

DRAFT
MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE, FLORIDA
THURSDAY, MARCH 7, 2013 – 6:00 P.M.

<u>Board Members</u>		Cumulative Attendance May 2012 - April 2013	
		<u>Present</u>	<u>Absent</u>
	Attendance		
Barry Flanigan, Chair	P	8	1
James Harrison, Vice Chair	P	6	3
F. St. George Guardabassi	P	9	0
Norbert McLaughlin	P	9	0
Jim Welch (arr. 6:10)	P	9	0
Robert Dean	A	6	3
John Holmes (arr. 6:10)	P	7	2
Bob Ross	P	7	2
Joe Cain	A	5	4
Tom Tapp	P	8	1
Herb Rassing	A	7	2
Frank Herhold	P	7	2
Lisa Scott-Founds	P	5	4
Zane Brisson (arr. 6:02)	P	6	3
Erik Johnson	P	2	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
Levend Ekendiz, Intracoastal Facilities Dockmaster
Lieutenant Frank Sousa, Marine Police Staff
Officer Quinton 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 6:00 p.m. and roll was called.

II. Approval of Minutes – February 7, 2013

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

Mr. Brisson arrived at 6:02 p.m.

III. Statement of Quorum

It was noted that a quorum was present.

IV. Waterway Crime & Boating Safety Report

Lt. Frank Sousa informed the Board that during the previous month, 121 warnings and 31 tickets were issued, as well as with 23 safety checks and three notices of repair. Three burglary reports were also taken. He also advised that although the Thunderbirds will not perform at the upcoming Air Show, the event is expected to proceed as planned.

Lt. Sousa noted that five applicants for the position of Sergeant have been interviewed by the Assistant Chief of Police. He has not learned which individual will fill this position.

Mr. Herhold asked why most warnings and citations are issued. Officer Quinton Waters explained that most of these are due to wake violations. Several Jet Ski violations were also issued in February.

Mr. Ross requested additional information on the reported burglaries. Officer Waters replied that a radar unit, fishing gear, and a television were each stolen from boats. The thefts occurred in three separate areas of the City and are suspected to have been committed by three different parties.

Lt. Sousa concluded that he did not expect to attend the April Board meeting, but would advise the Board of the individual who will be the new Marine Unit Sergeant.

V. Waiver of Limitations – ULDR Sec. 47-19.3 D&E – 785 Middle River Drive LLC / Sean Tanner – 785 Middle River Drive

Sean Tanner, Applicant, stated that the request is for a waiver of limitations for two dolphin pile clusters that have been installed. He noted that while Code does not allow for items to be placed more than 25 ft. into the waterway, this area of

the Middle River is very wide and the distance is less than the 30% Code restriction on pilings.

Mr. Tanner explained that he had purchased the house with the dolphin piles already installed. An existing Code violation is on record for the property.

Mr. Ross asked if the dolphin piles will be needed on the property. Mr. Tanner confirmed this.

Mr. Tapp commented that p.1, Item 3 of the Application refers to the location of the property as the New River. It was clarified that this should be corrected to Middle River.

Motion made by Mr. Ross, seconded by Ms. Scott-Founds, to approve. In a voice vote, the **motion** passed unanimously.

Mr. Holmes and Mr. Welch arrived at 6:10 p.m.

Mr. Cuba noted that while the Applicants for Items VI and VII were not present, the Board could proceed with discussion on and/or recommendations for these Items if they wished.

VI. Waiver of Limitations – ULDR Sec. 47-19.3 D&E – La Scala Townhomes LLC – 91 Isle of Venice

Mr. Cuba explained that this Application was for the installation of 12 dolphin piles into an 11-slip fixed pier, which is located on a canal roughly 160 ft. wide.

Chair Flanigan stated that the Applicant, La Scala Townhomes, is a new project that is approximately 85% complete. Finger piers are located 25 ft. into the waterway; the requested variance would extend an additional 20 ft. He advised that after speaking to a representative associated with the project, the Applicant has agreed to shorten this request to an additional 10 ft. rather than 20 ft. This would place the dolphin piles 35 ft. from the seawall and keep moored vessels within 30% of the waterway.

Mr. Harrison commented that there are several other large vessels extending into the waterway near this location, some of which appeared to be 50 ft.-60 ft. in size. He pointed out that because the pier has 11 slips, it is likely that a majority of the vessels regularly moored there would be docked at the same time and extending 45 ft.-48 ft. into the waterway. While he felt restricting the extension to 35 ft. would be less likely to be opposed by the project's neighbors, he noted that boats docked at the slip would be tied up at an angle rather than straight in the

slip, and advised that allowing the pilings to remain at 45 ft. into the waterway would permit docked vessels to be tied properly.

