

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

<u>Board Members</u>	Attendance	Cumulative Attendance 5/2010 through 4/20/11	
		<u>Present</u>	<u>Absent</u>
John Terrill, Chair	P	5	0
Barry Flanigan, Vice Chair	A	2	3
F. St. George Guardabassi	P	5	0
Bruce Johnson	A	3	2
Randolph Adams	P	5	0
Norbert McLaughlin	P	5	0
Jim Welch	P	3	2
Robert Dean	P	3	2
Mel DiPietro	A	2	3
Bob Ross	A	4	1
Lisa Scott-Founds	A	2	3
Stephen Tilbrook	A	2	3
Tom Tapp	A	3	2
Herb Rassing	P	5	0
James Harrison	P	5	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, Manager of Marine Facilities
 Levend Ekendiz, Intracoastal Facilities Dockmaster
 Matt Domke, Downtown Facilities Dockmaster
 Sgt. Bill Rousseau, Marine Police Staff
 Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to the City Commission

None.

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 – September 2, 2010

Motion made by Mr. Adams, seconded by Mr. McLaughlin, to approve the minutes of the September 2, 2010 meeting. In a voice vote, the **motion** passed unanimously.

III. Statement of Quorum

Chair Terrill noted a quorum was present.

IV. Waterway Crime & Boating Safety Report

Sgt. Bill Rousseau stated that there were two vessel burglaries and one attempted burglary from a vessel in September. There were three vessel accidents, including wake damage to a dock and seawall, wake damage to a docked vessel, and a vessel damaging a private dock. No injuries were reported as a result of the accidents.

Two barges were left abandoned in the Channel and were removed by the owners. Another vessel sank, resulting in a fuel spill, for which the Coast Guard and DDP were notified. Other incidents included a vessel crashing into a Marine Unit vessel on the Intracoastal Waterway, resulting in minor damage, and illegal dredging after hours without permits or containment equipment. The Unit issued 17 citations and 74 warnings.

Sgt. Rousseau concluded that final preparations are being made before the Boat Show, as the Marine Unit will conduct waterway traffic control and site security.

V. Presentation – New River FEC Bridge – Scott Seeburger

Chair Terrill introduced Scott Seeburger, Sue Gibbons, and Ali Soule, who would make today's presentation.

Mr. Seeburger said he represents the Florida Department of Transportation, and explained they are presently performing an alternatives analysis on the project. The Department is seeking a systems plan for an 85-mile corridor between Jupiter and Miami. The next phase of work will be the environmental phase, followed by design and construction, which can take 4-8 years.

During the alternatives analysis phase, he said so many alternatives are viewed that they cannot be studied in great detail. Ms. Gibbons estimated that roughly 80 alternatives have been studied at this point. Mr. Seeburger characterized the bridge as "a vision for the future... not a project in and of itself." In the next phase, they will "dig deeper" into a single alternative.

Mr. Seeburger said they were visiting local boards, including the metropolitan planning organizations in each county, to seek approvals this month. They have had public hearings at five venues along the affected corridor, reaching approximately 600 people. A survey was distributed to determine the preferences of attendees; 87% of respondents preferred a regional rail solution. He showed a slide of what the train and route might look like, noting that this could be considered "a future vision for tri-rail service," providing a system of different kinds of services along the FEC corridor. There are presently two transit technologies in consideration.

In December 2009, he continued, the U.S. Coast Guard had recommended they reach out to the marine communities at the proposed system's three water crossings in order to initiate dialogue with people who have an interest in how the water is crossed. They also want to inform communities and stakeholders about the project so they can be informed about the plan and help identify the issues to be addressed in subsequent phases.

Mr. Seeburger noted that the FEC was built in the late 1800s, when most of the river's boat traffic was in canoes. The existing bridge will stay in place if a transit system is developed. One illustrative concept was a 65 ft. high-level fixed bridge. Ms. Gibbons advised that at this point, "we truly... don't know" how many vessels of what size are traveling up and down the river. Other proposals include bridge opening restrictions, such as those used at Andrews Avenue, and a tunnel, although Mr. Seeburger noted that the cost characteristics of a tunnel are roughly "ten times what a bridge option would be."

He explained that they have not yet made a decision regarding how to cross the river because a number of different communities will be affected by the plan, and all these communities have not yet been identified or engaged. Not only the marine community will be affected, but Himmarshee Village, the Downtown Development Authority, and others with an interest in future economic growth will need to be consulted before a solution is determined. While a long-range vision exists, there are still alternatives that haven't been explored.

