

**MINUTES OF THE MARINE ADVISORY BOARD
 100 NORTH ANDREWS AVENUE
 8TH FLOOR CONFERENCE ROOM
 FORT LAUDERDALE, FLORIDA
 THURSDAY, APRIL 7, 2011 – 6:00 P.M.**

<u>Board Members</u>	Attendance	Cumulative Attendance 5/2010 through 4/20/11	
		<u>Present</u>	<u>Absent</u>
Barry Flanigan, Chair	P	7	3
James Harrison, Vice Chair	P	9	1
F. St. George Guardabassi	P	9	1
Randolph Adams	P	10	0
Norbert McLaughlin	P	10	0
Jim Welch	P	8	2
Robert Dean	P	8	2
Mel DiPietro	P	6	4
Bob Ross	A	7	3
Joe Cain	P	2	0
Tom Tapp	P	7	3
Herb Rassing	P	9	1
Frank Herhold	P	3	0
Lisa Scott-Founds	P	3	0
Zane Brisson	P	1	0

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

Staff

Andrew Cuba, Manager of Marine Facilities
 Jonathan Luscomb, Supervisor of Marine Facilities
 Levend Ekendiz, Intracoastal Facilities Dockmaster
 Matt Domke, Downtown Facilities Dockmaster
 Officer Brian Meo, Marine Police Staff
 Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. Call to Order / Roll Call

Chair Flanigan called the meeting to order at 6:05 p.m. and roll was called.

II. Approval of Minutes – March 3, 2011

Motion made by Mr. Adams, seconded by Mr. Herhold, to approve the minutes of the March 3, 2011 meeting.

Mr. Guardabassi noted that a communication to the City Commission referred to floating docks along the Intracoastal Waterway, and said the minutes should more clearly specify Birch State Park as the location for the proposed docks.

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

III. Statement of Quorum

Chair Flanigan noted that a quorum was present.

IV. Introduction of New Member – Zane Brisson

Mr. Brisson introduced himself at this time. He is a long-term boater who recently moved to Fort Lauderdale and looks forward to serving on the Board.

V. Waterway Crime & Boating Safety Report

Officer Meo reported that on March 10, a vessel was stolen for a joyride and later abandoned. There were no other vessel burglaries. Five accidents occurred during the month. Six citations were written and 179 warnings were given in March.

Mr. Rassing commended the Marine Unit for checking tags on vessels to ensure they are registered properly. Officer Meo explained this is in preparation for the upcoming hurricane season. There is an 85% compliance rate for the vessels that have been checked thus far. Any boat in the waterway, including those on lifts, must be registered.

Mr. Dean asked how the City's hurricane plan is communicated to the public. Officer Meo said the Broward Sheriff's Office is the official police agency in the event of a hurricane, and information is disseminated through the news media. Mr. Herhold added that information is included in the Broward Safe Boating Guide and the area's various Marine Units as well. The *Sun-Sentinel* also publishes an insert on hurricane preparation.

Chair Flanigan introduced Brian Bagnall, who had recently addressed the City Commission with regard to the floating docks.

Mr. Bagnall said he represented a group of Downtown residents who have concerns about the City's floating docks. He said there is an opportunity to

improve the appearance of the docks in the basin. The City Commission has recommended that the residents work with the Board to make the basin look “more Venetian,” as befits the City’s status as “the Venice of America.”

Mr. DiPietro asked if there were specific changes the group of residents had in mind. Mr. Bagnall said the New River Master Plan includes the River Plaza as a showplace of the City. He said the docks, and the ADA-compliant ramps in particular, are very large and are not beautiful.

He added that the floating docks were not mentioned in the New River Master Plan or the Riverwalk Trust’s plan. While he fully supported the docks in other locations, he felt the appearance of the docks in the basin could be improved. He said for many Downtown residents, the City’s beauty was a selling point, and they would like to see docks that are more consistent with this beauty.

Mr. Adams noted that the floating dock program has been in place for nine years, and asked if there were specific suggestions that the group of Downtown residents might have for the docks. Mr. Bagnall said he would prefer not to see docks in the main circle of the basin, stating that the original plans for the docks would have located them to the west of the Broward Center. He reiterated that the docks’ appearance is “very industrial” and they should be made more attractive.

Mr. Cain asked if there were any drawings or plans that could be submitted. Mr. Bagnall said the residents have begun talking to experts about the plans and hope to work with Mr. Cuba to improve the aesthetics. He said they had not seen any drawings or renderings before the floating docks were installed.

