

**MINUTES OF THE MARINE ADVISORY BOARD  
 100 NORTH ANDREWS AVENUE  
 8<sup>TH</sup> FLOOR CONFERENCE ROOM  
 FORT LAUDERDALE, FLORIDA  
 THURSDAY, APRIL 3, 2014 – 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	10	1
James Harrison, Vice Chair	A	9	2
F. St. George Guardabassi	A	8	2
Norbert McLaughlin	P	11	0
Jim Welch	A	9	2
Robert Dean	P	9	2
John Holmes	P	7	4
Bob Ross	A	10	1
Joe Cain	P	7	4
Herb Ressing	P	10	1
Frank Herhold	P	10	1
Zane Brisson	A	6	4
Erik Johnson	P	8	2
Jack Newton	P	6	0
Jimi Batchelor	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  
 Officer Quinton Waters, Marine Police Staff  
 Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

**Motion** made by Mr. Holmes, seconded by Mr. Ressing, that while the Marine Advisory Board welcomes cruising yachtsmen, their charge is to advise the City Commission of navigational and safety issues. After hearing input from citizens and the Marine Patrol, the Board has concerns about vessels anchoring too long in certain areas, such as Lake Sylvia and the Middle River, which affects public safety and navigation. They propose that the City Commission address these concerns and consult with State and County representatives. In a voice vote, the **motion** passed unanimously.

**Motion** made by Mr. Dean, seconded by Mr. McLaughlin, to send a communication to the City Commission from the Marine Advisory Board, asking the City Commission to once again direct Staff to perform a proper analysis of the potential effective annual dockage rates that could be realized from the expansion of the Las Olas Marina to 6000 lineal ft. in light of the FIND dredging of the Intracoastal Waterway to 17 ft., which would enable mega-yachts to access the new marina. In a voice vote, the **motion** passed unanimously.

**Motion** made by Mr. Newton, seconded by Mr. Rassing, that if it is determined that only one garage is needed at the Las Olas Marina, the Marine Advisory Board recommends that CRA funds be directed to the funding of the Las Olas Marina expansion. In a voice vote, the **motion** passed unanimously.

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

Chair Flanigan called the meeting to order at 6:15 p.m. and roll was called.

**II. Approval of Minutes – March 6, 2014**

**Motion** made by Mr. Dean, seconded by Mr. Rassing, 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. Introduction of New Member – James Batchelor**

Mr. Batchelor introduced himself to the Board at this time. He is a longtime resident of Fort Lauderdale and operates Best Boat Club and Training Center, an authorized training facility for U.S. powerboating and sailing.

**V. Waterway Crime & Boating Safety Report**

Officer Quinton Waters reported that during the month of March, seven full Police reports were filed, including burglaries and attempted burglaries. There were also 12 miscellaneous incidents and nine vessel accidents. The Marine Unit conducted 87 inspections and issued four citations and 71 warnings. He noted that March was a high rental period due to spring break.

Mr. Holmes advised that an offloading marine incident occurred in his neighborhood, to which Marine Unit Sergeant Todd Mills responded. He stated that these incidents continue to be a problem, and often occur on an island bridge, exceeding its weight

limit. He concluded that he had contacted the City Manager to compliment the Marine Unit's response to the incident.

Officer Waters distributed a handout on anchoring rights for Florida boaters, explaining that at one time, the City had a written policy allowing vessels to anchor in place for 24 hours. After 2009, the Florida Fish and Wildlife Commission determined that a live-aboard vessel must be registered as a domicile; all other vessels are considered to be in navigation. Ultimately, the ability of municipalities and counties to regulate enforce their anchorage was revoked by State statute.

Officer Waters noted that this means vessels may be anchored in place for months, which has led to a significant increase in anchorage at locations such as Lake Sylvia and the Middle River. It is difficult to conduct sanitation checks on these boats, as a regulatory entity must give a reason for boarding an anchored vessel and the owner has the right to refuse entry. Because waterskiing areas are considered mixed-use waterways, anchoring cannot be prevented in these areas. The Marine Unit checks the anchor lights on a nightly basis and issues warnings for first violations, followed by citations if the violation continues. Officer Waters concluded that abandoned vessels have become a significant problem for some cities, but cannot be adequately regulated due to State law.

Kevin Watson, private citizen, stated that he has contacted his State representative, as well as the FWC, regarding the issue of anchorage. He pointed out that while the interests of boaters are served by the existing policy, the interests of homeowners, the City, and the marine community are ignored. He asked if there is any recourse for residents of cities whose concerns are being ignored at the State level. The number of vessels, as well as the length of time for which they are anchored, present a navigation hazard at some locations, particularly in the event of a tropical storm.

The Board discussed the City's riparian rights south of the Las Olas Bridge, clarifying that vessels in this location may only use mooring. This can be enforced as a safety issue because the area is within the City's submerged land lease. Mr. Cain suggested that a limited number of moorings might be installed in other locations where the City has riparian rights. The members also discussed the distance to which a homeowner's property rights extend into the water, although it was clarified that most of this land is owned by the State rather than by the upland properties. They considered possible solutions to the issue, noting that the only real answer would be legislative change at the State level.

**Motion** made by Mr. Holmes, seconded by Mr. Rassing, that while the Marine Advisory Board welcomes the cruising yachtsmen, their concern is to advise the City Commission of navigational and safety issues. The Marine Advisory Board, after input from citizens and the Marine Patrol, has concerns about vessels anchoring too long in certain areas, such as Lake Sylvia and the Middle River, which affects public safety and navigation. They make a proposal to the City Commission that they address the concerns and

consult with State and County representatives. In a voice vote, the **motion** passed unanimously.

The Board agreed by unanimous consensus that the above **motion** would be sent as a communication to the City Commission.

