

**MINUTES OF THE MARINE ADVISORY BOARD
 100 NORTH ANDREWS AVENUE
 8TH FLOOR CONFERENCE ROOM
 FORT LAUDERDALE, FLORIDA
 THURSDAY, DECEMBER 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	A	4	2
James Harrison, Vice Chair	P	4	2
F. St. George Guardabassi	P	6	0
Chad Moss	P	2	2
Norbert McLaughlin	P	6	0
Jim Welch (6:06)	P	4	2
Robert Dean	P	6	0
Mel DiPietro	A	5	1
Bob Ross	P	5	1
Joe Cain	P	4	2
Tom Tapp	P	4	2
Herb Rassing	P	5	1
Frank Herhold	P	5	1
Lisa Scott-Founds (6:04)	P	4	2
Zane Brisson	P	5	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. Herhold, seconded by Mr. Moss, that with 167 miles of waterway to patrol, and numerous marine events including the world's largest Boat Show, the world's largest Boat Parade, the New River Raft Race, and the Air and Sea Show, the Board recommends the Police Chief evaluate marine staffing needs, now and on an annual basis, particularly with regard to reinstating

scheduled nighttime patrols. In a roll call vote, the **motion** passed 13-0.

I. Call to Order / Roll Call

Vice Chair Harrison called the meeting to order at 6:00 p.m.

**II. Approval of Minutes – November 3, 2011
Marine Police Meeting**

Motion made by Mr. Ross, seconded by Mr. Cain, to approve the minutes of the November 3, 2011 meeting. In a voice vote, the **motion** passed unanimously.

Mr. Herhold noted a correction to p.2 of the Marine Police Meeting minutes: the meeting in June 2012 would be for all parties interested in the hurricane flotilla.

Motion made by Mr. Ross, seconded by Mr. Cain, to approve the Marine Police Meeting as corrected. In a voice vote, the **motion** passed unanimously.

III. Statement of Quorum

It was noted that a quorum was present.

IV. Waterway Crime & Boating Safety Report

Sgt. Kevin Shults of the Marine Police Unit thanked the Board for their recent meeting.

Ms. Scott-Founds arrived at 6:04 p.m.

Sgt. Shults reported that the recent electronics thefts from boats had decreased by 50% in November. Three thefts have been documented thus far, all of which came from land; however, he cautioned that opportunities remain for thefts to occur from the water, and recommended that the members advise others in their community about these incidents.

Sgt. Shults continued that an individual was arrested in Charlotte County for trading an outboard for narcotics. The engine was new and serial numbers were visible; however, it cannot be returned because the owner did not copy and report the serial numbers. He emphasized the need for owners to record these numbers.

Mr. Welch arrived at 6:06 p.m.

Vice Chair Harrison requested information on a death on the Intracoastal Waterway. Sgt. Shults stated that the FWC has taken the lead in this investigation, and alcohol was apparently involved in the incident.

He continued that a large vessel was waked on the Intracoastal Waterway, causing roughly \$320,000 in damage. The wake traveled approximately 300 yards. There were several witnesses to the incident and the responsible vessel was pulled over.

Mr. Cuba stated that Chair Flanigan had asked him to read a memo to the Board from Ted Drum, President of Lauderdale Marina. In the memo, Mr. Drum advised that there are many people who do not understand no wake laws and have caused several thousand dollars' worth of damage to the docks and other boats over the years. The damage can be caused by both large and small vessels. He asked that more active patrolling be done by the Marine Police Unit in this area.

Mr. Cain requested information on "jet packs" and where they are allowed to operate in the water. Sgt. Shults said these were popular at the Boat Show, but he did not know if the crafts are classified as boats. Mr. Cuba said he would ask the City Attorney's Office to examine this classification.

Ms. Scott-Founds thanked Sgt. Shults for the Marine Unit's help with the upcoming Boat Parade, which will be held Saturday, December 10. Mr. Guardabassi also thanked Sgt. Shults for help with the recent New River Raft Race and praised the two Officers who had been on-site for the event.

Vice Chair Harrison asked if any Police Officers had been present at the scene when the wake damage occurred. Sgt. Shults said there were two Officers on the water and one in the office that day, and the incident occurred during the time frame in which they were scheduled. There are seven Officers total in the Marine Unit. The only Officers who work at night are those who volunteer to do so for the EMLEG grant; however, Sgt. Shults pointed out that these volunteer hours would follow a 10-hour shift, creating a 14-hour day.

Mr. Herhold recalled that the Marine Unit had once been significantly larger. Sgt. Shults explained that the schedule he had inherited had four vacant spots, although he did not know when downsizing had occurred. Mr. Herhold commented that it was important to maintain a presence on the water at night.

Mr. Herhold asked if the Board could help increase staffing of the Marine Unit to previous levels. Mr. Cuba advised that he was not sure the staffing level of the Unit could be directly affected, but suggested that the Board could communicate to the City Commission that they are concerned about the current level.