Mr. Herhold said he is a member of the Riverwalk Trust, and felt the docks were “no surprise” and a welcome addition to the Riverwalk. He was confident that the Riverwalk Trust was pleased with the utility of the docks.

VI. Application – Ronald Francoeur – 1801 SE 21st Avenue

Steve Tilbrook, representing the Applicant, showed a PowerPoint presentation. He explained that the property is a single-family home lot on the Intracoastal Waterway that includes a 4900 sq. ft. submerged land parcel. The Application is for a waiver of dock limitations for a 65 ft. dock and pilings that extend into the waterway. He showed a rendering from the Property Appraiser’s Office, which shows that the bulkhead extending 110 ft. into the waterway is owned by the Applicant. He noted that the abutting properties also extend into the waterway.

Mr. Tilbrook said the Applicant has met with the Harbor Inlet Neighborhood Association, and has received an email stating that the Association does not

object to the Application. The Applicant has also spoken with a representative of the condominium located on the abutting property.

Mr. Tilbrook showed slides providing different views of and from the property, including views of the neighboring properties' docks. He said the waterway is very shallow next to the bulkhead, and pointed out that most of the docks in this area have lifts, as the location is "a very rough area." He advised that the Applicant is not proposing a lift. The property is located in the RS-8 zoning district, which permits docks as an accessory use.

The Applicant is requesting to construct a dock 65 ft. from the seawall. The pier is 7 ft. wide, with a 15x15 ft. landing at the end. The 65 ft. distance is required in order to moor the Applicant's 30 ft. vessel at the dock. The dock is not designed to accommodate vessels larger than approximately 40 ft.

Mr. Tilbrook showed a rendering of the waterway, which is roughly 1000 ft. in length. He referred to Section 47-19.3.C of the Code, which states that a dock shall not extend more than 25% of or 25 ft. into the width of the waterway. Pilings may extend 30% or 25 ft.

He advised that there are several extraordinary circumstances related to the Application. The property on which the dock would be located is "100% owned" by the property owner; there is no extension off the property. Another circumstance is the width of the waterway, as the property is located in "one of the widest sections" of the waterway. The depth is very shallow next to the seawall, which necessitates extending a dock in order to moor a vessel. The proposed dock would not impair the navigation of the waterway.

Mr. Tilbrook concluded that boat dockage would be to the south side of the dock in order to lessen any impact on views. He pointed out that the Harbor Inlet neighborhood is elevated due to its location near the coast, and the docks on the waterway are relatively low in comparison to the location of homes. He asserted that a low-profile vessel, such as the one belonging to the Applicant, would not impair the view.

Mr. Welch asked if the Applicant anticipated installing a boat lift. Mr. Tilbrook said there were no such plans.

Mr. Harrison asked what would be the largest size vessel that could moor at the dock. Mr. Tilbrook estimated that a 45 ft. vessel would be the largest size, based upon the design and depth of the dock.

Mr. DiPietro asked if a waiver was necessary when the submerged land belongs to the property owner. Mr. Tilbrook explained the City's interpretation is that the

distance should be measured from the seawall rather than from the property line, although he noted that Code refers to the property line.

Mr. Adams observed that 25 ft. from the property line would be "25 ft. into the Intracoastal," while the proposed dock would actually be 45 ft. within the property line. He asked why this was an issue. Mr. Tilbrook said the Applicant was asked by the City to make a presentation to the Board.

Chair Flanigan asked if there was verification that notice of the Application was sent to the neighborhood. Mr. Cuba said notices were sent to all residents within the 300 ft. buffer of the property, and no feedback was received. Mr. Tilbrook said the Applicant also sent a notice to the co-op and has had conversations with them.

Chair Flanigan referred to a letter from the Department of Environmental Protection, which states that the drawings submitted are "not consistent." Mr. Tilbrook said the Applicant had received a general permit for the proposed dock, and suggested that this determination may have changed. David Nutter of BK Marine, speaking on behalf of the Applicant, explained that the letter refers to the Federal review of the Application, which has not been granted. This means the Army Corps of Engineers itself must grant the Federal permit.

Mr. Guardabassi requested clarification of why the neighboring properties did not have waivers for their docks. Mr. Tilbrook said he had been unable to find evidence that waivers were granted for these marinas.

