River/Riverwalk Seawall**, the Marine Advisory Board makes the following findings:

1. The existing condition of the seawall is a safety concern and it also diminishes the success of our downtown Marina and warrants repair; and
2. This Board has made the recommendation for the past 4 or 5 years that this be a funded priority; and that the staff has inserted this project into the capital improvement budget for a number of years and the project is still not funded.

A **Motion** was made by Mr. Tilbrook, seconded by Mr. Adams, to recommend the following to the City Commission:

1. That the City Commission allocate funding for immediate short-term repairs to address life safety and property damage liability concerns with the existing seawall;
2. That the City Commission allocate the necessary funds to match a F.I.N.D. [Florida Inland Navigation District] grant for the construction of a new seawall in this section, and to dedicate a portion of the New River Marina revenues as a funding source; and
3. That the City Commission request the City Attorney to identify the riparian ownership rights of the seawall at the Hyde Park Market site, and if the City has ownership rights, to incorporate the seawall replacement of the Hyde Park Market site into this project.

The motion was approved unanimously (13-0).

The Board further requested that the PowerPoint presentation of staff be attached to this communication to the Commission for their review.

I. Call to Order / Roll Call

Chair Terrill called the meeting to order at 7:03 p.m. and roll was called.

II. Approval of Minutes – April 1, 2010

Motion made by Mr. Ross, seconded by Mr. McLaughlin, to approve the minutes of the April 1, 2010 meeting. In a voice vote, the **motion** carried unanimously.

III. Marine Advisory Board Election

Motion made by Mr. Harrison, seconded by Mr. Tapp, to nominate Chair Terrill for another term as Chair. In a voice vote, the **motion** carried unanimously.

Motion made by Mr. McLaughlin, seconded by Mr. Ross, to nominate Vice Chair Flanigan to another term as Vice Chair. In a voice vote, the **motion** carried unanimously.

IV. Statement of Quorum

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

V. Introduction of New Members

New member Bruce Johnson came to Fort Lauderdale from Portland, Maine, which he noted is a marine community similar to that of Fort Lauderdale. He is a former Harbor Commissioner, a retired paramedic, and a lifelong boater.

VI. Waterway Crime & Boating Safety Report

Sgt. Pallen reported that there were two body recoveries in the New River, and investigations are ongoing, although there appears to be no foul play. A stolen boat was recovered, and four vessels were burglarized. There does not appear to be a correlation between the burglaries.

A vessel accident occurred in the New River, in which a large vessel was caught in the current and struck two other boats. A fuel spill in the North Intracoastal Waterway was also investigated. Two rescues occurred, one of which took place when a boat lost power and drifted. The boat was towed to safety.

Sgt. Pallen continued that the second rescue occurred on April 17, and Officers Will Phillips, Quinton Waters, Brian Meo, Pete Roloff, and Rob Hoffman were involved. A 20 ft. vessel driven by “an inexperienced boater” anchored a mile offshore in 6- to 8 ft. seas. When waves began breaking over the boat’s transom, it began to sink, and 911 was called.

Three boats were dispatched to the area. Sgt. Pallen noted that the Marine Police were the only agency that responded to the call. They located all five boaters within four minutes. The incident received television coverage, and all five rescued boaters affirmed that if the Marine Police had not arrived within that time frame, “there would have been five victims out there in the ocean.” He reported that the responding officers “did an incredible job.” The boat was salvaged as well.

He continued that 83 educational warnings were issued during the month, and six citations were given for more egregious offenses with repeat offenders. He noted that 93% of the time, citizen contact results in a warning.

Sgt. Pallen stated the Marine Police attempted to keep another statistic involving “waving and making contact with people on the waterway,” but this became futile after four hours, as officers had become seasick while “writing all the time.” They contacted or waved to over 856 people in a four-hour period.

