

**MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE, FLORIDA
THURSDAY, OCTOBER 4, 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	A	4	1
James Harrison, Vice Chair	P	4	1
F. St. George Guardabassi	P	5	0
Chad Moss	A	2	3
Norbert McLaughlin	P	5	0
Jim Welch	P	5	0
Robert Dean	P	3	2
John Holmes	P	4	1
Bob Ross	A	4	1
Joe Cain	P	3	2
Tom Tapp	A	4	1
Herb Ressing	P	5	0
Frank Herhold	P	4	1
Lisa Scott-Founds	A	2	3
Zane Brisson	A	3	2

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

Vice Chair Harrison called the meeting to order at 6:15 p.m.

II. Approval of Minutes – September 6, 2012

Mr. Herhold noted a correction on p.10: “inner-city” should be “inter-city.”

Motion made by Mr. Herhold, seconded by Mr. Cain, to approve the minutes as corrected. 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

Sgt. Shults stated that on September 16, a camera system at a local marina captured footage of individuals stealing power cords. One of these individuals was also involved in an attempt to pawn stolen property from two other vessels. Of the three persons identified, one has cooperated with the Police Department. There have been no more thefts in the past three weeks, except for an unrelated power cord theft on October 3.

He continued that the Boat Show has been set up differently this year: while typically barges are floated to the site, this is not possible due to dredging in the cutoff canal. The barges are instead being trucked to the site and unloaded.

Mr. Rassing asked why thieves would steal power cords from vessels. Sgt. Shults explained that this is due to the copper wiring inside the cord. While pawnshops require sellers to provide photo I.D. when something is sold, there is no similar requirement under Florida statute for scrapyards.

Mr. Guardabassi asked what would happen if the theft of a relatively inexpensive item, such as a power cord, was reported. Sgt. Shults said theft of items worth less than \$200 would be classified as misdemeanor offenses and a report would be taken for purposes of documentation. He advised that the difficulty lies in the lack of space to hold violent offenders in jail: an individual arrested for property crime is much less likely to be held.

Mr. McLaughlin commented that power cords are also likely to be sold at marine flea markets, as they are worth more intact. Sgt. Shults said he would forward this information to the detectives involved in marine theft cases.

V. Permit Application – Private Usage of Public Property – Sec. 8-144 – 701 Cordova Road / Glenn and Kristie Caddy

Glenn Caddy, Applicant, explained that he was seeking to establish the right of use for a dock located in front of his house. He advised that he only recently learned he did not have a use permit for this dock.

Mr. Cuba stated that the dock is well-maintained and the City did not object to the use.

There being no 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. Herhold, seconded by Mr. McLaughlin, to approve. In a voice vote, the **motion** passed unanimously.

VI. Waiver of Limitations – ULDR Sec. 47-19.3 D and E – 810 NE 20th Avenue / Dixie Southlands Corporation

Tyler Chappell, representing the Applicant, gave a PowerPoint presentation on the Item. He recalled that in 2007, an application had come before the Board requesting a waiver for two docks at the facility to extend 73 ft. into the waterway. Tonight's request is for an additional waiver that would allow the Applicant to add triple pile clusters outside the docks in order to moor vessels at the location more securely.

Mr. Chappell showed a slide of the existing layout of the marina, noting that wooden finger piers are fixed onto concrete piles and graded decking exists near the seawalls. The proposal would include only three slips if the triple pile clusters are added. He noted that most vessels are currently tied bow in; the Application would mean these boats are turned around for safety purposes.

He continued that Code does not allow mooring or piles to extend more than 30% or 25 ft. into a waterway. The Application requests that the triple pile clusters be placed at 113 ft., 116 ft., and 124.4 ft. Mr. Chappell said the request was due to extraordinary circumstances, as the Middle River is very wide in this location, extending 376 ft. across at the north property line and 429 ft. at the south property line. The requested waiver would also create greater stability for docking and mooring, particularly during storm events, by allowing bow lines to be tied to the triple pile clusters. All boats and structures would remain within the existing sovereign submerged land lease issued by the State.

Mr. Chappell noted that the first pile, which is on the northern side, would have a variance of 91 ft.; the second would have a variance of 96 ft., and the third pile would be 99.4 ft. Eight waivers for this section of the waterway have been

previously recommended by the Board and issued by the City Commission, with the waiver distances ranging from 45 ft. to 108 ft.

Mr. Cain asked to know the maximum length of vessels that would be allowed to dock at the site. Mr. Chappell said the maximum length would be 105 ft., which is the same length presently allowed. The property is commercially zoned.

Mr. McLaughlin asked to know the length of the property line extending to the waterfront and seawall. Mr. Chappell said the property line does not extend into the water; the measurement is made from the property line rather than from the seawall. Only fixed piers are located on the site, although floating piers have been approved in the past. The average water depth in the area is 7 ft.-10 ft. at low tide. The property was dredged in 2009.

