

**MINUTES OF THE MARINE ADVISORY BOARD
 100 NORTH ANDREWS AVENUE
 8TH FLOOR CONFERENCE ROOM
 FORT LAUDERDALE, FLORIDA
 THURSDAY, SEPTEMBER 1, 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	3	0
James Harrison, Vice Chair	A	2	1
F. St. George Guardabassi	P	3	0
Chad Moss	A	0	2
Norbert McLaughlin	P	3	0
Jim Welch	P	2	1
Robert Dean	P	3	0
Mel DiPietro	P	3	0
Bob Ross	P	3	0
Joe Cain	A	2	1
Tom Tapp	A	2	1
Herb Rassing	A	2	1
Frank Herhold	P	3	0
Lisa Scott-Founds	P	2	1
Zane Brisson	P	2	1

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 Jim Hancock, Marine Police Staff
 Justin Bachert, Marina Attendant
 Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to the City Commission

Motion made by Mr. Guardabassi, seconded by Mr. Ross, regarding permit application SAJ-2011-02109 (LP-SLR): this application has been filed with the Army Corps of Engineers on behalf of the City of Fort Lauderdale, and was brought to the Board's attention by a concerned homeowner; inasmuch as Staff and this Board were not aware of this action, the Board feels that, as outlined in

Section 8-34, the Marine Advisory Board or Staff should have been made aware of such application; they request that a review be made in a timely fashion, and brought to Staff's attention. A copy of the permit application is attached to this communication. In a roll call vote, the **motion** passed 10-0.

I. Call to Order / Roll Call

Chair Flanigan called the meeting to order at 6:10 p.m. and roll was called.

II. Approval of Minutes – July 7, 2011

Motion made by Mr. Ross, seconded by Mr. DiPietro, to approve the minutes of the July 7, 2011 meeting. 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 – Chad Moss

Mr. Moss was not present at the meeting.

V. Waterway Crime & Boating Safety Report

Officer Hancock advised that no statistics on burglaries were available for August at this time. A total of 62 warnings and nine citations were written during the month. The Marine Police Unit will have a new supervisor, Sergeant Kevin Schulz, starting on Sunday, September 3.

Mr. Ross noted that a small sailboat has been abandoned on Lake Silvia. Officer Hancock stated he would follow up and find out if anyone is working on this case.

Mr. Dean asked to know the nature of most tickets that are written. Officer Hancock explained that tickets are written for violation of no wake zones, speed zones; whether a warning or a ticket is written varies depending upon the individual incident, although the Unit attempts to give more warnings than citations.

Mr. McLaughlin noted that two Officers had recently saved a life. Officer Hancock recalled that an individual had jumped from a bridge and two Officers, Rick Rhodes and Keith Roloff, had pulled him from beneath the water.

VI. Application – Public Use of Private Property / Sec. 8-144 – 350 Riviera Drive – Anthony Fasano

Joe Bolocco, representing the Applicant, explained that the Applicant's property is adjacent to a dock located on City property. The dock is in working order, and the Applicant's request is for permission to dock his own 26 ft. vessel there.

Mr. Herhold asked if the previous property owner had the City's permission to use the dock. Mr. Cuba said that owner had had a permit to use the dock, but it was not transferable when Mr. Fasano purchased the property in 2010.

Mr. DiPietro asked if there was a way to pre-approve Applications such as this one so the owners would not have to go through the approval process. Mr. Cuba advised that a Resolution is required to issue a single permit to a homeowner so multiple people could not claim a particular dock on public property. Appearing before the Board is a necessary step in that process.

Mr. Ross asked if nearby property owners are given notice of hearings like this one. Mr. Cuba said he provides notice to owners within 300 ft., although there is no requirement to do so.

Mr. Brisson asked who would maintain the dock. Chair Flanigan said the permit holder would do so, and would also assume liability for the dock.

Mr. Herhold noted that the Applicant may not restrict public access to the dock. Mr. Cuba clarified that this applies to 50% of the dock area, which is also a standard condition included in Resolutions of this nature.

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

Motion made by Mr. Herhold, seconded by Mr. Ross, to approve the Application. In a voice vote, the **motion** passed unanimously.

At this time Chair Flanigan recognized City Manager Lee Feldman and invited him to address the Board.

