

**MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE, FLORIDA
THURSDAY, DECEMBER 6, 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	5	1
James Harrison, Vice Chair	A	4	2
F. St. George Guardabassi	P	6	0
Chad Moss	A	2	4
Norbert McLaughlin	P	6	0
Jim Welch	P	6	0
Robert Dean	P	4	2
John Holmes	P	5	1
Bob Ross	P	5	1
Joe Cain	P	4	2
Tom Tapp	P	5	1
Herb Rassing	P	6	0
Frank Herhold	P	5	1
Lisa Scott-Founds	A	2	4
Zane Brisson	P	4	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

Motion made by Mr. Herhold, seconded by Mr. Tapp, to recommend the establishment of a staggered replacement program for the City's Police boat fleet. In a voice vote, the **motion** passed unanimously.

Motion made by Mr. Tapp, seconded by Mr. Rassing, that on several occasions, including tonight, the Marine Advisory Board has been advised that it is a problem for contractors to load and offload barges; there is nowhere to do so legally, resulting in loading and offloading on private property, potentially damaging property, roads, bridges, [and] seawalls. The Board recommends there be a legally designated site that contractors can use to load and offload material on their barges. The Board also requests that Marine Staff be involved in these discussions. In a voice vote, the **motion** passed unanimously.

I. Call to Order / Roll Call

Chair Flanigan called the meeting to order at 6:07 p.m.

II. Approval of Minutes – October 4, 2012

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

III. Statement of Quorum

Chair Flanigan confirmed that a quorum was present.

IV. Waterway Crime & Boating Safety Report

Sgt. Shults stated that the only waterway crime reported in the past month was the theft of a small dinghy motor. The time frame in which the crime occurred was uncertain, as the owners were out of town. He advised that crimes of this nature were usually targeted rather than crimes of opportunity.

Mr. Welch recalled that power cords had been stolen from a small marina on Sunrise Boulevard in October. He asked if this crime would have been reported to the Marine Unit if the initial response to the crime came from another unit. Sgt. Shults explained that any crime involving a vessel will be handled by the Marine Unit when they are available; because the crime Mr. Welch had described was addressed by a land unit, it would be filed as a larceny. If a series of similar crimes occurred, they would ultimately be turned over to the Marine Unit.

Mr. Herhold asked if Sgt. Shults had any comments regarding the Boat Show. Sgt. Shults replied that with the exception of the weather, there were no issues on the waterway except dropped power lines in one area.

Mr. Dean asked how long Sgt. Shults has been with the Marine Unit. Sgt. Shults said he has been with this Unit for 14 months. Mr. Dean asked if there seemed to be issues that still needed to be addressed. Sgt. Shults explained that there are administrative issues, such as the age of the vessels used by the Marine Unit.

The vessels were purchased nine years ago; the cost of their replacement would be \$1.8 million. He noted that these vessels are the only vehicles used by the City that are not subject to a replacement plan. With regard to operational or personnel issues, however, he asserted that he had great pride in the Unit due to its professionalism and teamwork.

Mr. Tapp commented that the lack of waterway crime reflects positively on the Marine Unit's work, particularly in the current economy. Sgt. Shults encouraged the Board members to reach out to their neighbors and homeowners' association, as crime prevention is ultimately a team effort.

Chair Flanigan suggested that the Board reach out to the City Commission regarding vessel replacement. Sgt. Shults advised that the City is aware of the need to include fleet replacement in its budget, and noted that the approval of new engines is scheduled to go before the Commission on December 18. The average engine in the Unit currently has 2700 hours of operation. He concluded that while it was very unlikely that all vessels would be replaced at the same time, a vessel replacement program made good fiscal sense.

Motion made by Mr. Herhold, seconded by Mr. Tapp, to recommend the establishment of a staggered replacement program for the City's Police boat fleet. In a voice vote, the **motion** passed unanimously.

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

V. Permit Application – Private Usage of Public Property – Sec. 8-144 – 2630 Barcelona Drive / Stephen F. Power

Stephen Power, Applicant, explained that the request was for a permit for the use of a City dock adjacent to his property. He advised that he has been maintaining this existing dock, which had been permitted to the former homeowner at his address.

Mr. Ross asked if neighboring properties were notified of the Application. Mr. Cuba advised that there is no notification process related to a permit application; the permit is only available to the individual whose riparian rights fall within the extended property line. No neighboring properties would be affected or could make a claim to the use of the dock.

