

**MINUTES OF THE MARINE ADVISORY BOARD  
100 NORTH ANDREWS AVENUE  
8<sup>TH</sup> FLOOR CONFERENCE ROOM  
FORT LAUDERDALE, FLORIDA  
THURSDAY, DECEMBER 2, 2010 – 7:00 P.M.**

<u><b>Board Members</b></u>	Attendance	<b>Cumulative Attendance 5/2010 through 4/20/11</b>	
		<u><b>Present</b></u>	<u><b>Absent</b></u>
John Terrill, Chair	P	7	0
Barry Flanigan, Vice Chair (7:08)	P	4	3
F. St. George Guardabassi	P	6	1
Bruce Johnson	P	4	3
Randolph Adams	P	7	0
Norbert McLaughlin	P	7	0
Jim Welch	P	5	2
Robert Dean	P	5	2
Mel DiPietro	P	4	3
Bob Ross	P	5	2
Stephen Tilbrook (7:06)	P	4	3
Tom Tapp	P	4	3
Herb Rassing	P	6	1
James Harrison	P	6	1

As of this date, there are 14 appointed members to the Board, which means 8 would constitute a quorum.

**Staff**

Andrew Cuba, Manager of Marine Facilities  
John Luscomb, Supervisor of Marine Facilities  
Levend Ekendiz, Intracoastal Facilities Dockmaster  
Matt Domke, Downtown Facilities Dockmaster  
Sgt. Darren Ogden, Marine Police Staff  
Officer Rick Rhodes, Marine Police Staff  
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

**Motion** made by Mr. Tilbrook, seconded by Mr. Rassing, expressing concern about the additional regulations and potential negative impact on the boating community proposed by the Florida Wildlife Commission, and at their January

meeting, the board will consider taking on a position on the regulations. In a voice vote, the **motion** passed unanimously.

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

Chair Terrill called the meeting to order at 7:02 p.m. and roll was called.

#### **II. Approval of Minutes – November 4, 2010**

**Motion** made by Mr. DiPietro, seconded by Mr. Ressing, to approve the minutes of the November 4, 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. Darren Ogden of the Police Department said there were no vessel burglaries or similar incidents to report for November. On November 2, minor wake damage occurred to two docked vessels from a passing motor yacht. The yacht left the scene. No injuries were reported.

On November 1 and November 3, two diesel fuel spills occurred on the Intracoastal Waterway. In the first case, the source was identified; in both cases, the Coast Guard was notified and responded to the scene

On November 23, an environmental complaint was issued on SE 3 Avenue for a Water Taxi conducting power sanding on vessels in the waterway. Paint was distributed throughout the waterway without containment or cleanup measures taken. A citation and notice to appear were issued to the responsible party.

On November 18, a diesel fuel spill occurred during a fueling operation by Peterson Fuel at 500 S ICW. On November 23, another fuel spill occurred during fueling at the same location, also involving Peterson Fuel. Both are ongoing investigations.

Mr. Tilbrook joined the meeting at 7:06 p.m.

On November 24, Code violations occurred in the Middle River, including the illegal renting of docks, setback violations, and running a marina business in a residential neighborhood. A citation and notice to appear were issued to the responsible party.

On November 28, a mentally ill person attempted suicide by swimming into the ocean. The Marine Unit responded and rescued the subject, who was brought to a medical facility.

Six citations and 59 warnings were issued during the month of November.

Mr. McLaughlin recalled that there were several outboard thefts the previous month. Officer Rick Rhodes said suspects have been identified, but no arrests have been made at this time.

Mr. Dean asked who was investigating the fuel spills involving Peterson Fuel. Officer Rhodes said he did not have this information, but confirmed that a police report has been generated from the incident.

Vice Chair Flanigan joined the meeting at 7:08 p.m.

Mr. Rassing requested further information regarding the Code violations. Officer Rhodes said this occurred on the 700 block of the Middle River, where two sailboats were docked. This is also an ongoing investigation.

Mr. Rassing asked what actions will be taken regarding this issue. Officer Rhodes said if it is determined that an individual is illegally renting dock space, it is a Code violation, and the offending party is given a notice to appear. The penalty is usually a fine, although this depends upon the disposition of the case.

**V. Application – Waiver of Limitations / ULDR 47.19.3 – 773 Middle River Drive – Steven and Karen Chess**

Chair Terrill said this Application has been postponed.

He stated that a meeting of Florida Fish and Wildlife Commission (FFWC) occurred in the morning and was attended by Gordon Connell, who represented the Marine Industries Association of South Florida. Chair Terrill requested that Mr. Connell be allowed to use this time to share information from the meeting. The Board gave its approval.