Glen Bryant, representing B&M Marine Construction, stated that the dock area in question is only 25 ft. wide, so boats must be docked in a perpendicular rather than parallel arrangement. The piers extend 25 ft. into the waterway, and vessels up to 48 ft. in length may be docked there under the 30% rule. Mr. Bryant explained that while the Applicant would like to place the dolphin piles at 45 ft., a 35 ft. extension would also allow boats to be moored properly.

Mr. Guardabassi asked if the City was obliged to notify neighboring homeowners a second time if the extension was approved at 35 ft. rather than 45 ft. Mr. Cuba replied that he did not believe this was the case, as the Application contemplates a maximum extension of 45 ft. He advised that he would check into this possibility.

Mr. Herhold said he felt 35 ft. was a good compromise for the property, as there is a great deal of construction in the area and more requests for variances are likely to arise.

Motion made by Mr. Ross, seconded by Mr. Herhold, to approve [the Application] with the stipulation that the proposed maximum distance of the pilings would be 35 ft. In a voice vote, the **motion** passed unanimously.

VII. Waiver of Limitations – ULDR Sec. 47-19.3 C&E – Joe Scott – 801 Idlewyld Drive

Mr. Bryant explained that another marine contractor had requested permits from the City for this property; although the City denied the permit, that contractor had gone ahead and installed the dock. He stated that the Applicant was seeking a waiver for the extension of the pier 30 ft. to the north. The boat lift on the property has also never been permitted by the City, although it has been permitted through an environmental process. There is no new construction associated with this Application.

Mr. Herhold remarked that the property was adjacent to the end of a street, which meant no other construction would be expected in that area.

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

VIII. Presentation – Asi Cymbal – The Marine Lofts

Mr. Cuba stated that this Item would not be heard, as the presenter was out of the country. He added that he would advise the Board if this presentation was rescheduled at a later date.

Mr. Herhold said he had heard the presentation elsewhere and had requested photographs, which he distributed to the Board members. He advised that the existing dry stack and basin would be retained, and a base would be provided for the Water Taxi. The marina is expected to be a destination spot for boaters. He noted that the developer is interested in retaining and enhancing the existing marine infrastructure, jobs, and activities, and concluded that he hoped the project would be perceived as good for the boating community.

Mr. Tapp commented that it would have been "tragic" to lose this basin, as there were not enough spaces within the City where small boats could be docked. He asked if the project was expected to continue to serve the public. Mr. Herhold confirmed this, although he noted that approximately 42 slips would be lost with the redesigned property.

Chair Flanigan noted that the project is expected to go before the Planning and Zoning Board in April and the City Commission in June.

IX. Reports

- **ICW Dredge**

Mr. Luscomb stated that permit applications were submitted in February for dredging of the Bahia Mar and Las Olas Marina sites, as well as the area in front of the Swimming Hall of Fame. Two requests for additional information have been received thus far. The Department of Environmental Protection (DEP) believes there may be some seagrass on the property, although the project's consultants do not believe this is the case.

He added that two grant applications are being prepared to continue the permitting process and put together dredging and mitigation plans. By the time this process is complete, the City will know what mitigation will be required and where it will be located. A request for permission to apply for these grants is scheduled to go before the City Commission on March 19.

Mr. Luscomb advised that the City expects to request matching funds from the CRA for a total of \$298,000. This amount will be submitted with the grant application. Matching funds will also be requested from the CRA for the dredging/construction phase.

Chair Flanigan requested more information on the construction phase. Mr. Luscomb explained that the Florida Inland Navigational District (FIND) plans to begin dredging of the Intracoastal Waterway in 2014; the City hopes its funding will be available within this same time frame so all dredging in the area can be done at the same time. The grant for which the City is applying is for fiscal year 2014-15, with a possible one-year extension. If all permitting is complete before the next grant cycle, which begins in January 2014, the City will apply for construction funding at that time. He clarified that "construction" refers to the actual digging associated with the project.

Chair Flanigan asked if dredging is expected to be to a depth of 17 ft. Mr. Luscomb confirmed that this was the request. Chair Flanigan asked what would happen with regard to the Las Olas Marina construction if dredging did not proceed as planned. Mr. Luscomb explained that the City is seeking a permit to dredge the basin of the marina, as they will need to be aware of mitigation costs for this feature as part of the feasibility study. He noted that the grant the City is seeking is "priced high," as there is no estimate thus far of all the costs involved, such as the possibility of another seagrass survey.

