

**MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE, FLORIDA
THURSDAY, MAY 5, 2011 – 6:00 P.M.**

<u>Board Members</u>	Attendance	Cumulative Attendance May 2011 - April 2012	
		<u>Present</u>	<u>Absent</u>
Barry Flanigan, Chair	P	1	0
James Harrison, Vice Chair	P	1	0
F. St. George Guardabassi	P	1	0
Randolph Adams	A	0	1
Norbert McLaughlin	P	1	0
Jim Welch	P	1	0
Robert Dean	P	1	0
Mel DiPietro	P	1	0
Bob Ross	P	1	0
Joe Cain	P	1	0
Tom Tapp	P	1	0
Herb Rassing	P	1	0
Frank Herhold	P	1	0
Lisa Scott-Founds	A	0	1
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
J. Opperlee, Recording Secretary, Prototype, Inc.

Communications to City Commission

By consensus, the Board recognizes the importance of the water tax and its economic value to the City and its visitors. In keeping safety a paramount issue, the Board has sought input providing guidelines regarding the operations of the boats. The Board requests that Staff be directed to commence with the above, and that a moratorium be placed on all new applications until guidelines are established.

I. Call to Order / Roll Call

Chair Flanigan called the meeting to order at 6:01 p.m. and roll was called.

II. Approval of Minutes – April 7, 2011

Motion made by Mr. Ross, seconded by Mr. Guardabassi, to approve the minutes of the April 7, 2011 meeting. In a voice vote, the **motion** passed unanimously.

III. Statement of Quorum

Chair Flanigan noted that Item VII, the application for a water taxi license, has been withdrawn by the applicant.

IV. Waterway Crime & Boating Safety Report

Officer Meo said there were two boat burglaries in April, for which there are no suspects. One vessel accident occurred, causing minor damage to a personal watercraft. Miscellaneous incidents included two fuel spills, for which the Coast Guard was notified; a sunken vessel; and recovery of a stolen motor. There were 15 boating citations and 63 warnings given.

Mr. Ross reported that two small floats have been tied beneath a bridge in his neighborhood for some time, and have become covered in debris. Officer Meo said he would look into this.

Chair Flanigan recalled that he had seen a Marine Police officer towing a small pontoon boat with a family on it, and commented that this was a very nice gesture.

V. Discussion – FDOT – Scott Peterson – George English Park Bridge

Scott Peterson of the Florida Department of Transportation (FDOT) is the project manager for the replacement of the bridge over the Middle River from George English Park. The existing bridge is over 50 years old and is classified as “structurally deficient:” while it is not in danger of collapsing or requiring restrictions on loads, it does need to be replaced. Light poles and a signal light at Middle River Drive will also be replaced as a result of the bridge project.

He explained that the main concern is the vertical clearance beneath the bridge. The proposed design will maximize this clearance as much as possible without the purchase of a right-of-way. The existing clearance is 6.5 ft. at mean high water; the new bridge will increase this to 10.3 ft. Horizontal clearance will remain

29.7 ft. Mr. Peterson advised that there is no minimum clearance required by the Coast Guard.

During construction, a temporary bridge will be used for westbound traffic. This temporary bridge will be north of the existing bridge, cutting across a small segment of George English Park. As a result, there will be some new temporary pilings in the water, which means the area will not be as clean for boaters. Temporary fenders with lighting and navigational buoys will be used to clearly delineate navigation in the channel. This may reduce the horizontal clearance during the construction phase, but it will remain no less than 18 ft.

The construction was originally targeted to begin in early 2013; however, there has been a slight delay due to utility relocations, which has pushed the beginning of construction back to the middle of that year. Construction is estimated to take two years, which means the new bridge will be complete in 2015.

Mr. Tapp asked if there has been any consideration of dredging in the construction area. Mr. Peterson said FDOT would only dredge if it was a requirement of the permit. This has not been discussed as a requirement thus far.

Mr. Tapp asked if there are any restrictions beneath the bridge. Mr. Cuba said he would look into this and report back to the Board. Mr. Peterson assured the Board that the construction would not affect the depth of the channel at this site.