Mr. Connell explained that the meeting involved proposed draft rule changes to the Broward County Manatee Speed Zones. These zones, which have been in place since 1993, were reviewed in 2009. A system called coincidence analysis, which looks at the numbers of boats and manatees in the water and how they interact with one another, was developed to examine this data.

The FFWC also convened a Local Rule Review Committee, in which Mr. Connell participated during the summer. This Committee submitted a report to the FFWC, which formed the basis for the draft proposals presented at today's meeting.

According to FFWC's analysis, changes would add approximately 22 minutes to travel time for boats moving from the County line in the north to the line in the south.

The Association addressed today's meeting to express concern with the coincidence analysis, which led to the determination that initial regulations were needed. The Association believes that Broward County has a good record on manatees, and that the speed zones currently in place, educational initiatives, and law enforcement on the water are doing a good job to lower manatee mortalities and manatee/boat interaction.

Their concern is that the coincidence analysis does not take the County's record into consideration, and the record should be more closely considered before draft rules are implemented. Mr. Connell said in early 2011 there will be a public hearing in Broward County at which local boaters and members of the marine industry can let the FFWC know whether or not they feel the changes are necessary. All public comments will be taken into consideration before any changes are implemented.

Mr. Connell said the point was made that due to a State veto override earlier in 2010, any rule that has an economic effect on small business will have to go back to the Florida legislature for review before it is implemented. It was noted that because of this, an economic impact study may need to be done on the recommended changes to ensure that businesses and boaters are not adversely affected by "rules that are not necessary." No rule changes would go into effect before spring or summer 2011.

Mr. DiPietro asked if the proposals were "more generic" to all boaters or specific to the Broward County area. He recalled that the County has "a fairly good record for manatees." Mr. Connell said the proposals are required to be reviewed by the FFWC for each county; for example, changes in Sarasota County are scheduled to go into effect in June 2011. It has been 17 years since Broward County's speed zones were enacted.

Mr. Guardabassi said the Board should encourage the City Commission to talk to the FFWC regarding making no change to the rules. He felt the change was proposed due to the length of time since the rules were enacted, and that an addition of 22 minutes travel time would be "a boat-killing proposition."

Mr. Connell said the Association had stated its concerns and presented its vision for encouraging boating and the use of boats. He felt a change in rules would be counterintuitive to this initiative. He encouraged the members to attend the public meeting for Broward County and submit their written and verbal comments.

He felt some of the recommendations are “simple,” as they streamline the manatee speed zones to match more restrictive boater safety zones; however, other changes “should probably get some closer scrutiny.” The meeting has not yet been scheduled.

Mr. Harrison agreed the Board should send a message to the City Commission, as the message the Board has perceived is that the Mayor and Commissioners are pro-boating. He felt the proposed changes would affect the boating lifestyle of Fort Lauderdale. He also took exception to the suggestion that manatee zones add 22 minutes to a journey, stating that he felt “it’s a whole lot more than 22 minutes.” In addition, he said the coincidence analysis ignores the County’s historical data regarding its record with manatees. He characterized the concept of the analysis as “a ploy against boating.”

Mr. Ross agreed the Board should send a resolution to the FFWC in favor of making no changes. He also noted there have been studies to take the manatee off the endangered species list. Mr. Connell said “there is some work” regarding the de-listing of the manatee, but it is not part of the FFWC’s considerations at this point.

Mr. Dean asked if the Association has taken a written position on the recommendations. Mr. Connell said they will be submitting a letter as the process proceeds. Mr. Dean observed it might be best for the Board to learn the Association’s position before taking a position of their own, as a coordinated effort between organizations would carry greater weight.

Chair Terrill asked to know the timeline for the process, as he was concerned that the Board could act “too late” if it waited. Mr. Connell said Staff would need to take comments made at the upcoming public hearing into consideration before going back to the FFWC with modifications. At this point he said he could not guess at a timeline.

Chair Terrill noted that a position taken by the Board and presented at a public hearing would be more effective than an individual position. He agreed that they should make a recommendation to the City Commission, but was not certain the Board should “go directly to the FFWC.”

Mr. Tapp said the Board needed the specifics of any proposals made, and should get a copy of the draft and “go point by point” to state their reasons against the changes. He agreed that a timeline would be of great importance.

Mr. Connell said he felt there would be more information once the report is published. He said specific dates might be part of this publication and could possibly clarify the timeline. He said he would monitor the issue closely and remain in contact with the Board.

Mr. Guardabassi proposed making a broad statement in favor of the rules already in place, and then the Board could address specifics at a later time when more details are available. Mr. Adams agreed the Board could “do both,” taking a general position to be followed by a more specific resolution when there is additional information.

Chair Terrill said he felt the Board should have “all of the information in front of us” and give it careful consideration before making a recommendation to the City Commission; however, he did not feel they should wait until the City Commission asked them to consider the issue. He felt if an issue affects the boating community, they should address it as a Board, but noted that more information would be needed before they express a public opinion.

