

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

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
 Officer Quintin Waters, Marine Police Staff
 Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. Call to Order / Roll Call

Chair Flanigan called the meeting to order at 6:07 p.m. He recalled that the Fort Lauderdale International Boat Show had opened one week ago, and renderings for which some Board members had provided financial assistance were displayed in two booths. He advised that members of the Florida Yacht Brokers' Association had requested he be present at their booth for a brief question-and-answer session about the proposed Las Olas Marina expansion. Chair Flanigan thanked the members who had contributed to the production of the renderings.

He continued that the following Monday, he had attended a luncheon that recognized the expertise of Mr. Luscomb, Supervisor of Marine Facilities, and Tyler Chappell of the Florida Inland Navigational District (FIND) regarding sea grass mitigation. There was discussion of this issue in order to dispel the idea that there are many obstacles to the mitigation process.

II. Approval of Minutes – October 3, 2013

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

III. Statement of Quorum

It was noted that a quorum was present at the meeting.

IV. Introduction of New Member – Jack Newton

Chair Flanigan introduced new Board member Jack Newton at this time. Mr. Newton has been a boater since the 1970s. Chair Flanigan added that Mr. Newton is a supporter of the proposed Las Olas Marina expansion.

V. Waterway Crime & Boating Safety Report

Officer Quintin Waters of the Marine Unit reported that during the month of October, there were six vessel accidents, all of which were minor. The Marine Unit gave 88 warnings, conducted 85 safety checks, and issued eight vessel citations. There were five vessel burglaries during the month.

Officer Waters recalled that there had been discussion the previous month of whether or not marine burglaries were included on the Regional Analysis and Information Data Sharing (RAIDS) website. He informed the Board that these crime statistics are not obtained from the Fort Lauderdale Police Department and would not be accurate. He added that the Police Department's system does not classify marine crimes separately from other crimes, such as larcenies.

Chair Flanigan requested an update on the new engines provided to the Marine Unit by a grant from FIND. Officer Waters advised that this grant is for \$30,000 and will be

matched by the City. He concluded that the load-in and load-out at the recent Boat Show had gone very smoothly.

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

Mr. Cuba noted that this Item had been presented at the Board's October 2013 meeting, which had resulted in a motion by the Board for the Applicant to make specific changes to the Application. These changes included proof of permitting for dredging and an as-built survey for the dock.

Mr. Cuba added that although Mr. Herhold was not present, he had informed Staff that the concerns he had expressed at the October meeting have been fully satisfied by the Applicant.

Kyle Martinez, representing the Applicant, provided the as-built survey for the dock, which showed that the boat lift will meet the necessary setback requirements. He continued that a dredging permit had been acquired for the removal of debris from the area, and was included in the members' information packets.

Chair Flanigan observed that while he had not been present for discussion of this Application in October, he has visited the subject site.

There being no 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. Ross, seconded by Mr. Cain, to approve. In a voice vote, the **motion** passed unanimously.

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

Tyler Chappell of the Chappell Group, representing the Applicants, explained that this Item had been scheduled for presentation at a previous meeting, but was deferred due to concerns raised by the property's neighbors. Since that time, the Applicants have modified their design to be parallel to the existing dock instead of perpendicular. The proposed dock is roughly 16 ft. closer to the existing dock than originally proposed.

Matt Mitchell of the Chappell Group, also representing the Applicants, showed a PowerPoint presentation on the Application, stating that the Applicant is seeking a waiver for a finger pier that would extend 25 ft. from the property line. The Applicant's property lies on one of the wider areas of the New River. He showed several views of the property, including aerial and ground-level photographs.

Mr. Matthews showed a survey of the existing dock, which is a concrete marginal dock with a semicircular radius and a boat lift on its west end. The Application would provide access for one additional slip, which was originally planned as a perpendicular finger pier extending into the river; however, as concerns were raised by the Applicant's neighbors, different design options were considered and the Applicant has since reached out to these neighbors.

