

**MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE, FLORIDA
THURSDAY, JUNE 6, 2013 – 6:00 P.M.**

<u>Board Members</u>	Attendance	Cumulative Attendance May 2013 - April 2014	
		<u>Present</u>	<u>Absent</u>
Barry Flanigan, Chair	P	2	0
James Harrison, Vice Chair	P	2	0
F. St. George Guardabassi	P	2	0
Norbert McLaughlin	P	2	0
Jim Welch	A	1	1
Robert Dean	P	2	0
John Holmes	P	1	1
Bob Ross	P	2	0
Joe Cain	P	2	0
Tom Tapp	A	0	2
Herb Ressing	P	2	0
Frank Herhold	P	2	0
Lisa Scott-Founds	P	1	1
Zane Brisson	P	1	1
Erik Johnson	P	1	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
Matt Domke, Downtown Facilities Dockmaster
Levend Ekendiz, Intracoastal Facilities Dockmaster
Sergeant Todd Mills, Marine Police Staff
Officer Todd Hoffman, Marine Police Staff
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communication to City Commission

Motion made by Mr. Herhold, seconded by Mr. Ressing, that a subcommittee of stakeholders be assembled to work with City Staff and consultants to further evaluate the viability of the rebuilding of the Las Olas Marina, and that the

attached documents be included in a communication to the City Commission. In a voice vote, the **motion** passed unanimously. **[A copy of the document and pro forma are attached to these minutes.]**

I. Call to Order / Roll Call

Chair Flanigan called the meeting to order at 6:06 p.m. and roll was called.

II. Approval of Minutes – May 2, 2013

Motion made by Mr. Ross, seconded by Mr. Rassing, to approve. 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. Todd Mills of the Marine Unit introduced Officer Rob Hoffman, who has been with the Fort Lauderdale Police Department for 20 years and with the Marine Unit for five years. Officer Hoffman will retire at the end of June 2013. The Board members recognized his service with a round of applause.

Sgt. Mills stated that 47 vessel safety checks were performed in May, and 94 warnings and 34 citations were issued. Three minor boating accidents occurred during the month, as well as four burglaries from vessels.

He continued that the Marine Unit had followed up by tagging an abandoned vessel in Lake Sylvia that was discussed at the May Board meeting; however, he explained that the Marine Unit must determine the vessel's owner and whether or not it has been abandoned. Sgt. Mills noted that there are costs associated with the removal process for abandoned vessels. The Marine Unit is researching how they may proceed with regard to this boat, adding that notice has been posted on the vessel itself.

A breakdown of the types of citations given during the previous month was requested. Sgt. Mills advised that while he did not have a breakdown at hand, the majority were issued for wake and speed violations.

Mr. Herhold asked if the equipment thefts in May were thought to be the work of a ring of thieves. Sgt. Mills said this was not believed to be the case, as there was a nine-day period between these thefts and no additional thefts since then.

Chair Flanigan asked if the Marine Unit had been able to review fueling practices. Sgt. Mills said this will be addressed on a case-by-case basis; the Marine Unit will attempt to enforce a Code restriction allowing no more than 30% of the navigable channel to be used by dock space. Vessels too large to fit within this restriction would not be allowed to dock and fuel at these areas. He added that in some locations, even vessels within this size restriction may constitute a navigation hazard. A database will be compiled to include information on the vessel sizes that may fuel at a given location.

Chair Flanigan commented that the 30% protrusion into the canal has not been an issue; instead, the vessels' extension over the tunnel has been significant. Sgt. Mills agreed with this, reiterating that determinations on fueling in this area would be made on a case-by-case basis.

Chair Flanigan pointed out that there may be insufficient depth for some vessels at the location, and suggested that fueling could be done at some floating dock locations. Sgt. Mills noted that according to Code, this is the only location within the City from which fueling may occur from land. Mr. Cuba advised that Staff would look into the possibility of alternate fueling locations and provide an update at the next Board meeting.

At this time Chair Flanigan introduced Bradley Deckelbaum and Courtney Crush. He explained that they would provide a presentation on a mixed-use development to be located on the waterfront, which is currently going through the site plan approval process.

Ms. Crush showed a PowerPoint presentation, stating that the Art Institute plans to vacate a property that is under contract to Mr. Deckelbaum for development. The proposed project for the site will be called Galleria Landings, and will be located across from George English Park.