Mr. Ross suggested they make a very simple statement, noting that all the members agreed they did not wish to see slow speed zones expanded. He felt this statement should be made to both the City Commission and the FFWC. Chair Terrill said in the absence of scientific data, the Board would not know what has changed. He agreed they should the Commission of an important issue they should consider; however, “after that we need to be very careful” regarding any advice they might give the City Commission, as it should be backed up with greater information.

Mr. Tilbrook stated the issue should appear as an item on the Board’s agenda, and the public should be informed that it is under consideration so interested individuals can have an opportunity to speak on the issue. Chair Terrill said this was good advice, although he reiterated they should advise the City Commission that this is an issue in need of address.

Mr. Ross pointed out that the issue may already be discussed at the FFWC’s public hearing in January or February 2011, and this would make “two public hearings.” He said any residents who might speak at a Board meeting should speak at the larger public hearing. Chair Terrill noted that public input could affect the Board’s decision on what their recommendation would be.

Mr. Dean asked if the Marine Industries Association felt the Board would be helpful to their cause. Mr. Connell said the two groups support one another and are in agreement on the issue at hand.

**Motion** made by Mr. Tilbrook, seconded by Mr. Rassing, to send a communication to the City Commission that we are concerned about the additional regulations and potential negative impact on the boating community proposed by the Florida Wildlife Commission, and that we have agendaed an item for our January meeting to consider a recommendation on a City position on the new regulations. In a voice vote, the **motion** passed unanimously.

**Motion** made by Mr. Guardabassi, seconded by Mr. Adams, to fast-track this [motion] to the City Commission as a Communication. In a voice vote, the **motion** passed unanimously.

Chair Terrill recalled at the November Board meeting, a quorum had not been present during the earlier half of the meeting although an Application was scheduled to be heard. The Board had heard all business that did not require a vote, and ultimately took a brief recess to wait for a member to arrive and make up the quorum. He advised that not only is it an honor to serve on the Board, there are expectations of members as well, and it would have been “a shame” had those present to speak on the Application been sent home without a hearing due to lack of quorum.

He requested that members contact Mr. Cuba if they will be unable to attend a meeting, so the Board will know in advance whether they will have a quorum; they could then cancel the meeting or attempt to find a member who could attend and make a quorum. Mr. Cuba said the members could contact him via email or by phone to let him know if they could attend.

#### **VI. Application – Water Taxi License – Riverfront Cruise and Anticipation Yacht Charters, LLC**

James Campbell, owner of Riverfront Cruise and Anticipation Yacht Charters, said his business has existed in Fort Lauderdale for over 25 years. He operates the *Riverfront Cruise*, *Anticipation IV*, and *Anticipation V* from Riverfront Plaza on Las Olas Boulevard. The request is for water taxi licenses for both the *Riverfront Cruise* and the *Anticipation V* vessels so the business can bring more customers into Riverfront Plaza. This will help bring more business to the Downtown area as well and will enhance waterway use by tourists.

Mr. Campbell noted that another company operates a water taxi, but he did not feel this would affect that business in any way. Insurance details and Coast Guard documents are included in the packet.

Mr. Ross pointed out that many of the existing water taxi stops are “fairly small,” taking up roughly 10-11 ft. of space, and customers board off the bow. He asked how Mr. Campbell proposed for individuals to board his vessels in these small spaces. Mr. Campbell replied that not all current water taxis board off the bow, citing the example of a 72 ft. catamaran that pulls in to the stops sideways. The *Riverfront Cruise* vessel is 55 ft. in length and the *Anticipation V* is 70 ft. A short ramp would be used for boarding.

Mr. Harrison asked if the vessels would use the same stops as the existing water taxi. Mr. Campbell said they would use the stops designated by the City. He has

also contacted the Dockmasters at various other stops to ask if they had any issues with the proposed use. He said the request was “welcomed,” as it would bring more customers to these stops.

Vice Chair Flanigan said he had spoken to the owner of 15<sup>th</sup> Street Fisheries, who did not recall such a request and said the two proposed vessels would not be permitted to use these stops. Mr. Campbell said he had also spoken to Jamie Hart, former Supervisor of Marine Facilities. Mr. Cuba said Downtown is a designated water taxi stop, so the Applicant could “conceivably” use this stop if his vessels are deemed appropriate for this type of activity.

Mr. Tilbrook asked how often the Applicant would visit these stops, how the service would be advertised, and how the service would work. Mr. Campbell said they would advertise via international marketing, as well as through “hard copy” to hotels and various destinations. It would be similar to the advertising already done for the cruise service. The schedule would be available on the Applicant’s website, and would be “approximately a four-hour schedule,” which would allow the boats to bring people to the sightseeing cruises.