Mr. Tapp commented that the Application made "good sense" to him, and noted that the Applicant might want to consider a lift system in the future, as the water in this area can be churned up considerably. Chair Flanigan noted that this would require another Application in the future.

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

Warren Hudson, neighbor, said no one had spoken with him about the Application. He said he was against any docks in the area, and particularly an extension into the waterway, because the waterway is already "cluttered" at this location and an extension would impede boat traffic. He said the property is two houses away from his own and did not present an additional obstacle to the view.

Mr. Hudson said he would object to the establishment of a precedent for dock extensions, as a dock on the abutting property would obstruct his view. He noted that both properties are presently for sale, and advised the Board members to view the location of the proposed dock.

Steve Nicholson, neighbor, represents the 16 residents of Harbor Colony, which is the abutting property. He said one concern is the length of the proposed dock, which would be "40 ft. from the channel edge." Their main concern, however, is for the view. He pointed out that while the Applicant has a small vessel, another owner could dock any vessel up to 45 ft. He showed a photo of the area taken from his balcony, noting that the Applicant's neighbor to the south has a dock extending 35 ft. from his seawall. The proposed dock would extend below the Slow Speed sign in the waterway, and Mr. Nicholson felt this would be an obstruction.

As there were no members of the public wishing to speak on this Item, Chair Flanigan closed the public hearing and brought the discussion back to the Board.

Mr. Tilbrook stated again that the proposed dock would be "100% on private property," which is not a typical condition in the City. He characterized the project as well-designed, having a low impact on the community, and supported by the Homeowners' Association.

Mr. Rassing asked if the proposed dock would infringe upon the No Wake Zone sign. Mr. Tilbrook said if the sign is located on private property, it would be considered a trespass. He added that the Applicant would be happy to have such a sign near the dock.

Mr. Herhold asked Mr. Nicholson to clarify whether or not the proposed dock is "42 ft. south of the canal." Mr. Nicholson said the edge of the dock would be 45 ft. from the east channel's edge.

Motion made by Mr. Adams, seconded by Mr. Guardabassi, to approve the waiver as presented. In a roll call vote, the **motion** passed 13-0. (Mr. McLaughlin abstained. A memorandum of voting conflict is attached to these minutes.)

VII. Reports

- **Broward County Marine Advisory Committee**

Mr. Adams reported that funding for the Enhanced Marine Law Enforcement Grant (EMLEG) was approved, and the Committee discussed the new Broward County Code of Ethics. He noted that these regulations would be difficult to implement, and that he could not discuss the Committee's activities further at the meeting, as this could be construed under the Code of Ethics as lobbying. Chair Flanigan asked Mr. Cuba to reach out to the City Attorney's Office for clarification on this issue.

Mr. Adams added that the EMLEG funds would be used to supplement the pay of Marine Patrol Officers. Other recipients of these grant funds include the Broward

County Sheriff's Office and several additional cities and communities. The funds would go toward improving the police presence on the waterways and showing that the City takes manatee protection seriously.

He explained that the grant proposal is made "for a certain number of hours," and must ultimately be approved by the City Commission.

- **New River Floating Dock Project**

Mr. Luscomb advised that the floating docks are 90% complete, although there are some outstanding issues that the Board is asking the contractor to complete. He noted that the feedback regarding the docks has been very positive, and they are already in use, although they are not officially open at this time. Mr. Herhold commented that the Riverwalk Trust had submitted a letter in support of the floating docks in support of the project.

- **SE 15th Street Boat Ramp**

Mr. Luscomb said contracts are out for signatures. Due to the cost of the project, there are grant requirements for a prevailing wage, and the City must ensure that the contractor abides by these requirements.

- **Citywide Dredging**

Mr. Luscomb said there have been no changes to the list of areas to be dredged. There was a difficulty in submitting a permit to the County, and this permit will be re-submitted the following week.

He continued that grants have been submitted for the construction phase of the Intracoastal Waterway dredging. The City is awaiting a response on these applications. They will also receive permitting help from URS Engineering beginning next week. This will help with sea grass and other surveys.

- **Marine Facilities Marketing**

Mr. Luscomb said the City has just launched a new website that is much more modern in appearance. He had asked the Public Information Office how Marine Facilities could best use this site, and was advised that they can attach links to pages, photographs, and other features to help build the page.

Mr. DiPietro asked if advertising would be sold on the City's site. Mr. Luscomb said he did not believe this was currently allowed, but there are discussions being held on this subject.

