

**MINUTES OF THE MARINE ADVISORY BOARD
 100 NORTH ANDREWS AVENUE
 8TH FLOOR CONFERENCE ROOM
 FORT LAUDERDALE, FLORIDA
 THURSDAY, SEPTEMBER 5, 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	4	0
James Harrison, Vice Chair	P	4	0
F. St. George Guardabassi	A	3	1
Norbert McLaughlin	P	4	0
Jim Welch	P	3	1
Robert Dean	P	3	1
John Holmes	P	3	1
Bob Ross	P	4	0
Joe Cain	A	2	2
Tom Tapp	A	0	4
Herb Rassing	P	4	0
Frank Herhold	P	4	0
Lisa Scott-Founds	A	2	2
Zane Brisson	P	2	2
Erik Johnson	P	3	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
 Todd Hiteshew, Environmental Services Manager
 Sergeant Todd Mills, Marine Police Staff
 Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

Motion made by Mr. Herhold, seconded by Mr. Rassing, to ask that the City Commission contact Michael Lieberman of the U.S. Coast Guard, requesting that bridge openings on Andrews Avenue and 3rd Avenue on Thursday, October 31, Friday, November 1, and Monday, November 4 be returned to an on-demand

basis between the hours of 4:30 p.m. and 6:00 p.m. in order to facilitate the water transportation of attendees departing the Fort Lauderdale International Boat Show. The Board also respectfully requests that this apply to this year's Boat Show as well as all future shows. In a voice vote, the **motion** passed 10-0. (Mr. Johnson abstained. A memorandum of voting conflict is attached to these minutes.)

I. Call to Order / Roll Call

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

II. Approval of Minutes – July 9, 2013

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

III. Statement of Quorum

It was noted a quorum was present at the meeting.

IV. Waterway Crime & Boating Safety Report

Sgt. Todd Mills of the Marine Unit reported that there were 19 incident reports filed in the month of August, including two minor boating accidents. The Marine Unit issued 38 warning citations and completed 85 vessel safety checks, which resulted in 10 citations and one Notice to Appear. Two burglaries occurred in August.

In the month of July, 11 reports were issued and three minor vessel accidents occurred. Four citations and 60 warnings were issued, and 31 vessel safety checks occurred. There were two vessel burglaries and three thefts, including engine and trailer thefts, in July. Sgt. Mills noted that on July 4, 2013, one arrest was made for Boating While Intoxicated (BWI).

Mr. McLaughlin recalled that at an earlier meeting, it had been noted that the Florida Fish and Wildlife Commission (FWC) typically makes BWI arrests. Sgt. Mills explained that the Marine Unit took the individual into custody and FWC administered the Breathalyzer test. While on the water, the Marine Unit observes the manner in which an individual is operating a vessel, as well as the presence of alcohol and statements the individual might make, in order to determine whether or not there is probable cause to bring a boater into custody. Special training is required in order to administer a Breathalyzer test; thus far, members of the Marine Unit have not received Driving While Intoxicated (DWI) or BWI training. Sgt. Mills noted that DWI training is in great demand among Police Officers and must be completed before BWI training.

Mr. McLaughlin continued that there had been discussion at the July meeting of a residential dock in disrepair, at which time it was noted that neither Police nor Code Enforcement Officers may enter a property without the homeowner's permission. Sgt. Mills advised that unless the dock becomes disengaged and constitutes a navigational hazard, this is a Code Enforcement issue. The Marine Unit can bring Code Enforcement to the location to view the structure from the waterway.

Mr. Holmes explained that he had been informed that while the Police may bring Code Enforcement to a location, they may not enter the property if it is posted with No Trespassing signs. He concluded that failure to remove the structure this creates a serious issue, as the dock or other structure often "rots away" and creates a navigational hazard. Mr. Cuba advised that he would look further into this issue and report back to the Board in October on the process.

Mr. Herhold requested an update regarding an abandoned vessel on Lake Sylvia. Sgt. Mills said the Marine Unit is approximately 30 days away from assuming custody of this boat. Once this occurs, the vessel will be removed and docked elsewhere until it is destroyed or sold.

Vice Chair Harrison requested to know the status of evening patrols. Sgt. Mills said the Marine Unit does not have the personnel for two full squads at present, and is focusing on daily patrols. He pointed out that evening patrols are funded by grant money, and estimated that these patrols typically occur at least four days per week when there are sufficient personnel.

Mr. Dean asked how the Marine Unit tests for alcohol in the event of an accident. Sgt. Mills explained that if an Officer feels the operator may have been operating under the influence of an intoxicant, the individual is brought into custody for testing. Mr. Dean commented that in the case of commercial operations, any marine incident requires that the operator of the vessel must provide a saliva sample, which is administered on the scene and tested for the presence and percentage of alcohol. He added that testing kits are available through the Marine Consortium.

Mr. Welch asked how Marine Unit Officers determine who is operating the vessel when there is evidence of drinking on the boat. Sgt. Mills said the individual behind the wheel is considered to be the operator.

V. Waiver of Limitations – ULDR Sec. 47-19.3.C, D, & E – Grupo Alco International LLC / 1100 & 1120 Seminole Drive

Mr. Cuba advised that this Item has been deferred until October 3, 2013.