The plan infers sixteen trains per hour during commute hours, which will need to be coordinated to cross the New River without interruptions. This implies that a bridge would always be down to serve the trains. Mr. Seeburger noted that in addition to marine traffic, other considerations would include downtown and residential interests, environmental justice, and protected communities, including minority and lower-income populations that have been disproportionately affected by transportation.

The next phase of work will involve the National Environmental Protection Act, or NEPA, process. If federal funding is sought for the project, its potential impact on

the human environment, navigable waterways, natural resources, and historic and cultural resources must be considered. Land use and community cohesion are also factors.

He concluded that once all affected communities have been identified and engaged, and all potential issues are identified, an advisory committee will probably be formed from individuals trusted by the communities. Data will be gathered to understand the benefits and effects of various alternatives.

Mr. Rassing asked how the impetus behind the project had begun. Mr. Seeburger said Miami-Dade Transit has been looking at the FEC corridor since 2004 to extend metro rail service or create a busway, and the Regional Transportation Authority (RTA) is interested in a tri-rail system. The FEC had then had "a change of vision" in what they wanted, and had requested development of a regional master plan for transit service so they could be involved in its development.

Mr. Rassing requested clarification of how the figure of 16 trains per hour was determined. Mr. Seeburger replied that the plan is part of "a long-range vision," which could take as long as 30 years to fully develop. The green line, which would give local service, and the red line, or express service for longer distances, could each ultimately operate four trains per hour in both directions, adding up to 16 trains over time.

Mr. Rassing commented that changing long-standing commuter patterns seemed to be the underlying principle of the project, and asked "how we're going to take people from their cars to a train and make this work." Mr. Seeburger said growth in south Florida is expected to continue, in which case traffic would continue to worsen. In addition, the incoming population is expected to be a younger one. He characterized the scenario as "a different time."

Mr. Rassing asked where funding for the project would come from. Mr. Seeburger said they do not know where it would come from at present, although "traditional places" include the federal government for up to 50%, with a possible 25% capital match from the state. The biggest issue, he noted, would be whether the local counties are willing to institute a dedicated funding source to improve the transit system in southeast Florida.

Mr. Harrison asked what the certainty of the project taking place might be. Mr. Seeburger advised at this time it would only be "a wild guess," as so many issues remain unresolved. Once the current economic climate has passed, he noted it could be easier to discuss establishing a funding source.

Mr. Harrison asked how many years it would take to determine how high the bridge would be or what type of tunnel would be used. Mr. Seeburger estimated

this decision would be made within the next three years. Mr. Harrison asked if the project, as envisioned, would currently fit within the FEC railroad property, or if expansion would be necessary. Mr. Seeburger said additional land would be needed in some areas, such as the area between Pompano Beach and Sunrise Boulevard, in order to reach a capacity that would allow everyone to operate without affecting their schedules.

Mr. Adams asked what demographic would be expected to use the tri-rail system, stating that “the growth of the ridership is moving away from the corridor that you’re looking at” for the system. He noted that tri-rail lacks sufficient ridership to support it. He also commented that boats are a major economic driver for the area, and there are other issues as well as the potential height of the bridge.

Mr. Seeburger reiterated that there is not a great deal of detailed data at this time, but did not feel the future of south Florida was expected to be as Mr. Adams had described according to demographers. Ms. Gibbons asserted that the nationwide trend is for more riders on transit “every year.”

Mr. McLaughlin felt the FEC corridor “will produce a lot more than tri-rail does,” but noted that there is an effort underway to dredge the New River in order to accommodate mega-yachts. He said there would be “a conflict with any bridge,” pointing out that the 17th Street Bridge was built at a predetermined height in order to avoid too many openings, but still opens regularly and backs up traffic. He concluded that the only solution he would be willing to vote for would be a tunnel.

Mr. Guardabassi commented that a tunnel seemed to be “unbelievably expensive,” and asked if it would be possible to run freight trains through a tunnel if one was constructed, or if it would be restricted to passenger trains only. Mr. Seeburger said this would be a decision for FEC Railway to make, and noted that trains in Florida are intended to operate on no greater than a 1% grade. He added that there are stresses and strains to train couples as well, and they do not want to create a situation in which part of the train is in compression and part is in tension.

Mr. Rassing asked if the Board is expected to take any action at tonight’s meeting. Chair Terrill said if the Board would like to recommend a course of action to the City Commission, it could do so, but it is not obligated to act.