Mr. Feldman stated that the importance of the marine industry in Fort Lauderdale has been emphasized to him from the beginning. He reaffirmed the City's commitment to this industry, and agreed that the success of the marine industry goes hand-in-hand with the success of tourism.

Mr. Feldman continued that there has been a general reorganization of the City, which has consolidated the number of Departments from fifteen to nine. The marine industry is critical to the Departments addressing public safety and economic development. There is also a new Transportation and Mobility

Department, which will involve the marine industry. One consolidation includes moving Business Enterprises to become part of Parks and Recreation, which means the Board will be interacting with that Department as well.

He advised that there are now five core service areas for the City:

- Infrastructure;
- Public places;
- Business development;
- Neighborhood enhancement;
- Public safety.

Mr. Feldman explained that any City function can be classified into one of these core services, and pointed out that the marine industry is associated with all five.

Chair Flanigan recalled that the Board has been under the purview of Parks and Recreation at an earlier time, and noted that Mr. Tapp is experienced in this area. He asserted that the Board is comfortable with this reorganization.

Mr. Feldman added that one reason for the reorganization of Departments is to prevent any board from feeling they are pigeonholed into a single City Department. Because the Board's work crosses boundaries into various Departments, they will be interacting with representatives of many different services in the future.

VII. Reports

- **State of the Marinas**

Mr. Luscomb reported that he had prepared a spreadsheet showing the marinas' revenue, expense, and net income figures for the last four years through the present. He pointed out that 2008-09 were very difficult years in which revenue declined 19%-27% respectively. Budget projections for the current year include a 9% increase in net income; Mr. Luscomb noted that at present, the marinas are 63% over 2010 in actuals, which is close to revenue levels before the beginning of the recession. He suggested that this could be attributed to a "new normal" in which individuals have become used to the price of fuel and are beginning to use their boats again.

- **Las Olas Marina Renovation Concept**

Mr. Luscomb said the selection process is nearly complete, and showed the members a scale drawing of the proposed renovation. He noted there is an idea of creating linear dockage and a basin on the south side of the bridge rather than leaving the fixed concrete piers in place, which would create an enclosed harbor. The concept is still in progress.

He continued that the linear footage has been decreased by 25% from the original drawings, as the scale on those drawings was incorrect. The decrease is from approximately 9200 to 6000 linear ft. In addition, the drawing extends nearly to the Intracoastal Waterway. The current configuration of the docks is required due to the presence of seagrass, but after dredging, this will be mitigated and there will be no further restrictions. This could mean the docks could be pushed closer to the Intracoastal Waterway. He reiterated that the sketch is preliminary at this point.

Mr. DiPietro requested clarification of the term "linear footage." Mr. Luscomb explained that this term referred to billable space: linear dockage is more efficient than slips, as any size vessel may be docked where power is supplied. This will also be preferable for the Boat Show.

Chair Flanigan suggested that the existing dock in shallow water could have a ramp and floating dock added, and it could be designated as a small craft and/or paddleboard area. Mr. Cuba said he would look further into this and report at a subsequent meeting.

- **Riverland Woods Completion**

Mr. Luscomb reported that this boat ramp project is complete and is open to the public. He added that \$100,000 of the cost of this project was provided by a Broward Boating Improvement Project (BBIP) grant. He provided photographs for the Board members.

- **Upcoming BBIP Submission**

Mr. Luscomb noted that improvements need to be made to the boat ramp at George English Park. BBIP provided a grant in 1998 to rebuild the ramp; because it is within 25 years of the useful life of the project, it is not likely that additional funds would be provided. The submission was withdrawn for this reason. He recalled other projects that have recently been aided by BBIP grants, including Cooley's Landing and the floating docks. The Florida Inland Navigation District (FIND) has also assisted in funding these projects through grants, and is involved in dredging projects as well.

Chair Flanigan advised that BBIP funds, which will be used primarily for a 26 ft. median, are generated from boat registrations. As boats increase in size, so do these fees. He suggested that this should be looked into in order to determine if it is feasible to fund a larger median. A recent state law capped the tax on yachts at \$18,000, which may encourage some individuals to keep their American vessels in the City. These taxes also come into Broward County. Chair Flanigan observed that while more money may be coming into the County, the City does

not appear to be getting more of it. He advised the members to discuss the need to increase these funds with County officials if the opportunities arose, noting that the City maintains boat ramps used by boaters from many other cities, but the boat ramps may not be adequately maintained.