Mr. Rassing asked if Sgt. Pallen and the Sheriff’s Office had been “proactive” in coming up with an action plan to protect Fort Lauderdale’s beaches in the event of a fuel spill. Sgt. Pallen advised that he had contacted Lieutenant Doug Watson at the Coast Guard; until the Marine Police “confirm the number of assets that we have in our personnel,” the Coast Guard would be in charge of any efforts to keep the shoreline and waterways clean. While the Marine Police would assist them, they would take a “back seat” to the Coast Guard’s direction. He offered to email full information to Mr. Rassing.

Mr. Rassing felt “instead of sitting back like BP did” and allowing a disaster to occur, the City should take a more proactive approach, determining what would be done and who would be involved. Sgt. Pallen agreed, and stated again that the Coast Guard would serve as lead agency in the event of such an emergency.

Mr. Cuba reported that the City Manager recently addressed the City’s plans in the event of such an emergency, advising that there is a consultant with whom the City is “in constant contact” and whom they would use for the deployment of multiple agencies. He referred the Board members to the most recent City Commission Conference Agenda meeting.

Mr. McLaughlin noted there are regular updates to Notice to Mariners online regarding the oil spill near the Gulf, including who is in charge and where it is located.

Mr. Tilbrook recalled the mention of two bodies recovered from the New River, noting that in the past year this has happened at least once more. He observed that safety recommendations have been made for the river, “particularly ladders.” Mr. Cuba reported that the City intends to install seven ladders in addition to other safety work. He offered to report on the progress of these endeavors at the next Board meeting.

Chair Terrill requested more detail on the fuel spill in the North Intracoastal Waterway. Sgt. Pallen explained that he did not know the total amount of fuel spilled, as the event occurred in December 2009 and is an ongoing investigation by the Coast Guard; this had prevented him from being able to comment on the incident until now.

On December 29, 2009, the Peterson Fuel Barge had “a significant spill” that extended from south of the Sunrise Boulevard Bridge to Oakland Park Boulevard “within half an hour.” He was not certain how far the spill ultimately extended. He

added that it “raised some red flags” with him because the fuel spread instead of being contained; it was unable to be properly investigated by the Coast Guard, as it was not reported. When it was called in “several hours afterwards,” because he ordered or reminded the barge to call it in as a matter of law, the Coast Guard was told that “only a quart of fuel spilled.” The Coast Guard did not feel it was necessary to respond to such a small amount. Sgt. Pallen stated “that should have raised a red flag” as well, as no one will call in a quart of spilled fuel.

He reiterated that the spill ran from Sunrise Boulevard to Oakland Park Boulevard within half an hour, and the Marine Police were not able to immediately respond due to a suicide attempt that occurred on the Commercial Boulevard Bridge. They first saw the Barge on the way to this call; when the individual was rescued and turned over to the Fire Department, the Marine Police “came back [and] it was everywhere.” He added that it seemed “odd” that the Fuel Barge was spudded down but its engines were on “in full speed, actually blowing the fuel, dispersing it so it went everywhere.” He stated that the captain nodded at him and said “You caught me, I was trying to clear it out of the basin area.”

Sgt. Pallen reiterated that the Coast Guard remains the lead investigator on this issue, although they were “unable to do it because it wasn’t reported.”

Chair Terrill asked how much fuel was spilled. Sgt. Pallen replied that he had spoken with members of the fuel service industry and estimated it was “anywhere between 30 to 60 gallons minimum to cover that length of waterway in that short a time.” He repeated that the spill may have gone further, as the Marine Police were not certain how far north it actually spread.

Mr. Rassing asked what caused the spill. Sgt. Pallen reported the Barge was filling a boat that was four docks away; the owner of the boat was not present, and only one individual was on the Barge, conducting the fuel. The individual on the Barge asked a nearby boat detailer if he could hold the nozzle; while it is not known how this occurred, during the fueling process a significant amount “just spilled into the waterway.”

Chair Terrill asked if tickets were issued. Sgt. Pallen responded that because the Coast Guard takes the lead investigation on the matter, the Marine Police did not interfere. He explained it would not be appropriate for one agency to write a ticket while another agency is investigating.

