

**MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE, FLORIDA
THURSDAY, NOVEMBER 3, 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	4	1
James Harrison, Vice Chair	A	3	2
F. St. George Guardabassi	P	5	0
Chad Moss	A	1	2
Norbert McLaughlin	P	5	0
Jim Welch	A	3	2
Robert Dean	P	5	0
Mel DiPietro	P	5	0
Bob Ross	P	4	1
Joe Cain	P	3	2
Tom Tapp	A	3	2
Herb Rassing	P	4	1
Frank Herhold	P	4	1
Lisa Scott-Founds	A	3	2
Zane Brisson	P	4	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
Sgt. Kevin Shults, Marine Police Staff
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

Motion made by Mr. DiPietro, seconded by Mr. Guardabassi, to support Staff's recommendation not to proceed with dredging Chula Vista's canals. In a roll call vote, the **motion** passed unanimously.

I. Call to Order / Roll Call

Chair Flanigan called the meeting to order at 6:07 p.m. and roll was called.

II. Approval of Minutes – October 6, 2011

Mr. Cuba noted a correction to Mr. Moss's attendance.

Motion made by Mr. Ross, seconded by Mr. Guardabassi, to approve the October 6, 2011 minutes as corrected. In a voice vote, the **motion** passed unanimously.

III. Statement of Quorum

Chair Flanigan noted that a quorum was present.

IV. Waterway Crime & Boating Safety Report

Sgt. Kevin Shults of the Marine Police Unit reported that the electronics thefts discussed in September had continued throughout the first half of October; over the past two weeks, however, there had been no additional thefts. The Marine Police Unit has determined that most vessels have been targeted from the water, most likely at night. He advised the Board members to encourage their friends and business contacts to note serial numbers from strange or out-of-place vessels on their canals.

Mr. McLaughlin said several home burglaries have occurred in his neighborhood, and many homes were accessed by individuals pretending to be security personnel. Sgt. Shults asked that any individuals with information contact the Police Department. He added that there have been copper thefts, primarily of power cords, from both residences and vessels.

Mr. Rassing asked if derelict boats have been an issue. Sgt. Shults said the City does not have a program to fund the salvaging of derelict boats, as this can be very expensive even when the vessels are still floating. He explained that most towing services are not interested in entering into a contract with the City, and it is difficult to reach a solution for this issue. If a sunken vessel poses an immediate environmental hazard, the Florida Department of Environmental Protection (FDEP) will become involved in bringing the vessel back to the surface; however, if a vessel is not leaking, its salvage falls to the City.

Mr. Cuba stated this was the first year that Marine Facilities has a small budget available to fund the removal of unidentified derelict vessels. The Florida Inland Navigational District (FIND) reimburses the City for 75% of these costs. Sgt. Shults added that once a vessel has been cited, follow-up is done by Code Enforcement, which works with the vessel's owner(s) to establish timelines and agreements for its removal.

Mr. Dean asked how information on the electronic thefts is being disseminated to the public. Sgt. Shults said all crime issues are available online, although details may not be available. Additional information is often available only via homeowners' association meetings, which means it is available to residents who choose to be involved with their communities. He pointed out that while the thefts are a problem, they do not currently constitute a pandemic, and residential burglaries are far more common at this point.

Chair Flanigan proposed that *Triton* or *Waterfront News* could be apprised of the problem in order to increase boater awareness; members could also share the information through their homeowners' associations.

Sgt. Shults said the Coast Guard had conducted a survey in Dade County regarding whether current recreational boaters felt other boaters were adhering to navigational rules, as well as whether or not there was a perceived increase in "boat rage." The survey found that most recreational boaters feel boat rage has increased. An educational or enforcement campaign is expected to be coming soon. A BUI (Boating Under the Influence) enforcement campaign will also begin over the upcoming holidays.

He continued that recreational diving deaths are up 36% in 2011. An enforcement campaign is underway in dive shops. Most deaths have occurred in divers over the age of 50 who are also overweight.

