

**MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE, FLORIDA
THURSDAY, FEBRUARY 2, 2012 – 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	6	2
James Harrison, Vice Chair	P	6	2
F. St. George Guardabassi	P	8	0
Chad Moss	P	3	3
Norbert McLaughlin	P	8	0
Jim Welch	P	6	2
Robert Dean	P	8	0
Mel DiPietro	A	6	2
Bob Ross	P	7	1
Joe Cain (dep. 7:00)	P	5	3
Tom Tapp	A	5	3
Herb Rassing	P	7	1
Frank Herhold	P	7	1
Lisa Scott-Founds	P	6	2
Zane Brisson	P	7	1

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

It was noted that a quorum was present for the meeting.

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 Ms. Scott-Founds, to request that the City Commission work with the County Commission toward the mutual goal of developing improved seagrass mitigation prospects, streamlining associated

County processes, and exploring the negotiation of reduced alternative mitigation options. In a voice vote, the **motion** passed unanimously.

I. Call to Order / Roll Call

Chair Flanigan called the meeting to order at 6:04 p.m. and roll was called.

II. Approval of Minutes – January 5, 2012

Motion made by Mr. Ross, seconded by Ms. Scott-Founds, to approve the minutes of the January 5, 2012 meeting. 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 electronics thefts are still active in the City. The stolen items are typically very expensive, and most have not been registered by their owners. One individual who experienced a theft reported having been followed home by a suspicious vehicle. Information on the vehicle has been passed along to the Police Department's street units.

Sgt. Shults added that three boats in the City have been robbed twice. He emphasized the need to make vessels more difficult to rob, possibly by installing an alarm system or another deterrent.

He continued that following an annual shift change that occurred in January, five Officers are currently operational and two are in training; the two Officers in training have prior waterway experience.

Vice Chair Harrison asked if any changes have been made regarding night patrols. Sgt. Shults explained that night patrols are funded by an Enhanced Marine Law Enforcement Grant (EMLEG) and primarily occur in two specific zones of the City where most of the thefts have occurred. He advised that it is not believed the thieves are accessing vessels from the water.

V. Waiver of Limitations – ULDR 47-19 C. and E. – 1901 SE 21st Avenue – Ron Francouer

Mr. McLaughlin stated he would abstain from voting on this Item due to a conflict of interest. He stepped down from the discussion at 8:18 p.m.

Glen Bryant of BK Marine, representing the Applicant, explained that the request is for an additional 18 ft. to extend into the canal. The Applicant would like to install a 75 x 8 ft. marginal dock along the seawall, as well as a 35 ft. pier and a 24,000 lb. boat lift.

He advised that one of the Applicant's neighbors had felt the boat lift would create an access issue, which resulted in the Applicant shifting the boat lift to the opposite side of the finger pier. The width of the marginal dock was also identified as a potential issue. Mr. Bryant said the Applicant would angle the last 10 ft. of the marginal dock so it would not obstruct the neighbor's access to his own property. These changes would be conditions of approval.

Mr. Ross asked if there was a depth difference between the Applicant's property and his neighbor's property. Mr. Bryant said a depth issue exists which could make it difficult for the neighbor to get on and off his boat at his own dock.

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

Harold Lovell, representing the adjoining neighbors, said the Applicant had been very cooperative in working with them, and they were in favor of the Application.

Motion made by Mr. Rassing, seconded by Vice Chair Harrison, to approve with the agreed changes. In a voice vote, the **motion** passed 12-0. [Mr. McLaughlin abstained. A memorandum of voting conflict is attached to these minutes.]

Mr. McLaughlin rejoined the Board at 6:25 p.m.

VI. Discussion – Promoting Fort Lauderdale's Marine Industry

Chair Flanigan recalled that he, Mr. Cuba, and Mr. Luscomb had recently been invited to a governmental meeting of the Marine Industries Association of South Florida (MIASF) to bring that entity up to date on past, present, and future items the Board has addressed. He advised that the MIASF had expressed great support for the proposed Las Olas Marina project. Once the City Commission has reached a contractual agreement with Sasaki regarding the renovation, Chair Flanigan noted that the Board is likely to be asked to provide input on the plan.