He continued that at least one neighbor has provided a letter of support for the new proposal, which would provide a fixed-access platform extending from the marginal dock and a parallel floating dock extending in front of the existing radius. The new layout represents a reduction of more than 16 ft. from the original proposal. The total distance of the structural extension from the property line is 31 ft., which represents only a 6 ft. extension beyond the allowed 25 ft. threshold.

Mr. Matthews concluded that the necessary regulatory permits were issued for the Application's previous configuration. If the Board approves the Application, the Applicant will need to modify these permits and reconfigure the layout; however, no issues with any regulatory agencies are anticipated. The floating dock will provide access for one additional slip, which would most likely be used for a small recreational vessel; in addition, the waterway is very wide at the location. The proposed dock is 113 ft. from the City's 30% width of waterway line and 117 ft. from the Army Corps of Engineers' waterway line, or 230 ft. from the channel.

There being no questions from the Board at this time, Chair Flanigan opened the public hearing.

Sam Hill, private citizen, stated that he represented a nearby property owner who was out of town. He asserted that the owner is very appreciative of the changes made by the Applicant. He asked, however, why the proposed dock could not be designed to fit within the guidelines of Code without requiring a variance.

Mr. Matthews replied that the proposed configuration provides slip access on the outside of the dock, as well as the opportunity for the Applicant to use kayaks and paddleboards inside the floating dock, which prevents some of the disturbances from waves on the New River. If the structure is moved 6 ft. back to be consistent with the guidelines, this would allow only 2 ft. between the radius and the inside edge of the dock.

Mr. Hill asked if the variance would be passed on to a new owner if the Applicant sold his property. Mr. Cuba confirmed this.

Charles Kelsey, private citizen, said he lives on the western side of the subject property. He explained that he is concerned because the Applicant currently wishes to dock a small vessel at the proposed structure; however, he wished to know if the Applicant would be allowed to dock a large vessel, such as an 80 ft. boat, in the same space,

which would obstruct Mr. Kelsey's view of the New River. He concluded that he would like an assurance that this would not happen.

Mr. Chappell advised that a large vessel could not be accommodated on the outside of the proposed structure; in addition, if the Applicant wished to dock a large vessel at the property, he would need to place piles on the outside of the dock, which would require another waiver Application. Mr. Cuba confirmed that no additions could be made to the structure without first coming before the Board once more.

Murray Hanaka, Applicant, explained that his wife cannot access the water to kayak or paddleboard at present, which was why the Application was submitted. He asserted that they have no plans to dock a larger boat at the property.

It was noted that the individual who had provided an email in support of the project was also present at the meeting.

As there were no other members of the public wishing to speak on this Item, Chair Flanigan closed the public hearing and brought the discussion back to the Board.

Mr. Ross asked if the floating dock would have specific load capabilities, which would prevent it from accommodating a yacht. Mr. Chappell confirmed this, noting that the currents from the waterway would also limit the size of a vessel at the floating dock.

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

Mr. Tapp commented that he felt this Application was a good example of an Applicant working with his neighbors to arrive at a solution, with the Board serving as mediation.

VIII. Reports

- **Reminder: January 14th MAB**

Mr. Cuba recalled that the January 2014 Board meeting has been rescheduled for January 14, 2014.

- **ICW Dredge Status**

Mr. Luscomb reported that a conceptual mitigation plan design, based on the mitigation of 1.8 acres of seagrass, has been submitted to the County. The plan identifies a habitat restoration site on the western corner of Deerfield Island. The area would be re-graded and a protective barrier would be placed around the location to encourage the growth of seagrass. The County is expected to respond to this plan within 30 days. The plan was also submitted to all regulatory agencies, including FIND. He noted that FIND has all

necessary permits except the County permit, and expects to begin the mitigation project in 2014.

Mr. Luscomb added that the City was awarded \$300,000 in grants from FIND to continue the permitting process. These grants are currently being executed with the City.

- **BBIP Application**

Mr. Luscomb continued that he has applied for a Broward Boating Improvement Grant (BBIP) for removal of a derelict vessel. This is a non-matching grant that would supply a \$50,000 line of credit the City can use toward removal of derelict vessels. Both the Broward Sheriff's Office (BSO) and the City have \$50,000 non-matching grants to cover the expense of vessel removal, supplying a total of \$100,000 in grant funding within Broward County. He concluded that the County's Marine Advisory Committee was complimentary of the City's process in removing these vessels efficiently, and Mr. Luscomb praised the Marine Unit's work as well.

