

**MINUTES OF THE MARINE ADVISORY BOARD  
 100 NORTH ANDREWS AVENUE  
 8<sup>TH</sup> FLOOR CONFERENCE ROOM  
 FORT LAUDERDALE, FLORIDA  
 THURSDAY, OCTOBER 3, 2013 – 6:00 P.M.**

<b><u>Board Members</u></b>	Attendance	<b>Cumulative Attendance May 2013 - April 2014</b>	
		<b><u>Present</u></b>	<b><u>Absent</u></b>
Barry Flanigan, Chair	A	4	1
James Harrison, Vice Chair	P	5	0
F. St. George Guardabassi	P	4	1
Norbert McLaughlin	P	5	0
Jim Welch	P	4	1
Robert Dean	P	4	1
John Holmes	P	4	1
Bob Ross	P	5	0
Joe Cain	A	2	3
Tom Tapp	P	1	4
Herb Rassing	P	5	0
Frank Herhold	P	5	0
Lisa Scott-Founds	A	2	3
Zane Brisson	P	3	2
Erik Johnson	P	4	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  
 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 6:00 p.m. and roll was called.

## **II. Approval of Minutes – September 5, 2013**

**Motion** made by Mr. Ross, seconded by Mr. Herhold, 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 stated that in September, six reports were taken, 10 miscellaneous incidents were reported, and five vessel accidents occurred, all of which were minor. The Marine Unit conducted 96 safety checks, issuing 74 warnings and five citations. Two break-ins were reported, one of which resulted in the theft of \$3000 worth of electronic equipment.

He continued that the abandoned vessel discussed at previous Board meetings has been removed from the Lake Sylvia area, and the Marine Unit is working to have it removed from the water. Sgt. Mills noted that the Broward County Marine Advisory Committee may be able to provide funds to assist in situations such as this in the future, with some stipulations, through a grant provided to the City. The Marine Unit has also received funding from the Florida Inland Navigational District (FIND) to purchase replacement motors for some of its vessels.

Vice Chair Harrison asked if the number of safety checks in September was similar to the number of checks conducted in previous months. Sgt. Mills replied that it is significantly higher, as he feels safety checks create positive interactions between the Marine Unit and citizens. Typically, Officers will make boaters aware of minor issues in need of correction rather than giving citations.

Vice Chair Harrison asked how many safety checks are conducted at launching ramps. Sgt. Mills said these are typically 10%-15% of all checks in a given month, as the majority of safety checks occur on the water. He estimated that most are completed within 10 minutes or less; most boaters are stopped for a reason, such as traveling too fast in a no wake zone.

Mr. Holmes asked how marine crimes are tracked or posted online. Sgt. Mills said the Records Department oversees all postings, and noted that marine crimes are not usually singled out: for example, the burglary of a vessel would be considered a burglary rather than a marine crime. Mr. Holmes requested that the Marine Unit ensure these crimes are included online in the Regional Analysis and Information Data Sharing (RAIDS) database.

Mr. Guardabassi commented that there are often multiple agencies, including the Broward Sheriff's Office (BSO), Coast Guard, Florida Fish and Wildlife Commission (FWC), and others, on the water at some locations, particularly close to Port Everglades. He observed that Fort Lauderdale's Marine Unit is typically the friendliest of these agencies, but noted that this can be intimidating to boaters. Sgt. Mills recommended that if any issues arise with enforcement personnel, boaters should contact the appropriate Officers at these agencies.

**V. Waiver of Limitations – ULDR Sec. 47-19.3.C, D, & E – Grupo Alco International LLC / 1100 & 1200 Seminole Drive**

Mr. Cuba stated that this Item has been deferred at the Applicant's request, and will appear on a later Agenda.

**VI. Waiver of Limitations – ULDR Sec. 47-19.3.C – Martin E. and Nicole Hanaka – 1627 SE 7 Street**

Tyler Chappell of the Chappell Group, representing the Applicants, requested that this Item be deferred as well, and noted that the Applicant has reached out to concerned neighbors. They plan to address these concerns and bring the Application back before the Board in November.

**VII. Waiver of Limitations – ULDR Sec. 47-19.3.C, D, & E – Las Olas, LLC – 721 Idlewyld Drive**

Kyle Martinez of Qualman Marine, representing the Applicant, advised that the Applicant is seeking 11 ft. 6 in. of additional length to a dock extending into the waterway so the owner's vessel can be moored in sufficient water. The request would also move a dolphin piling further into the water.