He continued that another part of the discussion focused on acknowledging the number of yachts that come to the City and making them aware that their presence is appreciated. He noted that the City Manager has expressed interest in taking similar action to welcome yachts to the City.

Chair Flanigan concluded that he had made a commitment to an exchange of meetings, in which he would attend MIAASF meetings and members of that organization would attend Board meetings.

VII. Discussion – Non-Motorized Vessel Access Las Olas Marina

Mr. Luscomb advised that the City is finalizing signs for paddleboard access, and are interested in seeing how much activity ensues. Mr. Dean asked how this information will be disseminated. Mr. Luscomb said there had been discussion of providing some of the hotels with this information, as well as updating the City's website. He expected that word-of-mouth would publicize the activity as well.

Because there does not seem to be sufficient access along the Las Olas Marina, Mr. Luscomb advised that there was discussion of placing a separate floating dock in this area; however, this has resulted in some challenges, which are still being worked through. In the meantime, an access point will be created at the Marina on the north side of the bridge. The water will be accessible to paddleboards between 8 a.m.-5 p.m.

Mr. Luscomb explained that the access point would not be for commercial use, but for individuals who come to it with their own paddleboards. No rental concession will be in the area, although there will be certain rules, such as checking in with the Dockmaster, so the area can be monitored for how many paddleboarders are present.

VIII. Reports

- **Community Sailing Program**

Mr. Luscomb continued that the junior sailing program planned by the City would be an example of departments working together; he noted that Marine Facilities is now part of Parks and Recreation, which will be involved in programming. He and Park supervisors have met with a City engineer who is an integral part of the Gulfstream Sailing Program so they would have a clear perspective on the program.

City Staff is very enthusiastic, and two Staff members have expressed interest in becoming certified sailing instructors. The City also plans to hire a U.S. certified sailing instructor or coach for one summer so the Staff members can learn from his or her experience. The proposed site is Delevoe Park, which includes a 10 acre lake. The goal is for the program will be up and running by summer 2012 if an interlocal agreement can be reached with the County. Parks and Recreation would pay for the 10 boats required to start the program, which will cost approximately \$1850 each. U.S. Sailing recommends 10 students per vessel.

Mr. Rassing commended Mr. Luscomb on reaching out to the community to help residents understand what the Board, and marine industries, are trying to accomplish.

- **ICW Dredging**

Mr. Luscomb introduced Bill Barbaro, consultant, who will assist the City in preparing to dredge the Intracoastal Waterway (ICW). The City is currently at Task Order 3, which identifies potential mitigation sites for seagrass. He noted that the County requires 60% of the proposed mitigation to take place inside Broward County, although this may be difficult. The remaining 40% can take place outside the County.

The second task for mitigation planning will include an in-house search for appropriate mitigation sites within the County. The City has identified 14 potential sites, which will be narrowed down to six candidate sites. The potential sites, located both in and out of the City and County, include Golden Isles Lake, Holland Park, Lake Sylvia, George English Park, Sunrise Bay, and Hillsboro Bay, among others.

The criteria used to rank the sites include ownership, as the best option would be a property owned by the City; they would need to reach out to the owners of other public or private sites to determine their potential. Other criteria include drainage basins, water depth, presence of protected species, mangroves and oyster beds, and future or current use. The results will be submitted in a technical memo.

Further negotiations with Broward County and the Florida Department of Environmental Protection (FDEP) will be necessary regarding out-of-kind mitigation or water quality as potential sources of mitigation. Resources must also be used to verify water depth and the presence of existing seagrass in the area.

Mr. Rassing asked how much the site investigations were expected to cost. Mr. Barbaro estimated that the tasks, which include site investigations and permitting, would be in the \$400,000 range. Mr. Luscomb pointed out that this is part of the permitting process: the City has budgeted the funds for permits and mitigation-related activities before any dredging can begin. He advised that with the requirement to keep 60% of mitigation within the County, this price can be expected to increase. The budgeting for dredging itself is approximately \$4.5 million.

Mr. Guardabassi asked if the site chosen for mitigation would then be protected from any future dredging. Mr. Barbaro confirmed this.

Mr. Herhold asked if recreational anchoring would affect the selection of candidate sites, noting that Lake Sylvia, for example, includes popular anchoring areas. Mr. Barbaro said a protected site would allow moorings at best, but would be more likely to ban anchoring in that location.