Chair Terrill asked if the Marine Police had controlled the scene, or held the individual(s) who appeared to be at fault until the Coast Guard could investigate. Sgt. Pallen stated the Marine Police were on-scene for approximately half an hour, and the Barge was not detained, nor was anyone arrested. He explained that when the Barge agreed to call the Coast Guard, he did not realize they were

going to say “a quart of fuel spilled.” Upon returning to the office, he called the Coast Guard and made them aware of what he had observed; however, “at that point it was too late to do anything.”

Chair Terrill asked if there was operator negligence. Sgt. Pallen replied this was “clearly, one hundred per cent” the case, as “not only did they not contain it, they actually dispersed the fuel.”

Chair Terrill asked if there is anything the Marine Police can do if this happens again. Sgt. Pallen stated he now has a different protocol with the Coast Guard: should he run into a fuel spill, he will call the National Response Center, as every boater is required to do by law. The case is then assigned to a group from Miami, which would conduct the investigation. He confirmed that the Marine Police now has direct contact with this group, and would call these investigators as well as the National Response Center, should the situation require it.

Assistant Chief Steve Kinsey introduced himself to the Board, stating that he oversees all patrols, as well as all special units, including the Marine Police Unit. He advised if anyone has comments or concerns, they may contact him at his direct office number, which he provided. They may also email him at skinsey@fortlauderdale.gov.

Chair Terrill asked for the chain of command between Assistant Chief Kinsey and Sgt. Pallen. Assistant Chief Kinsey explained it is as follows: Captain Bollinger, Lieutenant Hart, and Sgt. Pallen. He himself reports to the Chief of Police.

Ms. Scott-Founds asked why the Marine Police attempted to take statistics on people waving or contacted from the water. Sgt. Pallen replied this is “normal courtesy,” but there is “a small handful of individuals in the City” who have a personal agenda of having Sgt. Pallen and some of his officers transferred, disciplined, fired, or other action taken. Their chief complaint is that the officers “don’t wave to people.” He noted that when attempting to document these statistics, they noted vessel registration numbers of the boats to which they had waved, and added that 854 of the 856 boaters waved back.

He concluded that the Marine Unit acts by saving lives, educating people, and performing safety inspections, as it is their primary goal to keep individuals safe on the water. The Marine Police Unit “made a big impact on five different families” in the month of April.

VII. Application – Dock Waiver of Limitations / ULDR 47.19.3 – 325 Poinciana Drive – William Leonard

Chair Terrill introduced former Board member Rick Schulze, who has termed out of his service to the Board. He expressed the hope that Mr. Schulze will be able to serve on the Board again in the future.

Bill Leonard stated he is representing Marine Towers, Inc., although they are not the Applicant; Marine Towers is the neighbor immediately adjacent to Harry Diehl, who Mr. Leonard also represents. He explained that Marine Towers has retained him to represent Mr. Diehl. Two members of the Marine Towers were also present.

He explained that Mr. Diehl built a dock on his property as well as on Marine Towers' property, which resulted in a lawsuit. As a result of the settlement, Mr. Diehl acknowledged the error, and Marine Towers agreed to pay the cost of relocating the dock to Mr. Diehl's land. Because the water is shallow in this area, the dock has to extend "more than the minimal amount permitted," which triggered the waiver process.

He distributed drawings, noting that "the last site plan is not to scale;" the language the Applicant is requesting is "30 ft. perpendicular to the bulkhead out." The lift would be located on the far north side, to which Marine Towers does not object.

Mr. Leonard introduced Walter Morgan, who represents John Burt, the property owner to the south of Mr. Diehl's property. Mr. Morgan advised Mr. Burt is also supportive of the Application, contingent upon its being built as shown in one of the drawings. The boatlift is also supported if it is located on the north side of the dock, as planned.