Mr. DiPietro asked if any issues have resulted from a change in anchoring laws that allow vessels to anchor anywhere. Sgt. Shults said Commissioner Roberts has requested a survey of ski zones in the Middle River to determine if there is a conflict between anchored vessels and skiers.

Chair Flanigan informed the Board that he and Sgt. Shults have met to discuss gathering members of the commercial and recreational boating communities together to allow them an opportunity to meet members of the Marine Police Unit. This meeting is tentatively planned for Wednesday, November 16 at 6 p.m. Chair Flanigan requested that the members bring any interested parties to his or Mr. Cuba's attention and they would be invited to attend. Mr. Cuba said he would email this information to the Board members.

Mr. Herhold commended Sgt. Shults and the Marine Police Unit for their work during the Boat Show.

V. Discussion – Chula Vista Dredging

Mr. Cuba advised he had provided the Board members with a copy of a memo sent from the City Manager to the City Commission, addressing City Staff's

opposition to dredging the Chula Vista canal system. He asked for the Board's input on how to proceed with this issue.

Chair Flanigan observed that the issue has been discussed at length during the past two meetings: he stated that the area is unsuitable for the planned dredging, and he felt the funds earmarked for this project could be put to better use, such as addressing navigational issues. He suggested that the Board could express their unanimous support of Staff's recommendation.

Motion made by Mr. DiPietro, seconded by Mr. Guardabassi, to support Staff's recommendation on the changing of the dredging of Chula Vista, and not proceed forward with it.

In a roll call vote, the **motion** passed unanimously.

In a voice vote, the Board unanimously approved sending the **motion** as a communication to the City Commission.

Mr. Cuba explained that the memo was effectively an update on the City's dredging projects at present. He said he could provide the Board with quarterly updates on dredging.

VI. Discussion – Proposed 15th Street Boat Ramp Parking Rate Increase

Mr. Luscomb advised that he had sent the Board a memo regarding the parking rate increase, which went into effect on October 1. Rates had not been increased since 2004.

Mr. Dean asked how the current fees compared to the fees at other boat ramps in the area. Mr. Luscomb cited some of the annual fees charged at Boca Raton and the John Lloyd boat ramp, as well as other City boat ramps.

Chair Flanigan asked how the City could charge different rates for different ramps. Mr. Luscomb said the fees also took parking into consideration. He noted that the 15th Street Boat Ramp is very busy and has a great deal of out-of-town traffic.

Mr. Dean asked if raising the rates was expected to reduce the number of people using the ramp, or to redistribute use among other ramps. Mr. Cuba said this was difficult to predict, noting that there is overnight parking at this ramp, which is not offered at the boat ramps located in parks. He noted that the City Commission had directed Staff to raise these rates.

Mr. Dean asked if the City owned the land surrounding the ramp. Mr. Cuba explained that the City owns the five-acre area on which the ramp is located, including the parking area and Police substation.

Mr. Guardabassi and Mr. Rassing commented that the increase seemed high. Mr. Cuba advised that the previous price was too low, and there has been minimal resistance to the increase during the month it has been in effect. Mr. Luscomb said the cost of an annual pass would average out to \$1.47 per day.

VII. Discussion – Treasured Waters

Mr. Cuba observed that there has been a great change in priorities between issues addressed in 1984 and those addressed in 2010. He noted that not all the issues are related to the Board's purview.

Chair Flanigan stated there have been many positive changes since both 1984 and 2010. He cited some potential improvements, including the proposed expansion of the Las Olas Marina in order to bring in more large vessels and mega-yachts. Dredging the City's waterways is also necessary to aid these large vessels in navigation: contracts have been signed for dredging the Dania Cut, and other projects include dredging from the Intracoastal Waterway to Sunrise Boulevard, as well as dredging the New River. He concluded that six or seven items have already been addressed since the meeting in 2010, and the Board has been a contributing factor for many of these items.

Mr. Rassing recalled that the Board had suggested mega-yachts receive a letter of welcome from the Mayor, and requested an update on this. Chair Flanigan said he had asked about the progress of this proposal as well. Mr. Cuba said he would follow up on this.