Mr. Guardabassi asked if the sides of the Intracoastal Waterway between the seawall and the channel could be used for mitigation. Mr. Barbaro said it is possible to use State-owned submerged lands, but it is difficult to protect these areas. He concluded that he did not believe these locations would not be accepted by FDEP.

Mr. McLaughlin noted that mitigation can occur either with seagrass or with mangroves. Mr. Luscomb advised if mangroves are used, the price of mitigation increases. Mr. McLaughlin asked if a project to create a "mangrove island" where the New River meets the Intracoastal Waterway was still being planned. Mr. Cuba said he did not believe this plan was still underway.

Mr. Luscomb explained that out-of-kind mitigation, such as mangroves, would be presented once the City has exhausted all possibilities for like kind mitigation with seagrass. The price of a single acre of like kind mitigation is roughly \$200,000, while the cost of out-of-kind mitigation, such as mangroves, would be \$1.8 million per acre.

Mr. Guardabassi asked if the MIA SF is concerned about the potential mitigation sites. Mr. Luscomb recalled that a government liaison for the Marine Industries Association of Palm Beach had presented this information to the MIA SF, and had mentioned a bill that could allow statewide mitigation banking. This would mean municipalities could purchase credits to go outside their counties with like-kind mitigation. Mr. Barbaro observed that it might be difficult to bring all the State's regulatory agencies on board with this proposal.

Mr. Cain left the meeting at 7:00 p.m.

Mr. Dean asked what the timeline for the dredging process would be. Mr. Barbaro said FIND will require the City to have all dredging permits in hand by March 2013; if the City meets these requirements, they may then apply for grant funding for construction. The dredging would first go past the City's marinas, then return and dredge these locations under the same contract.

Mr. Dean asked what would happen if a private group wished to have the waterway in front of its location dredged at the same time. Mr. Barbaro said FIND would welcome this, noting that two marinas in Dania Beach had "piggybacked" onto similar construction. It was noted that dredging would occur before the proposed redevelopment of Las Olas Marina; if the City applied for a FIND grant

for dredging the marina, the money would need to be spent within a three-year time frame.

Mr. Dean asked if mitigation would occur before, during, or after the dredging itself. Mr. Barbaro said a mitigation plan is required in order to get a permit; once this plan has been accepted, the mitigation must follow a set timeline. There is also five-year monitoring of mitigation sites once it has been constructed.

Chair Flanigan stated that he would like to see a communication to the City Commission encouraging them to work with the County Commission, with the mutual goal of developing improved mitigation prospects within the state. Mr. Barbaro added that they would also need to work with the State and FDEP to determine a viable option.

Mr. Luscomb asked if the County mandate for 60% mitigation could be changed. Mr. Barbaro said he did not know if it would be possible to get the County to accept a different percentage.

Motion made by Mr. Herhold, seconded by Ms. Scott-Founds, to request the City Commission to work with the County Commission, with the mutual goal of development of improved mitigation prospects and streamlining associated County processes, and to explore negotiating reduced alternative mitigation options. In a voice vote, the **motion** passed unanimously.

Chair Flanigan recalled that the Board had sent a previous communication to the City Commission regarding improved signage. He stated that Sgt. Shults had attended a County workshop at which the Coast Guard had agreed all zone restriction signage would be corrected so it would be uniform. Signage would also be increased in size at several locations so it could be easily read from the channel.

- **Commission Agenda Reports**

Mr. Cuba reported that at the January 17, 2012 City Commission meeting, a dock waiver recommended by the Board was approved by the Commission.

IX. Old / New Business

Chair Flanigan asked if there were any changes regarding the number of dock lifts allowed by condominium associations or other multi-family residences. Mr. Cuba said nothing has changed yet, as the process is in its early stages.

Mr. Rassing requested that Item VI, Promoting Fort Lauderdale's Marine Industry, be kept on the Agenda for the future.

Mr. McLaughlin commented that many boats placed on lifts are significantly over the weight limit for the lift, and asked if any part of Code addresses this. Mr. Cuba said there is no enforcement mechanism for this issue, but advised the members to let him know if they saw this occur so he could make the Marine Patrol aware of it.

X. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:29 p.m.

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