Mr. Tilbrook asked if the Application has been presented to the appropriate homeowners' association, and if they have taken a position on the item. Mr. Leonard replied he was only aware of the standard notification sent out by the City.

Mr. Rassing asked if the area in question is "contiguous with the outreach for the City," and how the Applicant's property would affect this section. Mr. Leonard explained there would be no effect, as Mr. Diehl owns the property and his vessel will not be located in City anchorage. Mr. Cuba confirmed that the City has "no concerns."

Hearing no further questions from the Board, Chair Terrill opened the public hearing at this time. As there were no members of the public who wished to speak on this Item, the public hearing was closed and discussion brought back to the Board.

Motion made by Mr. Ross, seconded by Ms. Scott-Founds, to approve the Application as stated, with Staff recommendations. In a roll call vote, the **motion** carried 13-0.

VIII. Application – Dock Permit / Use of Public Property / City Code Section 8-144 – 1013 Cordova Road – Patricia Denly

Patricia Denly, Applicant, stated she wished to replace a dock that fell into the water.

Mr. Hart advised the permit is for the use of the dock rather than its construction, as permits cannot be transferred from one homeowner to another. The replacement dock will have a slightly larger footprint.

Mr. Tapp asked if the City's engineers will ensure the replacement dock meets all current specs. Mr. Hart confirmed this, and noted that the cost of replacement is the owner's responsibility.

Hearing no further questions from the Board, Chair Terrill opened the public hearing at this time. As there were no members of the public who wished to speak on this Item, the public hearing was closed and discussion brought back to the Board.

Motion made by Mr. Adams, seconded by Mr. Tapp, to approve the Application with Staff recommendations. In a roll call vote, the **motion** carried unanimously.

IX. Application – Dock Waiver of Limitations / ULDR 47.19.3 – S.E. 15th Street Boat Launching and Marine Complex Development Project – 1784 S.E. 15th Street – Jamie Hart

Mr. Hart noted that the Board members should have received the plan for the project. He explained that it is an administrative issue, as a waiver is required for these specific piers in conjunction with the 15th Street Boat Ramp Project. These are mostly police piers, with two slips dedicated to the eastern ramp and one slip for the pump-out facility. Only five slips are affected with regard to the waiver, as they are between 1.5 ft. and 3 ft. beyond the maximum allowable distance of 20 ft. All pilings are within the footprint allowed by Code.

Vice Chair Flanigan noted that a City-owned vessel is presently docked at the eastern ramp. Mr. Hart stated they should not be docked there and he would take up the issue.

Mr. Guardabassi asked the width to which the canal will be reduced from the dolphin pilings. Mr. Hart replied the canal is 125 ft. across, with the furthest dolphin piling at 20.4 ft.; most of these are 42-50 ft. from the center of the

channel. He noted that the City owns the submerged land, and the Code measures from the property line rather than from the seawall.

Mr. Rassing asked what the project would cost. Mr. Hart responded that the entire project is roughly \$2.5 million. The docks cost \$350,000 each. Funds for the project come from grants and capital improvement funding.

Hearing no further questions from the Board, Chair Terrill opened the public hearing at this time. As there were no members of the public who wished to speak on this Item, the public hearing was closed and discussion brought back to the Board.

Vice Chair Flanigan asked “whose floating docks” will be used for that project. Mr. Hart explained this portion of the project has not yet gone out to bid, and the City has no say beyond determining which bids are acceptable: the contractor will select the best bids he can. The project is scheduled to begin in August 2010.

Motion made by Mr. Tilbrook, seconded by Mr. Rassing, to approve the Application with Staff recommendations. In a roll call vote, the **motion** carried 13-0.

X. Discussion – New River / Riverwalk Seawall / North Side – Marine Advisory Board

Mr. Hart advised Staff has a PowerPoint presentation so all Board members will be familiarized with the area in question. He recalled that Mr. Tapp had raised the issue at the April 2010 meeting, and agreed that the condition of the seawall “raises a red flag.” He added that Staff has been seeking funds to make repairs for three to four years.