- **Previous Commission Action**

Mr. Cuba said at the City Commission's August 23 meeting, the BBIP presentation regarding Cooley's Landing gave the City a \$152,000 reimbursement check for the replaced ramps. The security contract for Marine Facilities was awarded to Navarro, and the settlement with the surety regarding the New River floating docks was finalized.

The Board's July 2011 communication to the City Commission, which supported "plan C" for the Las Olas Marina redevelopment, was deferred until the next City Commission meeting, which will be held on September 7. He confirmed that the rendering the Board had seen at tonight's meeting is a more accurate version of this plan.

Fred Carlson, private citizen, addressed the Board, stating that he is a longtime boater. Mr. Carlson pointed out that the construction of a renovated marina would require parking for several cars and could generate the need for a parking structure in the surrounding neighborhood or possibly on the site itself. He asked if there is a request for qualifications at present. Mr. Luscomb explained that the final selection of a contractor will be determined once final presentations are made.

Mr. Carlson explained that while he is sympathetic to the proposed renovation, consideration must be given to the increase in traffic that would follow when there are already existing traffic concern. He asked that the Board make sure that the Central Beach Alliance is involved with the project, stating that they would like to see some of the revenue and expenses involved, among other figures. He felt the resolution of parking issues would be key to public approval of the project.

Shirley Smith, private citizen, is a resident of The Venetian. She advised that the traffic in this area is much busier than some people think, and asked that the road in the area not be closed so access to her building is not cut off. Chair Flanigan explained that the Board's input is with regard to the style and configuration of the docks; he assured Ms. Smith and the others present that The Venetian and the Central Beach Alliance will have input on the project as it develops.

Brian Dalton, owner of Sunrise Paddleboards, said he has written to the City Commissioners and the Mayor to request a one-year probationary period for a beach permit. He noted that he has received no reply, although there has been

discussion of awarding a three-year contract bid. He said he has interviewed several individuals, including potential clients and first responders, to learn their thoughts on operating his business.

Mr. Dalton advised that other paddleboard companies have received violations for operating on the beach without permits, and felt there are issues to be addressed regarding existing Ordinances, such as requiring that individuals go out past the buoys to paddle. He concluded that he was not certain whom he needed to speak with regarding these issues. Mr. Luscomb offered to take Mr. Dalton's information and get back to him on this subject.

Chair Flanigan announced that a situation facing Fort Lauderdale resident Jack Haire had been brought to his attention. He asked Mr. Haire to describe this issue to the Board.

Mr. Haire showed the members a map showing the proposed dredging of the Chula Vista area to accommodate deep draft boats, which is done approximately every 10 years. He pointed out a fixed bridge across the waterway, noting that the proposed dredging would require the bridge to be raised, which he stated would not be well received by the surrounding community. He added that he understood the dredging to have been approved by the City.

Mr. Haire showed photographs of the waterway to be dredged, which is 30 ft. across. He advised that the seawalls were installed in 1999, along with habitat boulders on the sides for the benefit of wildlife. If the waterway is dredged 4 ft. deep rather than the present depth, which he estimated at 2 ft. to 2.5 ft., the boulders would fall to the bottom. While he sympathized with the boaters, Mr. Haire stated that residents of the community had dealt with the depth issue without problems for nearly 50 years until the recent decision to accommodate larger boats and raise the bridge.

He showed the Board additional photos of the canal, noting that it is difficult to turn a boat or install a dock in the canal in question because of its width. Mr. Haire said he had met with a City engineer and an environmental expert, who had arrived at the compromise of dredging only one foot in the area near his home; however, this would not be the case for other residents on the canal.

He concluded that he had wanted to present to the Board to learn whether or not they were aware of the situation. Mr. Haire stated that he did not feel most of the community was aware of the problem, and that he was seeking a compromise of removing only the silt from the waterway rather than dredging.

Chair Flanigan commented that he had recently viewed the site in question, and the Board had not been aware of the project prior to Mr. Haire contacting him. He added that Staff had not been aware of the proposal when they had attended a

Board meeting in January 2011: Staff members had stated that the depths of some canals could not be altered, as this would undermine existing seawalls. In addition, structural engineers had determined that canals less than 100 ft. in width could not be deepened.

Ms. Scott-Founds asked when the permit application was filed. Chair Flanigan noted that this was done on June 12, 2011.

