

**MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE, FLORIDA
THURSDAY, JANUARY 3, 2013 – 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	6	1
James Harrison, Vice Chair	A	4	3
F. St. George Guardabassi	P	7	0
Norbert McLaughlin	P	7	0
Jim Welch	P	7	0
Robert Dean	P	5	2
John Holmes	P	6	1
Bob Ross	A	5	2
Joe Cain	P	5	2
Tom Tapp	P	6	1
Herb Rassing	A	6	1
Frank Herhold	A	5	2
Lisa Scott-Founds	P	3	4
Zane Brisson	P	5	2

As of this date, there are 14 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
Lt. Frank Sousa, Marine Police Staff
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

Motion made by Mr. Guardabassi, seconded by Mr. Dean, for the City Commission to reach out to the County Commission to determine what can be done to expedite the permitting process for waterway dredging projects. In a voice vote, the **motion** passed unanimously.

I. Call to Order / Roll Call

Chair Flanigan called the meeting to order at 6:05 p.m. and roll was called.

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

IV. Waterway Crime & Boating Safety Report

Lt. Frank Sousa advised that Sgt. Kevin Shults, who had previously provided this report to the Board each month, has accepted a position at the Broward Sheriff's Office as a Captain. Lt. Sousa has conducted interviews for a new Marine Sergeant. Until that time, the Unit will continue to operate with an acting Sergeant.

Lt. Sousa continued that Winterfest was a success, and commented that meetings between event organizers, the Broward Sheriff's Office, the Coast Guard, and the Department of Fish and Wildlife served to alleviate many concerns that arose the previous year.

With regard to the fleet replacement plan discussed at the December 2012 Board meeting, Lt. Sousa reported that he had raised this issue with the Chief. While the fleet's hulls are in good shape, his greatest concern is for the engines. Approval has been received for the replacement of two engines, and he has spoken with the Assistant Chief to discuss the development of a replacement plan for the fleet.

He continued that there has been no significant waterway crime in recent weeks, which allowed the Marine Unit to focus closely on Winterfest prior to the holidays. Lt. Sousa concluded that he planned to regularly attend Board meetings in the future, and provided contact information to the members.

II. Approval of Minutes – December 6, 2012

Mr. McLaughlin noted the following corrections:

- P.9, paragraph 1, change "limited in the City" to "nonexistent in the City without a permit for that particular property."
- P.9, paragraph 2: remove the part of the second sentence beginning with "without using a marina;" follow with "No marina allows barges to load or offload without a permit at that marina."
- P.9, paragraph 3: add the word "illegal" before "activity."

Mr. McLaughlin explained that barges are not allowed to load or offload at all in the City without an active permit for a specific property. They are also allowed to load or offload only when an operator will be performing the work on the property for which they are loading or offloading.

Mr. McLaughlin continued that barges are also not allowed to load or offload in a marina unless the barge operator is performing work in that marina, with the exception of the Las Olas Marina. Chair Flanigan clarified that his comment regarding loading and offloading in a marina referred only to the Las Olas Marina when work is being done in the City.

Mr. McLaughlin concluded that an ordinance already exists which states barges cannot offload; what is necessary instead is the creation of a long-term solution to the issue of loading or offloading. Mr. Cuba advised that this issue must be addressed through a change to the ULDR, which would specify locations where loading and offloading are permissible.

Mr. McLaughlin recalled that in the past, the Marine Police have not enforced this ordinance; however, they are now receiving complaints about barges loading or offloading. He stated that this has led to a deterioration of the relationship between the Marine Police and barge owners.

Mr. Holmes recalled that at the December meeting, the Board had discussed the issue of barges loading and offloading on vacant lots in his residential neighborhood. He had subsequently written a letter to his City Commissioner, and the Board had sent a communication to the City Commission as well, asking to establish a central area where barges can legally offload material. He concluded that there is still no simple solution to this issue.

Motion made by Mr. McLaughlin, seconded by Mr. Tapp, to approve the minutes [as corrected]. In a voice vote, the **motion** passed unanimously.

V. Permit Application – Private Use of Public Property Abutting Waterways – Sec. 8-144 – 1029 Cordova Road / Lori Jean Marcellino and Miles Austin Forman

Chris Gertz, representing the Applicant, stated that the Application would allow for the use of a dock across the street from the subject residence. He added that the Applicant would like to replace the existing landscaping at the dock site.

Motion made by Mr. Tapp, seconded by Ms. Scott-Founds, to approve. In a voice vote, the **motion** passed unanimously.

VI. Report – FIND Dredge / Tyler Chappell

Tyler Chappell, representing the Florida Inland Navigational District (FIND), provided an update on the Dania cutoff canal dredging project that is currently underway, as well as a report on the Intracoastal Waterway dredging project.