The Board members discussed what should be included in a communication to the City Commission. Mr. Herhold pointed out that upcoming events, such as the Air Show, are likely to require the presence of additional trained Officers. Sgt. Shults clarified that the Broward County Sheriff's Office does not have boats that regularly patrol waterways in the City, although they would be able to respond in the event of an emergency.

Vice Chair Harrison asked how the Marine Unit would respond to a waterway incident at night. Sgt. Shults explained that they would receive a callout, and he would send the Officer who lives closest to the incident to respond.

Mr. Tapp remarked that research could be done into the upcoming expansion of water-based events and/or boat registrations, along with other specifics, to show a need for increased Marine Unit Staff. He suggested that this information could be documented by Staff and sent to the City Commission with a formal recommendation. Mr. Cuba observed that he could help compile figures from recent events, but pointed out that he did not know why there are presently vacancies or if the vacancies are considered active. He advised that this would need to be determined.

Mr. Ross asked what the Marine Unit's needs were. Sgt. Shults said the majority of boaters are on the water during the day; however, evening boaters have a greater potential for making poor decisions, including failure to follow nautical rules, as well as the greater propensity for participating in crimes. He noted that the evening shift is called upon to enforce navigational rules and deter criminal activity, while the daytime shift participates more in code enforcement, educational, and safety-related activity.

Mr. Dean asked if there was the possibility of Officers from elsewhere in the Police Department participating in the Marine Unit on a flexible basis. Sgt. Shults said because of the specialized nature of vessel operation, he did not feel it would be fair to other Officers to ask them to do this; however, he stated that he was open to whatever his superior Officers might recommend. He advised that more information and statistics should be provided to determine if this might be effective, as the Police Department on land and the Marine Unit serve two different objectives.

Mr. Tapp stated that the Board advocates for safer and better waterways, and should point out that both vessel registration and waterway crime have increased, while there is not sufficient coverage to adequately address waterway issues. Sgt. Shults suggested that the Board could also reach out to the Sheriff's Office so their hours of staffing and operation could be compared to the City's. The Sheriff's Office and the City each have nine boats, although Sgt. Shults noted there may be additional vessels in storage for the Sheriff's Office, which could add to their hours.

Mr. Cuba explained that the Board could not direct Staff to conduct research related to their communication, although the City Commission may make such a direction as a result of the communication.

Motion made by Mr. Herhold, seconded by Mr. Moss, that with 167 miles of waterway to patrol, and numerous marine events including the world's largest Boat Show, the world's largest Boat Parade, the New River Raft Race, and the Air and Sea Show, the Board recommends the Police Chief evaluate marine staffing needs, now and on an annual basis, particularly with regard to reinstating scheduled nighttime patrols. In a roll call vote, the **motion** passed 13-0.

It was agreed by consensus that the **motion** would be sent as a communication to the City Commission.

V. Waiver of Limitations – ULDR 47-19.3 C and D – Brian S. & Kathleen Tedeschi – 3081 NE 40th Street

Tyler Chappelle, representing the Applicant, explained that a neighbor to the west had expressed concern about the placement of the Applicant's boat lift in its current location. The City had determined that the boat lift was within the side yard setback because the contractor had used the incorrect riparian line to determine its placement.

He showed the Board a PowerPoint presentation, including slides of the existing boat lift, the property line, and the adjacent property owner's mooring piles to the west and across the canal. Mr. Chappelle pointed out that this section of the Intracoastal Waterway does not have a no wake zone, which means vessels have to be on lifts in order to prevent wake damage. The lift is currently off an existing dock and measures 16 ft. from the property line. The Applicant is presently engaged in the process of an after-the-fact building permit to move the boat lift 10 ft. to the east, outside the setback. This review has triggered the request for a waiver.

Due to the width of the waterway, the total distance for which the waiver is being requested is 1 ft. 6 in. Existing waivers in the immediate adjacent area are requested for the least amount of distance required. These distances are 11 ft. 8 in. and 10 ft. 3 in.

Mr. Chappelle added that the Applicant had originally requested that the contractor reduce the width of the lift; however, this reduction could not be made without compromising the structural integrity of the lift. Both property owners adjacent to the Applicant have submitted letters of support for the waiver, along with the owner of another house to the east.

Mr. Dean asked when the lift was installed. Mr. Chappelle confirmed it was four years ago. Brian Tedeschi, Applicant, explained that the lift itself is not in the setback; the boat, when it is on the lift, is the issue. He stated that there had been no issue when the lift was installed because he had a smaller boat at that time.

Mr. Ross asked if any neighbors were not supportive of the waiver. Mr. Tedeschi said he had contacted the immediate neighbors to the east and west; the property across the canal to the north is presently for sale. Mr. Cuba noted that all property owners within a 300 ft. radius had been notified of the Application. He added that his office telephone number is included in this notice.