Mr. Rassing recalled that material had been circulated from a 2009 conference on the promotion of Fort Lauderdale as a yachting destination. He asked if the Board might want to take more proactive steps at this time by making recommendations to the Economic Development Department. It was noted that due to the recent City reorganization, there has been some realignment of departments, including Economic Development.

Chair Flanigan suggested reaching out to the acting Economic Development Director or the City's new business liaison, who assists small businesses in working through the City's regulatory processes. Mr. Cuba said he would invite the business liaison to attend an upcoming Board meeting.

VIII. Reports

- **Seawall Height Issue**

Mr. Cuba reported that when he had gone before the City Commission at their October 18 meeting to represent a dock permit, the issue of seawater intrusion had been brought up. The isles in particular are experiencing extensive flooding during certain conditions, such as tidal conditions or rain events. The City Commission directed Mr. Cuba to get feedback from the MAB on requiring future permit and waiver applicants that come before the Board to raise their seawalls as well.

Mr. McLaughlin explained that the biggest difficulty is when an individual raises his seawall so it is higher than a neighbor's: this would cause runoff from the seawall to go onto the neighbor's property. He observed that the seawall height is required to be 5.5 ft. in a residential neighborhood and 6 ft. in a commercial area. He noted that this height was increased in recent years, and suggested that the height requirement should be raised more than a few inches at a time.

Mr. Cuba said he had met with City Engineering Staff, as well as Planning and Zoning Staff and Assistant City Attorneys to review the parameters of this issue. They had discussed the height to which requirements would be raised, as well as the effect on neighboring properties, and the magnitude of the cost associated with asking individuals to raise seawalls, as they will often need to be replaced rather than merely raised.

Mr. Guardabassi observed that sea levels are expected to rise in the next 25-30 years. He stated if this eventually became a serious issue, the only cost-effective response would be for the City to invest in a lock system; otherwise, Federal funds would be required to help all homeowners raise their seawalls to a uniform height.

Chair Flanigan commented that the Commission's discussion occurred before the flooding of the previous week. He felt it would be beyond the Board's expertise to come up with a formula or another means of addressing the issue of seawalls.

Mr. McLaughlin stated there are two problems: while the 5.5 ft. seawalls are probably sufficient to stand against tidal influxes, the recent flooding issues are runoff and rain problems associated with the drainage of water out into the ocean. Most flooding occurs when street sewers are insufficient to handle the volume of water.

Chair Flanigan agreed that the seawalls seem sufficient for tidal issues, while the flooding appears to be caused by a separate issue. He noted that water does not appear to be coming over the seawall in very many places.

Mr. Cuba stated that the City Commission's charge was to ask the Board for their input on the possibility of requiring future permit and waiver applicants to raise their seawalls. Chair Flanigan said based on Mr. McLaughlin's description of the problem, he did not believe there was sufficient evidence to necessitate this requirement, as flooding appeared to be a non-tidal issue.

The members briefly discussed areas of the City that regularly experience flooding issues. Mr. Guardabassi said he did not feel it made sense to ask every applicant seeking a variance or a waiver to raise their seawalls; all residents or none should be asked to raise them.

Mr. Rassing said asking new construction to have a higher seawall did not make sense either. He felt it made more sense for the Engineering Department to investigate the areas where flooding regularly occurs in order to determine the cause.

Mr. Herhold commented that the City may be adding funds to their capital improvements budget for increasing the height of their seawalls. He asked if adding concrete to the top of seawalls, making them more top-heavy, would make them more likely to shift or deteriorate. Mr. McLaughlin said most seawalls currently being installed allow for some drainage through the ground, which prevents them from shifting and helps maintain the water level. He added that water backing up through the street drains in flooded areas could be addressed with a gate that prevents water from backing up into the street.

Mr. Ross noted that individuals on private property could raise their seawalls if they wanted, but he did not feel this should be mandated, as the only impact would be to that individual's home. Chair Flanigan added that the City would be expected to raise all their seawalls as well.

