

**MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE, FLORIDA
THURSDAY, JUNE 3, 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	2	0
Barry Flanigan, Vice Chair	A	1	1
F. St. George Guardabassi	P	2	0
Bruce Johnson	P	2	0
Randolph Adams	P	2	0
Norbert McLaughlin	P	2	0
Jim Welch	P	1	1
Robert Dean	A	0	2
Mel DiPietro	A	1	1
Bob Ross	P	2	0
Lisa Scott-Founds	A	1	1
Stephen Tilbrook	A	1	1
Tom Tapp	P	2	0
Herb Rassing	P	2	0
James Harrison	P	2	0

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

Staff

Andrew Cuba, Marina Manager
Levend Ekendiz, Intracoastal Facilities Dockmaster
Matt Domke, Downtown Facilities Dockmaster
Sgt. Andy Pallen, Marine Police Staff
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

A **Motion** was made by Mr. Rassing, seconded by Mr. Ross, that the Marine Advisory Board unanimously believes that the 2000 study pertaining to the second boat lift, requiring the second boat lift to be in the center of the property, is ill advised for the following reasons:

1. Each property has unique characteristics;

2. There is concern for the cost of additional infrastructure required, including utilities and additional walkway;
3. There is no evidence that centering the lift would benefit adjacent neighbors; and
4. It precludes full utilization of existing dockage.

The requirement to center a second boat lift is analogous to having a requirement to place a second parking spot at the center of the yard.

The Motion was approved unanimously (10-0) by roll call vote.

I. Call to Order / Roll Call

Chair Terrill called the meeting to order at 7:01 p.m. and roll was called.

II. Approval of Minutes – May 6, 2010

Motion made by Mr. Ross, seconded by Mr. Adams, to approve the minutes of the May 6, 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. Introduction of New Members

Chair Terrill introduced new Board member Jim Welch. Mr. Welch is a lifelong resident of Fort Lauderdale and is in the real estate business. He is active in boating, diving, and fishing.

Chair Terrill also recognized Jamie Hart, former Supervisor of Marine Facilities, now retired.

Chair Terrill stated that the SE 3rd Avenue Bridge will be closed for a Kids in Distress Walk on Saturday, June 5, 2010, between 8:00 and 9:20 a.m.

V. Waterway Crime & Boating Safety Report

Sgt. Pallan reported that May was a busy month, particularly with the Memorial Day holiday. Only two boating accidents were reported: a sailboat whose mast struck the 17th Street Causeway Bridge, breaking the mast, and a docking accident at a bar in which one vessel struck another. There were no injuries related to either incident.

Other incidents include a vehicle and trailer that slid down a ramp into the canal, and a 50 ft. motor yacht that was sunk and is being removed from the water.

There were four burglaries, three of which were related and occurred in the north end of the City off the Intracoastal Waterway. The related burglaries are part of an ongoing investigation in which one individual is presently in custody. Sgt. Pallen expressed confidence that all culprits will be found.

He continued that there have been "quite a few" rescues thus far in 2010. On the weekend of May 15-16, over 20 swimmers were rescued from a rough ocean. Another swimmer was rescued on May 29. The Marine Police Unit issued 85 warnings and education pamphlets during the month. A boat was also stolen in May, and the Unit worked with U.S. Customs and the Bahamian police to make an arrest in this case for boat theft and illegal entry into the Bahamas.

Mr. Rassing requested an update on how the Marine Police Unit was coordinating with the Coast Guard in regard to the BP oil spill in the Gulf of Mexico. Sgt. Pallen responded that the Coast Guard is responsible in this case, and the City has retained a consultant in case the spill reaches Fort Lauderdale.

Mr. Rassing also asked for an update on the Peterson Fuel Barge spill reported at the May 2010 meeting. Sgt. Pallen stated there is nothing more to report and the case has been closed. He confirmed that the Coast Guard is also responsible for international waterways and any investigation and cleanup that are necessary.

Mr. McLaughlin thanked Sgt. Pallen for his help in clearing a recent blockage from the waterway. He stated that the Unit responded well and all parties were pleased with the outcome of the incident.

Chair Terrill recognized Jack Lakinsky, President of the Police Union. Sgt. Pallen also introduced Officer Keith Poloff, who has been with the City Police for over 16 years and with the Marine Police Unit since February 2010.

VI. Application – Dock Waiver of Limitations / ULDR 47.19.3 – 3111 N.E. 43rd Street – Brian & Jill Bauer

Jill Levy Bauer, Applicant, explained she and her husband are seeking a waiver from the current boat lift Code. At present, boat lifts are allowed to take up no more than 10% of the width of the canal. The canal on which they live is 83 ft. wide, and their dock occupies 8 ft. of this space. The waiver would allow them to bring the boat lift out 20 ft. total, which would be less than 25% of the canal's width.