He reported that there have been issues with hitting rock in the Dania cutoff portion of the project. Although this caused a slight delay, the contractor has been working diligently to address the problem, and the project is expected to finish ahead of schedule, in March 2013 rather than in May. Work continues on areas 1 and 2, while areas 3 and 4 are complete. The project began at the Intracoastal and extended west. All areas in front of deep vessel marina basins have been completed, and there are plans for the contractor to dredge the basins themselves to match the elevations.

He continued that the Army Corps of Engineers permit for the Intracoastal Waterway project is expected to be complete in February. The permit from the Department of Environmental Protection has already been issued, although the County permit has not. Mr. Chappell estimated that the County permit would be prepared by mid-year. FIND is also working on contingency mitigation issues, as there is seagrass in the Intracoastal Waterway.

Mr. Chappell added that the third phase of the project is expected to be the New River. No applications have been submitted for this phase thus far, although initial studies have been conducted. No permitting is anticipated for the New River until late 2014 or early 2015, with construction to begin in 2016.

Mr. McLaughlin asked if there had been any discussion of increasing the City's budget of \$500,000 for dredging. He explained that an increase could allow for the dredging of tributaries and canals along the New River. Mr. Cuba advised that he would provide an update on this for the next meeting, as it is a separate issue. Mr. Chappell added that it is difficult for FIND to provide matching funds in the case of artificial canals; they can, however, provide up to 75% of the costs for natural tributaries.

Mr. McLaughlin remarked that charts of the City's waterways show most of them to be tributaries of the Intracoastal Waterway, and asked if this designation would apply to tributaries and canals on the New River. Mr. Chappell said while this was the case for waterways such as the New River and Middle River, the man-made canals off these waterways, which were created as part of residential developments, would not be eligible for funding assistance from FIND.

Mr. Tapp asked how the dredging project might affect seawalls, particularly on the north side. He pointed out that these structures are already sloughing away, which might be exacerbated by washouts associated with dredging. Mr. Chappell replied that the conditions of these seawalls are included in the dredging studies, particularly along the New River.

Mr. Welch asked what depth the dredging would reach in the New River. Mr. Chappell said public outreach was conducted to determine this depth, which was

set at (-12) ft. by consensus. In the Intracoastal Waterway and the Dania cutoff, the depth will be (-17) ft.

Mr. Guardabassi requested clarification that seagrass mitigation would not be required. Mr. Chappell said FIND is not proposing any seagrass mitigation for the project, as they have reduced the footprint of the dredging in order to prevent this mitigation.

Mr. Luscomb requested clarification that the dredging would be complete in March 2013. Mr. Chappell confirmed this, stating that FIND's portion of the project would be finished, although some individual marinas will use FIND contractors to dredge their basins. This was not expected to affect the "piggyback" option for the Intracoastal Waterway.

Chair Flanigan asked if any negative effects to the Las Olas Marina were expected with regard to County permits. Mr. Chappell replied that FIND is still seeking to tie the construction timelines together for the two projects. He cautioned, however, that the City was expected to face more difficulty with regard to seagrass mitigation. He concluded that he hoped the appropriate agencies would see the benefits of tying these two projects together.

Chair Flanigan asked for more information regarding the delay of the County permitting process. Mr. Chappell advised that the County must consider past experiences in which turbidity has affected seagrass due to its proximity to dredging projects. This raises a concern, as there is only a 10 ft. buffer between the location of seagrass and the area in which the dredging will occur. Because there may be future impacts, the County may wish to put an offset plan in place.

Mr. Guardabassi asked if the Board could be of any assistance, perhaps by reaching out to the City or County Commission. Mr. Chappell said the only action he would recommend is reiteration of the importance of these projects: the canal was artificially created years ago to help serve the needs of commerce, and the dredging project will achieve a depth that will support the vessels currently using it. Because the depth will be greater than its original level, new permits are necessary.

He added that the County Commission may need to emphasize the importance of the project to the Broward County Department of Environmental Protection and Growth, and concluded that while seagrass may be temporarily affected by dredging, this would be only a temporary impact. He concluded that the Board could be of assistance by communicating the economic importance of the project to the City and/or the County.

Chair Flanigan asked if the matching funds provided by FIND for the Las Olas Marina project would be placed in jeopardy by the delay. Mr. Chappell said the

funding currently in place is for design and permitting: there is no construction funding thus far, although an application is being contemplated. He explained that if the project does not enter the construction phase within three years of design and permitting, these funds may be lost.

Chair Flanigan recommended that the Board send a communication to the City Commission, advising that there appears to be an issue blocking the project's progress at the County level.