Chair Flanigan stated that it has recently been brought to Staff's attention that there may be an issue regarding bridges during the upcoming Fort Lauderdale International Boat Show. He introduced Dane Graziano of Show Management, which is responsible for the Boat Show, who was present to discuss this issue.

Mr. Graziano explained that Show Management has received a letter from the United States Coast Guard notifying them that the bridges on Andrews Avenue and 3rd Avenue will not open for the Boat Show between the hours of 7:30 a.m. and 9:00 a.m., Monday through Saturday, and 4:30 p.m. to 6:00 p.m. Monday through Friday. While the morning hours do not constitute a problem, passenger boats typically pass through this area during the afternoon hours to bring visitors to and from the show from a remote parking site.

Mr. Graziano continued that the Coast Guard may not open the bridge unless they are sent a letter from the City requesting this action. He asked for the Board's support in encouraging the City to request two brief bridge openings at 4:30 and 5:30 p.m. on Thursday, Friday, and Monday.

Mr. Welch asked why the openings cannot occur unless requested by the City. Mr. Graziano replied that the closings are mandated by the County Commission, although they have not been enforced in the past. Because the County Commission has recently requested enforcement, the Coast Guard may not act otherwise. He added that he felt the Boat Show was simply an oversight.

Mr. Rassing asked if the Coast Guard is responsible for controlling the bridges. Mr. Graziano said the two bridges are operated by the County under the supervision of the Coast Guard. He reiterated that a letter from the City, requesting an exception on the above dates and times, was likely to be sufficient to allow bridge openings during the Boat Show.

Chair Flanigan recommended that the Board send a communication to the City Commission to request this letter. Mr. Johnson asked to be excused from the discussion of this communication, as he works for Water Taxi and Show Management.

Mr. Graziano added that the operator of the Las Olas Bridge has informed him that this bridge will be opened to accommodate boat traffic during the show. He has also met with the Fort Lauderdale Police Department to discuss a backup plan for the opening of this bridge.

Motion made by Mr. Herhold, seconded by Mr. Rassing, to request the City Commission contact Michael Lieberman of the U.S. Coast Guard, requesting that bridge openings on Andrews Avenue and 3rd Avenue on Thursday, October 31; Friday, November 1; and Monday, November 4, between 4:30 and 6:00 p.m., be returned to an on-demand basis in order to facilitate Boat Show attendees

departing the Fort Lauderdale International Boat Show via the Boat Show's water transportation.

In a voice vote, the **motion** passed 10-0. (Mr. Johnson abstained. A memorandum of voting conflict is attached to these minutes.)

Motion made by Mr. Herhold, seconded by Mr. Rassing, that [the Board] respectfully requests that this apply for this year's show and all future shows. In a voice vote, the **motion** passed 10-0. (Mr. Johnson abstained. A memorandum of voting conflict is attached to these minutes.)

It was decided by consensus that the **motion** to request bridge openings for this year's and future Boat Shows would be added to the communication to the City Commission.

VI. Discussion – Citywide Dredging Status

Mr. Cuba introduced Todd Hiteshew of the Department of Sustainable Development. Mr. Hiteshew advised that at present, the City has approved seven canals for dredging as of April 2013. The first of these, the Tarpon River canal, is currently being dredged and is scheduled for completion in November.

Mr. Hiteshew explained that his Department is working to develop a City-wide dredging program, in which the canals would be dredged according to a five- to seven-year cycle. They are also working to determine a funding mechanism to accomplish this goal. Permits are required from various regulatory agencies in order to dredge waterways. There is presently "one [criterion] for everything" with regard to dredging, which the City may need to re-examine, as canals behind fixed bridges with no open access to waterways may not require dredging to the same depth as a canal with open access.

Mr. Hiteshew continued that dredging had been discussed at a City budget meeting; the City Commission had asked the City Manager to look into how dredging is funded, as well as re-prioritization of some of the canals. Next year's budget does not have any funds set aside for dredging.

Mr. McLaughlin stated that the City had set funds aside for the purpose of dredging from 2010-12 and 2012-14. He recalled that the cost of dredging has gone over budget from 2012-14. Mr. Hiteshew advised that he did not have answers to questions regarding the budget.

Mr. McLaughlin continued that there had been discussions regarding "making dredging a utility," which he did not agree with; he compared the dredging of canals to street cleaning and maintenance. He pointed out that street debris swept into the stormwater sewers contributes to the filling in of canals and the

need for dredging. He asked why funds from the stormwater single-family tax could not be used toward dredging.

Mr. Hiteshew said this was part of an ongoing discussion regarding how the stormwater tax can and cannot be used, but observed that there is a great deal of demand for these funds in recent years.

Mr. McLaughlin asserted that while there has been discussion of a special assessment on waterfront properties, he would not agree with this method, as not only waterfront properties benefit from dredging the canals. He asked how the budget for dredging was determined. Mr. Hiteshew confirmed that the City Manager and Public Works Department develop this budget.

