

**MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE, FLORIDA
THURSDAY, APRIL 5, 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	7	2
James Harrison, Vice Chair	P	7	2
F. St. George Guardabassi	P	9	0
Chad Moss	P	4	3
Norbert McLaughlin	P	9	0
Jim Welch (arr. 6:10)	P	7	2
Robert Dean	P	9	0
Mel DiPietro	P	7	2
Bob Ross	A	7	2
Joe Cain	P	6	3
Tom Tapp (arr. 6:09)	P	6	3
Herb Rassing	P	8	1
Frank Herhold (dep. 7:23)	P	8	1
Lisa Scott-Founds	P	7	2
Zane Brisson	P	8	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
Don Morris, Beach CRA
Earl Prizlee, Engineering Design Manager
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

Motion made by Vice Chair Harrison, seconded by Mr. Rassing, to submit letters of support for the proposed Las Olas Marina redevelopment project from the

Marine Industries Association of South Florida, along with other stakeholders, as a communication to the City Commission. In a voice vote, the **motion** passed unanimously. [Copies of the letters are attached to this communication.]

I. Call to Order / Roll Call

Chair Flanigan called the meeting to order at 6:08 p.m. and roll was called.

II. Approval of Minutes – February 2, 2012

Motion made by Mr. Webb, seconded by Mr. Herhold, to approve the minutes of the February 2, 2012 meeting. In a voice vote, the **motion** passed unanimously.

III. Statement of Quorum

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

IV. Waterway Crime & Boating Safety Report

Mr. Tapp arrived at 6:09 p.m.

Sgt. Kevin Shults of the Marine Police Unit reported that two individuals were captured in Dania Beach while boarding a vessel and removing electronic devices. Two electronic thefts in Fort Lauderdale were also tied to these individuals through fingerprints. Since the time they were arrested in February, the targeting of specific vessels for electronic theft has stopped. While there have been additional thefts from boats in the City since that time, the more recent thefts have included diving and fishing gear rather than strictly electronics.

Mr. Welch arrived at 6:10 p.m.

Sgt. Shults continued that three individuals were arrested following attempted thefts at the Coral Ridge Yacht Club in February.

There have been complaints by residents regarding construction barges, although there have been no Code enforcement violations associated with these complaints. Sgt. Shults advised that while it is understood that the marine industry will need to make repairs to docks, it is difficult to overlook some of the complaints that occur in residential areas. The incidents are being documented through reports, and it is hoped that the companies responsible for generating complaints will be willing to work with the City to resolve this issue.

The Florida Fish and Wildlife Commission (FWC) has sent a memorandum to the Marine Unit instructing them to begin enforcement of paddleboard activities. In 2008, the Coast Guard determined that a paddleboard operating outside a

swimming area and being propelled by a paddle is considered to be a vessel. Sgt. Shults explained that by this definition, the only area in which a paddleboard would not be considered a vessel is along the beach line; if a paddleboard is on the river or the Intracoastal Waterway, it is classified as a vessel, and must have a flotation device and a sound-making device. The Marine Unit has been advising paddleboard companies accordingly.

He concluded that the promoter of the upcoming Air Show was recently presented with the City's final expenditure list, and the event is scheduled for April 28-29. There are no sea activities associated with this event.

Mr. Cain asked if there will be designated recreational and non-recreational boat areas as part of the Air Show. Sgt. Shults replied that the promoter has not consulted with the Fort Lauderdale Police Department regarding this. He noted that the air box requirements meet the minimum FAA requirements for air activities. The coordinates of the air box would have allowed vessels to anchor over newly planted coral beds, which necessitated the involvement of FDEP. This meant that the air box was decreased to 19,000 ft. He concluded that it is incumbent upon boaters to be aware of whether an endangered area is beneath their vessels.

Mr. Cain commented that the Air Show was encouraging boaters to remain to the south of the air box. Sgt. Shults explained that the Fort Lauderdale Coast Guard was not aware of the Air Show until very recently, although they have the ultimate jurisdiction in this case. He advised that the promoter is now more aware of the Coast Guard requirements than he may have been three months ago.