Mr. McLaughlin asked how deep the water had been before the seawall was added to the canal, advising that this could determine the depth to which the canal may be dredged. He explained that one issue facing the City is the installation of walls at a depth of 10 ft., while current Code requires that newer walls be installed at 12 ft. Mr. Haire replied that the depth of the water was the same when the wall was installed as it is at present.

Chair Flanigan pointed out that the size of a boat navigating a 25 ft. wide canal would be limited in any case, as a large vessel would be resting on rocks at low tide. Mr. McLaughlin added that the depth to which a canal may be dredged is also determined by the proximity of wharves in order to prevent undermining the piling or the seawall; a channel is dredged with the understanding that silt will migrate to the new depth from these levels. He stated that the City, and/or the Army Corps of Engineers, would have access to the appropriate figures for the canal in question.

Mr. Guardabassi observed that it appeared the bridge should be raised before any dredging is done, and added that he felt the Board should have some oversight with regard to dredging issues. Chair Flanigan agreed, pointing out that dredging the canal at a cost of \$100,000 would be approximately 10% of the City's overall budget for dredging. Mr. McLaughlin added that the canal should not be given priority, as there have been no known requests to have it dredged.

Motion made by Mr. Guardabassi that there be a communication to the City [Commission] and that the Board ask to be given some oversight over the Engineering Department in deciding which canals get dredged.

Mr. Haire concluded that the City appeared to be unknowingly committing to the plan to raise the height of the bridge, without notification of or concurrence by the affected neighbors and other interested party.

At this time Chair Flanigan closed the public hearing and brought the discussion back to the Board. He advised Mr. Haire that the Board would send a communication to the City Commission regarding this issue.

Mr. Herhold asked if the property once belonged to Broward County and was later annexed by the City. Mr. Haire confirmed this. Mr. Herhold noted that the

discharge canal was improved by the South Florida Water Management District for water management purposes; since the annexation, the City has assumed the responsibility of maintaining the canal for drainage rather than boating purposes. He remarked that a resident near the canal may have requested the dredging, and suggested that a City engineer be invited to the next Board meeting to review the dredging process.

Mr. Herhold introduced Mike Keefer from Kimley-Horn & Associates. Mr. Keefer stated that individuals may comment on the proposed project during the period of notice or afterward, and may influence the review process in this way.

Mr. Brisson asked if the current bridge is the original. Mr. Haire said it was, and recalled that it was constructed in 1960.

Mr. Dean agreed that a resident or residents must have requested that the canal be dredged, and that dredging to improve drainage presented a different aspect of the issue. He asked if the City Manager might be approached with regard to the situation. Chair Flanigan commented that the expense of the proposed project was also worth reconsidering.

Mr. Ross agreed that an explanation for the project was important, as a drainage project would present a very different issue. He also felt there should be an explanation for why a canal less than 30 ft. in width would be dredged when it had been stated at the January 2011 meeting that this would not be the case. Chair Flanigan also felt Staff should be made aware of the issue. Ms. Scott-Founds stated that the concern should be sent as a communication to the City Commission.

Mr. Ross **seconded** Mr. Guardabassi's **motion**.

Mr. DiPietro said he was not certain how it was determined which canals were dredged, as the Board had not been provided with a list of procedures or criteria for dredging. He wondered if City money had previously been wasted on unnecessary dredging projects. Mr. Cuba confirmed that a list of upcoming projects was emailed to members following the January 2011 meeting, when the issue had been discussed with City engineers. Mr. Herhold felt Staff should be asked to continue to report to the Board, on a quarterly or semiannual basis, on the dredging priority list.

Mr. DiPietro reiterated his concern that the Board did not know the criteria for dredging projects other than requests from residents. Mr. Dean recalled that no survey had been done of the Chula Vista canals, and the Board did not know the reason for that project, which could be drainage rather than navigation issues. Mr. Guardabassi recalled that the City engineers had discussed how they measured the depths of canals, as well as the cost of surveying.

Mr. Guardabassi's **motion** was restated as follows: that the Marine Advisory Board be given oversight over the Engineering Department as to which canals get dredged.

Chair Flanigan asked if the **motion** meant the Board would have the final determination on dredging canals.