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 brought the discussion back to the Board.

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

Chair Flanigan advised that there was a walk-on Item, for which copies of emails between himself, Mr. Guardabassi, and the individual who would present the Item had been distributed to the Board. The Chair explained that when the redevelopment of the Las Olas Marina was first discussed, there had been mention of two significant yachts that frequent the City's waters, one of which is the *Cakewalk*. He introduced Bill Zinser, captain of the *Cakewalk*, who would discuss the economic impact of mega-yachts on Fort Lauderdale.

Mr. Zinser stated that when he first visited Fort Lauderdale several years ago, the City had a great deal of dock space; at present, however, he explained that there are only three places the *Cakewalk* can dock in the City, as it is 47 ft. wide. The yacht is too deep, drawing 13 ft., to access Bahia Mar through the Intracoastal Waterway. He noted that other mega-yacht owners have bypassed Fort Lauderdale due to a lack of dockage for vessels of similar size.

Mr. Zinser continued that the crew of the *Cakewalk* is likely to spend close to \$1 million during its stay in the City. This includes money spent by crew members on homes and consumer goods, as well as the funds spent by owners on service of the vessel. He stated if Fort Lauderdale is to remain the Yachting Capital of the World, the proposed redevelopment of the Las Olas Marina is a very positive step.

He pointed out that all major marine facilities throughout the world are likely to remain close to full if they accommodate vessels of large size, and more than 20 yachts over 150 ft. in size are expected to be delivered to the United States in the coming years. He felt the presence of large vessels and the availability of marinas draw people to the City, and concluded that it was his opinion that there should be more dock space in Fort Lauderdale.

Mr. Cain asked Mr. Zinser to explain the difference between vessels weighing more or less than 3000 IGRT. Mr. Zinser said more licensing would accrue on a vessel over this weight, including the necessity of a commercial crew.

Mr. Cain asked for more information about med mooring, observing that while this is not currently popular in the United States, it is now the norm in parts of Europe. He asked if Mr. Zinser felt any hesitation, as a captain, toward adopting this mooring style. Mr. Zinser replied that while he was not certain where this could be done in the City, most owners of large vessels are used to this type of mooring in nations like Croatia, Greece, and Italy. He noted that vessels would not have to be moored 90 degrees to the pier, but could be angled; however, he also pointed out that med mooring could be difficult in locations where there is a strong current.

Mr. Guardabassi asked Mr. Zinser to elaborate on some of the difficulties associated with bringing a mega-yacht into the City. Mr. Zinser said some owners are leery of the requirements of the Department of Homeland Security. He advised that in other countries, a registered agent takes the owner's and crew's passports for clearance without anyone boarding the vessel; all paperwork is filed, and the agent vouches for the crew and their documentation. He felt registered agents should be able to perform similar services in the United States.

Mr. Herhold asked what areas along the east coast compete with Fort Lauderdale for the business of mega-yachts. Mr. Zinser said Palm Beach is a major competitor; other cities include Norfolk, New York, Boston, and Newport. However, these cities do not have the proximity of Fort Lauderdale to the cruising and chartering grounds of the Caribbean. He estimated that the *Cakewalk* has spent five months, on and off, in Fort Lauderdale in 2012.

Mr. Herhold asked how many weeks the *Cakewalk* would charter on average. Mr. Zinser replied that this was nearly 11 weeks in 2012 at a cost of 650,000 Euros per week, which roughly corresponds to \$875,000. This cost does not cover the costs of fuel, food, or additional necessities. Most of the *Cakewalk's* chartering was in the Mediterranean in 2012.

Mr. Welch observed that some areas of Fort Lauderdale will have limited access to mega-yachts due to water depth and other issues. He asked if there seem to be many large vessels that can operate within these depths. Mr. Zinser said there is a demand for smaller vessels that draw at lesser depths. He pointed out that it is easier to dock four 150 ft. vessels in a marina, for example, than two 280 ft. vessels.

Chair Flanigan commented that 130 ft. to 150 ft. vessels could easily be accommodated at the Las Olas Marina; one reason for its proposed redevelopment would be its ability to provide access for these boats as well as even larger ones. He added that at present, once the Boat Show has concluded, vessels have to leave the Marina; under the proposed floating dock plan, this would not necessarily be the case, which could have an even more positive impact on the City.