He explained that the New River is the main tributary for recreational boaters. The seawall is roughly 60 years old and is located on the north side of the New River. Costs to replace the seawall would be approximately \$2,550,000, or \$1500 per lineal foot, and would come from mostly grant funding. A replacement project would be expected to take two and a half years, including the time necessary to obtain the grants. Repairs are needed from Andrews Avenue to “just west of the Stranahan House,” where the Riverwalk terminates. This is a high waterway traffic area, with heavy pedestrian use as well; access to several boatyards goes through this area. Mr. Hart cautioned that a collapse of the seawall would be very problematic for this reason.

He showed the Board a slide showing a breakdown of the costs involved with replacing the seawall, as well as slides showing the seawall’s condition.

Mr. Hart advised that the project would be phased to minimize impact on operations and associated revenue streams, particularly those associated with boats docking in the area. He noted that grants have been sought, but no matching funds have been available; Mr. Hart hoped that the Board's support would lead to the City Commission's support of the project as well, and that the Commission would supply matching monies.

There is no way to determine when the project could begin, as funds are currently not available. He estimated it would take approximately 30 months.

Ms. Scott-Founds asked if the storm drains are affected by the deterioration. Mr. Hart explained the cracking around the storm drains causes some problems. Mr. Tapp suggested that the Water/Sewer Fund could provide a possible source of funding for this reason.

Mr. DiPietro asked if the Downtown Development Authority (DDA) would be involved in the project. Mr. Hart advised they may if the seawall near the DDA Park must be replaced, although he characterized this as "a monstrous job" and noted that there are no signs of deterioration "on the land side."

Mr. DiPietro asked if the proposed new seawall would use batter pilings. Mr. Hart replied these would be used with large caps, but pointed out that some river space is lost when these are used.

Mr. Harrison inquired about the condition of the seawall on the south side of the New River. Mr. Hart stated this seawall has been replaced. He added that the potential dredging of the New River could "have some impact" on the replacement.

Mr. Guardabassi asked if the City has considered maintaining the existing seawall. Mr. Hart explained parts of it have been maintained by a footer, but this is not holding properly. If full replacement is not possible, more footers would be used, although Mr. McLaughlin pointed out this would only serve as a "band-aid" to prevent the worst of the undermining.

Mr. Guardabassi asked if any sections of the seawall are in imminent danger. Mr. Hart replied "the whole thing" is in danger, and a category 4 hurricane could cause it to collapse.

Mr. Tilbrook noted that parts of the seawall by the Performing Arts Center were recently replaced, and asked how this has worked out. Mr. Hart stated this was a successful "and beautiful" project.

Mr. Tilbrook noted that some sections of the seawall feature historic decorative features that were enhanced during the construction of the Riverwalk, and asked if these would be preserved. Mr. Hart stated they would be kept.

Mr. Johnson asked if there are environmental issues associated with the seawall's current condition. Mr. Hart advised there are environmental, safety, transportation, navigational, and other issues associated with the seawall, and it is only a matter of prioritization by the City Commission. He felt a Florida Inland Navigation District (FIND) grant would cover 50% of the costs if matching funds could be found.

Mr. Johnson asked if the PowerPoint presentation could be mailed to him. Mr. Tilbrook requested this as well. Mr. Hart agreed to send a copy of the presentation in PDF form.

Mr. Tapp pointed out that boaters coming down the New River see the seawall in this condition, and asked if some maintenance might be done right away, such as removing broken fenders and exposed steel bolts, while a funding source is sought for the entire project. Chair Terrill agreed "something must be done to maintain the safety aspect," and noted that the seawall is not presently safe in some areas.

Vice Chair Flanigan advised the Board had discussed the seawall at their September 2006 meeting when discussing construction agreements for the south seawall; the Board took no action on the north seawall. In April 2007, one of the City Commissioners at that time participated in the debate regarding repairs, and there was discussion of "exploring partnerships... with the City" for these repairs. Staff has submitted an itemized budget three times since that conversation. Vice Chair Flanigan concluded that "lack of action [by] the Commission" that prevented the completion of the project, as the final decision on funding is theirs.