Mr. Dean asked if any problems were foreseen with regard to seagrass by docking the vessels with sterns in. Mr. Chappell explained that the seagrass is only located near the seawall; there is very little left at the location. Mr. Herhold commented that the primary issue seems to be safety, as bow anchors could be dropped if vessels were docked stern-to.

Mr. Welch asked if waterskiing was allowed in the area. Mr. Chappell confirmed that skiing is permitted to the south of the property. He noted that the maximum radius recommended for skiing is 200 ft., while the waterway is more than 400 ft. across at the southern end of the property.

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

Robert Terrance Reilly, private citizen, stated he resides two lots from the location. He advised that he was concerned with the distance the proposed pilings would extend into the waterway, and that vessels might be moored out too far into the waterway.

He added that although living aboard vessels is prohibited in the area, which is zoned ROA, there is little parking available through the week for nearby businesses. Mr. Reilly concluded that should the Application be approved, he would like to see measures enacted that would prevent pilings from being placed even farther into the waterway.

Alan Leigh, private citizen, also resides in the area. He asserted that the Applicant has done a good job maintaining his docks; however, he expressed concern for vessel safety, particularly during hurricane season. He felt enabling boats to turn around would increase safety, and concluded that he was supportive of the Application.

Steve Hudson, private citizen, stated that he has tenants who live in the area. He said he is supportive of the Application, particularly in an area zoned ROA. He characterized the Application as responsible, and noted that this area allows larger boats to moor safely.

Mr. Herhold remarked that there are few areas in the City in which larger boats may dock, and agreed with Mr. Hudson that the area in question can accommodate these vessels.

Mr. Leigh commented that the city of Palm Beach has been actively seeking business that is currently in Fort Lauderdale, and noted that the maximum dockage rate in that city is \$2.45/ft. year-round. He expressed concern that Fort Lauderdale was "pricing [itself] out of the market," and felt places where larger vessels may dock should be seen as assets.

As there were no other 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.

Mr. McLaughlin asked if reflective material would be placed on the proposed piles. Mr. Chappell confirmed this, stating that it is a requirement.

Mr. Welch asked if Code cites a maximum length of vessels that could be docked at this location. Mr. Chappell said the Applicant must abide by both City Code, which allows vessels to be moored within 30% of the waterway, and State Code, which prohibits dockage from exceeding the submerged land lease at 124 ft. from the property line. He added that measurements are taken from the location of the piles rather than from the north or south property lines.

Vice Chair Harrison remarked that he felt the Application was good for the City, as many other locations have limited space for larger vessels. Mr. Dean noted that the greatest limiting factor for these vessels should be water depth.

Motion made by Mr. McLaughlin, seconded by Mr. Herhold, to approve. In a voice vote, the **motion** passed unanimously.

VII. Waiver of Limitations – ULDR Sec. 47-19.3 C, D, and E – 3355 Port Royale Blvd., ERP Operating, Ltd. & EQR Port Royale Vistas, Inc.

Mr. Chappell, representing the Applicant, distributed copies of a letter of approval from the Tower Condominium Association, which is the master Association for the entire project. Representatives of the project have remained in contact with the Association since construction began in 2009. The Association has been instrumental in helping to determine the site plan and layout of the project.

He showed the Board a PowerPoint presentation, stating that the site is a residential community located in a basin off the Intracoastal Waterway. The existing basin has 16 slips, with a T-dock in the middle of the basin and mooring piles to the east, west, and northeast. Most of the surrounding residential community previously consisted of rental units; however, with the redevelopment of the project, the marina basin will be expanded.

Mr. Chappell explained that Code restricts mooring piles and vessels to within 30% of the width of the waterway, or 25 ft. beyond the property line. There are extraordinary circumstances related to the site, as the edges of the basin include 10-15 ft. of oyster beds, algae, and shallow areas. A marginal dock was built along the seawall in order to reach past these shallow areas and reduce the dredging footprint; finger piers extend from the marginal dock to provide access to boaters and appropriate depth for navigation.

He continued that the waiver is requested at the City Attorney's suggestion, due to his interpretation of Code. This interpretation states that the seawall, not the property line, is the starting point to determine a waterway if the property line is waterward of the seawall. In this case, the entire excavated basin is west of the property line.

Mr. Chappell stated that the current and proposed layouts show 16 existing slips on the T-dock, which will be redecked but otherwise left intact. An additional 48 slips are proposed as well, which means finger piers will be located on the southern side of the basin; the opening of the channel will have a marginal dock for parallel mooring; and more finger piers will be located on the north side.