Mr. Tilbrook asked if the proposed service would be a full water taxi service, or only a way to pick up potential cruise passengers. He advised he would not like to see the service restricted to cruise customers only. Mr. Campbell said the service would not be restricted; however, if an individual used his water taxi service, he or she could use the ticket from purchase of the taxi service to receive a free or discounted ride on the sightseeing cruise.

Mr. McLaughlin asked if the proposed service would be “a feeder mechanism for your cruise business.” Mr. Campbell said this would be true to an extent, but the service would also take advantage of the number of people who want to travel on the water. He noted that in the off-season, there is a longer wait for the existing water taxi service, and his vessels could help keep this time to a minimum.

Mr. McLaughlin asked if the water taxi trips would be narrated. Mr. Campbell said they would, “within the confines of the regulations that are in place.”

Mr. Adams asked if the taxi stops would be done during the course of a normal sightseeing cruise. Mr. Campbell clarified that taxi services will be in addition to the cruises, and will use different vessels.

Mr. Welch asked if the proposed vessels are “really feasible” for short-term docking and loading/unloading. Mr. Campbell said the catamaran was the more maneuverable of the two vessels, and noted that he owns two former water taxis as well, although he is not seeking licenses for these two vessels at this time, as they are awaiting Coast Guard certification. He characterized the two proposed vessels as his “preliminary model,” with the possibility of bringing in the other



vessels at a later time for “enhanced” service if needed. He noted that the existing water taxi service brings additional vessels into the City from out of town during the tourist season.

Chair Terrill said the vessels did not appear to be designed for water taxi uses he has seen, which include quick boarding and disembarking “back and forth.” He noted that the current prevents any docking perpendicular to the river. He asked Mr. Campbell to inform the Board of any advantages a water taxi license might give him, as he was not certain a large boat was appropriate to the service.

Mr. Campbell pointed out there are different definitions of large vessels: for example, the *Riverfront Cruise* is a 55 ft. vessel, and operated on a strict timetable on which customers boarded and disembarked “within 10 minutes.” He said there are currently catamarans larger than his that operate as water taxis.

Chair Terrill asked if sightseeing cruises would pick up passengers from water taxi stops if allowed. Mr. Campbell said they would not allow cruise passengers to board or disembark from any vessels that were not licensed as water taxis.

He clarified that a water taxi passenger boarding a licensed vessel would purchase a ticket and be brought to Riverfront Plaza, where he or she would disembark and, if desired, use the ticket to board a sightseeing cruise at a discount. The sightseeing vessel would only be licensed as such and “would never...stop at a water taxi stop.”

Mr. Tapp said he felt this was a good idea to improve tourism on the waterways, but advised he was “confused” regarding the administration of water taxi services. He asked if anyone could use some or all of the existing water taxi stops without coordinating this use with the current users, and noted that there could be potential conflicts regarding this use.

Mr. Cuba said there is “very little control” over the use. Code allows the holder of a water taxi permit to use the City’s designated stops. Boats may be added at a fee of \$100 for a period of two years under current Code.

Mr. Tapp said he did not want customers to become confused or have to wait for service, but he did not know how expanded use of the stops would work. He also felt the boats were “much larger” than the City had originally expected water taxi vessels to be, “especially on the New River.”

Mr. Campbell noted that the vessels in question already operate on the New River, and their captains’ experience is a factor as well. Mr. Tapp agreed the background and experience of the captains appears to be well-documented, although he still maintained reservations.

Mr. Cuba pointed out that taxi services on land also have conflicts regarding pickup and drop-off locations as well. He noted, however, that navigational concerns should be taken into consideration.

Mr. Adams asked who owns the water taxi stops. Mr. Cuba replied that the City owns most of these stops, but many others are privately owned.

Mr. Adams did not feel it would be possible to dock a vessel the size of the *Anticipation V* in a manner that would allow the safe boarding of passengers. He felt it would be “disruptive to the facility” and the owner of the stop might not want the vessel to dock there, as it could present “an obstacle to their commerce.”

Mr. Rassing said he recalled prices were lower when there were two water taxi services operating, and for this reason, he applauded the idea of another service. However, he said he shared the other members’ concern that a 70 ft. boat picking up passengers on the New River could create congestion. He asked Mr. Campbell if he had considered starting with the smaller vessel and adding the two former water taxis to the service at a later time. Mr. Campbell replied if this was the general opinion, he would not have an issue with operating only the 55 ft. vessel.

Mr. Ross said the existing water taxi service has an advertised route that appears at stops; if this service attempts to make a stop “and there’s a 70 ft. boat sitting there,” they would lose the business that may have gathered there at the advertised time. They could also be late in getting to the next stop. He agreed this could lead to “major problems,” as some individuals rely on this system to commute to work.