Mr. Rassing suggested that a representative of Port Everglades be invited to a future Board meeting in order to discuss making an area to the south of the bridge available to larger yachts. He asked how many vessels the size of the *Cakewalk* the City might be able to expect. Mr. Zinser estimated that at this time of year, the addition of a parking lot and water pressure at this location could attract as many as four large motor yachts.

Mr. Dean left the meeting at 7:04 p.m.

Mr. Herhold recalled that in 2010, the state of Florida passed legislation that capped the sales tax on yacht purchases of \$300,000 or more at \$18,000. He asked how Mr. Zinser might recommend that this cap be publicized more widely. Mr. Zinser said this has already helped purchases a great deal, and word of the legislation is spreading.

Chair Flanigan concluded that the Board would invite a representative of Port Everglades to discuss the mega-yacht dockage issue within the coming months.

VI. Report – Broward College Marine Program

Chair Flanigan explained that Broward College has begun a marine program that parallels their automotive and aviation programs. This could bring more potential employees into the marine industry's work force. A building formerly owned by AutoNation, including a paint shop facility, was donated to Broward College for the program.

He noted that the difference between Broward College and many other technical schools is the placement of earned credits toward an associate degree. Many marine manufacturers have donated products to the new program.

Mr. Cuba advised that the presentation could be rescheduled for a future meeting.

VII. City Waterway Cleanup Presentation

Mr. Cuba stated that information on the City's current waterway cleanup program was included in the members' information packets. He noted that there have been no complaints of which he was aware, and the program continues to do a good job on waterway cleanup. Chair Flanigan agreed that any issues called in for cleanup of canals have been addressed.

Mr. McLaughlin commented that he has called regarding two dead-end canals that are obstructed following Hurricane Sandy, but there has not yet been a response. Mr. Cuba requested that Mr. McLaughlin email him this information so he could follow up on it.

VIII. Reports

- **FLIBS Recap**

Mr. Luscomb reported that the Fort Lauderdale International Boat Show featured a new indoor marine booth, which afforded the City the opportunity to close on new three-month contracts from the first day.

- **Las Olas Expansion**

Mr. Luscomb continued that the financial and environmental feasibility studies for the expansion project are underway. He recalled that the last survey did not show the presence of seagrass. The permit application process is expected to be complete at the end of December 2012. He explained that the proposed marina redevelopment has now merged with the Intracoastal Waterway dredging project, which means the two projects are moving forward together.

He stated that Florida Inland Navigational District (FIND) grants will be applied for during the next grant cycle, which would provide more funding for planning. If the applicable permits are in hand, this would mean the project can connect with the next funding cycle for the construction phase.

- **Junior Sailing Program**

Mr. Luscomb reported that he had reached out to Peterson Fuel requesting funding toward the program; the company will provide \$3000 for the current year's program, as well as \$3000 for next year's program.

He continued that the Lauderdale Yacht Club has a foundation that may also be able to provide some funding to the Junior Sailing Program as well. Representatives of the Yacht Club were very complimentary of the program. Mr. Luscomb advised that the foundation will assist with infrastructure costs and offer scholarships for children from the City of Fort Lauderdale to attend the Junior Sailing Program. Young sailors who complete the City's program will have the opportunity to win a scholarship to the Yacht Club's sailing program.

He concluded that he has submitted a letter to the foundation, asking for their help in funding an extension of the existing floating dock for roughly \$8000, as well as for 12 scholarships. He is waiting for a response at this time. The director of the Junior Sailing Program has also pledged to purchase boats if the program can bring in enough attendees. The goal is to double the current number of seven boats; there is a corresponding push in marketing the program on the City's website, including photos and a video link.

The Lauderdale Yacht Club Foundation will also allow any high school that forms a sailing team with a minimum of four students to practice at their facility at no cost.

From November to April, the program is operating on Saturdays, alternating between beginner and intermediate classes. The December class has sold out. He noted that an Oppi event, the Boomerang Regatta, has invited sailors from the Junior Sailing Program to attend.

- **July 4, 2013 MAB**

Mr. Cuba pointed out that because July 4, 2013 falls on a Thursday, an alternate meeting date is being considered. He suggested that the following Tuesday, July 9, be substituted. The meeting would be held downstairs in City Commission Chambers.