Chair Flanigan commented that the paddleboard restrictions have been enforced in other places, and many users are aware of the requirements of flotation and sound devices. Sgt. Shults estimated that approximately 30% of paddleboarders have this equipment at present.

Mr. Rassing stated that a derelict boat has been at the end of his canal for several years despite having citations issued for it. Sgt. Shults explained that it is extremely expensive to remove a boat, particularly if the vessel may have hazardous materials on board. Mr. Cuba requested the address from Mr. Rassing and offered to work with Code Enforcement on this particular case.

Mr. Rassing asked how many derelict boats are in the City. Sgt. Shults said while he did not know this number, FWC has recently created a derelict vessel program in which the location of these boats are logged. The program is not yet active in Fort Lauderdale.

Mr. McLaughlin asked if warnings for vessels speeding through no-wake zones are documented and followed up on to determine repeat offenders. Sgt. Shults

replied that prior to his assignment to the Marine Unit, these warnings were not documented; there is now a database in which they are logged. He noted, however, that the database only exists for infractions occurring within the City.

Mr. McLaughlin asked if there is an area in the City in which barges may legally load and unload. Sgt. Shults said there is no such place at present. Chair Flanigan said the Board will revisit this issue in the future.

The following Item was taken out of order on the Agenda.

VI. Discussion – Las Olas Marina Redevelopment Concept

Chair Flanigan introduced Don Morris, Director of the Beach CRA. He advised that at this time, consultants are still gathering information for the proposed redevelopment and cannot answer questions about the project.

The Chair showed the Board a PowerPoint presentation on the proposed redevelopment, explaining that yachts come to the City because of the facilities provided for them. He asserted that the City has an obligation to remain the “Yachting Capital of the World,” and noted that it is the City’s responsibility to continue development and keep its marine facilities state-of-the-art. One example of this is the floating dock project, which received the 2011 Project of the Year award by the Marine Industries Association of South Florida.

Chair Flanigan showed photos of the Las Olas Marina in 1936, 1961, and the present, noting the different stages of the marina’s development. Today it includes 20 floating docks, which represent approximately 30% of the total slips available. The floating docks have an 80%-85% occupancy rate. There are 62 total slips, providing roughly 3400 lineal ft. of billable dock space. The marina’s gross income for 2010-11 was \$1.6 million.

Notice to expand the Las Olas Marina was first discussed in 2003. At that time, the City Commission elected not to proceed with the project, and the Board was asked not to discuss the subject further due to litigation. Earlier in 2012, this issue was resolved, and potential concepts for the project were discussed by the Board. They eventually selected a concept that featured floating docks and would provide 6600 lineal ft. of billable dock space. Large and small vessels of all types would be accommodated at the floating docks.

Chair Flanigan noted that the Board has received letters of support for the proposed redevelopment of the Las Olas Marina, including feedback from Show Management, the Florida Inland Navigation District (FIND), the Marine Industries Association of South Florida (MIASF), and others. He noted that some of the funding for the project would be provided by FIND.

He concluded that the development of upland facilities could accompany the development of the marina, including amenities such as an internet café, laundry facilities, a welcome center, and other accommodations to keep the project up-to-date and competitive. Chair Flanigan stated that the redevelopment of the marina, which would coincide with the dredging of the Intracoastal Waterway, could “jump-start” the redevelopment of the central beach area.

Kristina Hebert, President of the Marine Industries Association of South Florida, submitted a letter of support for the proposed redevelopment. The letter stated that the project would be a necessary upgrade to the City’s waterfront and a vital improvement of facilities for boaters and vessels.

Motion made by Vice Chair Harrison, seconded by Mr. Rensing, to submit this and other letters of support as a communication to the City Commission. In a voice vote, the **motion** passed unanimously.