Mr. Tilbrook asked what type of license is required to operate a water taxi. Mr. Campbell said two-year water taxi licenses are granted by the City Commission. Mr. Tilbrook said he felt the Board has the authority “to make sure there is enough demand” for additional water taxi service.

Mr. Guardabassi asked if the current water taxi service is publicly funded. Mr. Cuba said this is not the case in Fort Lauderdale. Mr. Dean asked if water taxi licenses must go through the RFP process and no exclusivity was built into the licensing process. Mr. Tapp recalled that the service went out for bid in the past, but it was “almost 20 years ago.”

Mr. Welch asked if there is presently only one water taxi service in operation. Mr. Cuba said there is one service operating, and a second commercial operator holds a license but does not operate.

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

Bill Walker, owner of the Water Taxi, said he has a degree in Marine Transportation and has been in business for more than 16 years Boston and Fort Lauderdale. His service employs over 80 people in the City and takes individuals to more than 60 businesses along the Intracoastal Waterway.

He stated he has several concerns regarding the Application, including the map of stops submitted with the information packet. Mr. Walker said the Water Taxi hired *Travel Host* magazine to create this map and has included it in its own brochure for three years. He also expressed concern that the vessels for which the Application was submitted “won’t go into” some of the stops. He pointed out that the catamarans used by his service are 64 ft. in length, are ADA-accessible, and were designed specifically to transport people.

Mr. Tilbrook left the meeting at 8:18 p.m.

Mr. Walker said he was not aware of the Applicant’s request to use docks owned by private entities, but noted that his service has a good working relationship with many of these businesses.

Another concern was that the Applicant’s additional vessels currently awaiting Coast Guard certification are painted yellow and “look a lot like the vessels we have.” He felt this would create confusion between the two services.

He concluded that when the River Taxi service was approved, the vessels were painted to be distinguishable from the Water Taxi and the service was “a totally different type of service,” such as on-call service. Even with very different features, he noted there had been some confusion on the part of the public regarding which services they had purchased.

Mr. Ross asked if Mr. Walker felt his Water Taxi is over capacity, or has had to leave some individuals at docks because his vessels cannot accommodate them. Mr. Walker agreed this has been an issue in the past, and they “continue to resolve that issue all the time.” His vessels can take on between 27 and 70 individuals at a time. Mr. Ross asked if Mr. Walker felt the Water Taxi would be able to accommodate 100% of the people waiting at every stop. Mr. Walker said he believed he would be able to do so.

Vice Chair Flanigan asked if Mr. Walker has heard criticism that his Water Taxis “[created] a lot of wakes.” He explained that the marina has heard several complaints of this nature. Mr. Walker said he would slow his vessels down.

Mr. Guardabassi said he understood the concern regarding competing companies, but observed that in many major cities there are different bus and other transportation services that compete with one another.

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

Mr. Adams said he did not wish the Board to take part in “a competitive issue,” but felt they had a responsibility to control use of the infrastructure on the waterways. Mr. Tapp agreed, and noted he did not know how to resolve the issue. He noted that competing transportation services in most cities used different brochures and different stops, and “to see this commingled, without a real plan, bothers me.” He clarified that he did not have any issues with competition, as this could help bring costs down and perhaps lead to improved services; however, he had concerns that two services using the same stops would work.

Vice Chair Flanigan did not believe the Board should support “additional misuse of a Code” by allowing tour boats with narration to operate as water taxis, but should distinguish more strongly between tour boats and water taxis. He said until this issue is resolved, he did not feel he could support the Application. He added that particularly on the weekends, the New River cannot support a great deal more traffic. He suggested one solution might be to “exclude additional water taxis on the New River.”

Mr. Ross asked if the height of the proposed vessels would require any bridges to open on the New River. Mr. Campbell said he did not know the height of his vessels offhand, but they would not need bridges to open.

Chair Terrill said while he could conceivably see the catamaran acting as a water taxi, he could not imagine the *Anticipation V* accommodating passengers in this manner. He said he would like to see “a genuine proposal to operate a genuine water taxi business in its own right,” as he felt two competing companies would be a good thing.

Mr. DiPietro said while he is also in favor of competition, water taxi services seem to be “a regulated franchise,” and may require the Board to establish some guidelines that would allow for competing services in a workable manner.

Mr. Cuba stated when commercial vessels come before the Board, consideration is often given to the “uniqueness” of the proposed operation and its lack of impact on the existing business. He agreed that the Code addressing water taxi services is “very vague,” but noted it asks the Board to determine whether the Applicant’s equipment is proper and whether it can be used as part of a safe, high-quality water taxi operation. He concluded that Staff has attempted to alter this language “for quite a while.”