He clarified that the dock is under construction and permits were received from the Army Corps of Engineers, the Florida Department of Environmental Protection (FDEP), and the City; however, no final inspection can be conducted until the Board has recommended approval of the Application.

Mr. Herhold commented that the dock in question appears to have already been constructed, which typically does not occur until a waiver is obtained. Mr. Martinez said while a portion of the construction is complete, the Applicant cannot yet moor a boat at the location. The Applicant plans to moor a smaller vessel, such as a 25 ft. speedboat, on the existing portion of the dock. There is a lift at the dock that could be used to raise a smaller vessel out of the water.

Mr. Herhold continued that the Application showed the owner had applied for a dredging permit, but was denied due to resources found in the surrounding area. Mr. Martinez clarified that the Applicant is not allowed to dredge on the outside of

the dock, although both rock and concrete have been removed from the site. He explained that the Applicant had to remove broken concrete, rock, and debris from the base of the wall in order to install new sheeting.

Mr. Herhold commented that the Applicant's boat lift is directly up against the property line, and asked how a boat could be placed on this lift due to the setback. Mr. Cuba pointed out that the Applicant may legally install a boat lift if the dock extends up to the property line, but advised that it may not be possible to place a boat on the lift due to the setback requirement. Mr. Herhold concluded that he was not entirely comfortable with the Application for this reason.

Mr. Martinez noted that the Application requests only an additional 11 ft., which would extend the dock to 36 ft., while other docks in the same area extend to 51 ft. or 52 ft. Mr. Herhold said the issue was whether or not the appropriate process is being followed in this case.

Mr. Dean requested clarification of the process, noting that there was some question as to whether or not the dock already extends beyond the length the Board was asked to approve. Mr. Cuba explained that the Applicant's permit is for a dock at the subject site, within the footprint allowable by Code; however, the dock that is being constructed appears to extend to the full distance requested, which would be a violation of the permit. He pointed out that the dock under construction is larger than what is shown on the engineering drawings submitted as part of the permit application.

Vice Chair Harrison noted that the length shown on the engineering drawings, which recorded as 30 ft., appeared to have been scratched through on the permit and recorded instead as 18 ft. 6 in., which is the length allowed without the waiver. He asked what entity was responsible for making this change. Mr. Martinez said he was not certain, noting that the permit was issued for the maximum length allowed by the City, which was 18 ft. 6 in. on the approach, plus the width of the platform. He stated that the dock as constructed comes to "11 ft. more," or 30 ft. He concluded that if the Application for the additional 11 ft. is not approved, the Applicant will need to remove 11 ft. of the dock.

Vice Chair Harrison stated that the Application would probably had been approved if the correct waiver process had been followed by the Applicant; however, changing the specifications of the permit before coming to the Board made this problematic. Mr. Dean added that the Board is being asked to approve a Code violation: both the construction of a substantial concrete structure and dredging at the site without a permit would place the Board in an uncomfortable position.

Mr. Martinez explained that Qualman Marine had intended to present the Application at an earlier meeting, but had not done so because the information

packet was not properly completed at that time. He explained that they had felt the Application was a simple one and would be easily approved, and had been negligent in proceeding with the project without approval of the changes. He concluded that they would be willing to do whatever was necessary to make the Board more comfortable with the Application, including removing the existing construction at the company's expense if necessary.

Mr. Dean asked if it would be advisable for the Board to await more information on the Application's status before recommending approval. Mr. Cuba replied that deferring the Application was one option, as it would allow the Applicant time to return to the Permitting Department and identify the project as being in violation. He added that another option would be making a conditional motion, which would include additional requirements of the Application.

Mr. Herhold commented that approving the Application could both establish a dangerous precedent and reduce the Board's credibility in the eyes of the City Commission. He observed that one sketch of the proposed project shows a dock structure that did not appear to be connected to the 30 ft. approach ramp. Mr. Martinez said he could not identify this feature, but asserted that it was not a structure and was not part of the Application.

Mr. Rassing asked if sea grass had been found at the site. Mr. Martinez replied that it had not been found. Mr. Rassing also asked if the Applicant had received a permit to dredge the site. Mr. Martinez reiterated that there is no such permit, and that debris was being removed from the seawall area.

Mr. Guardabassi stated that he felt the Building Department could provide the appropriate guidance on this issue if the Application was deferred. Mr. McLaughlin noted that if the Application was denied, the Board would need to inform the City Commission that it was denied because the project was not brought before the Board prior to construction beyond the scope of the permit.