Mr. Dean asked if the project “interfaces” with the bullet train that has been under discussion for some time. Mr. Seeburger said the high-speed rail system is likely to be built on the CSX corridor or the turnpike rather than the FEC corridor.

Mr. Dean asked if there has been discussion of what gas prices might be over a 30-year time frame. Mr. Seeburger said this will be a consideration, as will the expansion of toll lanes northward on I-95. Ms. Gibbons noted that the corridor under discussion moves through three major cities and has “many travel markets associated with it” moving both north and south.

Chair Terrill said the Board’s primary responsibility is to consider the economic impacts associated with the new FEC bridge on the marine industry, as well as the quality of life impact to the residents of the marine community. He added that Mr. Seeburger, Ms. Gibbons, and Ms. Soule had visited the Lauderdale Marina with him, and had seen that several yachts in and out of the water were of heights greater than 65 ft.

He continued that there has yet to be a survey to study the economic impact of a bridge on boating traffic, or the growth of the boating industry as expected over time. When this is done, he hoped they would consider the growth of the marine industry in the same way they considered the growth of ridership on the proposed trains.

Chair Terrill stated he has “a lot of concerns” regarding a fixed bridge. While he understood why a fixed bridge is being considered, he noted that there are marine industry businesses to the west of I-95, and the proposed bridge would have a great effect on both the local economy and the residents. He did not feel that FDOT should continue to consider “a bad idea.” If the fixed bridge is no longer a consideration, a lift bridge may be suitable, although he noted it is possible for a boat to take several minutes to cross a bridge, depending upon conditions. This could also be difficult if the expected capacity of 16 trains per hour is reached, as this would involve trains every three to four minutes.

He concluded that the fixed bridge is “an option that needs to be removed from the table as quickly as possible.”

Mr. Guardabassi asked if it is possible that the fixed bridge could go higher than 65 ft. Mr. Seeburger said it is possible, although there could be “a reaction” to other proposed heights as well. He reiterated that the proposed bridge is “a concept to get the discussion going” and will be taken out of consideration if it doesn’t make sense.

Chair Terrill said there are also many residents who own boats with masts taller than 65 ft. who would be unable to move them from their homes onto the river if a fixed bridge was constructed.

At this time Chair Terrill opened the public hearing.

Ralph Alter stated that he owns a sailboat with a mast and antenna height of approximately 69 ft. He felt a fixed bridge of 65 ft. or less would be “a very serious problem” and suggested that a tunnel or lift bridge would be an acceptable alternative. He felt the marine industry and residents would be “severely hurt” if a fixed bridge were built.

Joe Russo, boat captain, said there are six bridges past I-95, but the tunnel is often forgotten because “the tunnel works.” He said there is already a fixed bridge west of I-95 that limits marinas, and a similar bridge to the east would hurt existing and potential marinas. He said the only solution for Fort Lauderdale would be a tunnel, despite its cost.

Bob Granatelli stated he represented residents of the Esplanade and the River House. He said Downtown residents support the project, but “have concerns about the livability downtown.” He was also in favor of a tunnel, and pointed out that tunnels are open or under construction in Los Angeles and Pittsburgh because the residents wanted them.

James Musters said he had reviewed the sailboat survey study and found it “extraordinarily suspect.” The addition of a fixed bridge would not only affect individual property values on the waterway but the total revenue available to the City. He felt a tunnel would be a good idea for both rail lines, and said the tunnel on US-1 “works beautifully.” He also felt a raised railway would drop dirt onto docks and boats.

Jerry Schechter said if the City experiences the predicted growth over 30 years, the proposed train would run among the large buildings that would accompany this growth. He asked what would be approved at the MPO meeting the following week. Mr. Seeburger explained they would approve a map and “a regional rail technology” such as a commuter train, but would make no selection of a bridge or tunnel, since more information is needed at this point.

Kent Grimbeck of Just Catamarans said most of his business comes from vessels 65 ft. or greater in height. He pointed out that “boats are getting bigger and bigger” and a fixed bridge would be very harmful to his business.

John Peets said he works in the marine industry and did not feel a fixed bridge would be suitable. He said a fixed bridge would be harmful to his livelihood as well, and added that he owns a vessel 75 ft. in height.