Andrew Doole, Chief Operating Officer and President of Show Management, stated that this business manages and operates the Fort Lauderdale Boat Show, as well as boat shows in Palm Beach in Miami. He described the redevelopment of the Las Olas Marina as “a game-changer” for the Boat Show, as it would make Las Olas into a destination rather than an overflow area.

Fred Carlson, representing the Central Beach Alliance, pointed out that the existing parking lot has been invaluable during past Boat Shows. He stated that nearby condominiums, including The Venetian, Jackson Towers, Portofino, and others have very different views on the proposed redevelopment, as some are very pleased and others are concerned that it will change the dynamics of parking in the area. He advised that it will be necessary to address the residents’ objections regarding parking, noting that the nearby redevelopment of the Aquatics Complex and Swimming Hall of Fame will also require a great deal of parking. He did not believe a long-term solution to this existed at present.

Don Morris, Beach CRA Director, advised that the CRA is proceeding with a Master Plan that includes eight public improvement projects, including parking garages at Oceanside and Sebastian and streetscape improvements to the area, although there is not yet a design for the parking garage. Mr. Carlson said the CBA will attempt to listen to residents and businesses on the beach, and requested that when plans have been finalized, a presentation could be made to this entity.

Jack Newton, resident of The Venetian, stated that all the building’s residents supported the expansion of the marina; however, he expressed concern that a parking deck might be placed in front of the condominium.

John Terrell, Dockmaster of Lauderdale Marina, asserted that the marine industry is part of every community within Fort Lauderdale. As the yachting industry grows and the boats get larger, he stated that it is important to keep pace with this growth. He concluded that the expansion of the marina would be an important step for the City's infrastructure.

Tucker Fallon, representing the Florida Yacht Brokers Association, said boats provide economic stimulus to the City by spending large amounts of money here. He felt allowing more large yachts into the City would continue to strengthen the economy.

Mr. DiPietro asked if the proposed expansion was on an upcoming City Commission agenda. Chair Flanigan clarified that the consultants will continue to reach out to stakeholders and gather their input at this time. Mr. Morris added that the Beach Redevelopment Board will be reviewing draft design concepts for their planned public improvements at its May 7 meeting, and all members of the MAB, the Parks, Recreation and Beaches Board, and members of the public are invited to attend this meeting and provide their input. In October, the Beach Redevelopment Board will hold an open house at the International Swimming Hall of Fame to present the refined concepts, which will then go to the City Commission in November.

Mr. Rassing asked how many parking spots would be given up with the redevelopment. Mr. Morris said no number has been cited at this time, as the consultants are still working on a proposed design. Chair Flanigan said there are currently 416 spaces on the lot.

Mr. Rassing stated that it would not be possible to build a parking structure that would take away from the Venetian residents' investment. Chair Flanigan agreed that the parking and traffic issues have always been a consideration for the project.

Mr. Guardabassi asked if another developer would be prohibited from trying to create a new development in the area. Mr. Morris said the Beach CRA has been directed by the City Commission to proceed with feasibility studies for their public improvement projects. Mr. Guardabassi explained that his concern was that a developer may choose to build a project in front of the Venetian.

Mr. Herhold commented that the proposed lineal dockage would be appropriate for any size vessel. Mr. Tapp remarked that the property is not heavily used at this time, and noted that dockage of boats would not add to an existing parking issue.

Mr. Dean said there would be few new marinas built along the east coast in the future due to environmental regulations. He felt the proposed project was a unique opportunity for the City.

V. Permit Application – Private Usage of Public Property – Sec. 8-144 – 1000 SE 2nd Street – Las Olas Dockside Townhomes, Inc.

Mr. McLaughlin stated that he would abstain from voting on this Item due to conflict.

David Nutter of BK Marine, representing the Applicant, said a dock was installed in 1990 when the Las Olas Dockside Townhomes were built. At the time, it was approximately 75 ft. in length and 6 ft. wide. At present, roughly 25 ft. of the structure has fallen in. The request is to replace the remaining 50 ft.; however, the dock is located on public property, which requires the City's permission. The replacement will be in the existing footprint. There is a very old boat lift that will not be replaced as part of this Application.