The proposal is for a mixed-use development with 100 residential units, as well as a commercial component that may include a paddleboard rental shop and limited office space. The building is curved and stepped back in order to provide architectural interest. It will include 400 ft. of waterfront space, of which the first three floors will be glass. Pedestrian and bicycle access will be included from Federal Highway to the waterway, where a public plaza will be located. Ms. Crush noted that 22 slips are proposed for the project, which will lie within the 30% waterway restriction.

Mr. McLaughlin asked if the residential units would be for sale or rental. Mr. Deckelbaum replied that these will be condominiums for sale.

Ms. Crush advised that the project has gone before the Development Review Committee (DRC) and is scheduled to go before the Planning and Zoning Board on June 19, 2013.

Mr. Rassing asked how much access the public would have to the site. Ms. Crush showed the location of the public plaza, noting that it would be open during the same hours as the paddleboard rental office and other retail establishments on the site.

Mr. Herhold asked if the location would include a restaurant. Mr. Deckelbaum said while no restaurant would be located on the site, he is working with vendors to provide food in the plaza, such as sandwiches.

He added that no approach has been taken thus far to change the location of a waterskiing area near Galleria Landings. Ms. Crush confirmed that no modification of this area has been sought.

Mr. McLaughlin observed that one piling was near the maximum limit into the waterway, and would require Board approval if the owner of a large vessel wished to move it further out. Mr. Deckelbaum advised that any owner making this request would require the approval of the condominium board as well as City approval. He did not expect this would be likely due to the bridge height.

He continued that in addition to the 22 boat slips proposed for the site, as well as the paddleboard and kayak rentals, the site would feature a storage system for residents' personal watercraft within the building.

Chair Flanigan noted that no vote was required regarding this walk-on item, but requested that the record reflect the Board's support of the project by consensus.

V. Discussion – Dock Waiver Processes

Mr. Cuba explained that the Board has been asked by the City Commission to analyze the dock waiver process, and to determine whether or not there are new procedures and/or criteria that may eliminate the need to bring a large number of waivers before the Commission. Another option could be requiring dock waivers to go before a different advisory entity, such as the Board of Adjustment (BOA); however, Mr. Cuba advised that Staff has not yet had sufficient time to determine whether or not this would be a feasible option. He noted that while BOA review would be more expensive than review by the Marine Advisory Board, it would eliminate the need for City Commission approval of waivers. He concluded that the Board should consider the criteria currently used to review waiver applications.

Chair Flanigan requested clarification of the current requirements. Mr. Cuba stated that Code allows for a dock to be 25 ft. in length or 25% of the width of the waterway, whichever is less. A piling may be placed at 25 ft. in length or 30% of the width of the waterway, whichever is less.

He observed that until recently, a great many waiver applications have not come before the Board; in more recent months, however, the Board has been asked to review two to three waiver requests per meeting. This was one reason the Board was asked to consider the waiver process.

Mr. McLaughlin confirmed that boats should not be allowed to extend more than 30% of the waterway, as this could create a hazard for waterway traffic. He pointed out that in the case of a canal 100 ft. wide, for example, only 40 ft. would remain down the center of the channel. This would also make it difficult for a small boat to turn around in the channel. He recommended that any changes should apply only to wider canals.

Mr. Guardabassi remarked that he did not feel waivers should go before the BOA rather than the Marine Advisory Board, as the MAB is "a pro-boater" entity.

Mr. Cuba noted that another possibility would be approval of waivers by a quasi-judicial board, which would then go to the City Commission on a call-up basis only. He concluded, however, that he had not yet had sufficient time to determine whether or not this would be feasible.

Mr. Guardabassi asked if it would be possible for the Board to review waivers once every few months rather than on a monthly basis. It was noted that this could be more difficult for homeowners seeking waivers.

Mr. Cuba added that one challenge in sending waivers before the BOA would be that BOA approval is based on the identification of hardship rather than on extraordinary circumstance.

Mr. Rassing asked when the current version of Code was written. Mr. Cuba recalled that a revision specifically addressing boat lifts was made one to two years ago; the current dockage requirements date back to 2005.

Mr. Herhold stated that the Board brings a level of common sense regarding marine expertise and navigational safety to the process. He asked if the Board might be the body to act in a quasi-judicial capacity, after which approval or disapproval might be called up by the City Commission. Mr. Cuba said the Board's current public hearing process for waivers is considered to be quasi-judicial, although it was not certain whether or not the Board's activity might also be considered quasi-judicial.