Mr. Ross asked how the condition of the seawall would affect the floating dock project. Mr. Hart explained none of the floating docks are planned for that area.

Mr. Rassing agreed with Vice Chair Flanigan that the project has been "hanging around" for years, and asked if the Board can recommend that the City Commission set aside funds for temporary improvements or for rebuilding the seawall. Chair Terrill stated they may communicate this concern to the Commission. Mr. Rassing felt there are two potential approaches: first repairing unsafe areas, then asking for the project to be a priority for funding.

Chair Terrill suggested they determine the most effective action that "would move the Commission," including a proposal that each Commissioner take a look at the seawall.

Mr. Tilbrook noted that the City Attorney has been working with Hyde Park residents to determine ownership of that property, and felt the seawall and marina should be extended to this section if the City has ownership. Chair Terrill agreed the seawall in the Hyde Park area is "in the most deplorable condition in the City," and should be included in any recommendation to the City Commission.

Vice Chair Flanigan stated he had spoken with Assistant City Attorney Bob Dunckel, who is "somewhat familiar" with the Hyde Park issue. Vice Chair Flanigan had suggested asking Code Enforcement to become involved due to safety hazards associated with the seawall. He had not been given the impression that these issues were priorities.

Chair Terrill reiterated that the seawall is ultimately the Commission's responsibility, and "the Commission chooses the priorities" for the City Attorney's Office. Mr. Tilbrook agreed the response from this Office was "very frustrating."

Mr. Adams pointed out that Mr. Hart's presentation was only the most recent version of a project that had been in place for three to four years. He stated it is part of the Board's responsibility to the City Commission to recommend "some urgency" be given to this project, and to ask that they address both the safety and appearance issues of the seawall.

Mr. Tapp noted that this could be presented as a revenue-producing issue, as the City brings in major revenue from boats docking in this area. Mr. DiPietro added that several stakeholders are located along the length of the seawall, and should communicate their concerns to the City Commission as well.

Mr. Guardabassi suggested the project be broken down into stages to make it "more palatable" to the City Commission in recognition of the current economy. Mr. Cuba agreed this might be a "more expeditious" way to achieve repairs, but explained that the entire project had been presented to the Board so they could see "the total challenge." He stated this project had been presented for the past four years as one of the Department's highest CIP priorities. He concluded the entire project is only 1700 lineal feet.

Mr. Hart agreed with Mr. Rassing's proposed twofold approach in communicating to the City Commission. This would recommend that funds be allocated to "clean up and improve" what is presently in place. A second recommendation would be that the City allocate matching monies for the FIND grant. He advised that the project is "programmed in the budget to be completed," but has never been funded; the recommendation could be for the project to be performed as soon as possible.

He added that grant funding allows two to three years to complete the project; the City must have permits in place in order to move forward and show that they are “serious about the project” when this funding is given.

Hearing no further questions from the Board, Chair Terrill opened the public hearing at this time.

Mr. Schulze recalled that the Hyde Park issue has been discussed for several years, and pointed out that the City has the option of asserting eminent domain; if ownership is “holding back” repairs of the seawall, he felt this would allow them to complete the project.

Mr. Tilbrook advised that the following findings be communicated to the City Commission:

1. The existing condition of the seawall is a safety concern, and it also diminishes the success of our downtown Marina and warrants repair;
2. The Board has made this recommendation for four to five years that this project be funded as a priority, and that the Staff has inserted this project into the capital improvement budget for a number of years and unfortunately the project is still not funded.

