

**MINUTES OF THE MARINE ADVISORY BOARD  
100 NORTH ANDREWS AVENUE  
8<sup>TH</sup> FLOOR CONFERENCE ROOM  
FORT LAUDERDALE, FLORIDA  
THURSDAY, MARCH 6, 2014 – 6:00 P.M.**

<u>Board Members</u>	Attendance	<b>Cumulative Attendance May 2013 - April 2014</b>	
		<u>Present</u>	<u>Absent</u>
Barry Flanigan, Chair	P	9	1
James Harrison, Vice Chair	P	9	1
F. St. George Guardabassi	P	8	2
Norbert McLaughlin	P	10	0
Jim Welch	P	9	1
Robert Dean	P	8	2
John Holmes	A	6	4
Bob Ross	P	10	0
Joe Cain	A	6	4
Tom Tapp	P	5	5
Herb Rassing	P	9	1
Frank Herhold	P	9	1
Zane Brisson	P	6	3
Erik Johnson	P	8	2
Jack Newton (arr. 6:05 p.m.)	P	5	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  
Sergeant Todd Mills, Marine Police Staff  
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

1. **Motion** made by Mr. Dean, seconded by Mr. Rassing, to submit the following communication to the City Commission:

In response to the memo and attachments forwarded to the Marine Advisory Board concerning Las Olas Marina, the MAB believes several items were omitted or not properly addressed:

- Reference to a 6000 lineal ft. marina, identified by Sasaki as Option 2, a year and a half ago and at earlier City Commission meetings in 2013. The 6000 ft. marina was the major topic of conversation at the May 2013 Commission workshop;
- Continued reference to the loss of \$515,000 of surface parking revenue. Even if nothing is done to the marina, the surface lot would give way to two parking garages. The loss of revenue should not be attributed as a result of the marina rebuilding;
- This project must be built within the 12-month time frame of the Boat Show, as indicated by Bellingham Marine, which rebuilt Bahia Mar within 9 months;
- It is not the Board's belief that the marina would have to be closed for any significant time, due to phased construction;
- Palm Harbor Marina was built and opened at the height of the recession, and located in mainland Palm Beach. It is not an accurate comparison;
- If the marina is built within 12 months to accommodate the Boat Show, a 100% occupancy would be recognized, followed by the winter season;
- While Mr. Dean has provided substantial documents of importance, it should be noted that these documents came from reliable and recognizable sources such as the Florida Inland Navigational District (FIND), Bellingham Marine, and the Marine Industries Association of South Florida (MIASF);
- On Scenarios A and C on the pro forma spreadsheet, these are not applicable and should be substituted with a Scenario G, listing 6000 ft. and a rate at a minimum of \$1.63 and an occupancy of 74%;

It should also be realized, and is realistic to believe, the rate is closer to a minimum of \$2.00 per foot, as supported by the previously submitted rate survey.

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

2. **Motion** made by Mr. Ross, seconded by Mr. Dean, to send a communication to the City Commission requesting that they direct the appropriate City Staff to review the maximum seawall heights of the current City of Fort Lauderdale Code of Ordinances, specifically Section 47-19.3 (4) (f), not to exceed 6.5 ft. due to the projected rise in sea level. In a voice vote, the **motion** passed unanimously.

#### I. **Call to Order / Roll Call**

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

#### II. **Approval of Minutes – February 6, 2014**

**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 that a quorum was present at the meeting.

#### **IV. Waterway Crime & Boating Safety Report**

Sgt. Todd Mills of the Marine Unit stated that in the past month, 10 miscellaneous incidents and five marine accidents occurred, all of which were minor. The Marine Unit issued four citations, 91 warnings, and conducted 73 safety checks. One burglary occurred, and Officers saved an individual from drowning.

He added that the Marine Unit has received a grant from the Florida Inland Navigational District (FIND) to help fund the purchase of two sets of engines, which should arrive by the end of the month. There is currently no fleet replacement program in place. All vessels date back to 2003.

The Board also discussed Smart Water, which Sgt. Mills described this as a deterrent to crime. Brenda Bailey, representing Smart Water CSI, advised that this program has been used for over one year, and there has been a significant reduction in residential burglaries in two Fort Lauderdale neighborhoods. Ms. Bailey concluded that the company hopes to expand the use of Smart Water throughout several industries.

Chair Flanigan asked if it would be helpful for the Board to recommend a replacement program for the Marine Unit's fleet. Sgt. Mills replied that he would provide updated information at the next Board meeting on how many vessels may be replaced in a given year. He noted that once the two purchased engines arrive, the Marine Unit will have all the engines they need at present.

#### **V. Application – Waiver of Limitations – ULDR Sec. 47-19.3 C & E – Kech Properties, LLC – 687 Middle River Drive**

Chair Flanigan advised that this Application has been withdrawn.