Mr. Peets asked Chair Terrill if the Board could vote to “not allow a fixed bridge.” Chair Terrill said the Board has the option of suggesting that the City Commission “communicate their opposition to a fixed bridge” to the FEC. The Commission may then decide whether or not to take the recommended action.

Mr. Peets concluded that a tunnel is “the only option that can work” for Fort Lauderdale, although he felt the cost could be prohibitive.

Mr. Granatelli stated that the MPO is “made up of all the elected officials in Broward County” and advised the public to attend their meeting and “go on the record” or contact their elected officials. Ms. Soule confirmed that the meeting date is Thursday, October 14.

Marion Radeer said she lives at the Esplanade and sees bridges open up if tugboats push barges through them, and pointed out that this would not be allowed if the boats “need to wait for a bridge” to open. Mr. McLaughlin noted these bridges would open to commercial traffic, but the railroad is the exception and will not open. Chair Terrill added that “the industry will suffer” from FEC’s refusal to give up right-of-way, as freight trains will not be stopped.

Mr. Seeburger said FEC freight trains were “here before the marine industry... they’ve got certain inherent rights from being here first.” In the case of a passenger train, however, the marine industry would take precedence.

He added that it would be helpful if the Department of Transportation was “held accountable” at public meetings such as this one, and said they are seeking a local official to chair the meetings and facilitate discussion.

There being no further comments from the public, Chair Terrill closed the public hearing and returned the discussion to the Board.

Mr. Harrison commented that when boatyards and mega-yachts are discussed, “what... we’re really talking about is jobs.” He stated that thousands of people would be affected in this way if boat traffic on the New River was restricted. Mr. Adams said a fixed bridge would also affect any future investments upriver.

Chair Terrill noted some neighborhood associations have voted to recommend that the fixed-bridge option be “taken off the table.”

Motion made by Mr. Adams, seconded by Mr. McLaughlin, to advise the City Commission that we strongly support a tunnel and not a fixed bridge [or] any restriction on navigation up the river.

Chair Terrill said he did not know what might happen at a later date with regard to “a tunnel versus a bascule bridge,” and noted that the existing bascule bridge does not impede boating traffic. He suggested this is a possible solution, although he did not feel comfortable recommending either a bascule bridge or a tunnel to the City Commission at this time.

Mr. Dean stated that whatever recommendations the Board makes should support both the City and Marina Mile Master Plans. He added that another consideration is the river depth of only 12 ft. "because of the tunnel," as well as the depth of any proposed tunnel beneath the river.

Mr. Rassing felt the motion should communicate that "what we don't want is a fixed bridge" rather than specifically recommending a tunnel at this point.

Mr. Adams **amended** his **motion** as follows: to advise the Commission not to consider a fixed bridge that would restrict navigation in any way up the river.

Mr. McLaughlin **seconded** the **amended motion**.

In a roll call vote, the **motion** passed 8-0.

The Board took a brief recess at this time and returned at 9:52 p.m.

VI. Presentation – Marine Industries Association Master Plan Update – Carlos Vidueira

Chair Terrill introduced Carlos Vidueira, Executive Director of the Marine Industries Association.

Mr. Vidueira stated that he is "very encouraged" regarding the direction the Association is going, noting that the marine industry has undergone significant change in the past several years. He hopes to focus the Association on three separate areas: promotion, professionalism, and regulation. One part of this focus is a "branding effort" to modernize and update the Association's image. They hope to encourage more marine activity in south Florida and promote Fort Lauderdale itself.

The marine industry is presently down 30-50% from its peak, he continued, although it is believed that it has "hit bottom" and is beginning an upward trend. He stated that buyers are returning to the boating industry, and there was "a real sense of optimism" at the recent Monaco Boat Show, which Mr. Vidueira felt could also be expected of the upcoming Fort Lauderdale Boat Show.

He added that many boats that once stayed in the Mediterranean are now returning to the Caribbean, and may spend time in south Florida as well. The Association and the industry should prepare for this potential influx of business in order to be successful.

Mr. Vidueira continued that the Association owns the Fort Lauderdale Boat Show, and while they have not been active in "controlling the experience" of the Boat Show in the past, they plan to take a more active role in making

improvements for the future. He hopes to make the 2011 Boat Show “the greatest boating event on earth” as well as Fort Lauderdale’s signature event.

There are three different markets in which the Association hopes to help the industry grow:

- Boats up to 35 ft. in length, which is “the introductory level” of boating; the Association hopes to attract new boaters through this market.
- Boats from 35 ft. to 100 ft., or the mid-size market, through which Fort Lauderdale could become the “repair and support capital of the world;”
- Mega-yachts, for which Mr. Vidueira observed the Association should increase the days in the south Florida market to increase business over time.