Ms. Bauer stated that some neighbors have written letters in opposition to the waiver, and addressed some of their concerns. Their house is located "one house in" from the Intracoastal Waterway, with 110 ft. on the waterway. The proposed boat lift would be on the western end of the property, 200 ft. from the waterway. Their concern is because they live in a high-speed area, large wakes occur, making a boat lift or another securing device necessary. They had considered dolphin pilings, but these would be more obtrusive than installing a boat lift, as they could be placed up to 25 ft. out.

Another concern expressed by neighbors is that the view will be restricted if a boat lift is installed. Ms. Bauer displayed photos of a boat lift similar to the one they hope to install, pointing out that the highest point to which the 30 ft. boat would be raised is 2 ft. above the level of the dock. In addition, the lift has no beams to obstruct the view.

The third option, she concluded, would be to have the boat moored next to the dock, which would take up as much space as the boat lift and would be less secure than the lift, which can withstand winds up to 150 miles per hour.

Mr. Ross observed that dolphin pilings would seem to be less obtrusive, and asked if the Applicant had considered a boat lift mounted on the seawall instead of at the dock. Ms. Bauer explained that this would be a less safe form of lift than the one for which they have applied. In addition, she reiterated that the pilings would extend "an additional 5 ft." into the waterway.

Mr. Tapp stated this is "a perfect example" of why the boat lift Code should be amended, as lifts would secure boats in a high wake area such as the one near the Applicants' home. Mr. McLaughlin noted that there are other boat lifts in the canal area.

Ms. Bauer advised that the boat is not currently kept at the Applicants' home, as it is "not safe to keep it there."

As there were no further questions from the Board at this time, Chair Terrill opened the meeting to the public.

Joe Palazzolo, private citizen, stated he also lives on the canal. He noted that the Bauers' neighbor across the canal has dolphin pilings 25 ft. into the canal, and pointed out that a 25 ft. intrusion on the Applicants' side would allow for only 30 ft. of waterway in this area. He added that he did not want to prevent the Applicants' boat lift, but was concerned that navigation could be affected.

There being no other members of the public wishing to speak on this Item, Chair Terrill closed the public hearing and returned the discussion to the Board.

Mr. McLaughlin commented that he felt the boat lift the Applicants have chosen is the least likely type of lift to cause a problem. He added that the height of the Applicants' pilings would prevent a boat from being brought "way up above the seawall," and he did not see any reason that would justify not allowing a lift.

Chair Terrill noted that any dock may take up to 30% of the waterway's width, while the proposed lift would take up only 25% of the waterway. He recalled that the Board had recommended modernizing Fort Lauderdale's Code to allow boat lifts into 30% of the waterway; the City Commission has asked Staff to work on a draft revision of the Code that would allow lifts into 25% of the waterway.

Motion made by Mr. Adams, seconded by Mr. McLaughlin, to approve the waiver as presented. In a voice vote, the **motion** carried unanimously.

VII. Application – Dock Waiver of Limitations / ULDR 47.19.3 – 101 Hendricks Isle – Christer & Eva Karin Schoug

Charles Bell, representing the Applicant, explained that the Applicants' home is zoned as a residential area on a 150 ft. canal. The proposed boat lift would extend 30 ft. into the canal from the wet face of the seawall, and would accommodate a 26 ft. boat. Code allows extensions of up to 25 ft. with dolphin pilings; the proposed lift would extend approximately 5 ft. further than this. The boat would legally extend the same distance into the waterway with or without the lift.

Mr. McLaughlin asked if the boat is currently perpendicular to the shore, as it would be on the lift. Mr. Bell confirmed this.

Mr. Ross asked if the Applicants' neighbors had provided any feedback with regard to the waiver. Mr. Hart stated all neighbors within 300 ft. were notified of the Application, and Mr. Cuba added that no negative feedback had been received.

Mr. Adams asked if there are other boat lifts on the canal near the Applicants' home. Christer Schoug, Applicant, stated there is a lift "two houses away." He added that they want to install the lift due to safety concerns.

As there were no further questions from the Board at this time, Chair Terrill opened the meeting to the public. There being no other members of the public wishing to speak on this Item, Chair Terrill closed the public hearing and returned the discussion to the Board.