**Motion** made by Mr. Ross, seconded by Mr. Adams, to approve *Riverfront Cruise*, a 55 ft. sea taxi/catamaran, as long as it is not repainted.

Mr. Ross clarified that the vessel he had named in his motion does not resemble any vessels used by the existing water taxi service, and features the business name, both of which make it easily distinguishable from Water Taxi.

Mr. Rassing suggested an **amendment** to the **motion**, stating the Board should “leave the door open” for the Applicant to come back with a revised plan of action featuring other vessels.

Mr. Guardabassi stated that the Board is “stepping outside our bounds” by regulating business, and that while safety and congestion issues may be anticipated, he did not feel it was his role to regulate these concerns. Mr. Ross said the Board had expressed concern that “a 70 ft. vessel was just too much,” although he felt the catamaran could be sufficiently modified to suit a water taxi’s operations.

Mr. McLaughlin said before he would consider the proposed amendment, he would like to see a diagram or description of how any additional vessels would be modified. Mr. Ross explained that he did not want to see a vessel painted yellow to “disguise” a vessel as part of the Water Taxi fleet, but was not stipulating that other modifications should be made.

Mr. Harrison requested clarification that if the Application is approved, future boats “could be done without our approval for just a \$100 application.” Mr. Cuba said this was correct according to Code, although vessels would be reviewed by the Supervisor or Manager of Marine Facilities to discuss whether or not they are appropriate equipment.

Mr. DiPietro said he was concerned that the criteria for water taxis are “sketchy.” Chair Terrill added that there is also no certainty that the property owners with small docks have “worked out their own agreements,” which constitutes a safety of navigation issue.

Mr. Tapp said the Board is asked to give “our best opinion” to the City Commission regarding whether or not the proposed plan will work. He pointed out that the business plan does not offer specifics that show how the Applicant would work with the existing service, and felt that until there is agreement between these services, the Board would give “a bad recommendation to the Commission” if they recommended the Application.

Mr. Dean recalled that there is precedent in the case, citing an example in which a Hawaiian municipality regulated the number of vessels and the times at which they could appear at stops. He added that one major aspect of the case dealt

with equipment. Mr. Ross said, however, that if they denied the Application, he felt they were “creating a monopoly,” and that the Applicant and the existing Water Taxi should work together to resolve issues related to stops.

Mr. Harrison said while he is in favor of competition, the system is “set up for one water taxi company.” He felt timing and congestion would become an issue, and the infrastructure is not adequate to more than one company in operation. He felt any issues should be worked through in advance and a plan showing how the businesses would work together should be presented.

Mr. McLaughlin said there would have been much less discussion of the issue if the Board “had a vision of what a water taxi looks like.” He said the primary issue is the appropriateness of the boats and the regulation of stops. He also felt Code should regulate the size of prospective water taxi vessels, and how they access the stops.

Chair Terrill asked that Mr. Ross consider restating his **motion** to ensure that it is “clearly what... [he] wants” before it comes to a vote. This would include whether or not the *Anticipation V* is included, as well as discussion regarding the identification of colors.

Mr. Ross pointed out that according to Code, the Board cannot say it will approve one vessel but “never...allow him to put *Anticipation V* on the river.” Mr. Cuba clarified that the Board may make whatever recommendation of approval it wants at tonight’s meeting, and in the future, if the Applicant came to Marine Facilities with another vessel, Staff may use their expertise to determine if the vessel is a safe piece of equipment to function as a water taxi.

Mr. Ross **restated** his **motion** as follows: **motion** to approve the vessel named *Riverfront Cruises I* a 55 ft. sea taxi/catamaran, and disapprove the second vessel named *Anticipation V*, and that the vessel named *Riverfront Cruises I* is to retain its current colors and identification.

Mr. Rensing **seconded** the **motion**.

Mr. McLaughlin asked if there was “anything to stop” other tour boats from applying for a water taxi license. Mr. Cuba said there was no restriction on making an application.

In a roll call vote, the **motion** failed 5-7 (Chair Terrill, Mr. Guardabassi, Mr. Tapp, Mr. Welch, Mr. Harrison, Mr. McLaughlin, and Vice Chair Flanigan dissenting).

Mr. Tapp said the issue to him was the lack of “an individual business plan,” which would specify separate signage for the different services and determine which vessels would operate on which waterways, for example. He concluded

that how the businesses would work together was more important than the vessels themselves.

Mr. Adams asked how far the Board would reach into “monitoring other people’s business plans.” Mr. Tapp said protecting the infrastructure was one consideration; another was monitoring congestion on the New River. Mr. Harrison said a traffic plan was a greater consideration than a business plan.

**Motion** made by Mr. Guardabassi that we ask the two operators to get together, and the one that’s making the Application to come back with a plan between the two to work out the scheduling.