Mr. Welch asked if the temporary bridge will have the same clearance as the existing bridge. Mr. Peterson said the vertical clearance will be the same.

Mr. Cain asked if the bridge is designed for HS20 loading. Mr. Peterson said it will be able to accommodate this at a minimum.

Mr. Rassing asked who was paying for the new bridge. Mr. Peterson said the State, with Federal contributions, is financially responsible. The cost is approximately \$10 million.

Mr. McLaughlin asked what the weight restriction will be on the new bridge. Mr. Peterson said there will be no weight restrictions on the new bridge, although he noted that overweight loads will still be required to apply for a permit. The same horizontal will be maintained between the fender system, although it will be temporarily reduced during construction.

Chair Flanigan asked how far north the temporary bridge will be located. Mr. Peterson said there will be a temporary impact to the beach located north of the existing bridge. The new bridge will occupy the same footprint as the existing bridge. Roughly 60% of the beach will still be usable.

Chair Flanigan asked if there were other bridges in Fort Lauderdale that are in similar condition. Mr. Peterson said there are other bridges being designed for replacement, but was not familiar with where they are located.

Chair Flanigan explained that he did not think all bridges in the City are able to meet the capacity of some of the trucks crossing them. Mr. Peterson said most bridges that are HS20-compatible can support some additional capacity, and overweight loads normally have to apply to FDOT for permits; however, the temporary bridge will not be able to support overweight loads. He reiterated that the temporary bridge is for westbound traffic only; eastbound traffic will remain on the existing bridge until it is replaced.

Mr. Herhold asked if a list of scheduled bridge replacements in the City is available from FDOT. Mr. Peterson said this should be available from the Structures Department, and he would send a copy to Mr. Cuba.

He provided the Board with a copy of a PowerPoint presentation on the project. Mr. Cuba said he would distribute copies to the Board members.

VI. Application – Dock Waiver of Limitations / ULDR 47.19.3 – Kurt Zimmerman – 1801 SE 7 Street

Tyler Chappell, representing the Applicant, provided the Board members with copies of his PowerPoint presentation. He showed pictures of the property, noting that its current frontage is 150 ft. Adjacent properties were also shown. The Applicant has an existing marginal dock that is set back 10 ft. from the property line. All the structures proposed for the waiver are 140 ft. from the nearest point of the channel.

Mr. Chappell showed the existing survey of the property, which included the marginal dock and the floating dock in reference to the Applicant's riparian lines. He also showed the proposed site plan, including the L floating dock and the distances to the nearest vessels and to the dredging footprint. Two vessels are moored along the Applicant's docks: one 60 ft. vessel is parallel to the marginal dock, and the other 30 ft. vessel is moored to the east of the floating dock. The nearest vessel would be 25 ft. from the adjacent property line. He provided a table showing the various distances for the Application.

Mr. Chappell said the waiver requested for the floating dock is for 6 additional feet. The triple pile cluster in the center of the property is 42 ft.; the Applicant is requesting a waiver of 17 ft. He noted that there are six existing waivers located nearby, which are for greater amounts than the Applicant is requesting.

He showed a layout of the property and adjacent properties, noting that the adjacent properties have waivers of 27 ft. and 45 ft. The Applicant does not foresee any navigational constraints involving the distance to the channel, and the proposed structures would be consistent with the amount of structure that is on adjacent properties. The waiver is well within 30%; the existing marginal dock is at an elevation of 5.26 NGVD, which makes it very difficult to get in and out of the boats. Floating docks would grant greater access to vessels.

Mr. Chappell concluded that the Applicant is willing to dredge mooring areas in order to alleviate any need to extend the docks further. Neighbors have been approached and have discussed the plans with the Applicant. The Applicant has received a letter of concurrence from one of these neighbors; while he had some concerns with the locations of the vessels, this neighbor did not have any further comments or questions with regard to the Applicant.

Mr. Tapp asked if the dredging spoil would be removed from the area. Mr. Chappell stated that the contractor would load the spoil onto the barge and offload it in a vacant lot or landfill.