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

Motion made by Mr. Cain, seconded by Mr. Tapp, to approve. In a voice vote, the **motion** passed 13-0. (Mr. McLaughlin abstained. A memorandum of voting conflict is attached to these minutes.)

VII. Reports

- **Las Olas Paddleboard Launch**

Mr. Ekendiz stated that on March 1, part of a floating dock north of the bridge was dedicated as a paddleboard area. Since that time, roughly 10-15 paddleboarders have used this area. The City's Public Information Office is helping to spread the word about the facility. There is no charge to users.

Mr. DiPietro asked if any local commercial paddleboard operators have expressed a desire to use this site. Mr. Cuba advised that commercial operations at this facility are prohibited by the submerged land lease.

- **Sailing Program Update**

Mr. Luscomb reported that a pilot sailing program has been designed and approved. The City is waiting for the results of water tests at Delavoe Park to ensure the water is safe, and a Memorandum of Understanding (MOU) has been

drafted with the County regarding the City's responsibilities. The County will be responsible for creating a beach and providing storage for the program.

The City is also looking at Prospect Lake, Snyder Park, and the Las Olas Marina as possible alternative sites for the program if Delavoe Park is unavailable. Funding has been received for the boats. The program is scheduled to begin with seven boats on June 19, 2012. There will be two weeks of summer camp for the program, with morning sessions from 9 a.m.-1 p.m.

- **SE 15th Street Ramp**

Mr. Luscomb said the City is terminating its contract with the present contractor for this project. He explained that there were communication issues regarding when the project must be finished. The City will go back and reapply for their grant and send the project back out for bid, with construction expected to begin after the Boat Show.

- **Commission Agenda Reports**

Mr. Cuba advised that the waiver of limitations for 1901 SE 21st Avenue was approved at the most recent City Commission meeting.

VIII. Old / New Business

Chair Flanigan stated that Mr. Luscomb has been very helpful to him as Chair, and added that the sailing program is indicative of how quickly he can put a project together.

Mr. McLaughlin recalled that he had raised the issue of placing one boat lift per 100 ft. on lands where a condominium owns the land lease. Mr. Cuba said no changes have been made to Code: at present, the first person on such a property to apply for a boat lift would receive approval. Exceptions have gone before the Board of Adjustment. Mr. McLaughlin said there should be an addendum to Code reflecting that when a single land lease is held in community, each owner should be allowed a boat lift.

Motion made by Mr. McLaughlin to revisit the Code on boat lifts to allow additional boat lifts for condominiums or townhouses where the land lease is held by an association.

Mr. Cuba advised that the **motion** should be more specific so the City Commission could ask the Legal Department to look into the issue.

Mr. McLaughlin **amended** his **motion** as follows: **motion** made by Mr. McLaughlin, seconded by Mr. Guardabassi, to permit a waiver process to come

before this Board to allow multiple boat lifts on multi-family residential property. In a voice vote, the **motion** passed unanimously.

Mr. Cuba stated that he would bring the **motion** to the attention of Planning and Zoning once the minutes have been approved.

Mr. Cuba recalled that he had distributed an email from a concerned citizen regarding a recent State tax bill. Chair Flanigan commented that if approved, the change would have a great impact on the City.

Mr. McLaughlin commented that the bill appeared to be proposed because some homeowners in Fort Lauderdale rent out their dock space behind their houses. Chair Flanigan pointed out that the cost of checking on and enforcing this regulation could be more expensive than the potential revenue it would create.

Mr. Guardabassi suggested that the law could be changed to allow rental of dock space behind houses, as many homeowners already do this.

Mr. McLaughlin stated that sailors are asked to pay a port tax of \$15 apiece when attending Fleet Week. He asserted that the City or County should waive this fee for men and women in the armed services when they come into the City on leave. Mr. Resing said he would look into this with the port and provide an update at the next meeting.

X. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:55 p.m.

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