- **Commission Agenda Reports**

Mr. Cuba continued that at the November 6 City Commission meeting, a dock waiver was approved, as well as dredging grant extensions from FIND for the first phase of the Intracoastal Waterway dredging project, which runs from Bahia Mar and the Las Olas Marina to the Aquatics center. On November 20, a 15th Street FIND grant acceptance and appropriation was approved.

IX. Old / New Business

Chair Flanigan noted that the underwater lights on the floating docks are not working properly.

Mr. Holmes stated that he resides in a waterfront community in the Galt area, which has experienced four instances in which barges illegally tie up to seawalls and trucks come into the neighborhood to load and offload trash. He had contacted the perpetrator directly after the first instance; however, shortly afterward the barge was tied up again at a vacant lot, where it ran aground and stayed for over two days while material was brought into the neighborhood.

Mr. Holmes advised that when this occurred again the previous month, he had contacted the Marine Unit, which informed him that the perpetrator had been stopped from the same act in another neighborhood. He concluded that companies are taking advantage of vacant lots in residential neighborhoods to load or offload material and trash; while in the neighborhood, they can cause property damage. He added that in another incident, a barge tied up to an island bridge and stopped local traffic while loading and offloading. Mr. Holmes pointed out that the bridges are not meant to hold the weight of a barge carrying vehicles and pilings.

He concluded that this appears to be an ongoing problem in his and other City neighborhoods. While the Marine Unit acts on these incidents when notified, they are not always able to arrive at the scene. Mr. Holmes suggested that the Board might make a request to the City's Department of Neighborhood Services to find out how widely this issue is recurring.

Mr. McLaughlin advised that one issue is where barges are allowed to load and offload, which is nonexistent in the City without a permit for that property in the City. Chair Flanigan noted that barges often unload when they are in a marina; in addition, the Board had previously discussed the need to create an area in which barges may load or offload by appointment, but this discussion had never led to a solution. He concluded that the Board could send a communication to the City Commission to request their intervention in this issue, as it remains unresolved.

Mr. McLaughlin commented that the system works to the advantage of a polluter, as the fine for this activity is cheaper than the cost of taking hazardous waste elsewhere. He observed that this may be the same case for barges seeking to load and offload. No marina allows barges to load and offload without a permit at that marina. He asserted that there should be an area within the City in which this activity is permitted and barge companies are charged for the use.

Mr. Tapp recommended that Mr. Holmes' homeowners' association reach out directly to their City Commissioner, who could direct the City Manager to take appropriate action. He added that a specific ordinance or resolution could result from this outreach, which would stop the illegal loading and unloading activity and perhaps lead to the creation of a permitted loading/unloading area as a long-term solution.

Chair Flanigan advised that the communication should specifically request the continued involvement of Marine Staff, as they will have more knowledge of the marinas than Code Enforcement alone might have.

Motion made by Mr. Tapp, seconded by Mr. Rassing, that on several occasions, including tonight, the Marine Advisory Board has been advised that it is a problem for private and other contractors to load and offload barges, as there is nowhere to do so legally, resulting in it being done on private property, potentially damaging property, roads, bridges, [and] seawalls. The Board recommends there be a legally designated site that these contractors can load and offload material on their barges. The Board requests that Marine Staff be included in these discussions.

In a voice vote, the **motion** passed unanimously.

Mr. Ross said he would like to applaud the Board for their encouragement of the floating docks project, as he has seen several vessels being served, particularly near downtown, by access to these docks.

Mr. Brisson left the meeting at 7:53 p.m.

Mr. McLaughlin remarked that the Board may wish to discuss the flooding on A1A in the future. He recommended that the City consider retaining a marine

engineering firm to address erosion on the beach. Sand-retaining structures could also lessen the need for future dredging. He noted that while the project may be extremely expensive, it would prevent the need for corrective action in the future.

Mr. Cuba advised that the City will hold a workshop on December 10 at which the Mayor plans to address the possibility of erecting offshore sand-collecting structures. Mr. Cain said there may be marine services that would be willing to place the structures at no cost.

Mr. Rassing stated that the Lauderdale Isles Yacht Club is under new ownership and is available for groups and activities.

Mr. Herhold noted that there is a 156 ft. vessel docked at the Las Olas Marina. Mr. Ekendiz explained that the vessel is constructed using an old design, and will be docked at the Marina for approximately two weeks.

X. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:59 p.m.

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