Mr. Herhold noted that although a channel follows the bulkhead in the area, it did not appear that the proposed project would disturb it. He commented that the Application seemed like "a very well-constructed project."

Mr. Guardabassi asked if the Applicant was restricted from mooring the boat parallel to the dock. Mr. Chappell said the floating dock would not support mooring the boat perpendicular to the seawall.

Mr. Rassing asked if the Applicant would use a local firm to do the work. Mr. Chappell said a local contractor would be used to construct the docks and to dredge.

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

Steve Hudson, representing two nearby properties, said he was supportive of the project and hoped the waiver would be approved.

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

Motion made by Mr. Rassing, seconded by Mr. Herhold, to approve the project as presented. In a roll call vote, the **motion** passed 13-0.

VII. Application – Water Taxi License / Sec. 8-146.1 – Riverfront Cruise and Anticipation Yacht Charters LLC

This Item was withdrawn by the Applicant.

VIII. Reports

- **Broward County Marine Advisory Committee**

None.

- **ICW Dredge**

Mr. Luscomb advised that permits and grant applications are in for dredging the Intracoastal Waterway at Las Olas and Bahia Mar.

- **Citywide Dredging**

Mr. Luscomb said he had spoken to the project manager, who had sent him a site plan of the canals that will be dredged. These canals include Rio Balboa, Tula Vista, Rio Aragon, Rio Toledo, Tarpon River, among others. He estimated it would be “a matter of weeks” before dredging began. These canals are among the top 15 on the City’s priority dredging list. There are no commencement dates for dredging at this time.

- **Marine Facilities Marina Report**

Mr. Luscomb reported that occupancy percentages are up: Cooley’s Landing is flat to last year, New River is up 17%, and Las Olas is up 27%. Revenues are at \$350,000 for all three facilities. Summer rates will go into effect on June 1, and there have been some inquiries regarding next season at Las Olas Marina.

The landings at New River Marina have been modified, and it appears that the City will now get a 30% discount at this facility.

- **Pollution Solution**

Mr. Luscomb recalled that the Board sent a communication to the City Commission in April, advising that they not purchase a new vessel but repair the existing one. Evaluations are underway to determine if this will be outsourced. He stated he would advise the Board when a decision has been made.

Mr. Rassing asked what costs are being discussed. Mr. Luscomb said one option mentioned in the minutes of the City Commission meeting was to have an engineering firm evaluate the vessel for \$25,000. Mr. Rassing declared that this

cost was “preposterous.” Mr. McLaughlin suggested that a hydraulic supply business provide the City with a list of companies or mechanics that specialize in working on hydraulics.

Mr. Cuba said the minutes of tonight’s meeting would be sent to the Director of Public Works in order to let the Board members’ opinions be heard.

Mr. Harrison recalled there had been discussion of contacting the builder of the existing vessel to determine the cost of repairs. Mr. Cuba said the City had attempted to contact the builder, which is under new ownership; there was some discussion of the boat’s trade-in value if a new vessel was purchased, but the builder had not been certain that they could make the necessary repairs. He said he would follow up on this question with Public Works as well.

Mr. Luscomb read a portion of the City Commission meeting minutes on this topic to the Board. The minutes indicated that “all services provided for sanitation are being evaluated; [the vessel] could be included in that evaluation of whether to continue the service in-house or by contract.”

Chair Flanigan commented that he had not realized that “they were not going to do anything in the interim” until a decision on outsourcing was made. He said he had felt it was the Commission’s direction to evaluate the repairs, and agreed with Mr. Rassing and other Board members that \$25,000 for an evaluation was “a bit steep.”

Mr. Cuba advised that the previous month, a directive had been given to Public Works to report on the various options associated with the Pollution Solution vessel, including the costs of these options. He has not yet been given a copy of this report, but stated he would forward it to the Board members who serve on the Pollution Solution Subcommittee when the report is available.

Mr. Dean asked if it would be possible to contact local businesses to evaluate the vessel for repairs. Mr. Luscomb said at least one of the businesses he named has already looked at the vessel and would like to bid on an RFP.