Mr. McLaughlin concluded that dredging is essential to both the City's homes and industries, and that a schedule for dredging should be determined by the City Manager and Public Works in order to keep waterways fully dredged from the mouth of the river to the headway. Mr. Hiteshew replied that this would be preferred over dredging on an as-needed basis, and reiterated that the goal is to place dredging on a five- to seven-year schedule so homeowners will know when their canals are due to be dredged.

Mr. Dean recalled that at the recent marine workshop, the City Manager had referred to a comprehensive plan for dredging that would be presented in the fall. Mr. Hiteshew said at present the City has surveyed up to 40 canals with this plan in mind. Chair Flanigan added that at a previous meeting, the Board had requested that the City perform another survey of its waterways to bring this information up to date. He recommended that the Board members reach out to their respective City Commissioners regarding this issue, as dredging has an economic impact on the City.

Mr. Dean asked what is done with the material removed from a canal by dredging. Mr. Hiteshew said he did not know the final disposition of the material, although he noted that a waste profile is conducted.

Chair Flanigan suggested that the Board might send another communication to the City Commission regarding dredging. Mr. Cuba advised that Mr. Hiteshew was describing the City's plan for dredging as it currently stands, and pointed out that no surveys of canals were underway in the past when the Board had expressed concern about this issue. He proposed that periodic updates could be presented to the Board to keep them apprised of the plan's progress.

Mr. Rassing asked if the Board could have a copy of the City's dredging plan. Mr. Hiteshew said at present, the plan is conceptual. He agreed to provide Mr. Cuba with a copy of the most recent dredging prioritization list, which would be circulated to the Board members.

Mr. McLaughlin stated that it did not appear the City had an individual in charge of its canals and rivers, or a set maintenance program for their upkeep. Mr. Hiteshew reiterated once more that this is the direction in which the City is moving: dredging is being handled by Public Works and Engineering, under the oversight of a project engineer. The City is seeking to holistically change a complaint-driven dredging process into a turnkey maintenance cycle.

Motion made by Mr. Rassing that the [Board] be furnished with whatever plan [the City has] for dredging, and updates as it comes along, so they can monitor the progress or lack thereof in terms of what is really happening. The **motion** died for lack of second.

Mr. Cuba asked if periodic status reports could be sent from Public Works to the Board, with another presentation to follow. Mr. Herhold suggested that presentations could be made on a quarterly basis, and agreed that the City was headed in the right direction.

Mr. Rassing requested more information on the \$600,000 budgeted for dredging from 2010-12. Mr. Hiteshew explained that in 2010, there was \$303,370 budgeted for a dredging contract, which was ultimately rolled into the 2012 contract. This contract is funding the dredging process for the seven canals currently on the list to be dredged.

VII. Reports

- **15th Street Boat Ramp**

Mr. Luscomb reported that a contract has been signed and the contractor has begun preliminary work at the site.

Chair Flanigan recalled that there had been discussion at the July meeting of honoring former mayor Bob Cox at this site. He advised that he has spoken to the Mayor, who welcomed the idea of changing the site's name to Cox's Landing 15th Street Boat Ramp. The Mayor has requested that the Board begin the process for renaming the site, which would begin with contacting the Parks, Recreation, and Beaches Board.

Mr. Cuba advised that the Board make a motion in support of the proposed renaming through the proper channels. He would then forward the Board's minutes to the Parks, Recreation, and Beaches Board.

Motion made by Vice Chair Harrison, seconded by Mr. Herhold, through the proper channels, that [the Board] ask for the support of naming the 15th Street

Ramp to Cox's Landing 15th Street Ramp. In a voice vote, the **motion** passed unanimously.

- **Junior Sailing Program Update**

Mr. Luscomb continued that 32 children participated in the summer program, which has recently ended. He recalled that earlier in the year, the Lauderdale Yacht Club offered 15 scholarships totaling \$2600; he has provided this Club with the names of all children who participated in the program through this assistance.

He added that the City is now searching for a part-time instructor to continue the program on weekends and/or afternoons. The City is also working with another program that will subsidize scholarships for children who wish to participate in the program. The children will be asked to write an essay describing why they want to continue sailing. One child has qualified thus far, and has been provided with a life jacket, gloves, and other equipment for the program.

Mr. Luscomb advised that the City is looking into the possibility of purchasing more Sunfish vessels for a teenagers' or adult sailing class. The goal is for the community sailing program to become fully self-supporting. There are presently 30 to 40 children on the waiting list for sailing lessons.

He recalled that in June, Fort Lauderdale competed for the All America's Cities program. While they did not win, they received the Most Diverse City award, due in part to the junior sailing program.

- **Commission Agenda Reports**

Mr. Cuba reported that a Resolution Amendment sent to the City Commission after the July meeting had been passed. He noted that the Board's communication to the City Commission from July, recommending that no changes be made to the boat waiver process, also successfully passed.

VIII. Old / New Business

Mr. Cuba noted that the first Thursday of January 2014 falls on January 2. He advised that he has requested the room on Tuesday, January 14, in lieu of January 2, and asked that the members consider whether or not this date would be suitable. He concluded that he would email the members at a later date regarding this change.

IX. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:35 p.m.

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