Chair Terrill advised that while it would be helpful for this to happen, the Board should focus on “looking at an Application” that seeks the authorization to operate. He pointed out that making a **motion** to ask the two parties to work together would be the same as turning down the Application before them today.

The **motion** died for lack of second.

Mr. McLaughlin felt if the Applicant and the Water Taxi could arrive at an agreement regulating signage and timing of stops, the competition would be welcome in the City. Mr. DiPietro asked if it is the Board’s responsibility to set the criteria of how water taxis operate, or if this should be left to the operator(s) to determine. Chair Terrill said “the Code is sufficiently vague” that the Board may take responsibility to advise the City Commission on safe operation and navigation.

Mr. Harrison asked if the Board could ask Staff to come up with a plan for how to add more water taxi services. Mr. Cuba explained that the Code is so vague, it “doesn’t speak to Staff’s ability to set up that type of regulatory system.” He noted with regard to safety and equipment issues, however, the Board is empowered to make these determinations.

Chair Terrill suggested that the Board discuss, at next month’s meeting, whether or not “the vagueness of the Code” should be addressed.

**Motion** made by Mr. Adams, seconded by Mr. Guardabassi, to approve the Application. In a roll call vote, the **motion** failed 1-11 (Chair Terrill, Vice Chair Flanigan, Mr. DiPietro, Mr. Dean, Mr. Tapp, Mr. Ross, Mr. Adams, Mr. Welch, Mr. Rensing, Mr. Harrison, and Mr. McLaughlin dissenting).

## **VII. Report – Pollution Solution Subcommittee**

Mr. Cuba thanked Mr. Dean, Mr. Harrison, and Mr. Rassing for their contributions to the recent subcommittee meeting, and said Public Works is currently cleaning the vessel prior to a surveyor's review.

Mr. Rassing said the City could be saved a considerable amount of money by renovating the existing vessel as opposed to purchasing a new one.

Chair Terrill suggested that the Board change its meeting time to 6:00 p.m. rather than 7:00 p.m., and asked if the room is available at that time. Mr. Cuba said he believed it was available.

Mr. Rassing said a 6:00 p.m. meeting time would not be possible for him. Mr. Adams noted that he attends the Broward County Marine Advisory Committee meetings in the afternoon before the Board meetings.

Chair Terrill explained that he felt the meeting would move more quickly if it began at an earlier time, and that most members would be able to attend at that hour. He added that many Board members had said they would have "more energy and interest" if the meeting began earlier.

Vice Chair Flanigan proposed that the Board meet at 6:00 p.m. on a trial basis of two months to determine whether it would work for the membership.

Mr. Tapp and Mr. Adams said they are comfortable with the 7:00 p.m. meeting time. Mr. Ross said 6:00 p.m. would be more convenient for him.

Chair Terrill agreed with Vice Chair Flanigan's proposal of meeting at an earlier time on a trial basis. Mr. Cuba said he would confirm the availability of the room. Other Staff members stated they could attend at an earlier hour as well.

Mr. Rassing stated he works until 6:00 p.m. and would not be able to attend.

**Motion** made by Vice Chair Flanigan, seconded by Mr. Ross, to try to change the time to 6:00 p.m. and review it at the February meeting. In a voice vote, the **motion** passed 11-2 (Mr. Rassing and Mr. Adams dissenting).

## **VIII. Reports**

- **Broward County Marine Advisory Committee**

Mr. Adams reported that the Committee discussed Broward County Boating Improvement Projects submitted at previous meetings. Two projects were approved for grants and two were not. The projects not approved were marketing the mooring field and funds for the seawall on the north side of the New River.



Mr. DiPietro asked if this seawall replacement was the same as a potential project previously discussed by the Board. Mr. Adams said it was. Mr. DiPietro asked if the Downtown Development Authority (DDA) might be able to assist with the cost of this project. Vice Chair Flanigan said he had spoken with a member of the DDA with regard to this project.

Mr. Guardabassi asked if it would be possible to modify the proposal for the seawall replacement and try once more for a grant. Chair Terrill noted that the Broward County Marine Advisory Committee's grant cycle has ended for this year, although they could try to seek funds through other sources to make the desired repairs.

Mr. Dean asked why the project was turned down for a grant. Mr. Cuba said the initial presentation for the grant focused on the need for replacement, but "wasn't specific enough about the small boat element," which is a priority for the Committee.

Mr. Adams agreed that one issue was "it was not a compelling presentation" to the Committee, as it was not "directly focused on the registered boaters of Broward County." The project was perceived as a maintenance issue rather than a project to enhance boating.

- **New River Floating Dock Project**

Mr. Cuba said the first pilings for the dock by the Performing Arts Center have been driven, and several trucks of supplies have been mobilized. This dock is on schedule and is anticipated to be complete before the Winterfest Boat Parade.