There are three different types of docking systems, including a 4 ft. marginal with a 20 ft. finger pier, a 10 ft. marginal with a 20 ft. finger pier in the portion of the basin containing oyster beds and shallow areas, and a 10 ft. marginal with a 20 ft. finger pier in the northwest corner of the basin. The 13 finger piers located 30 ft. from the seawall will require a waiver of 5 ft., as will the 12 mooring piles that are also located 30 ft. from the seawall. There are four mooring piles located 55 ft. from the seawall, which will require a waiver of 30 ft.; 20 mooring piles at 45 ft. from the seawall, which will require a waiver of 20 ft.; and six mooring piles at 39 ft. from the seawall, which will require a waiver of 14 ft.

Mr. Cain asked if floating docks were considered for the basin. Mr. Chappell said the marginal docks on the entrance channel are 4 ft. wide off the seawall; floating docks were not used because most of the vessels in the development are 50 ft. or smaller. The intent was to provide sufficient room at the channel opening for both incoming traffic and vessels turning around.

Mr. Cain requested clarification of the tenant market for the project. Mr. Chappell said the project consists of both condos and rental units; typical residents are expected to own boats that are 30-50 ft. There will be 555 units on the property.

Mr. Herhold and Mr. Holmes agreed that the basin is underused, and that it needs more slips. Mr. McLaughlin observed that pilings on the site were almost a necessity in order to prevent wakes from throwing boats against marginal docks. Mr. Chappell noted that the area is not a no-wake zone.

Mr. Dean asked what would be the average water depth of the basin. Mr. Chappell said the water is very deep once past the oyster beds, toward the center of the basin.

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

Lisa Magill, private citizen, stated she is a resident of Blue Water Terrace, which lies directly to the east of the Port Royale property. While she had no objection to the additional pilings and finger piers, she was very concerned for the safety of recreational users of the Intracoastal Waterway. She felt if the Application is approved, the speed limit on the Intracoastal will need to be modified significantly, as it is currently a fast zone.

Mr. Cain asked Ms. Magill to describe her own boating experience. Ms. Magill replied that she has lived on her property for two years and has a 30 ft. vessel on a boat lift on the Intracoastal; she has also lived on a canal in Pompano Beach. She stated that she observes the waterway on a daily basis and has seen users of slower vessels threatened by the use of fast-moving vessels on the waterway. She recommended that the area be converted to a slow zone for the majority of the year, particularly since an additional 48 vessels will be expected to come in and out of the area.

Mr. McLaughlin advised that once the project is complete, it would likely be possible to have several residents signs posted to slow the boats down in the area. Ms. Magill pointed out that this would be contingent upon other residents sharing her concern. While condominium residents would be set back from the waterway, her own property sits directly on the Intracoastal, where she has observed unsafe behavior.

Mr. Cuba recommended that Ms. Magill reach out to the Florida Fish and Wildlife Commission (FWC), as signage is a State function. He explained that while the Board is concerned with safe navigation, FWC is the governing body that would ultimately determine whether or not signage is appropriate for the area.

Mr. Herhold asked what the speed limits were in the area. Ms. Magill said during manatee season, the waterway is a slow zone on weekends and holidays only; in the summer, there is heavier usage of the waterway by boaters. She reiterated that there is little usage of the basin at present, but the addition of 48 vessels will greatly increase usage.

There being no other 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. Herhold, seconded by Mr. Cain, to approve. In a voice vote, the **motion** passed unanimously.

VIII. Waiver of Limitations – ULDR Sec. 47-39 A.1.b.12 (a.) – 2341 SW 26th Avenue / Cynthia D. Wieland

Ken Heath, representing the Applicant, explained that the request is for a 1 ft. waiver on an existing dock. The Applicant's property has been annexed into the City, but remains subject to a County Ordinance that limits their dockage space. The waiver would allow them to replace an existing dock and extend the dock length to 6 ft. on a 120 ft. wide canal. Existing pilings are at 6 ft.

There being no 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. Rassing, seconded by Mr. McLaughlin, to approve. In a voice vote, the **motion** passed unanimously.

IX. Reports

- **ICW Dredge**

Mr. Luscomb reported that when the area to be dredged was re-surveyed, it was discovered that there is no existing seagrass. The survey also included the area that would be inside the basin of the Las Olas Marina if the expansion project goes through, and no grass was found at this site. He explained that this meant the seagrass is transient, and may either embed and grow or float and land; if it lands in a viable location, there is the possibility that it may grow there. Project engineers will apply for a dredging permit without an accompanying offer of mitigation.

- **Las Olas Expansion**

Mr. Luscomb continued that an open house was recently held to show renderings of all the proposed beach projects for this area. He noted that there was vocal opposition to the suggestion of a parking garage on the corner of Las Olas Boulevard and A1A; however, there was no opposition to the proposal to expand the marina during the open house.