Mr. Herhold asked if the City website could be used to encourage “transient boaters” to visit Florida. Mr. Luscomb said this could be done, and explained that the features and amenities of each City marina are being compiled for inclusion. Calendars of events, rates, and City activities will be published on the City’s website as well.

Mr. Rassing asked if a member of the Board might be allowed to participate in meetings with the Public Information Office. Mr. Cuba advised that Board meetings are the appropriate forum in which to present thoughts and ideas on marketing. Chair Flanigan added that he had had informal discussions with Staff members regarding marketing and would plan to attend the next scheduled meeting. The Board would discuss at a later date whether or not it was in their interest to appoint a member to the committee.

- **George English Park Bridge**

Mr. Luscomb said a pre-construction meeting with members of the Utilities and Engineering Departments, among others, was held on March 9 to discuss the rights-of-way and easements required for the project. Temporary bridges will be constructed while the permanent bridge is being built. He said he had been assured there would be no navigability issues with boat traffic moving beneath the bridges.

Mr. McLaughlin asked if the bridge has already been designed. Mr. Cuba explained that the design was developed by the Florida Department of Transportation (FDOT) rather than by the City.

Mr. McLaughlin commented that the Coast Guard’s recommendation for the height of a bridge was 12 ft. Mr. Luscomb said the bridge will have a height of 10.25 ft., which is a 4 ft. increase from its present height. Construction begins in 2012 and the project is expected to take two years to complete.

Mr. Cuba said he could not estimate how far FDOT has proceeded with the bridge design, but pointed out that the construction date is relatively soon. He recommended that the Board make a communication to the City Commission if they wished to express an opinion on the project.

Mr. Herhold said he had attended some of the early meetings regarding the bridge, and explained that the maximum height is related to the approaches, which cannot obstruct the properties on either side of the bridge. He suggested that an FDOT representative be invited to attend a Board meeting and discuss the project further.

Mr. Cuba said he would work to facilitate bringing an FDOT member to an upcoming meeting. Chair Flanigan agreed they should have a better

understanding of the project before communicating an opinion to the City Commission.

- **Commission Agenda Reports**

Mr. Cuba noted that the task orders on Intracoastal Waterway dredging were approved by the City Commission, as well as the permit for the dock on SE 26th Street. The City Commission had also discussed all five of the Board's communications from the March meeting. Public Works was given direction to write a report on the process of refurbishing the existing trash skimmer vessel rather than replacing it. Mr. Cuba said he would provide the Board with updates from Public Works on this issue as they are available.

He continued that the Board's recommendation of adopting a second trash skimmer vessel did not result in direction by the City Commission, although it was noted that pontoon boats currently serve as secondary vessels to replace the existing trash skimmer.

Mr. Rassing expressed concern that the Pollution Solution committee had met several times over the past few months, and he did not feel they were getting results in a timely manner. Mr. Cuba noted that pontoon boats are currently cleaning the canals, and reiterated that the City Commission had directed Public Works to prepare a report on the status of refurbishing the existing vessel.

Chair Flanigan said it had been made clear that an estimate for the repair of the Pollution Solution vessel must be prepared. He added that the City is also considering "outsourcing the entire operation," and three of the Commissioners had stated they were opposed to purchasing a new vessel at this time. He felt the direction from the Mayor was very strong, and noted that the existing pontoon boats could be made more appropriate vessels for trash pickup. Mr. Cuba advised that the report from Public Works would probably be presented in May.

Mr. Cuba continued that the Board had made a communication to the City Commission regarding mega-yachts, and reported that the Commissioners said they would be pleased to sign the proposed welcome letter if it was drafted. Staff had been asked to draft such a letter for their review, and to determine parameters, such as what size vessels received the welcome letter.

Regarding the addition of a floating dock to Birch State Park, Mr. Cuba said the City Commission had directed Staff to review the feasibility of placing a dock at this site. The communication regarding the redevelopment of the Las Olas Marina will be brought back as a Conference Agenda item after Staff sits down with various stakeholders to determine the best way to approach the issue. This would be in May or June.

Chair Flanigan agreed that the Board should follow up on this issue, as it should be addressed as “part of the overall Master Plan.”

VIII. Old / New Business

Mr. Herhold reported that the Waterway Cleanup held on March 5 was very successful. Participants collected 15 tons of trash, and roughly 2000 people volunteered to help.