There being no further questions from the Board at this time, Vice Chair Harrison opened the public hearing. As there were no members of the public wishing to speak on this item, Vice Chair Harrison closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Ressing, seconded by Mr. McLaughlin, to approve. In a roll call vote, the **motion** passed 13-0.

VI. Reports

- **Marine Unit Meeting**

Mr. Cuba noted that the minutes of this meeting were previously approved.

- **ICW Dredging**

Mr. Luscomb reported that he had met with regulatory agencies involved in this project, including the Army Corps of Engineers, to explain that the goal was to align the dredging permit with the Florida Inland Navigational District's (FIND) permit. This would allow the City to "piggyback" on the dredging done by FIND's contractor to do their own.

Mr. Luscomb continued that the remainder of the meeting was geared toward mitigation plans, as a survey of seagrass around all dredging areas has been completed. The mitigation ratio will be determined by specific formulas based on the density of the grass. Mitigation is expected to cost approximately \$200,000 per acre. There are two types of mitigation: like kind, which means the seagrass would be replaced on a one-to-one ratio, and unlike kind, which means if there is nowhere to replace the seagrass, some other mitigation must be done, such as planting other aquatic plants or preparing another section of the Intracoastal Waterway for seagrass to grow. This is done on a three-to-one ratio.

On December 6, Staff will go before the City Commission to get approval of the next phase of the project's task order, which will allow for the creation of a mitigation plan. This requires the City to find places to mitigate. Mr. Luscomb explained that much of the City and County have already been mitigated, which means it is difficult to find sites where future mitigation can occur. Broward County Environmental is seeking 60% like kind mitigation due to the profusion of seagrass. The City is hoping to identify six possible sites where mitigation might occur. The estimated cost of mitigation for the entire project is \$2.2 million to \$5.4 million. The remaining 40% of like kind mitigation would not have to occur within Broward County.

Vice Chair Harrison asked what the purpose of seagrass mitigation would be. Mr. Luscomb explained that it is a food source for manatees.

Mr. Rassing asked how the estimated mitigation cost was determined. Mr. Luscomb said the City's consultant arrived at this amount. Mr. Guardabassi asked if this cost would be a dealbreaker. Mr. Luscomb said the primary concern is the lack of mitigation sites within Broward County.

Mr. Dean advised that seagrass is also home to a large part of the offshore fish population, including sailfish; its presence also helps keep the water clean and stabilize the bottom of the waterway. He concluded that this ecosystem has dramatic benefits to the City and its boaters.

Mr. Luscomb reiterated that the City's dredging schedule is aggressive, and they are doing everything possible to determine final costs and other considerations. Another meeting with FIND is planned to discuss the time frame of their project and possibly align it with the City's schedule. He advised that the identification of potential mitigation sites at the next meeting will be an important step, to be followed by the avoidance and minimization process.

- **Commission Agenda Reports**

Mr. Cuba stated that the Board's communication to the City Commission regarding the dredging of Chula Vista came before the Commission on November 22, along with two applications for dock waivers and a resolution for private usage of public property. All three requests were approved.

VII. Old / New Business

Ms. Scott-Founds distributed brochures for the upcoming Boat Parade. She advised that five to six control boats are being sought to help keep the path clear along the 12-mile Boat Parade route. Mr. Herhold complimented Ms. Scott-Founds on finding sponsors for this event during a difficult year.

Mr. Guardabassi thanked the Marine Facilities Staff for their help with the New River Raft Race.

Mr. Herhold noted that the Coast Guard will hold a signage meeting in January 2012 to determine if more signage is needed on the waterways. Mr. Cuba said he would look into this.

Mr. McLaughlin recalled that the Board had discussed seawall height at their November meeting. The current height requirement within residential areas is 5 ft. 6 in. He distributed a drawing that showed a typical seawall, noting that a seawall should be constructed to stand on its own. If raising a seawall causes it to collapse, it means there was a structural issue with that wall. He also pointed out that the water level has risen by approximately 6 in. since 1935, and would be unlikely to overtop the existing seawalls within the next 75 years.

Ronald Crohn, private citizen, asked if the proposed dredging project would take place from the Las Olas Bridge to the southern part of Bahia Mar. Mr. Luscomb said there are three different sites: one from the northern part of the Las Olas Bridge to the northern boundary of the City's land lease, out to the Intracoastal Waterway; one from the south of the Las Olas Bridge around the existing docks to the Intracoastal Waterway; and one from the peninsula where the International Swimming Hall of Fame is located to the Intracoastal Waterway.

Mr. Crohn asked who was responsible for the area from the western part of the International Swimming Hall of Fame's peninsula east toward Coconuts restaurant. He explained that he is a resident of a condominium to the north of this area. Mr. Luscomb said he did not know who was responsible for this area. Mr. Crohn said this area, which is not part of the condominium's submerged land lease, is very shallow and requires attention. Mr. Luscomb offered to email him a copy of the dredging plan. He suggested that FIND might be able to find out who is responsible for this area.

VIII. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:31 p.m.

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