He continued that FIND hopes to partner with the City so they have a common mitigation project. Mr. Luscomb advised that FIND owns a Deerfield Island park, which would create the opportunity for the City to perform habitat restoration at this location as part of its mitigation.

Chair Flanigan asked if the FIND commitment would be lost if the dredging did not occur within the necessary time frame. Mr. Luscomb explained that this was a possibility, as the grant cycle starts over again every year. Once the City receives its permit, it can begin digging at any time within the next five years, with the possibility of an extension as well. If a grant cycle is missed, the grant can be applied for when the cycle begins again the following year.

- **15th Street Boat Ramp**

Mr. Luscomb reported that the City had not been able to go out to bid on this project in January because there were issues involving the engineering firm that had done the design work on the first phase. Plans have since been brought up to date so they can be approved by the Building Department, and the project is expected to go out for bid the week of March 11. Construction is estimated to begin in July.

He added that he would participate in a pre-bid meeting for the project, and noted that the grant side of the project is somewhat complicated, as different agencies are willing to pay for very specific aspects of the work. He will oversee the pay

requests as they come in from the contractors and ensure that the appropriate agencies are billed.

Mr. Herhold complimented Mr. Cuba and Mr. Luscomb for their work on the boat ramp project, which has been ongoing for approximately five years.

- **Commission Agenda Reports**

Mr. Cuba stated that the Board's two communications to the City Commission from their February meeting were read at the February 19 Commission meeting. These communications were with regard to the lack of City dockage for vessels larger than 250 ft. and the concerns associated with the impact of passenger rail travel over the FEC Bridge.

Chair Flanigan commented that he had met with the City Manager to provide additional information on dockage for super-yachts, which could provide greater revenue to both the County and City. He noted that City Commissioners plan to meet with members of the County Commission to discuss this issue further.

Mr. McLaughlin asked if the floating docks have signage restricting vessel size to 26 ft. or less. Mr. Cuba replied that these signs are on some sections of the docks.

X. Old / New Business

Chair Flanigan recalled that it had been roughly two years since the Board had last discussed the rate structure and flexibility of City docks. He suggested that this be discussed at the next Board meeting. Mr. Cuba stated that there may be room for greater flexibility in these rates, and advised that he would report back to the Board on this issue the following month. He noted that challenges include the issue of transparency and charging the going rate to every boater, which are not required of the private sector.

Chair Flanigan added that a private marina has the ability to negotiate its rates, while City marinas cannot do this. He asserted that City dockmasters should be able to make these decisions as well.

Vice Chair Harrison asked what percentage of business is made up by annual dockage, and how much of this percentage consists of City residents. Mr. Luscomb said while there are very few residents, this is the first year in which an annual rate was offered for City dockage; roughly 11 or 12 slips at the New River and Cooley's Landing are occupied on an annual basis. Mr. Cuba estimated that this represents approximately 30% of business. Mr. Luscomb added that the annual rate is determined by blending the winter and summer rates.

Vice Chair Harrison asked what percentage of renters consisted of regular or repeat customers. Mr. Luscomb said this was not measured.

Mr. Cuba explained that rates are region-specific: the City attempts to charge just below the private sector price in Fort Lauderdale. The current possibility is more closely related to granting dockmasters the ability to negotiate rates. While City marinas may offer fewer amenities than private marinas, this is balanced by what they can offer in service and location.

Mr. Tapp suggested surveying other municipalities within the County in order to determine whether they had any flexibility. He also proposed setting parameters for how much flexibility will be offered. Mr. Luscomb noted that a dockmaster had been terminated by a nearby municipality because tipping is not allowed as part of any negotiation. Another concern is that this would mean there is no uniform way to treat members of the public.

Mr. Guardabassi informed the Board that the New River Raft Race is scheduled for Saturday, March 23. The event benefits the Rotary Club scholarship program. He invited all members to attend, and noted that Vice Chair Harrison is a sponsor of the event.

Mr. Herhold stated that the Waterway Cleanup will be held on Saturday, March 16. Details and sites are available at www.miasf.org.

Mr. Luscomb reported that a replica of a Spanish Galleon plans to stop in Fort Lauderdale and Miami. Broward County Tourism is attempting to bring the vessel to the Las Olas Marina so tours can be held. There are concerns with moving the vessel to this location, as the ship is 15 meters wide and the boarding ramp is 150 ft. in length. If possible, the vessel will be in place on May 13 and tours will be held from May 15-22. Dockage for the ship will be donated.

XI. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:13 p.m.

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