Mr. Guardabassi expressed concern with placing the boat perpendicular to the dock, asking if boats could be pulled in to the lifts stern first. Mr. Bell explained

this is not possible due to propellers, as well as backing over the lift's cradles. Mr. McLaughlin felt all boats moored perpendicular should be on lifts.

Mr. Welch observed that the beams of the lift would block the view when the boat itself is not on the lift. Mr. Bell pointed out that a lift with beams is more secure.

Motion made by Mr. Tapp, seconded by Mr. Adams, to approve the waiver. In a voice vote, the **motion** carried unanimously.

VIII. Reports

Chair Terrill informed the Board that the City Commission will discuss boat lifts at its upcoming Conference Agenda meeting, and reiterated that Staff was directed to prepare a draft Ordinance for revision of the boat lift Code. There has been discussion of following a study from 2000 which suggests that on property longer than 100 linear ft., but shorter than 200 ft., a second boat lift must be "centered in the middle of that property." The rationale expressed concern for neighbors' rights and view corridors. Chair Terrill recalled that the study advising this requirement was provided to the Board at that time, but the Board had opted not to include this recommendation; however, he noted that the Planning and Zoning Department has suggested, and the City Commission is considering, its inclusion.

He continued that he wished to know how the Board felt about this suggestion, and noted that they have an opportunity to speak to the Commission before this recommendation could be finalized, as a final revision of Code is expected to be available "within a month." It is possible that the issue would not come to the Board before it appears before the City Commission.

Chair Terrill advised that he does not like this requirement, as every piece of property is unique in its relation to its neighbors, which means the placement of a boat lift at the center of a property does not guarantee it would benefit those neighbors. He added that there is no consideration given to the infrastructure required to build a boat lift, including electricity, running water, fire suppression systems, and walkways. The centering requirement could double the expenses associated with this infrastructure.

He suggested the centering requirement could be "written to be self-defeating," noting that if this is asked of property owners, they are likely not to request a waiver at all. He pointed out that not only would this mean homeowners are "looking straight at [their] boat," this is less practical than placing a dock in a location that could accommodate a larger vessel. The requirement would preclude this option.

Chair Terrill noted that “none of these arguments have been brought forward to the Commission” in response to the proposed requirement. He felt this argument should be presented to the City Commission before changes to the Code are finalized.

Mr. Tapp stated he agreed with Chair Terrill, and also suggested the requirement was intended to keep people from installing more than one lift in their space. He asserted that homeowners should be able to decide where their lifts would be placed. Mr. Adams agreed this places “a capricious burden” on the property owner. Mr. Ross added that the proposal runs counter to the City’s desire to “attract larger yachts.”

Mr. Rassing recommended that the Board “update” the suggestion from the 2000 study, perhaps making a motion that the proposal be revised.

Mr. Harrison felt the proposal is analogous to suggesting two cars at a home should be parked in two separate driveways, with one located in the middle of the property. Mr. Johnson pointed out that financial times have changed since 2000, and it is now imperative to promote boats, boating, and the waterways of the City.

Chair Terrill suggested wording that stated the Board would like to express its concern regarding the study’s recommendation that a second lift be placed in the center of the property, and to affirm that the Board does not support this study due to the additional infrastructure required to separate the lifts. Furthermore there is no evidence the requirement would benefit adjoining neighbors, and it would preclude using the property to house additional larger boats.

It was determined that the Board would make a **motion** as follows, which would be communicated to the City Commission and would make the following points: the Board unanimously believes the portion of the 2000 study pertaining to the second boat lift and requiring it to be in the center is ill-advised because:

1. Each property is unique;
2. There is concern for the additional infrastructure required, including electricity and water;
3. There is no evidence that centering a lift would necessarily benefit adjoining neighbors;
4. It would preclude full utilization of existing dockage;
5. It would be analogous to having a requirement for the second parking spot at your house to be placed in the middle of your yard.

The **motion** was made by Mr. Rassing and **seconded** by Mr. Adams.

In a roll call vote, the **motion** carried 10-0.

Motion made by Mr. Adams, seconded by Mr. Tapp, to make the previous motion a communication to the City Commission. In a voice vote, the **motion** carried unanimously.

- **Broward County Marine Advisory Committee**

Mr. Adams stated there was no meeting.

- **Purchase of Pollution Solution Vessel**

Mr. Cuba referred the Board to a memo from the Public Works Department, which requests their input at the July 2010 meeting with regard to the Department's intent to purchase a Pollution Solution vessel to replace the current one, which is "beyond its useful life."