Mr. Dean asked to know the date of the permit. Mr. Cuba replied that it was issued on July 16, 2013, and the engineering drawings had been submitted between June 6 and June 12, 2013.

There being no further 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.

Mr. Ross commented that he did not believe the Applicant should have to remove the dock, as it would most likely be approved at a later date; however, he did not feel the Application should be approved at this time. Mr. Herhold observed that the location of the boat lift is also an issue. He noted that the

dredging may have been done in order to place the boat lift inside the inner loop of the project.

Mr. Tapp stated that the Applicant, as well as the contractor, should be asked to come back to the Board at a later date with a plan showing how this issue could be rectified.

**Motion** made by Mr. Ross to defer and to ask for full blueprints of as-built.

Mr. Herhold suggested that the Board inform the City Commission that in this particular case, an Applicant had attempted to circumvent the rules, particularly with respect to dredging. He declared that the Board should go on the record to state that while they wished to be cooperative with the owner and contractor, they could not condone an Application that did not follow the correct process for approval.

Mr. Rassing **seconded** Mr. Ross's **motion**, but added that he would also like to offer an **amendment** asking that Mr. Martinez return before the Board with a plan of action that acknowledged the attempt to circumvent the rules and attempted to rectify this issue. He also recommended that the property owner be present at this later meeting.

Mr. Martinez addressed the issue of the lift, stating that all distances have been approved by both FDEP and the Army Corps of Engineers; the only approval missing is that of the City. He apologized on behalf of Qualman Marine for proceeding without the proper approval. He agreed to provide as-built blueprints as requested.

Mr. Ross advised that he wished to keep the **motion** simple, and that the Applicant planned to bring the appropriate materials to a future meeting. He restated his **motion** to defer, **seconded** by Mr. Rassing, without the proposed amendment.

In a roll call vote, the **motion** passed 12-0.

The Board members discussed the need to ensure that contractors understand the correct process must be followed, irrespective of how quickly a homeowner might wish the project to be completed. Mr. Guardabassi observed that the Board, not the Applicant or his representative, had identified the issue of moving the boat lift into the interior of the project.

### **VIII. Update – Citywide Dredging Status**

Mr. Cuba advised that this Item would appear on an upcoming Agenda, as the Public Works Department is currently preparing a presentation for the Board.

## **IX. Reports**

- **15<sup>th</sup> Street Boat Ramp**

Mr. Luscomb advised that mobilization of this project has been deferred to November 6, 2013, after the Fort Lauderdale International Boat Show. He explained that there have been issues related to drawings and grades that must be addressed before construction may begin.

He continued that while the project had originally been staged in two phases, this has changed: one ramp will be closed, although one ramp will continually remain open during the project and sufficient parking will be assured.

Vice Chair Harrison asked if an update was available regarding the placement of a memorial plaque in honor of former mayor Bob Cox. Mr. Cuba replied that there was no update at this time. He advised that he would email the members when more information was available.

Mr. Luscomb continued that the City Commission had recommended having MAB Chair Barry Flanigan speak to the City Auditor regarding the Las Olas Marina expansion project. Chair Flanigan, Vice Chair Harrison, Mr. Cuba, and other members of City Staff were present for this meeting, in which the Board members provided additional qualitative and quantitative data, including occupancy rates, revenues and expenses, and a “turn-away” list of boaters who could not be accommodated at the marina. He characterized the meeting as positive.

Vice Chair Harrison, Chair Flanigan, and Mr. Dean also attended a meeting of the Beach Redevelopment Board, where a presentation was shown regarding plans for this area. He noted that the marina’s costs were estimated at approximately \$28 million, including dredging and construction expenses. Vice Chair Harrison noted that there may be a bond planned for the parking garage near the International Swimming Hall of Fame, which would mean the City must pledge all its parking revenue as collateral. Part of this pledged revenue would come from the existing parking lot at the Las Olas Marina.

Mr. Dean said he is currently preparing a document containing information on the marina’s prospective economic impact, using FIND’s economic analysis model, which would be presented to the Mayor at a later date. He stated that he would like to share this with the other Board members, and would welcome any feedback. Mr. Cuba advised that this document must be sent through his office due to the Sunshine Law.