Mr. Rassing said the Subcommittee has been meeting for six to seven months, but “nothing happens.” He asked why this was the case. Mr. Cuba disagreed with this, explaining that it takes longer to accomplish goals when using public funds, and “things are being done behind the scenes.” He reiterated that the Subcommittee members would receive the Public Works report as soon as it is available. Mr. Guardabassi requested that all members receive this report.

- **Commission Agenda Reports**

Mr. Cuba reported that “the Versailles waiver” was approved by the City Commission at the Commission Agenda Meeting.

IX. Old / New Business

Chair Flanigan noted that all members were sent an email regarding the floating docks. He advised that a fence or railing up to 5 ft. is being considered for the back of the floating dock, which would block the view of the seawall. The railing could attach to the seawall itself. In the open space, prints of Guy Harvey paintings could be attached to composite material. Each set of floating docks could feature a specialty theme by the artist. Underwater lighting has also been discussed as a possibility, and the pilings could be shrink-wrapped to look like antique wood. Sponsors are being sought for the project. He concluded that the Mayor was receptive to the idea.

Mr. Rassing asked if the prints would be visible from both sides of the rail. Chair Flanigan said this should be possible.

Mr. DiPietro requested an update on additional work to the floating docks. Mr. Cuba said the docks are roughly 95% complete and the manufacturer has assured the City they are safe to use. When they are 100% complete, the City will publicize that free dockage is available.

Mr. Tapp commented that the docks are a long-standing project, and the local newspaper appeared to “take a negative connotation” to the work that has gone into them; he felt from a mariner’s standpoint, boaters will be happy to see new, safe docks, and asserted that the project will help the City’s boaters, which was the purpose of the docks.

Mr. Harrison asked for an update on signage. Mr. Cuba said several existing signs are coming down, and a more permanent design will be incorporated in the future as funding becomes available.

Mr. Dean noted that the size limit for the docks is 26 ft., and asked what would happen if, for instance, a 28 ft. vessel tied up at a floating dock. Mr. Cuba said he has spoken to law enforcement and has suggested that Marine Facilities was “not interested in any enforcement” of this nature. He noted that a 125 ft. vessel had recently tied up at one of the docks while waiting for a tow, and had not been a problem in the short term.

Mr. DiPietro said his only issue with the floating docks was that there were not enough of them, and asked if Marine Facilities would allow “tie-offs” if there was an event in the Downtown area. Mr. Cuba said rafting off is a Code violation, and Marine Facilities would not be part of any enforcement actions. He noted that the docks have been used for special events.

Mr. Herhold said he felt the Guy Harvey relationship was very good, and recognized Chair Flanigan's efforts in working on this partnership. He also noted that the underwater lights were a good idea. Chair Flanigan said he would keep the Board apprised of further developments, and asked that any ideas from the members be sent to Mr. Cuba or Mr. Luscomb.

Mr. Herhold said the Marine Industries Association of South Florida had held a successful Kids' Boat Building Contest and Regatta. Roughly 300 children participated in 28 teams, and a good time was had by all.

X. Updated Communications to City Commission

Chair Flanigan noted again that Item VII, an application for a water taxi license, was withdrawn by the applicant. He advised that Staff has not received a response to a request made at a previous Board meeting regarding the issuance of new licenses. Concerns regarding the size(s) of existing water taxi vessels had also been expressed by the Board. He suggested that they send a communication to the City Commission expressing these thoughts and concerns.

Chair Flanigan continued that he had spoken to an Assistant City Attorney, who said he would research the issue; he had also advised that in addition to a legal opinion, the Assistant City Attorney had suggested that the Board speak to "policing agencies," such as the Coast Guard, about this issue as well. He felt "what was originally brought in as a water taxi" should be updated for regulatory purposes.

Mr. McLaughlin said he would like to see a restriction on either the gross weight or the length of a water taxi vessel. He felt 30 ft. and under would be an appropriate length. Mr. Rassing said he would like to see a differentiation between water taxis on the New River and the Intracoastal Waterway: while he felt competition should be encouraged, a size limitation was of particular importance on the New River.