Chair Flanigan asked to know the next steps in dredging the Intracoastal Waterway. Mr. Luscomb replied that the task orders for the City's consultant are complete, and the Public Works Department is working to continue the process into its next phase, which will require the creation of a scope of work. This scope will be submitted through the Competitive Consultant Negotiations Act (CCNA), which is similar to an RFP.

Chair Flanigan asked if Mr. Luscomb would remain involved in the process once it has entered its next phase. Mr. Luscomb confirmed this, explaining that while the next phase of the project may be overseen by another Department, he will continue to work with the project from a grant perspective and will be able to offer expertise.

Chair Flanigan asked if it might be possible for the City to be awarded a grant related to seawalls. Mr. Luscomb said he had reviewed the specifications for this grant, which is a nationally competitive matching grant and requires a qualifying project. He pointed out that it would also require a 25% minimum match. Chair Flanigan stated that he felt there was potential for the City to identify a project. Mr. Luscomb added that a part of the Las Olas Marina would need to be designated as transient dockage in order to qualify for the grant.

Chair Flanigan explained that this federal grant, intended for transient vessels only, had been brought to his attention at a City Commission Conference Agenda meeting. He noted that other local marinas have both received this grant funding. Mr. Cuba pointed out that matching funds would be required to pursue the grant targeting transient activity, and that the Board's primary focus remains on the proposed Las Olas Marina redevelopment. The City will pursue additional grants when the timing is appropriate.

Mr. Luscomb explained some of the specifics of the grant in question, pointing out that there are several strings attached that could make it difficult for the City to identify a qualifying project.

- **Commission Agenda Reports**

Mr. Cuba reported that although Board member Frank Herhold was not present at tonight's meeting, he is attending the Greater Fort Lauderdale Chamber of Commerce's annual Salute to Business meeting, as he had successfully nominated the Lauderdale Marine Center for an environmental stewardship award.

Mr. Cuba also distributed copies of the Sunshine Law, emphasizing that this law prohibits individuals from discussing Board business outside of meetings in order to prevent potential conflicts of interest. He advised that when emails are sent from his office, members must respond only to him and not to all recipients.

Mr. Guardabassi asked if members may bring personal electronic devices, such as iPads, for use at Board meetings. Mr. Cuba said he would seek more information on this issue.

Mr. McLaughlin asserted that if an issue is not on the Board's Agenda and will not be voted upon, it is allowable for members to discuss it outside of meetings. Mr. Cuba agreed that gray areas exist within the Sunshine Law, but pointed out that certain issues have been discussed by the Board in the past and have been communicated to the City Commission.

Mr. Cuba reported that the Winterfest Boat Parade dockage use agreement had passed the City Commission on October 15. The Master Plan for the Beach Redevelopment Board (BRB) was discussed on November 5, which has implications for the MAB as well.

Mr. McLaughlin noted that a beach renourishment project is underway for the northern end of Broward County, and asked why parts of Fort Lauderdale were not included in this project. Mr. Cuba said he would look into this issue before the next meeting.

IX. Old / New Business

Mr. Guardabassi asked if it would be possible for the City to provide printed copies of the members' information packets. Mr. Cuba agreed that this could be done upon request, and asked members who would prefer hard copies of the materials to email his office. He reiterated that he would look further into the Sunshine Law to find out if it is allowable for members to bring personal computers and/or tablets to meetings.

Mr. Tapp suggested that some of the backup materials, such as deeds and other lengthy documentation, could be stipulated as part of the application process. He

pointed out that these materials are not typically discussed or voted upon by the Board, and stated that it may be unnecessary to provide these documents to the members. Mr. Cuba noted that these materials are submitted electronically by applicants and do not often require printing. Mr. Ross added that it is also possible to print only partial documents. Mr. Cuba concluded that he would streamline the printed materials provided to members, but would continue to supply them with electronic copies.

X. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:30 p.m.

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