Vice Chair Harrison asked if there were any similarities among the applications that recently came before the Board, such as the typical width of canals being more or less than 100 ft., that could be identified in order to change Code in a way that would make their approval automatic. He pointed out that this would reduce costs to homeowners while satisfying the desire of the City Commission to bring fewer waivers before them. He also did not believe it would be good common sense to send dock waiver applications before a different advisory body.

Vice Chair Harrison continued that there are some criteria that would remain subjective rather than objective, such as depth, tides, currents, wind direction, and other factors that would be difficult to include as part of Code. He encouraged Mr. Cuba to look into what would be necessary to make the Board a quasi-judicial entity.

Mr. Cuba pointed out that some similarities between recent waivers include the extraordinary circumstances of many cases, which include protecting boats from damage during weather events or location on a very wide body of water in which navigability would not be affected. He noted, however, that Fort Lauderdale is different from many other cities due to the variances in its canals and waterways, as well as their depths and wind conditions.

Mr. Ross stated that the Board members were likely to have a better knowledge of waterways than members of the BOA, for example, as they are all active boaters and are often familiar with the waterways' conditions. He also suggested that some of the information required of applicants could be digitally submitted rather than in information packets in order to reduce the applicants' expense. Mr. Cuba said he would discuss the feasibility of digital information packets with the appropriate City office.

Mr. Dean requested clarification of whether the issue was that the City Commission no longer wished to see variances on a regular basis, or if the Board was believed to be granting waivers that they should not grant. He noted that the primary issue behind many waivers was the increase in boat size, but was not certain that the City Commission was aware of this aspect. He stated that the Board had a great amount of collective experience, and that he was not confident in passing the responsibility for waivers on to another entity.

Chair Flanigan concluded that he also felt the Board had sufficient knowledge to ask the right questions of applicants. He felt the Board should remain involved in the dock waiver process, as they have provided valid input on these issues in the past. He suggested that a Special Master might be identified to call up certain cases for approval, as is done in other cities.

Mr. Cuba observed that allowing for the possibility of a call-up provision to the City Commission could streamline the process. He explained that this meant if a City Commissioner had an issue with a waiver that has been approved, that Commissioner may request that the item be brought to a Commission meeting for further discussion. This could occur if a Commissioner's constituent opposed a particular waiver, for example.

Mr. McLaughlin commented that the City Commission may be seeking to lessen the number of waivers brought before them; however, he pointed out that the variety of locations or conditions throughout the City mean the situations behind each waiver must be addressed on a case-by-case basis. He did not feel it was appropriate to make any changes to the process.

Chair Flanigan added that the existence of a Special Master to review cases could expedite the process for homeowners so they would not have to wait for their applications to be placed on a City Commission agenda.

Mr. Herhold noted that other cities may use Special Masters in lieu of advisory bodies like the MAB. He observed that the discussion of variances by the City Commission can be very time-consuming, and felt the Board may be able to take steps to streamline the process and lighten the Commission's load.

Mr. Holmes observed that when Code issues are brought before Special Magistrates, these individuals may or may not be knowledgeable about marine issues. He asserted that this would not be a reasonable solution to the issue at hand.

Mr. Cuba summarized that the Board wished to remain involved in the dock waiver process, and felt the current process and its criteria seem to be working; however, they also hope to make the process easier for both the City Commission and the applicants, perhaps by implementing the use of digital submissions rather than hard copies. He concluded that he would look into the possibility of making the MAB a quasi-judicial entity, and would provide a report at the Board's July meeting.

VI. Reports

- **Reminder July MAB Change – Tues. 7/9/13, 1st Floor Chambers**

Mr. Cuba recalled that the first Thursday in July would fall on July 4, which was the reason for the change in the meeting's date and time. He noted that an email with the July 9 date and location had been emailed to all Board members.

- **15th Street Boat Ramp Update**

Mr. Luscomb reported that two bids were received on this project, and the contract will be awarded at the June 18 City Commission Agenda meeting. Construction is expected to begin in July.

He added that the price of the lower bid is \$1.4 million, which is a \$200,000 increase over a previous estimate. Mr. Luscomb explained that this was in order to retain an FPL-approved contractor for undergrounding in order to comply with grant requirements, as well as the prevailing wage. The contractor will have 365 calendar days to complete the job. He advised that while the project will affect the International Boat Show, one ramp will remain open during this event.