Mr. Rassing asked if the Association’s membership will be refocused on people who are “invested in the marine industry.” Mr. Vidueira said many of the members who work in other industries are boaters as well, and can help the Association meet its goals.

Mr. Dean asked if the Association plans to become involved in “the financial side of things,” such as encouraging banks to lend to small marine businesses. Mr. Vidueira agreed the lending issue is a complex problem, and he did not have a solution at this time.

VII. Application – Waiver of Limitations / ULDR 47.19.3 – 3010 NE 40 St. – Michael J. and Lisa G. Rearden

Charles Bell of East Coast Boat Lifts, representing the Applicant, stated Mr. Rearden had installed a lift without a permit several years ago and was recently cited for the lift. The lift extends approximately 17 ft. into the canal from the wet face of the seawall. This is roughly 20% less than the allowable distance for dolphin pilings or a boat that is docked. The side yard setbacks meet Code requirements.

Mr. Rassing asked why the Applicant’s earlier request for a waiver was turned down. Mr. Bell said the current Ordinance only allows a lift to extend “10% in the width of the waterway,” while the lift extends 20% into the canal.

Mr. Rassing asked how many boat lifts were cited in the area. Mr. Rearden said he believed four citations were given near his part of the canal. He added that he has been involved in the permit process since December 2009.

Mr. Welch commented that he hoped the Code would change to allow lifts to extend farther into the waterway, and asked if there has been any recourse involving the contractors who installed lifts without permits. Mr. Hart said if the contractor is located, they must pay double the permitting fee.

Chair Terrill recalled that boat lifts have come before the Board “many times,” and they have voted unanimously to recommend that the Code be changed. The recommendation was that a boat lift be placed within the same footprint of a yacht in the water, which is 30% into the waterway. The recommended Code change is currently “working its way through the process” and will be publicly discussed on October 20 by Planning and Zoning. The change will then return to the City Commission for two subsequent readings, and hopefully by the end of 2011 there will be a change to Code.

Chair Terrill opened the public hearing at this time. As no members of the public wished to speak on this Item, the public hearing was closed.

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

VIII. Application – Waiver of Limitations / ULDR 47.19.3 – 1528 Argyle Drive – Jean Marie Vlaud

Jason Katz, representing the Applicant, said the boat lift was installed by contractor in 2006 and was never permitted. Adrian Peana, engineer, said the lift’s encroachment is 17.8% into the waterway. It holds a 16 ft. vessel, and any future use of the boat lift would be limited to the 17.8% footprint.

Chair Terrill opened the public hearing at this time. As no members of the public wished to speak on this Item, the public hearing was closed.

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

IX. Discussion – Pollution Solution Subcommittee

Mr. Cuba reported that on August 17, the City Commission approved the concept of a Pollution Solution subcommittee. Up to three Board members may be appointed to this subcommittee. Chair Terrill identified Mr. Rassing, Mr. Harrison, and Mr. Dean as Board appointees to the subcommittee.

X. Reports

- **Broward County Marine Advisory Committee**

Mr. Adams reported that the Committee saw the FEC corridor presentation the Board had seen, and also discussed boater improvement projects from the City and County. There will be follow-up on these projects in November.

- **New River Floating Dock Project**

Mr. Cuba said this project remains on schedule for November installation. After the piling tests, it has been determined that ICP pilings will be used for deeper embedment.

Chair Terrill noted that Winterfest hopes to use the floating docks for the Boat Parade. Mr. Cuba said he was aware of this need.

Mr. Rassing asked what permitting issues had delayed the installation earlier on. Mr. Cuba explained there were “multiple details” associated with the permits, such as fire suppression issues, that have since been worked out. He did not anticipate further delays.

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

Chair Terrill noted this had been discussed in relation to the earlier waiver applications.

- **Commission Agenda Reports**

Mr. Cuba stated that a boat lift application was approved at the September 7 Conference Agenda meeting, and a BBIP grant authorization was applied for at the regular meeting. A grant extension for the 15th Street boat ramp was also applied for, and dockage lease agreements were approved at the September 21 meeting. A grant for the Cooley’s Landing boat ramp extension has also been approved.

XI. Old / New Business

None at this time.

XII. Updated Communications to City Commission

None.

XIII. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 9:37 p.m.