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

Mr. Cuba said the first reading of this Amendment was successful. The second reading is scheduled for Tuesday, December 7.

- **City Dredging Issue**

Mr. Cuba noted that an engineering report on the City's dredging policy was distributed to members via email and hard copy. He requested that the Board review the report and discuss it at a future meeting.

- **Riverland Woods**

Construction is on schedule for a completion date of December 10.

- **Commission Agenda Reports**

Mr. Cuba recalled that there has been one City Commission meeting since the last Board meeting. The Winterfest Dockage Use Agreement was approved by the Commission, as was the first reading of the Code Amendment regarding boat hoists.

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

Tom Nee, representing the homeowners on NE 18 Street in Coral Ridge, stated he had spoken with both Chair Terrill and Mr. Cuba regarding the dredging issue raised at the November Board meeting, and they had shared a copy of the engineering report with him. He explained that he wanted to help keep the issue alive.

Mr. Nee advised that the canal in his area is unique, as there is very little drainage nearby; because of the lack of drainage, the canal “silts up really quickly.” He suggested instead of holding all canals in the City to the same requirements, some canals should meet different criteria. For example, the canal in his area is affected by the speed of the waterway and the effect of the wakes as well as the lack of drainage. He felt the City should give priority to canals that have drainage or sewage pipes leading into them.

He asked if there has been consideration to changing the required depth for dredging in the City, and what the process for such a change might be.

Mr. McLaughlin suggested the Board could invite representatives from the City’s Engineering Department to speak at a meeting, as there are many homeowners throughout Fort Lauderdale with questions and concerns regarding dredging. Chair Terrill agreed that this issue merits a good deal of discussion, as well as consideration of changes. He said a good first step would be to invite an engineer to attend a meeting, hear about the issues facing some canals in the City, and answer questions from the Board and the public.

Mr. McLaughlin said the City has a limited budget for dredging, and they estimate that 23 areas can be dredged each year for this amount. He also noted that the City uses two different scales for dredging, and said he would like to ask why this is the case.

He said the City is more likely to dredge the areas about which they receive complaints first, which means those areas from which they do not receive complaints are often left alone. There is no schedule for dredging: if residents do not complain about the canals in their area, those canals are not “put on the list” to be dredged. Mr. McLaughlin said another issue is that the areas in front of complainants’ properties are dredged, but dredging does not continue the length of the canal.

Chair Terrill requested that this issue be placed on the Board's January 2011 Agenda, and that a City Engineer be invited to attend the meeting and discuss the current program for dredging, as well as answer any questions from residents. He suggested they also reach out to homeowners' associations.

Mr. Cuba advised he had tried to get a member of the Engineering Department to attend tonight's meeting. He said he would try again to schedule a member of the Engineering Department.

Brian Fox, who also lives on the canal in Coral Ridge, said while the slow speed zones discussed earlier in the meeting are an issue for boaters in Broward County, there are also problems with fast speeds. He advised there is a curve on the Intracoastal Waterway in his neighborhood where people "start flying," causing three- to four-foot waves. The Sheriff's Department is unable to moderate these speeds due to the area on the canal where these speeds occur. Mr. Fox said his best recourse is to ask the City to increase Marine Unit patrol in this area, or to bring this concern directly to the Board.

Mr. Cuba introduced John Luscomb, the new Supervisor of Marine Facilities. Mr. Luscomb is succeeding Jamie Hart, who recently retired. Mr. Luscomb has been active in the boating business since 1983 and has managed marinas, boatyards, and other marine locations over the years. He looks forward to working with the Marine Advisory Board.

Chair Terrill said he will be leaving the Board after seven years of service due to term limits. This will be his final meeting. He thanked the members for their dedication and commitment to the community, and thanked the Recording Secretary for her service to the Board as well. He also thanked Cate McCaffrey, Director of Business Enterprises, and Mr. Cuba for their work in serving the community and their support for the Board, and thanked Vice Chair Flanigan for his knowledge and commitment to the Board and to the issues facing the marine community.

Chair Terrill said he will be succeeded by Frank Herhold, who recently retired as Executive Director of the Marine Industries Association of South Florida. He stated he was honored that Mr. Herhold will join the Board.

The Board members, Staff, and others present recognized Chair Terrill's contribution with a round of applause. Mr. Cuba said Chair Terrill has been "an outstanding Chair" and he appreciated the opportunity to work with him. Mr. McLaughlin said Chair Terrill would be welcomed back to the Board in the future if possible.

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

The communication was discussed earlier in the meeting.

**XI. Adjournment**

There being no further business to come before the Board at this time, the meeting was adjourned at 9:56 p.m.

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