He continued that the feasibility study for the marina has gone out to bid, and the firm of Thomas J. Murray and Associates was the winning respondent. They will submit a draft to the full City Commission on October 9, based upon what was presented at the open house.

Mr. Dean stated that he had attended a recent meeting with Commissioner Charlotte Rodstrom, at which the very vocal opposition to the proposed parking garage was repeated. He recalled that these individuals, including residents of the nearby Venetian condominium, were supportive of the proposed marina expansion, and hope to remain involved in this part of the project. Condominium residents seem to feel that a marina that includes mega-yachts will add value to their property, and that the addition of small docks for kayaks and similar vessels will be a positive change as well.

Mr. McLaughlin observed that many condominium residents are concerned with the possibility of undesirable activity in the area if the parking garage is constructed. They feel that the marina expansion, however, would help to prevent this activity.

Mr. Luscomb advised that the City has been re-awarded a grant to proceed with work on the 15th Street boat ramp. The agreement is scheduled to go before the City Commission on November 6. Plans have been updated and the project is ready to go out for bid when approved.

Mr. McLaughlin asked if the configuration of the parking lot has been changed, recalling that the Board had not felt the existing plan would work. Mr. Luscomb advised that one condition of the Broward Boating Improvement Program (BBIP) grant was inclusion of the proposed parking configuration.

- **Commission Agenda Reports**

Mr. Cuba reported that the Board's recent communication to the City Commission, which requested greater Staff involvement in the discussions regarding seagrass mitigation, was reviewed at a recent Commission meeting.

X. Old / New Business

Mr. Herhold advised that there is interest in having the 122 ft. topsail schooner *The Lynx* in the upcoming Boat Parade. He distributed a handout on this item,

explaining that this vessel is a reproduction of a ship that participated in the War of 1812. He asserted that the City should welcome this vessel, as they have allowed other historic vessels to participate in the Boat Parade in the past.

Vice Chair Harrison asked if *The Lynx* was likely to be a featured vessel in the Boat Parade. Mr. Herhold confirmed this. Vice Chair Harrison asked if providing free dockage might encourage participation. Mr. Cuba observed that waiving fees would require City Commission involvement.

Mr. Cain requested an update on the Junior Sailing Program. Mr. Luscomb advised that the instructor selected to teach the intermediate class resigned shortly before the class was scheduled to begin. A sailing instructor who had filled out an application at an earlier time has expressed interest, and intermediate and beginner classes are now scheduled to be held from 9 a.m.-3 p.m., three Saturdays per month, starting in November 10. A City employee, who is a former Olympic sailor, has also expressed interest in becoming certified as an instructor.

Mr. Luscomb continued that he has reached out to the Coral Reef Yacht Club in Miami, the Lauderdale Yacht Club, and the Gulf Stream Sailing Club to seek certified instructors. He has also spoken with the Palm Beach Sailing Club about the possibility of hosting a U.S. Sailing Instructor course if enough individuals are interested in completing this class. He noted that if at least one or two members of City Staff become certified instructors, it will provide additional stability to the program.

Mr. Dean asked if there have been any private donations toward the program. Mr. Luscomb said donations have not been actively sought. Mr. Dean stated that a private entity has publicly offered to donate toward "youth on the water" programs or equipment. Mr. Luscomb noted that donations may be made to a Parks and Recreation foundation, although he was not certain of whether or not these donations may be earmarked for specific programs.

Mr. Guardabassi asked if it would be possible to include the Oppi vessels used in the Junior Sailing Program in the upcoming Boat Parade as a way to get the word out about the program. It was noted that small boats have been towed in the Boat Parade on previous occasions; these vessels could also be featured on the bow of a larger boat.

Mr. Rassing asked if the Board might hear an update on the status of the Pollution Solution vessel. Vice Chair Harrison advised that the Board no longer has control of this issue, as it is now being addressed by the Public Works Department. Mr. Cuba said he would look into the possibility of an update. He recalled that the vessel was used by the City for more than 10 years, which was longer than its expected lifespan.

Mr. McLaughlin added that when he had attended subcommittee meetings regarding the Pollution Solution vessel, a decision had been made that this vessel was not the best solution for the City's canals; they had determined that pontoon boats fitted with outboard motors, which allowed individuals to scoop up litter and debris with nets, provided a better solution and were less expensive. Mr. Herhold suggested that the report could also describe what is being done to keep the City's waterways clean.

Mr. Cuba informed the Board members that the Marine Department is in a different booth at the Boat Show this year. They will be in booth 1320a in the Marina Tent. The City's Economic Development Department will also have a booth at the Boat Show.

Mr. McLaughlin asked if an update was available on loading and unloading of barges at the Las Olas Marina. It was noted that there is no such update at present.

XI. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:52 p.m.

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