Chair Terrill advised the Board would be interested in seeing a report from the Engineering Department. He felt they should consider recommending that the City Commission engage a captain to prevent this from being "just an engineering project," and suggested Mr. Cuba could provide valuable input from a Marine Facilities perspective.

Mr. McLaughlin recalled that he was a Board member when the Pollution Solution vessel was first discussed, and pointed out that it was not in service for several days and suffered hydraulic problems. It had been suggested that the City send a mechanic to the vessel's place of manufacture to learn how to repair it, as it was "down more than it was actually working."

He continued that at the time, pontoon boats equipped with outboard motors worked better than the Pollution Solution vessel, in addition to being less expensive. Two pontoon boats could be purchased for less than the cost of the Pollution Solution boat at that time; in addition, the vessel was too large to enter some canals, which could be accessed by pontoon boats. He concluded that the only place it worked effectively was on the Intracoastal Waterway.

Chair Terrill suggested the Board could discuss the Pollution Solution boat at its next meeting in order to "get the best out of" City dollars spent on the vessel. He stated that he was strongly in favor of having Marine Facilities involved from the beginning, and that the Board should be involved in the process as well.

Mr. Harrison noted that he had participated in building the propulsion system for a similar vessel, and recalled that a specification requiring a particular speed "degraded the whole purpose" of attempting to scoop and aerate the water and "made the function of the boat less." He agreed that individuals with marine experience should be involved from the beginning on projects such as this one.

Mr. Guardabassi asked to whom the Pollution Solution boat's crew reported. Mr. Cuba replied they report to Public Works, as that Department is charged with keeping the waterways clean as opposed to operating marine facilities. He felt that Department would listen to the Board's input.

Mr. Rassing recalled that the City of Baltimore has a skimmer boat that has been "very successful" in open water. He felt the City should see presentations of alternative vessels and new technology, and suggested that the Board make a motion to see a presentation at its July meeting to see not only alternatives but budgeting for the vessel.

Chair Terrill proposed that the Board invite a representative from the Engineering Department to make a presentation, and recommend that Marine Facilities be "intimately involved," including having a Board representative "be part of a committee" from the beginning of the process.

Mr. Rassing stated the motion should ask Public Works to present the proposals they would like to make for cleaning up the waterway, including motorized skimmers such as the Pollution Solution vessel. He also noted that the existing vessel had only been in operation for seven years, and wondered why it would be retired at this time.

Chair Terrill asked if the motion could include a recommendation that Public Works begin working with Marine Facilities, and create a committee that would have representation from the Marine Advisory Board. He felt this would give Public Works a better understanding of how the Board would "visualize the process."

Mr. Rassing added he would also like to see the proposals received for the cleanup vessel. Mr. Cuba explained there will be an RFP process at some point, and that the selection process could include a Board member. He pointed out that the memo from Public Works states Staff will make a presentation to the Board "if we agree," and recommended that the motion agree to the presentation and ask that the Board be represented in the selection process.

Chair Terrill and Mr. Rassing both felt the proposed motion should include the participation of Marine Facilities in the process as well. He noted that many Departments do not work closely with one another on a regular basis, and felt the Board should be clear in recommending the intimate involvement of Marine Facilities in the team process, including decision-making.

Mr. Harrison pointed out that the memo states the former Marine Boat Purchasing Committee included two Board members, and advised the Board

suggest they would like similar representation once again, along with Marine Facilities.

Mr. Guardabassi noted that the memo asks if Public Works can present at the July meeting, and felt the Board should “hear them out” before making further recommendations. Chair Terrill felt, however, that the Board should “spell out” that Marine Facilities should be represented and “engaged in the process throughout.” He stated this “won’t happen naturally” without such a recommendation.

The final **motion**, made by Mr. Ross and seconded by Mr. Rissing, was stated as follows: **motion** that the Board is agreeable to have Staff schedule Public Works to attend the July 1, 2010 meeting of the Marine Advisory Board to make a presentation on the past and present waterway cleaning operation and the challenges involved providing this service, and recommend that Marine Facilities Staff be engaged throughout the process.

Mr. McLaughlin stated he would be interested in seeing minutes of past meetings following the purchase of the Pollution Solution vessel, including references to the potential privatization of cleanup and the maintenance and upkeep of the Pollution Solution boat. He requested that these minutes also be made available to Marine Facilities Staff prior to the July Board meeting.

In a voice vote, the **motion** carried unanimously.

Mr. Adams expressed concern with the scope of the project, including whether the vessel will clean up “just trash” or will also clean oil or other waterborne pollution. He noted this will greatly affect the kind of equipment that is selected.