Motion made by Mr. Guardabassi, seconded by Mr. Dean, for the City Commission to inquire of the County Commission what [the Board] can do, as a group, to expedite the permit process for dredging our waterways.

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

Mr. Holmes requested clarification of the role played by the Broward County Marine Advisory Board. Mr. Chappell explained that this board interacts with FIND on a funding level, but is not involved in the dredging project. Similarly, the Dania Beach Marine Advisory Board acts on a local level for that city.

Mr. Cuba introduced Capt. Steve Altaro, who has been with Marine Facilities since 1996 as a security officer. He has patrolled the docks and the Riverwalk for over 16 years, and is leaving the City's service in order to spend more time with his family. Mr. Cuba stated that he will be missed by boaters and City Staff, and has worked to make the City's marine facilities a better place. He presented Mr. Altaro with a plaque in recognition of his years of service.

VII. Reports

- **Las Olas Marina**

Mr. Luscomb reported that the City will submit its permit applications this week for both the Intracoastal Waterway connection and the dredging of the Las Olas Marina basin. He advised that seagrass mitigation is a priority for the County, although he noted that there is no existing seagrass in these locations.

- **Junior Sailing Program**

Mr. Luscomb continued that eight junior sailors participated in the program in December, and the program continues to progress well. At the next City Commission meeting, Peterson Fuel will make a \$3000 donation toward the program, and has expressed the intent to make a similar contribution in 2013.

He added that he has not yet received a response from the Lauderdale Yacht Club with regard for what their foundation may be able to do for the Junior Sailing

Program. He recalled that he had requested additional scholarships for program participants.

Mr. Dean asked if there is a plan to place floating docks in Birch Park. Mr. Luscomb advised that the Broward Boating Improvement Program (BBIP) plans to add 300 ft. of floating dock space to this park. There will be no limit placed on vessel size.

- **Commission Agenda Reports**

Mr. Cuba recalled that two communications were sent to the City Commission with regard to the dredging and fleet replacement issues. These communications were reviewed on December 18, 2012. Transcripts from the meeting will be available online.

VIII. Old / New Business

Mr. McLaughlin stated that he had attended a recent meeting at which the deterioration of A1A was discussed. The Mayor, two City Commissioners, and a State Senator were in attendance, as well as representatives of the Florida Department of Transportation (FDOT), the Army Corps of Engineers, and several local residents. A temporary repair will be made on 2000 ft. of the edge of A1A. There was also discussion of narrowing the roadway from four to three lanes in the area where the deterioration had occurred.

He explained that sheet piles will be installed at a depth of 45 ft. along the edge of the roadway. Mr. McLaughlin recalled that in the 1980s, all sheet piles were removed from a portion of this roadway, as exposure to salt water caused deterioration of the sheets; unless a cap is placed on top of the sheet piles, the same issue may recur. Future plans for a longer-term repair may include installing a sand trap system in the water to minimize erosion.

Mr. McLaughlin continued that he would like to see a final design for this system come before the Board for review before it is put in place, as the sand trap could become a hazard if it is not positioned correctly. He added that although FDOT estimates it will take 12 to 18 months to redesign an offshore system, he was of the opinion that it would be better for FDOT to determine what system works best in other locations rather than undertaking a redesign. The temporary repair will need to be installed prior to turtle season, which begins in March; during this time they will work on a long-term solution along the beach.

He advised that several residents had stated they would like the repair to extend along all of the Fort Lauderdale Beach rather than limiting it to a 2000 ft. area. Mr. Holmes, who had also attended the meeting, noted that there is no easy solution, as waterfront erosion occurs erratically. Mr. McLaughlin also noted that

it may not be possible to bring in sand from other locations, such as the Port Everglades Inlet, as the homeowners in that area hold the riparian rights once the sand is visible above the water.

Mr. Chappell reported that FIND's application deadline will be April 1, 2013. He asked the Board members to encourage worthwhile projects, such as the Junior Sailing Program or Marine Police fleet replacement, to apply for grant funds by this date.

Mr. McLaughlin asked to know who owns the Hyde Park Market site. Chair Flanigan identified the group that owns this property, and noted that a permit for the site is delayed due to an attempt to establish a new mean high water mark, which would alter the setback to and footprint of the building. Mr. Cuba said he would try to provide an update at the next Board meeting.

Mr. Dean remarked that most stormwater goes directly into the City's waterways, and asked if there has been any discussion of mitigating or changing this system. Mr. Chappell said many cities are looking at ways to address stormwater runoff, although he noted that this would be a great expense. New developments in some cities, such as Miami, are now required to meet more stringent standards in order to address the runoff problem.

IX. 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.]