Motion made by Mr. Tilbrook, seconded by Mr. Adams, to recommend the following:

1. There is a dire need for funding for immediate repairs now to improve safety conditions and the appearance of the existing seawall;
2. That the City Commission allocate the necessary funds to match a FIND grant for the construction of a new seawall in this section, and consider allocating New River Marina revenues as a dedicated funding source;
3. That the City Commission request that the City Attorney identify the riparian ownership rights of the seawall at the Hyde Park Market site, and if the City has ownership rights, incorporate the seawall at the Hyde Park Market site into this capital improvement project.

Mr. Tilbrook explained that while he is aware that marina revenues go into the General Fund, he is recommending that they no longer go to that Fund exclusively, and are instead dedicated for “capital improvements in our marina.”

Mr. Guardabassi advised that safety concerns take precedence over the suggestion of cosmetic repairs. Chair Terrill pointed out, however, that safety improvements are inherent in cosmetic repairs: for example, removing a rusty piece of rebar involves both concerns. Mr. Rensing added that navigational and environmental hazards go hand in hand with these as well.

In a roll call vote, the **motion** carried 13-0.

Motion made by Mr. Rassing, seconded by Mr. Tilbrook, that the PowerPoint be attached to the communication to the City Commission. In a voice vote, the **motion** carried unanimously.

Chair Terrill encouraged the Board members to communicate important issues with the Commissioners who appointed them, through conversation or via email. Communication with Commissioners is allowed under the Sunshine Law.

XI. Reports

- **Broward County Marine Advisory Committee**

Mr. Adams advised that a grant for the floating dock project was approved. A grant for the 15th Street Boat Launch was denied on “a technicality,” as it did not meet a criterion regarding the number of parking spaces. He recommended that the Board re-submit this project.

The Committee also discussed the recent oil spill on the Gulf Coast, and addressed preparations the County is taking with regard to any such disaster. He noted that the booms being laid out to contain the spill “don’t work,” and dispersants cause oil to form clumps and drop onto the reefs.

- **New River Floating Dock Project**

Mr. Hart reported that the City is in the process of finalizing the required shop drawings, which should take two to three weeks to complete. The project is expected to begin in “late May or early June” and should take four months.

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

The project’s date of completion is scheduled for May 21, and the third boat ramp should be complete prior to this date.

- **S.E. 15th Street Boat Ramp Improvement Project**

Permits are being finalized by the City, and the project should begin near the end of August. It is expected to take four to six months to complete.

- **Ordinance Amendment: Boat Hoists and Similar Mooring Devices**

Mr. Hart advised that a draft of the new Ordinance is scheduled for review by the City Commission at the Conference Agenda meeting on May 18, 2010.

Mr. Adams asked if copies of the draft Ordinance could be sent to Board members. Mr. Hart stated this would be sent as soon as it is available.

- **Commercial Dockage Rate Reduction Request**

A memorandum was prepared for the City Commission with regard to their request for the actual impact on revenue that would result from a 25% reduction in rates. Thus far there has been no direction from any Commissioner with regard to lowering rates.

- **Commission Agenda Reports**

The Ocean Manor Hotel's request for a restrictive waiver has been deferred until the May 18 Conference Agenda meeting on the basis that all property owners within 300 ft. of the site must be notified.

XII. Old / New Business

Chair Terrill stated that the City's marine industry has enjoyed "tremendous growth" over the past 20 years, and recognized Frank Herhold, Executive Director of the Marine Industries Association of South Florida, as a contributor to this growth and success. Mr. Herhold is planning to retire from this position. Chair Terrill invited him to address the Board at this time.

Mr. Herhold advised he has had "a very good run," and praised the Board for its support of the marine community over the years. He thanked Chair Terrill for his leadership of the Board.

He added that on the final day of Florida's State legislative session, the Marine Industries Association, in partnership with the Florida Yacht Brokers' Association, helped pass legislation placing a sales tax cap on large boats.

Ms. Scott-Founds thanked Vice Chair Flanigan for his assistance in locating historical elements and vintage boats for this year's Winterfest, which will begin the celebrations of Fort Lauderdale's 2011 Centennial. She also noted there is "a new boat in town," the *Floridian Princess*, which is the largest charter yacht in the United States by square footage. This will be the Grand Marshal vessel in the 2010 Boat Parade.