The following Item was heard out of order on the Agenda.

**VI. Application – Waiver of Limitation – ULDR Sec. 47-19.3 C, D, & E – Joseph and Susan Fallon – 505 Idlewyld Drive**

As the Applicants were not present, this Item was not discussed.

**VII. Discussion – Potential Floating Dock Enhancements**

This Item was deferred until the May meeting.

Chair Flanigan observed that a resolution may be pending with regard to the seawall in front of the Riverwalk, possibly in the form of a cantilevered deck leading down to the river. The Downtown Development Authority (DDA) will be responsible for this design. Chair Flanigan asserted that he was disappointed that the Board and Marine Staff had no input into this process. He recalled that the Board has previously asked the City to refurbish and/or replace the seawall along the north side of the river, and did not feel it was right for a decision to be made about this structure without the Board being informed of it.

Mr. Dean recalled that the Board had also sent a communication to the City Commission to request an update on the dredging status of the City's canals. Mr. Cuba replied that he would bring this report to the next Board meeting, as well as an update on the status of the seawall.

Chair Flanigan continued that a conference meeting was recently held between various stakeholders and members of City Staff regarding the proposed Las Olas Marina expansion. He noted that the Board recently sent a communication to the City Commission which provided input on this expansion. Chair Flanigan encouraged the Board members to remain apprised of developments related to this issue, and to provide any related information to Mr. Cuba for dissemination among the Board.

Mr. Dean noted that the next step in the process appeared to be an RFP for a public-private partnership in relation to the marina. He asserted that the marina redevelopment does not seem to be a priority for the City Manager, and he was personally discouraged by the lack of progress made toward construction of the new marina. He concluded that it appeared the City was no longer interested in remaining the Yachting Capital of the World.

The members discussed the construction and redevelopment of marinas in other cities, which are being built to accommodate mega-yachts. While the marina redevelopment was supported by three former mayors and three City advisory bodies, no progress has been made thus far. They also noted the economic impact generated in the local community by vessels docked at a marina where tourism is an important component of the economy, as reported in *Marina Dockage* magazine.

John Terrill, private citizen and former Chair of the Marine Advisory Board, recalled that the City Manager had stated a municipal marina is intended to serve the community, which was the reason prices remain artificially low. Mr. Terrill felt this response represented a lack of understanding of the marine industry's importance to the City's economy. He pointed out that less than 10% of City residents dock their boats at the Las Olas Marina, and less than 1% of residents own super-yachts. He urged the Board to stand behind its recommendation to proceed with the redevelopment.

The Board discussed the issue of the marina further, including the results of previous public-private partnerships entered into by the City. Mr. Newton provided copies of a handout he had distributed at a recent City Commission Conference Agenda meeting, which documented marina occupancy through the week as compared to the peak hours of the weekend. He asserted that two parking decks could not be supported by these levels of occupancy, although the City proposes to construct these decks at a cost of approximately \$20 million. The handout recommends constructing only one parking deck and using the remainder of these funds to expand the marina.

Mr. Dean stated that the City appears to feel the marina would not be financially viable, and would not be willing to approve a bond for this reason. He did not feel the financial figures provided to the City Commission by a consultant were an accurate reflection of the marina's prospective costs or revenue. He also observed that the mega-yacht economy is growing, which is not the case for smaller boats. The members reviewed these figures, including the number of lineal feet, estimated percent of occupancy, cost of construction, and rate per foot. It was also noted that the City's funding estimates for the marina expansion did not include monies from the Florida Inland Navigational District (FIND).

**Motion** made by Mr. Dean, seconded by Mr. McLaughlin, to send a communication to the City Commission from the Marine Advisory Board, asking the City Commission to once again direct Staff to perform a proper analysis of the potential effective annual dockage rates that could be realized from the expansion of the Las Olas Marina to 6000 lineal ft. in light of the FIND dredging of the Intracoastal Waterway to 17 ft., and enabling mega-yachts to access the new marina. In a voice vote, the **motion** passed unanimously.

Mr. Cuba advised at this time that the Applicant from Item VI was now present at the meeting. The Board agreed that they would hear and vote upon the Item.

**VI. Application – Waiver of Limitations – ULDR Sec. 47-19.3 C, D, & E – Joseph and Susan Fallon – 505 Idlewyld Drive**

Dr. Fred Blitstein, representing the Applicant, explained that the area in front of the subject property has shoaled dramatically, causing the Applicant to be unable to use his boat lift or bring in any vessel with more than a shallow draft. The request would align the boat lift with a dock immediately to the north so the Applicant can reach the necessary depth for his boat.

He added that due to the presence of seagrass and other habitats in the area, the Army Corps of Engineers requires that the configuration of the lift and dock avoid these habitats. The design complies with this requirement.

Mr. Cuba noted that the dock is 25 ft. from the property line rather than from the seawall. Dr. Blitstein agreed, pointing out that most docks in the area are also 25 ft. from the property line.

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

The Board returned to discussion of the Las Olas Marina expansion, including the possibility of constructing only one parking deck and using 50% of the presently budgeted CRA funds toward the marina. The Board agreed by consensus to send a communication to the City Commission including this possibility.

**Motion** made by Mr. Newton, seconded by Mr. Rassing, that if it is determined that only one garage is needed at the Las Olas Marina, the Marine Advisory Board recommends the use of CRA funds be directed to the funding of the Las Olas Marina expansion. In a voice vote, the **motion** passed unanimously.

**VIII. Reports**

• **Commission Agenda Reports**

None.

**IX. Old / New Business**

It was decided that Mr. Cuba would look into the possibility of changing the date of the July 3, 2014 Board meeting, due to its proximity to the Independence Day holiday.

**X. Adjournment**

There being no further business to come before the Board at this time, the meeting was adjourned at 8:38 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.]