The Chair noted that the Board members were provided with information from Mr. Luscomb regarding the proposed Las Olas Marina expansion, and suggested that the members discuss this issue and consider sending a communication to the City Commission. Mr. Cuba added that he would inform the members when this information goes before the City Commission.

The members discussed the materials, noting that a great deal of marine traffic each month includes very large vessels with celebrity owners, who spend money within the community. It was observed that the memo to the Board omits or does not properly address some items, including the proposal to expand the Las Olas Marina to 6000 sq. ft., which has been discussed by the Board for over a year and has been mentioned in a previous communication to the City Commission.

The Board reviewed the scenarios listed in the materials, pointing out that scenarios A and C on the pro forma spreadsheet should no longer be considered applicable except for historical perspective. It was suggested that scenario C could be modified to use the 6000 sq. ft. figure, \$1.63 rate per foot per day, and a 74% rate of occupancy. They determined that there should also be an additional option, scenario G, which uses 6000 sq. ft. as well as a dockage rate between \$1.46 and \$2.00 per foot per day.

It was noted that the materials made no references to CRA contributions when discussing bonding capacity. Because the proposed redevelopment would have a positive economic impact on the Central Beach area, the members asserted that the memo should include a footnote reflecting that the project could be eligible to receive CRA funds, FIND dollars, or other sources of funding. These sources could significantly reduce the debt service necessary for the project.

The Board also discussed the proposed plan to spend \$11 million on two parking garages in the Central Beach district, pointing out that the materials suggested the marina redevelopment would cost roughly \$515,000 in parking revenue, which was not an accurate reference. The members also felt the 18-month time frame cited for the marina redevelopment was not accurate, as the redevelopment would need to take place in less than one year due to the needs of the Boat Show. Chair Flanigan recalled that Bellingham Marine had indicated the project could be completed in 12 months without closing the marina for any significant period of time.

It was noted that Mr. Dean had provided some of the documentation referred to in the materials. Chair Flanigan pointed out that the facts cited in his report came from reliable and recognized sources, including FIND, Bellingham Marine, and the Marine Industries Association of South Florida (MIASF).

The discussion moved on to occupancy, as the members noted that it was possible the redeveloped marina could be at full occupancy if its reopening coincides with the first day of the International Boat Show, and could potentially retain a great deal of this occupancy even after the Boat Show closes, as this would be within the busiest part of the season and many vessels were likely to remain.

Vice Chair Harrison recalled that the City Auditor and City Manager had both requested that more accurate figures be provided for the project, particularly with regard to occupancy and dockage rates. He asked how these figures might be determined. The Board discussed the possibility of an independent rent survey of local marinas, noting that these numbers would be dependent upon the size of the vessels and the face dock. Mr. Cuba advised, however, that it can be difficult to get accurate rate information from private marinas, as they often make deals that are lower than their published rates.

Chair Flanigan commented that private marinas do not have the ability to seek matching grants or governmental funds, but are still finding ways to successfully do business and increase their occupancy. A public facility, however, may access grants and

governmental dollars. The Board briefly discussed some of the rates that had been mentioned anecdotally by captains using other local marinas. It was also noted that the figures cited in Mr. Dean's report are very conservative, and were likely to go higher. The Board members discussed local dockage rates, noting the amenities and conditions at different marinas and how these affect rates. They concluded that one estimated rate, \$2/ft., should be considered extremely conservative.

Chair Flanigan pointed out that the project would lose the support of the Central Beach Alliance (CBA) if the redevelopment included upland construction. He added that the CBA became supportive of the project when they learned it was not intended to compete with existing or vacant facilities in the area. It was suggested that the City Commission could be sensitive to a City dock undercutting nearby rates, and that rates for the proposed marina could be slightly raised. The members determined that the Sasaki report, which referenced a 6000 sq. ft. dock, a minimum rate of \$1.63, and 74% occupancy, could conservatively raise this minimum rate to \$2.00 per foot per day, as supported by the research submitted in the materials.

**Motion** made by Mr. Dean, seconded by Mr. Rassing, to submit the following communication to the City Commission:

"In response to the memo and attachments forwarded to the MAB concerning Las Olas Marina, the MAB believes there are several items omitted or not properly addressed:

- Reference to 6000 lineal ft. marina, identified by Sasaki as Option 2, a year and a half ago and at earlier Commission meetings in 2013. The 6000 ft. marina was the major topic of conversation at the May 2013 Commission workshop;
- Continued reference to the loss of \$515,000 of surface parking revenue. If nothing is done to the marina at all, the surface lot gives way to two parking garages, and the loss of revenue should not be attributed as a result of the marina rebuilding;
- This project has to be built within the time frame of the Boat Show, 12 months, as indicated by Bellingham Marine, [which] rebuilt Bahia Mar within 9 months;
- It is not the Board's belief that the marina would have to be closed for any significant time, due to phased construction;
- Palm Harbor Marina was built and opened at the height of the recession, and located in mainland Palm Beach. It is not totally comparable to be referred to;
- If the marina is built within 12 months to accommodate the Boat Show, a 100% occupancy would be recognized, and then begins the winter season;
- While Mr. Dean has provided substantial documents of importance, it should be noted that these documents were provided by reliable and recognizable sources such as the Florida Inland Navigational District (FIND), Bellingham Marine, and the Marine Industries Association of South Florida (MIASF);
- On Scenarios A and C on the pro forma spreadsheet, these are not applicable and should be substituted with Scenario G, listing 6000 ft. and a rate at a minimum of \$1.63 and an occupancy of 74%;

- It should also be realized, and is realistic to believe, the rate is closer to a minimum of \$2.00 per foot, as supported by the previously submitted rate survey.”

