

**MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE, FLORIDA
THURSDAY, June 7, 2012 – 6:00 P.M.**

<u>Board Members</u>	Attendance	Cumulative Attendance May 2012 - April 2013	
		<u>Present</u>	<u>Absent</u>
Barry Flanigan, Chair	P	2	0
James Harrison, Vice Chair	A	1	1
F. St. George Guardabassi (6:08)	P	2	0
Chad Moss	P	1	1
Norbert McLaughlin	P	2	0
Jim Welch	P	2	0
Robert Dean	A	1	1
John Holmes	A	1	1
Bob Ross	P	2	0
Joe Cain	P	2	0
Tom Tapp	P	2	0
Herb Rassing	P	2	0
Frank Herhold	A	1	1
Lisa Scott-Founds	A	1	1
Zane Brisson	P	2	0

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

None.

I. Call to Order / Roll Call

Chair Flanigan called the meeting to order at 6:00 p.m. and roll was called.

The Chairman noted that the Board's next meeting is currently scheduled for July 4, 2012. It was noted that this meeting could be rescheduled for Tuesday, July 17, 2012, at 6:00 p.m. Mr. Cuba stated he would email the members to ensure that they would be available on this date.

II. Approval of Minutes – May 3, 2012

Motion made by Mr. Ross, seconded by Mr. Tapp, to approve the minutes of the May 3, 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. Shults reported that Family Boating Day, sponsored by the Marine Industries Association of South Florida (MIASF), will be held on Saturday, June 16. Events will include a fishing rodeo and a poker run on the water. Kayaks Against Cancer will also be held on June 16 from 8 a.m. to 12 p.m., and will feature a launch from the South Beach boat ramp. Roughly 70 participants have signed up for this event thus far.

He noted that June 22-24 is being declared Operation Dry Water by the Florida Fish and Wildlife Commission (FWC). This campaign will focus on boating under the influence (BUI) education, awareness, and enforcement. Every marine agency in Broward County and throughout the State, including the Coast Guard, of Florida will participate in this event.

With regard to crime, Sgt. Shults advised that waterway theft is at a normal level, with no outbreak of thefts. In addition to the theft of electronics, which typically occurs twice each month, there has been a tandem engine theft in the past two weeks. The vessel was not in the water when the theft took place. The Police Department's Burglary Unit is following up on this issue with the Sheriff's Office.

Mr. Guardabassi arrived at 6:08 p.m.

There have also been four thefts of marine power cords in the past month. Sgt. Shults noted that an individual pawned these cords, which were later identified by the owner.

Mr. McLaughlin asked if the BUI initiative would target only the operators of vessels. Sgt. Shults confirmed this, as there is no open container law that would

affect passengers in boats. He added that it can be extremely difficult to board larger vessels suspected of BUI.

V. Application – Waiver of Motorized Watercraft Beach Rental Concession – Atlantic Beach Clubs-Two Inc.

Bill Eisenberg, representing Atlantic Beach Clubs II, explained that the Applicant was selected by the City for having submitted the most responsive and responsible bid for this concession. He noted that the Applicant has operated in Fort Lauderdale for 14 years.

Mr. Tapp commented that the Applicant's presentation was very well done and easy to understand, and meets all necessary criteria. He felt the concession would be good for the City as well as for the operator.

Mr. Ross asked how an all-terrain vehicle (ATV) would be used as part of the concession. David Nice, president of Atlantic Beach Clubs II, explained that it would bring waverunners from their trailers by the seawall to the water's edge for the day's use. It would then pull the trailers back to the seawall at the end of the day. He clarified that only one ATV would be used, and it would not be rented to customers. Only Atlantic staff would be able to pull the banana boat, using waverunners.

Mr. Cuba explained that the purpose of the application was to approve the waiver associated with the concession. This waiver is required for the area between high and low tides, where the launch corridor will be located. The concession itself will be approved or disapproved by the City Commission.

Mr. Cain asked if any other motorized vessels are presently allowed to encroach on the beach. Mr. Cuba said this is not permitted on the City's public beach; however, on private beaches located to the north of Oakland Park Boulevard, there are rules allowing for small vessels to travel from a moored vessel to the beach and back.

Mr. Guardabassi asked why parasails are not permitted on the public beach. Mr. Cuba advised that Code only allows for one motorized and one non-motorized concession to operate on the public beach. The concessionaires are approved by the City Commission.

Mr. Welch asked what training was given to individuals renting waverunners. Mr. Nice replied that training has become more intense over the past two years: renters must be at least 24 or 25 to rent a waverunner without a boating license. Unlicensed renters are given verbal briefings and are accompanied by guides who show them how to operate the vessels. Mr. Eisenberg recalled that an extensive written review of this process had been provided to the City

Commission. Mr. Nice added that irresponsible operators, as well as guides, may be ticketed by Marine Unit Officers if necessary.

Mr. Cain asked what would be considered out of bounds for renters. Mr. Nice said visual contact must be maintained at all times. Mr. Tapp commented that the renter orientation checklist used by Atlantic appeared to be comprehensive.

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 returned the discussion to the Board.

Motion made by Mr. Tapp, seconded by Mr. Ross, to approve the waiver as recommended. In a voice vote, the **motion** passed unanimously.

VI. Reports

- **Las Olas Marina Redevelopment Concept**

Mr. Luscomb stated he had met with the City Manager to discuss possible direction on issues related to this redevelopment. Two of the issues that could present barriers are economic and environmental feasibility. He noted that the City Manager had seemed to be less concerned with the economic aspect, which includes challenges such as the addition of a garage to support the marina.