Chair Flanigan recalled that the original water taxi vessels were 26 ft.; later on, the rectangular vessels were 36 ft., and the "water buses" brought in by the County were 42 ft. There are now also 64 ft. vessels. Mr. Rassing stated that the larger vessels should be restricted to the Intracoastal Waterway.

Mr. Herhold pointed out that some water taxi stops are not particularly wide, which means a boat loading from the side cannot dock at some of these stops.

Mr. Harrison asked who is paid for the water taxi stops. Mr. Cuba said the City makes a minimal amount of money on the water taxi licenses, but noted that docks are both City-owned and privately owned. Mr. Harrison felt the City should

be making revenue from the use of City-owned docks. Mr. Cuba said there is a possibility that the yearly fee will be increased, but individual stops have not been discussed. He added that the individual whose application was withdrawn had specified "certain larger stops" that would have been used.

Mr. Dean remarked that water taxi licensing was similar to land-based taxi licensing, and compared the existing situation to the use of vans vs. cars by some land taxi services. He suggested that placing a restriction on the number of people a vessel could carry might be an appropriate methodology to control vessel size.

Mr. Tapp stated if more than one company provides water taxi services, the City should enact a plan to control traffic if multiple companies use the same stops. This plan would also help customers determine who is picking them up. Mr. Cuba said this was one of the parameters presented to the City Attorney's Office.

Mr. DiPietro said his concern was with the stops, and felt the City should be concerned with attendant safety issues, such as the direction in which the vessel(s) can dock. He asked if water taxis can currently stop at any private dock. Mr. Cuba said if a resident allows it, the water taxi can pick up passengers at their own private docks. With regard to hotel service, there are designated water taxi stops on both the Intracoastal Waterway and the New River. City-designated stops must meet ADA requirements that are not met by all privately owned stops.

Mr. McLaughlin asked how a new stop, such as a hotel, would be added. Mr. Cuba said the hotels work this out with the private vendors. He said there had been no requests for new City-owned stops during his tenure with the City.

Mr. Guardabassi asked why the size of water taxis should be restricted. Chair Flanigan said although there was originally no regulation of size, the newer vessels are much larger than the original ones, and often pull in perpendicular to the docks. He asserted that some boats were not built to be water taxis. He read from a list of issues the Board had discussed regarding water taxis, including:

- Size of water taxis;
- Possible numbers of water taxis;
- Revenue to the City for use of City property, or annual fees;
- Speed of a water taxi vs. its weight or wake;
- Scheduling of multiple vendors using similar piers;
- Restrictions on vessels not built as water taxis or water buses;
- Input from maritime policing agencies, such as the Coast Guard or City Marine Unit.

He concluded that he would recommend that Staff be directed to place a moratorium on new water taxi applications until a review of plans, type of stops, front- or side-loading, and possibly franchises has been conducted.

Mr. Cuba said he felt limiting the length of water taxis to 30-32 ft. would be too restrictive. He pointed out that the 30% rule applies to vessels moored at a dock, which may not apply to vessels moored briefly to pick up passengers. He suggested there should be a thorough analysis of vessel size before any such decision is made.

Mr. McLaughlin said he felt the most important recommendation would be for a moratorium on additional water taxi licenses before restrictions are enacted. Mr. Dean said he felt the Board's objective is to promote the water taxis and provide as useful a service to residents and visitors as possible.

The members arrived at a consensus on the following communication to the City Commission: the Board recognizes the importance of the water taxi and its economic value to the City and its visitors. In keeping safety a paramount issue, the Board has sought input providing guidelines regarding the operations of the boats. The Board requests that Staff be directed to commence with the above, and that a moratorium be placed on all new applications until guidelines are established.

It was asked how stakeholders would participate in this process. Mr. Cuba explained that Code is generally reviewed by City Staff and Boards are brought into the discussion. He said the issue would be a future discussion Item on a Board agenda, and operators and members of the public would have a chance to share their views.

XI. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:45 p.m.

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