Mr. Dean continued that most of the City's residents are not aware of the prospective Las Olas Marina expansion, and urged the Board members to begin networking to ensure this information is shared with the general public. He noted that it may be possible for the Beach CRA to provide some funds toward the marina due to its potential economic impact.

Mr. Rensing noted that many Board members know individuals in the marketing industry, and suggested that there may be individuals in this field who would work toward the marina expansion project *pro bono*. Mr. Guardabassi proposed that the Marine Industries Association of South Florida, the Super-Yacht Association, and other entities might be able to provide resources toward the project.

Vice Chair Harrison stated that the MAB has been the greatest proponent of the marina expansion, and recommended that the members continue to spread the word regarding the project, including reaching out to their City Commissioners. Mr. Dean, however, cautioned that the Commissioners are aware of the proposed expansion but may remain skeptical due to the possibility of lost revenue. He explained that one reason for the recent meeting with the City Auditor was to confirm that the economic *pro formas* for the marina were viable. He declared that it is incumbent upon the MAB members to contact their Commissioners, as well as members of the marine industry, to emphasize the importance of the project.

Vice Chair Harrison reiterated that the members must remain aware of the Sunshine Law. He advised that once the members are aware of all the facts regarding the proposed expansion, the Board might consider preparing a position statement on the project.

Mr. Dean said he would complete his document within the next few days. He estimated that it would be a brief overview in two to three pages. The members briefly discussed what should be included in the document, including renderings, photographs, and economic impact information. They also discussed occupancy rates in other cities, some of which have reached their maximum limit.

Mr. Dean commented that he had spoken to representatives of FIND to request the data that had convinced them to deepen the Intracoastal Waterway to over 15 ft. Tyler Chappell, representing FIND, replied that a 2011 economic study was prepared for each county to show the economic motive for dredging. He advised that the 15 ft. figure was derived through feedback from operators, including representatives of the Boat Show, members of the public, and members of the marine industry who requested a deeper draft to accommodate vessels.



Mr. Dean asked if it would be possible for a member of FIND to accompany members of the Board in giving a presentation at a City Commission meeting. Mr. Chappell said he would be willing to work with the Board for this purpose.

- **Reminder: January 14<sup>th</sup> MAB**

Mr. Cuba reminded the Board members of the rescheduled date for the January 2014 meeting. It will be held on Tuesday, January 14.

- **Commission Agenda Reports**

Mr. Cuba continued that the City Commission approved \$50,000 for removal of a derelict vessel. The City also received a FIND grant to remove another derelict vessel from Key Largo Lane.

Regarding the waiver process, he advised that the City Commission had discussed whether or not this process should be changed. Mr. Cuba recommended that the members view this discussion by the Commissioners, which is available online. The discussion included consideration of sending this process to the Department of Sustainable Development while allowing Marine Staff to continue to contribute to this discussion.

Mr. Cuba concluded that at the September MAB meeting, the Board had recommended the City contact the U.S. Coast Guard with regard to bridge opening. The requested letter was sent to the Coast Guard earlier in the first week of October.

## **X. Old / New Business**

Jack Newton, member of the public, stated that he is a resident of The Venetian condominium. He distributed a pro forma on the two parking decks proposed as part of the Las Olas Marina expansion, asserting that it would result in a loss of approximately \$560,000 per year. He suggested that only one deck be built, and the remaining funds used toward the marina expansion itself.

Mr. Newton explained that residents of The Venetian were not in favor of placing a parking deck in front of their building. He presented photos taken from the condominium, adding that the existing parking lots are typically full only for a few hours on weekends. For this reason, he did not believe the two proposed parking decks would be profitable. He also felt some of the funds intended for the beautification of Las Olas Boulevard could go toward the marina expansion.

Mr. Rassing commented that the only times parking seemed to be full at this location were during the Boat Show, the Fourth of July, and New Year's Eve. Mr. Newton agreed with this assessment. He also introduced John Burns, chairman

of The Venetian's Dock Committee, who operates a marina next to the condominium. Mr. Burns stated his support for the proposed expansion project, as there is a waiting list at his facility.

Mr. Chappell invited the members to the upcoming FIND Commission meeting, which will be held on Friday, October 18 at 8:30 p.m. A reception will be held on October 17 in Deerfield Beach. He encouraged the members to discuss the proposed marina expansion with the County Commissioners, and advised that he would place Mr. Dean's document on the agenda for discussion.

## **XI. Adjournment**

There being no further business to come before the Board at this time, the meeting was adjourned at 8:03 p.m.

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