Chair Flanigan said he had reviewed minutes from prior meetings, and wanted to bring some items not recently addressed to the Board’s attention. He noted that offloading site analyses were one such issue: this would determine whether or not commercial barges should be allowed to offload onto the ground for pickup. The discussion had arisen because Code Enforcement had cited some barges for this offloading due to zoning conflicts. He stated that the Board should try to help these businesses, as these citations were a hardship to them.

Mr. McLaughlin said the Board should also consider that in the case of a hurricane, there is no place a barge can go to offload equipment, even in the event of an emergency. He said the site used at the Las Olas Marina would be ideal in this case.

Chair Flanigan recalled that most barge operators “would gladly pay a fee” to the City in exchange for being allowed to offload.

Mr. Cuba explained that the main issue with the site at Las Olas Marina was the adjacent condominiums, which had expressed concern about offloading on numerous occasions. He advised that this had been the reason for the “crackdown” on this activity. He said he would provide the Board with an update on this issue at the next meeting.

Mr. Harrison pointed out that when the Board had called the need to modify Code for boat lifts to the City’s attention, it had resulted in a crackdown until specific new guidelines were determined.

Mr. Cuba said should an emergency occur, he would act as a conduit to allow barge operators to offload at the Las Olas Marina.

Mr. Guardabassi asked if offloading and pickup could be done at the port. Mr. McLaughlin said this would not be possible due to security issues, as all occupants of vessels and trucks would have to show identification. Mr. Cuba said he would contact the port to discuss the possibility of using an abandoned area for offloading.

Mr. McLaughlin added that barge companies may not pay private citizens for the right to offload on private properties. Mr. Cuba noted that there is not a great deal of City property that is conducive to offloading activity.

Mr. Dean commented that when he had recently gotten into the water in a large canal, the water was only up to his chest. He advised that this problem with canals would be “a limiting factor” to boats in the City, and suggested that a joint venture might be entered into between the City and various homeowners’ associations for dredging, as this would allow them to share the cost.

Mr. Herhold said Phase II of the Intracoastal dredging project would extend through Sunrise Boulevard and pass by some of the canals in need of dredging. He suggested that the canals could be “tagged on” to this project at a relatively low cost.

Mr. Cuba said he understood the need for dredging, and advised that the City is applying to have additional areas be dredged as part of the Intracoastal project. The Florida Inland Navigation District (FIND) is currently in the permitting process and has hired an engineering firm to lead the project. He said he was not certain how to proceed on this issue, as so many canals are in need of dredging.

Mr. Luscomb said one issue is that the City must “design the project” in order to add sites to this project. He explained that each canal presents different challenges, and the cost of dredging is estimated at \$60 per cubic yard.

Chair Flanigan suggested asking the City to consider budgeting for the dredging of canals off the Intracoastal Waterway. Mr. Cuba said Staff was given specific direction regarding “piggybacking” off the Intracoastal project; while the Board could communicate this issue to the City Commission, he advised that they were told to include three specific sites that include City-owned properties, as the FIND grant does not apply to private entities. He added that the FIND grant applies specifically to the Intracoastal Waterway and not to the canals extending from it.

Mr. Tapp said south Florida was not unique in its need for the dredging of private canals, and advised that the Board should look at other communities that have addressed this issue, such as Plantation Isles and Cape Coral. He noted that these communities had had to put up some private funds to offset the cost of dredging, but pointed out that the effort had improved the value of their properties.

Chair Flanigan asked if dredging the canals might be a bond project. Mr. Tapp said the funds would benefit private owners who live on these canals, while bond issues are generally set up for “all public purpose,” such as parks, beaches, and other public areas.

Mr. Guardabassi said there is a regional impact that could necessitate the use of public funds, as the inability to sell a home would generate more public property taxes. Chair Flanigan suggested that a letter from the Board of Realtors might help bring this issue to the City Commission's attention. Mr. Dean said the marine industry created several jobs throughout the City and should not be discounted as an economic engine for the area.

Mr. Dean added that water quality is also an issue in the City, and proposed that the planting of mangroves along the seawalls could help improve the water quality. He said the material dredged from canals could be deposited along the seawalls to create a mangrove area. Mr. McLaughlin pointed out that the material dredged from canals is often "pure white sand."

Mr. Cuba said he would look into the solutions that other communities have developed regarding dredging.

IX. Updated Communications to City Commission

None.

X. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 8:00 p.m.

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