Mr. Dean stated that Code requires any seawall being rebuilt to be raised to 5.5 ft. This means as the City's seawalls begin to age and are replaced, they will be raised anyway. The Commission's recommendation would simply accelerate this process. Mr. McLaughlin advised that while Code sets a maximum height at 5.5 ft., it does not set a minimum height. He suggested that they could recommend a minimum height of 5.5 ft. be established, and pointed out that if seawalls are raised in all areas, the flooding problem would be exacerbated, as the rainwater backing up through the sewer system would not be able to get out over the seawall.

The Board discussed a potential **motion** to address the Commission's charge. Mr. Cuba advised that he and City Engineers are preparing a memorandum for the Commission, which describes the various complexities related to this issue, including both tidal issues and flooding. He advised he would distribute the memo to the Board members after it has been sent to the City Commission.

Motion made by Mr. Ross, seconded by Mr. Rensing, that after discussing the issues and understanding several unknown factors, the Board is unable to make a motion to proceed to increase seawalls for variances and dock permits. In a voice vote, the **motion** passed unanimously.

- **15th Street Boat Ramp Renovation Update**

Mr. Luscomb stated a pre-construction meeting has been held and final permits are awaited, along with the executed contract, before construction can begin. The project is on track and expected to start in November 2011.

Mr. Herhold expressed concern regarding the traffic flow in the parking lot. The Board members reviewed and discussed the site plan. Mr. Cuba recalled that the site plan was vetted before the MAB; it has also been vetted by the City Commission and the Broward County Marine Advisory Committee since that time.

- **Boat Show Recap**

Mr. Luscomb advised there was minor damage in the setup and breakdown of the Boat Show. Mayor Seiler was the lead speaker at a press conference on the opening day, and City Manager Lee Feldman toured the show. The event was well-attended despite the weather.

Chair Flanigan recalled there had been discussion of adding a small movable ramp at Las Olas Marina from which paddleboards and kayaks could be launched. Mr. Cuba said this is still in discussion. Chair Flanigan said two firms were willing to donate this ramp.

- **Commission Agenda Reports**

Mr. Cuba reported that a dock permit application from Riviera Drive was approved at the October 18 City Commission meeting. On November 1, the City's annual contract with Apex Marine was approved once again.

IX. Old / New Business

Chair Flanigan advised that a rendering of the proposed expansion of Las Olas Marina had been on display during the Boat Show. The members discussed some of the features shown on the rendering. Mr. Luscomb noted that it may be possible to push the boundaries of the submerged land lease out and straighten some of the proposed finger piers. The existing marina is 3400 lineal ft., which would expand under the proposal to 6800 lineal ft.

Mr. Guardabassi asked if there had been any resistance to the proposal from residents in the area. Mr. Dean said he had attended a meeting of the Central Beach Alliance some weeks ago, and felt there was an “undercurrent” of resistance to the project. Mr. Guardabassi recalled that an individual had objected to the proposed parking garage at a previous Board meeting, and pointed out that if the marina did not expand, the space would be put to some other use by a different developer. He felt the proposed expansion would be preferable to some other potential uses.

Mr. Cuba said the Economic Development Advisory Board and the Beach Redevelopment Board have both seen the proposal and gave favorable responses. Chair Flanigan said he would like the MAB to consider developing a mission statement for the proposal at the next scheduled meeting. He suggested they focus on the marine aspect of the plan rather than the upland issue at this time.

Mr. Luscomb said the City Commission had awarded the consultancy for the plan through the Competitive Consultants Negotiation Process (CCNA) to Sasaki, which has also developed the Beach Master Plan. He advised that Sasaki is likely to reach out to all the proposal’s stakeholders for feedback. Mr. Cuba agreed that the Board will be able to participate in the discussion.

Chair Flanigan stated that the city of St. Augustine is challenging the State’s new unlimited mooring plan by proposing a 10-day mooring plan. He asked the members if they would like to look into this as well. The Statute cannot be modified for different localities; if a municipality has a local mooring field, anchoring may be controlled in that field only. Mr. McLaughlin advised that the Statute states if a vessel is seaworthy, there can be no restriction on its mooring if it is outside a navigable channel.

X. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 8:19 p.m.

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