Mr. Cuba advised that "oversight" was a strong term, and suggested that the Board may instead want to request that they be inserted into the process. Chair Flanigan pointed out that in Chapter 8-34, the stated responsibilities of the Board include "conditions of waterways and needed corrections, including studies of the most feasible and economical method of maintaining the depths of the waterways."

The Board discussed potential changes to the **motion**. After this discussion, Mr. Guardabassi and Mr. Ross **withdrew** their previous **motion**.

Motion made by Mr. Herhold, seconded by Ms. Scott-Founds, that in accordance with the mandates of the Marine Advisory Board, the Board requests a quarterly report from the City's Engineering Staff as to potential dredging projects, and the opportunity for input as to priorities. In a roll call vote, the **motion** passed 10-0.

Motion made by Mr. Guardabassi that the Board send a communication to the City Commission for the immediate review of the selection process of the applied permit for dredging at areas in the Chula Vista canal network.

Mr. Keefer advised that this was an interesting dilemma: the City is the applicant for the dredging permit, which meant they had the opportunity to discuss the application with the Army Corps of Engineers and express their concerns or request modifications to the application. He recommended that the Board make comments or ask questions on the issue based upon the application number.

Mr. Guardabassi proposed that the Board ask the City to withdraw its request for the permit. Mr. Dean said the request to the City Commission could ask the City Manager to direct Staff to withdraw or defer the application.

Mr. Keefer recommended that in absence of full knowledge of the details of the situation, it may not be wise to ask the Army Corps of Engineers to defer or withdraw the permit. He encouraged the Board to first learn the purpose of the application, and pointed out that the project will not occur immediately. This would allow time for more internal conversations within the City.

The Board discussed prospective changes to the communication to the City Commission. Chair Flanigan encouraged Mr. Haire to take whatever action he felt necessary in addition to the Board's communication.

The communication to the City Commission was restated as follows: **motion** made by Mr. Guardabassi, seconded by Mr. Ross, as to permit application SAJ-2011-02109 (LP-SLR): this application has been filed with the Army Corps of Engineers on behalf of the City of Fort Lauderdale and was brought to the Board's attention by a concerned homeowner; inasmuch as Staff and this Board were not aware of this action, the Board feels that, as outlined in Section 8-34, the Marine Board or Staff should have been advised and made aware of such application; they request that a review be made in a timely fashion, and brought to Staff's attention; and that it be a communication to the Commission, and the Board will send a copy of [the permit application]. In a roll call vote, the **motion** passed 10-0.

VIII. Old / New Business

Mr. Dean asked how the Board should proceed with regard to the Pollution Solution vessel in light of the City's Departmental reorganization. Chair Flanigan recommended that the issue be directed to the Director of the Parks and Recreation Department. Mr. Cuba noted that Parks and Recreation now encompasses both Business Enterprises and Marine Facilities, but Public Works will remain a separate Department or become part of a larger service department. It was noted that the reorganization goes into effect on October 1, 2011.

Mr. Cuba advised that he had attempted to gather more information on this subject to present to the Board, but it was not available. Mr. Dean proposed that this item be deferred until the Board's October meeting, when it would again be discussed under the topic of Old Business.

Mr. McLaughlin asked if the Board had any input on changes to D.C. Alexander Park, noting that trees are being added to the park. He expressed concern that the sprinkler system in the park made it difficult to adequately use the showers on the beach. He also noted that the response of an employee in the park was inappropriate when Mr. McLaughlin addressed the issue. Mr. Cuba asked Mr. Luscomb to look further into this issue with Parks and Recreation, and apologized to Mr. McLaughlin for the employee's behavior.

Mr. McLaughlin added that the turning basin of the street near Pier 17 has been renovated and restricts access to vehicles with boats or trailers.

Mr. Guardabassi distributed flyers for the upcoming New River Raft Race. Co-sponsors include Winterfest and Riverwalk, and more sponsors are being sought

for the event. The race will be held on November 19, and its website is www.newriverraftace.com. Mr. Guardabassi thanked the Marine Facilities Staff for their involvement, as well as the Police and Fire Departments and other City Staff.

Mr. Luscomb congratulated Mr. Eskendiz, who has already received 11 deposits for boats the next season, which range in size from 40 ft. to 178 ft. The Board recognized Mr. Eskendiz with a round of applause.

IX. Updated Communications to City Commission

The communication to the City Commission was previously stated.

X. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 8:38 p.m.

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