Mr. Harrison expressed concern over "what's going to happen" on May 18, when the City Commission addresses the boatlift Ordinance. He did not feel that "anything is going to be done any time soon" on the issue, and urged the Board members to call their respective Commissioners with regard to this issue, as well as the Board's recommendations regarding the seawall.

Chair Terrill noted that City Commissioners have a standing invitation to attend Board meetings and may speak to particular issues.

Vice Chair Terrill was also concerned regarding the boat lift Ordinance, and pointed out that while it was to be “fast-tracked” to the City Commission, “it’s been three months” since the Board first sent their recommendation. He did not feel the City Commission shared the urgency felt by Marine Staff, and recalled that there was also no response for commercial dockage rates. He also encouraged the Board members to call their Commissioners and the Mayor.

Chair Terrill stated he had met with Mr. Hart, Mr. Cuba, Ms. McCaffrey, and representatives of the City Attorney’s Office as well as members of the Planning and Zoning Department to review “boat lift items.” He noted that Staff may present options to the City Commission, and the Commission will ultimately decide what action to take on these options. He felt confident that many of the Board’s recommendations will be adopted, hopefully at the May 18 meeting.

He recalled that the Board recommended the waiver process be added to the number of boat lifts are permitted per 100 ft. Currently, this is decided by the Board of Adjustment rather than coming before the Board and, ultimately, the City Commission; Chair Terrill indicated that this can be a “more complicated... and more timely process.” The Board has recommended that the City Commission be part of the final decision regarding the number of boatlifts per 100 ft. if this is made part of the waiver process. He urged the members to discuss this and other issues with their Commissioners, and share their passion on these issues.

Mr. Rassing recalled that at a previous meeting, an individual had requested permission for a jet ski concession on the beach. He had informed the Board that this was discussed with his neighbors, who did not have any concerns about the issue, and the Board recommended approval of this permit. Mr. Rassing reported that since that time, he has been advised that neighbors were not consulted. He felt they should revisit the discussion.

Chair Terrill invited members of the public to briefly address this issue, and reminded the Board that this was not an Agenda item; in addition, the individual who had requested the concession was not present, and the issue is “already out of our hands” and with the City Commission. He pointed out that the item has been pulled by a Commissioner, which will allow individuals to share their side of the story with the Commission.

Bill Eisenberg, representing the Atlantic Beach Club, stated he would like to address the issue. He distributed renderings of the beach area in question, showing the lanes for waverunners, and explained there is an existing concession by Atlantic Beach Club. The lanes are roughly 25 ft. in width, and there is less than 120 ft. between the south lane of the Atlantic Beach Club’s concession and the proposed lanes.

Mr. Eisenberg noted that Mr. Ross had asked the applicant at that time if neighbors were notified, and the reply was given that the neighbors had no objection. He asserted this was not an accurate response.

He presented the Board with a letter from Atlantic Beach Club's attorney, in which it is confirmed that this business did not receive notice of Ocean Manor's application for a concession, nor did they inform Ocean Manor or the municipality that there was no objection.

Chair Terrill reiterated that this item was pulled from the City Commission's Consent Agenda pending further discussion, and the applicant and neighbors will have the opportunity to address the Commission.

Mr. Tilbrook clarified that this item, having been acted upon by the Board, may only be reconsidered by a motion of reconsideration by one of the Board members who had voted in favor of the application. It is beyond the Board's ability to take further action on the item. Chair Terrill agreed that it is "in the hands of the Commission now."

Mr. Rassing stated for the record that he "had no idea" that Mr. Eisenberg was present when he raised the issue.

The 14th Annual Hospice Race is scheduled for Saturday, May 15, 2010. Events include a lobster dinner and a raffle.

There being no further business to come before the Board at this time, the meeting was adjourned at 9:27 p.m.

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