With regard to environmental concerns, a pre-application meeting was held between all the agencies that would be involved with the project, including the FWC, the Army Corps of Engineers, Broward County, and the Florida Department of Environmental Protection (FDEP). The proposed redevelopment would face the same environmental challenges associated with the Intracoastal dredging project.

Mr. Cuba recalled that he had asked a representative from the Army Corps of Engineers how difficult the permitting process might be for excavating the parking lot. He was advised that this would be a less onerous process than other phases of the project.

He distributed copies of an email announcing a meeting of the Beach Redevelopment Board, scheduled for Monday, June 18. All members of the MAB are invited, and a PowerPoint presentation on the proposed redevelopment will be shown.

- **Sailing Program Update**

Mr. Luscomb announced that the boats for the program have arrived, and motors are on order. The program will begin on June 18. A lifeguard and a certified sailing instructor will be present. The first two sessions have already sold out. Boats will not be placed in the water until two or three days into the program.

Mr. Rassing complimented Mr. Luscomb for the development of the sailing program.

- **ICW Dredging**

Mr. Luscomb explained that the City is attempting to reduce the number of change orders submitted by contractors and consultants by making the process more onerous. The result was a reduced number of task orders, and the City has re-established contact with the Florida Inland Navigational District (FIND), which has sent notice that the project will begin on June 17.

He added that the City had terminated its contract with the contractor assigned to the 15th Street Boat Ramp project, and plans to re-apply for a FIND grant on Friday, June 15, in Cocoa Beach. The project will go out for bid again in June or early July, and construction will begin the week after the Boat Show. The contract calls for 240 calendar days, or less than eight months, to complete the project. The FIND grant is critical to funding the project.

Chair Flanigan asked if the project's footprint will remain the same, and whether or not it will be scheduled in two phases. Mr. Luscomb recalled that there had been significant duplication of effort by the original contractor; when the project goes out for bid again, the City will suggest that the upland and waterfront phases be undertaken simultaneously, which makes for a more accurate timeline. It is not yet known whether or not both ramps will be shut down at the same time. If there are no changes, the project will still be done in Phase I and Phase II.

Chair Flanigan observed that he had thought there were some changes to the original site plan with regard to parking and park considerations. He recalled that there had been significant concern regarding the traffic flow of the project. Mr. Cuba pointed out that the project's design had been thoroughly vetted by both the Marine Advisory Board and the City Commission. He added that the traffic flow may be adjusted if necessary. There are both angled and perpendicular parking spaces on the site.

Chair Flanigan said he felt the Board should look into the parking issue again. Mr. Cuba advised that it may be too late to do so, but noted that the spaces could be changed if necessary.

Mr. Ross asked if an update was available on the dredging of City canals. Mr. Cuba said he would provide an update at the next meeting.

- **Barge Offloading Area**

Mr. Cuba reported that there has been no resolution to this issue thus far. He hoped to get further information from the City Manager at a later date.

Mr. McLaughlin observed that the City allowed barges working for them to load and offload, although this was not allowed for private industry. Mr. Cuba suggested that sending a communication to the City Commission recommending a particular site could be an option for the Board; however, there was no further information on a possible location at present.

- **Commission Agenda Reports**

Mr. Cuba advised that on Tuesday, June 5, the City Commission had approved a permit to use public property by the Las Olas Town Homes.

- **Multiple Boatlifts / Condominiums**

Mr. Cuba noted that should a new development go through the Development Review Committee (DRC) process and wish to install multiple boat lifts and/or slips, this decision would be part of that process; at present, after-the-fact multiple boat lift installation would be left to the Board of Adjustment. The existing rule specifies one boat lift per 100 ft.

Mr. McLaughlin observed that properties in his district are zoned 2R, which allows for side-by-side townhouses. Under the current Code, these townhouses may only have one dock. He cautioned that should the real estate market begin to recover, even more of these homes would be constructed, which would contribute to an even greater problem regarding dock and/or boat lift space.

Chair Flanigan explained that until a situation like this arises or an applicant comes before the Board, there would be no specific case through which the Board could recommend changing the existing Code. Applicants wishing to install more than one boat lift per 100 ft. would have the right to go before the Board of Adjustment, the MAB, and ultimately the City Commission.

VII. Old / New Business

Mr. Cain noted that the City has approved holding negotiations regarding a Grand Prix in 2013, and has established a delegation to visit the 2012 Baltimore Grand Prix. He advised that in several such races, such as one based in St. Petersburg, temporary docks are installed so boats may be brought in close to

the racetrack. He recommended that the Board work in conjunction with City entities, including Police and Fire services, to maximize the marine aspect of the race, and to ensure that the City understands the importance of this aspect. The race would be broadcast both nationally and internationally in late September or early October 2013.

The Board members discussed some of the potential routes of the racetrack, noting that it could be possible to construct temporary floating docks in shallow areas for viewing. Mr. Cuba noted that there may be submerged land lease issues; in some cases, such as the Boat Show, temporary submerged land leases are acquired so floating docks may be constructed.

Mr. Guardabassi recalled a recent news article regarding the potential establishment of a State tax on rental docks. It was noted that while this tax had passed, it is not certain that the Governor will sign it into law.

Mr. Rassing advised that *Yachting* magazine had recently published a list of the world's most exciting yachting cities. Fort Lauderdale was one of the cities featured on this list, and was cited as "the best place to bring a boat."

VIII. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:00 p.m.

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