- **Las Olas Marina Redevelopment**

Mr. Luscomb continued that the City has also applied to the Florida Inland Navigational District (FIND) for additional funding for dredging the Intracoastal Waterway and Las Olas Marina basin. All requirements for technical submissions were met and will be presented to FIND on June 21. This grant funding is expected to be available by October 2013. He explained that a date has been set by which FIND's board may ask questions about the project, to be followed by budget hearings in September.

Mr. Herhold stated that he had learned \$3.2 million has been assigned to Broward County, and funds requested by all Broward County entities add up to \$1.9 million. Mr. Luscomb said the City is requesting \$300,000 from two separate grants for the dredging project; Broward County has six to seven projects for which funding will be requested.

He recalled that a workshop was held on May 13 with regard to the Las Olas Marina redevelopment project. Mr. Luscomb advised that FIND would fund \$3 million for the marina and \$3 million for the Intracoastal. He estimated if the marina dredged 6000 ft., the cost of the project would be approximately \$28 million, which would increase the bond by \$300,000-\$400,000. The cash necessary for the project would be roughly \$5.5 million, of which FIND would provide \$1 million each year for three years. The budget includes \$3 million for dredging and \$3 million for the marina project, which will also include some dredging for the basin and the access channel.

Mr. Rassing asked how these figures had been determined. Mr. Luscomb replied that Tyler Chappell of FIND had provided them via email. He pointed out that a spreadsheet for the project includes an average rate of \$1.63 per foot per day. At this rate, 74% occupancy would result in a net income of approximately \$340,000 for the first year. This means the marina would break even in three to four years.

Mr. McLaughlin recalled that at the recent workshop, it had been discussed that in 1947 a tax had been included in City water and sewer bills to be used toward

the construction of storm sewers to drain into the canals. He stated that this tax continues to the present day, and asked whether these funds could be used toward dredging the City's waterways. Mr. Cuba said information could be provided on this issue the following month.

Chair Flanigan said he had been asked to respond to an issue raised by City Commissioner Dean Trantalis at the recent workshop. The Board had not agreed with all the positions taken at this event; in addition, he noted that there is a good deal of industry support for the City to continue exploring the redevelopment of the Las Olas Marina. He added that he had also reached out to the Central Beach Alliance, which was also in unanimous support of the continued exploration of this redevelopment.

Chair Flanigan asserted that the City should continue looking into the possibility of redevelopment, and encouraged the Board members to reach out to their respective City Commissioners.

Mr. Herhold distributed copies of a letter that he felt could serve as a communication to the City Commission addressing the issues raised at the workshop. He observed that no decisive action had been taken at the workshop, and that he had heard "mixed messages" regarding the prospective redevelopment of the marina. The document proposed that a special task force or subcommittee consisting of stakeholders, City Staff, and consultants to review the projected figures associated with the redevelopment.

Mr. Herhold clarified that stakeholders would include the Central Beach Alliance, the Beach Redevelopment Board, the Marine Industries Association of South Florida, and the International Boat Show, among others.

Motion made by Mr. Herhold, seconded by Mr. Rassing, that [the document] be a communication to the City Commission. In a voice vote, the **motion** passed unanimously.

Mr. Cuba requested that Mr. Herhold read his communication into the record. **[A copy of the document and pro forma are attached to these minutes.]**

- **Commission Agenda Reports**

Mr. Cuba stated that on May 19, a Resolution was passed for an Ordinance change to the areas of Riverland Road and Melrose Park so they will be included in City Code. He stated that this change was approved upon second reading. One additional dock waiver was approved at the June 4 City Commission meeting, and a second dock waiver was deferred to the date certain of June 18.

VII. Old / New Business

Chair Flanigan provided the Board members with a copy of the Mayor's proclamation declaring June 8 as National Marine Day.

Vice Chair Harrison advised that Saturday, June 15 is Family Boating Day, which will be the Marine Industry Association of South Florida's second annual fishing tournament and poker run, in addition to other activities. The event will be held at Bahia Mar.

Mr. Luscomb reported that the City's Junior Sailing Program has sold out for the summer. The Lauderdale Yacht Club has provided the City with \$26,000 toward scholarships for inner-city children who wish to participate in the program. He advised that this program is part of a larger narrative sent to the All-American Cities program by the Parks and Recreation Department. The City is among the nation's top 20 finalists competing for this award.

Mr. Dean asked if the program plans to purchase more vessels. Mr. Luscomb said he hoped to secure more boats in the future. The Junior Sailing Program has moved to George English Park, which has less boat traffic than Las Olas. There are 35 students currently enrolled in the program.

VIII. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:53 p.m.

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