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

## **VI. Discussion – Seawall Height – Tyler Chappell**

Tyler Chappell, representing the Property and Infrastructure/Built Environment Subcommittee of the Broward County Climate Change Task Force, showed a PowerPoint presentation on how the City’s infrastructure, particularly its seawalls, will be affected by a rise in sea level.

He explained that most of the City’s seawalls are older coral/rock walls, containing a rock base with rebar or a footer with a concrete cap. The life expectancy of these walls is typically 30 years. Most of the City’s seawalls are currently being replaced, often by new home buyers moving into Fort Lauderdale who want more protection for their properties. City Code presently allows for a top-of-cap elevation of 5.5 NGV. The lifespan of these new seawalls is also projected at 30 years.

The Army Corps of Engineers projects a sea level rise, by the year 2040, of approximately 6 in. to 12 in. higher than the level recorded in 2010. For this reason, seawalls built today should reflect this projected increase. Mr. Chappell provided the Board members with materials including data and analysis conducted by the South Florida Regional Compact Group, which identifies how certain facilities would be affected by a rise in sea level, particularly marinas, residential properties, and housing. An increase would also mean that saltwater intrusion devices in City canals would need to be replaced. By the year 2060, a 24 in. sea level rise is projected, which would reach to Federal Highway, as well as several neighborhoods in that portion of the City. Projections are based on an extrapolation of data that extends back to 1913, as well as the melting of polar ice caps, which is occurring at a faster rate than anticipated.

Mr. Chappell reviewed additional examples from throughout the City, including the effect of sea level rise on storm events and the barrier island. Some examples, which show a majority of properties underwater, have seawall heights from 3.5 to 4.5 ft., which would need to be raised. He requested that the Board consider supporting a Code change to 6.5 ft. above NGVD 29.

The Board discussed the presentation, noting that the minimum foundation of a house is typically 7 to 7.5 ft. in the isles. Because water retention must be provided on individual properties, new houses would need to have foundations of approximately 1 ft. higher than current Code, using swales to route some water into drainage or direct discharge of water into canals. It was noted that simply adding a cap to a seawall would not be sufficient in most cases.

Mr. Cuba advised that any motion for this Item should be a communication to the City Commission, directing the appropriate City Staff to look into the issue. He clarified that this would involve a combination of City Staff members from different Departments, including Planning and Zoning.

It was noted that Code does not require a minimum seawall height. The Board members also discussed locations where roadways would flood when tides come up through the storm sewers, no matter the seawall height. Mr. Chappell agreed that infrastructure, including backflow preventers, would also require review and maintenance for this reason.

**Motion** made by Mr. Ross, seconded by Mr. Dean, to send a communication to the City Commission requesting that they direct the appropriate City Staff to review the maximum seawall heights of the current City of Fort Lauderdale Code of Ordinances, specifically Section 47-19.3 (4) (f), not to exceed 6.5 ft. due to the projected rise in sea level. In a voice vote, the **motion** passed unanimously.

## **VII. Reports**

- **Commission Agenda Reports**

Mr. Cuba advised that the transfer of the Water Taxi's LLC to the Florida Corporation and the Ocean Manor watercraft concession were approved by the City Commission on February 18, 2014. On March 4, a waiver with conditions was approved for a property on NE 20 Avenue.

## **VIII. Old / New Business**

Mr. Herhold reported that the Winterfest Boat Parade was very successful, and presented plaques to the Marine Unit, Mr. Cuba, and Chair Flanigan in recognition of their service and assistance with the event.

It was noted that a plywood regatta is planned for April 5, 2014 by the MIAASF. The event will be based at Dania Beach. April 5 is also the date of the third annual New River Raft Race.

Chair Flanigan stated that the next month's meeting may include discussion of the funding of a floating dock project. Mr. Chappell added that grant funding has been received from FIND for the design and permitting of a floating dock at Birch State Park. He estimated that the dock would be constructed in mid-2015.

Mr. Cuba announced that Board member Tom Tapp will retire from the MAB following tonight's meeting. The members recognized his service to the Board with a round of applause.

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It was noted that the City's Dockmasters were no longer required to attend MAB meetings.

There being no further business to come before the Board at this time, the meeting was adjourned at 8:31 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

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