- **New River Floating Dock Project**

Mr. Cuba reported that permits have been filed with the City, although a request for additional information has caused a brief delay. The project remains on schedule, and it is anticipated that permits will be issued within the next two weeks. The contractor is presently engaged in purchasing the actual floating docks and other necessary amenities.

Mr. Hart added that the project is expected to start in July 2010, and should take three to four months to complete.

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

Mr. Cuba stated this project is on schedule, and two of the three ramps have been installed and are in use. The third ramp is expected to be completed within

two to three weeks. There were delays to the project due to damage to the adjacent seawall, as well as issues with the coffer dam that was initially installed.

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

Mr. Cuba advised that this project has been “delayed slightly” due to requests for revised plans that would allow for more trailer parking. Staff has revised drawings to include five additional spaces, with the cooperation of the Marine Police Unit reducing the size of their boat storage area and the conversion of two handicapped parking spaces to regular trailer parking.

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

Mr. Cuba reiterated that the Planning and Zoning Department is providing the City Attorney’s Office with additional information relative to the process. The Board’s communication to the City Commission will be sent to the City Clerk’s Office the next day, and Mr. Cuba stated he would forward this to Planning and Zoning as well.

- **Commission Agenda Reports**

Mr. Cuba stated at the May 18 City Commission meeting, the tiki ship dockage lease was terminated for the *Tropical Adventure*. The 609 SW 5th Place dock waiver Application was approved at this meeting. At the June 1 meeting, the Application for the beach boating restricted area from the Ocean Manors Hotel was denied.

Mr. Tapp asked to know the reason the beach boating restricted area was denied. Mr. Cuba explained that the Mayor had been concerned with the presentation given to the Board, as well as the project architect’s statement that he had received no objection from the adjacent condominiums, as it was made clear these neighbors had not been notified. Mr. Tapp explained his City Commissioner had called him to request additional information.

X. Old / New Business

Mr. Rassing asked for an update on the accident at the Riverland Woods Boat Ramp on the New River, in which a trailer became stuck in the water. Mr. Cuba replied there was no accident, but the boat ramp was damaged and was closed down for roughly 36 hours. Some tiles on the ramp slid and created a hole in which the wheel of a vehicle was allegedly caught. A patch has been done until the ramp can be physically replaced. He noted that a replacement is in the design phase and funding is available.

Mr. Guardabassi stated he felt the Coast Guard is “very aggressive” in Port Everglades with regard to “perceived infractions” committed by small boaters. He did not feel they were “enhancing the boating experience in Fort Lauderdale,” and suggested that other Board members observe this as well, with possible further discussion at a future meeting.

Mr. Ross commented that many vessels guarding cruise ships or Navy vessels are “all like that” and act aggressively. Mr. Harrison agreed with Mr. Guardabassi, and stated he wished there was action the Board could take to “decrease the harassment” by the Coast Guard and other agencies. He stated he had spoken to several individuals who were “harassed for no good reason” while in their boats.

Mr. Rassing proposed the Coast Guard, Homeland Security, the Sheriff’s Department, and other agencies could be invited to attend a Board meeting, where members could express these concerns. Chair Terrill noted that there had been concern in the past regarding “aggressive action with the boaters” on behalf of the Marine Police Unit, which had led to the recent introduction of a program requiring members of the Unit to wave at boaters and log the boat numbers of vessels at which they waved, as well as whether or not the boaters waved back. He stated this program had been the result of tensions between boaters and marine authorities.

Chair Terrill concluded that the Board’s concerns should be communicated “in the right way” to the Coast Guard and other authorities, and recommended the subject be discussed again in the future with regard to “a non-aggressive way to communicate.” He noted that the Board may always communicate through the City Commission, and advised that the Coast Guard and other authorities had “no intention” of acting in an overly aggressive manner.

Mr. Rassing stated that he wished to thank retiring Executive Director of the Marine Industries Association of South Florida Frank Herhold for his years of service, and that Mr. Herhold has been an asset to the marine community. The Board recognized Mr. Herhold’s contributions with a round of applause.

Mr. Cuba recalled that at the previous meeting, Mr. Tilbrook had requested an update on the ladders along the New River. Six to seven ladders will be installed by June 11 on both sides of the Riverwalk area.

There has been no feedback on the Board’s recommendation regarding the seawall from the previous meeting.

Mr. Herhold informed the Board that the sales tax cap legislation discussed at the previous meeting was signed by the Governor. He felt this legislation will bring “more vessels, more sales, [and] more jobs to South Florida.”

XI. Updated Communications to the City Commission

A communication was determined previously during the meeting.

XII. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 9:07 p.m.

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