

**MARINE ADVISORY BOARD
THURSDAY, APRIL 6, 2006
CITY COMMISSION CONFERENCE ROOM – EIGHTH FLOOR
CITY HALL
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA**

BOARD MEMBERS PRESENT

**CUMULATIVE FROM 5/1/05
ATTENDANCE**

Randolph Adams	P-9	A-1
John Baker	P-8	A-2
David Bernier	P-2	A-0
Richard Duncan	P-10	A-0
Joseph Hessmann	P-8	A-2
Roger McKee	P-9	A-1
Heather Keith	P-8	A-2
Norbert McLaughlin	P-9	A-1
John Terrill, Chairman	P-10	A-0
Eugene Zorovich	P-9	A-1

Board Members Absent

Joan Brochu	A-5	P-5
Robert Sadowski	A-6	P-4
Rick Schulze	A-6	P-4
Stephen Tilbrook	A-8	P-2
Dr. Geraldine Udell	A-5	P-5

Staff Present

Jamie Hart, Supervisor of Marine Facilities
Jeff Modarelli, Director of Business Enterprises
Andy Pallen, Sergeant, Ft. Lauderdale Marine Police
Breck Ballou, Captain Ft. Lauderdale, Ocean Rescue
Marlene Kimble, Downtown Facilities Dockmaster

Margaret Muhl/Recording Secretary

Guests

Michael Widoff
John Rude
Neil Hutchinson
Frank Herhold

CALL TO ORDER

Chair John Terrill called the meeting to order at approximately 7:00 p.m., roll call was taken, and a quorum was present.

WATERWAY CRIME & BOATING SAFETY REPORT

Sgt. Andy Pallen, Fort Lauderdale Marine Police, stated that March was a good month, and only three vessel accidents had occurred. He further stated that there had been two boat burglaries during the month, and one was domestic related and the other involved a bicycle being stolen off the bow of a boat which occurred off Hendricks Island. There was wake damage of \$5,000 north of the Roadhouse Restaurant due to someone rushing through the bridge.

Sgt. Pallen stated that since he had taken over the Marine Unit, he was attempting to be more active in some of the operations being done to promote boat safety on the water. Last month an operation was conducted in conjunction with the Broward Wildlife Commission. He advised that other programs would be conducted in the future.

Joseph Hessmann asked about the gondola that was appearing in the Las Olas area and stated that problems have arisen. He asked if any calls had been reported. Sgt. Pallen stated that he was not aware of any complaints having been filed.

WAIVER FOR NON-MOTORIZED WATERCRAFT BEACH RENTAL CONCESSION - TIKI BEACH WATERSPORTS, INC.

Jamie Hart stated that this was the same operation, but different owner, that had been approved by this Board in September. He added that the previous owner was Watersports Unlimited.

Jamie Hart continued stating that this was an application for a waiver to operate a beach boating rental concession on a public beach in conjunction with an RFP, and to prevent ingress and egress of non-motorized rental watercraft through a boating restriction zone established 100 yards off shore in accordance with the City's Code, Sections 8-175 and 8-176. He stated that the City owned the property at the 600 block of South Atlantic Boulevard and A1A, and he proceeded to show the location of the site on the map. He added that the site was adjacent and south of the Aquatic Complex. He continued stating that there would be a 200' wide corridor mark to identify the limitations of the 100-yard boating restriction zone. He explained that Section 8-176 of the Code required review by the Marine Advisory Board, along with a recommendation to the City Commission. He stated that the City Commission could either grant or deny the application for the waiver and had to determine whether the application was complete and not fraudulent, and that the activity proposed under the waiver could not be conducted without a reasonably likely threat of endangering public safety.

Jamie Hart further stated that the back-up materials provided information regarding the storing of boats, the layout of the operation, beach signage, and vessel identification. He explained that the applicant had identification on the sail craft, along with the kite surfing equipment, which would clarify which vessels were his. He remarked that there had been problems with some kite

surfers in the area. He proceeded to show photographs of the signage being used, along with photographs of the vessels. He also showed various photographs of the area.

Jamie Hart stated that one problem which would have to be addressed by Parks and Recreation was the wooden platform at the site which would have to be replaced. He explained that approval would be subject to the following conditions:

1. Corridor identification buoys shall not exceed a maximum of 4 buoys with up to 2 on each side of the corridor. All buoys shall be placed equidistant between the white cylindrical buoys that identify the limitations of the 100-yard boating restricted zone as shown in the illustration in the application as described in **Exhibit 1**.
2. Identification markings as described in the application as described in **Exhibit 1** shall be affixed to all rental watercraft sufficient in size to permit the identification of watercraft a minimum distance of 150 yards. 3. The applicant shall be required to post a minimum of two (2) signs daily on the high water mark at each boundary of the corridor to sufficiently warn the swimming public not to enter the watercraft launching area. Signs shall be removed at the end of each day and stored above the high water mark at an approved site under cover in a secure location to prevent theft.
4. As a condition of approval, the applicant may not restrict or interfere with the public launching area and the use of the marked corridor by the public without approval of the City.
5. As a condition of approval, the applicant is required to show proof of insurance in accord with Section 8-175 of the Code of Ordinances prior to operating.
6. As a condition of approval, kite surfing activities are permitted for instructional purposes only as described in the application in **Exhibit 1** and under no circumstances are rentals of kite surfboards permitted without prior authorization from the City.

Neil Hutchinson, Tiki Beach Watersports, Inc., stated that the location is a public launch but he would not rent any equipment for kite surfing or boarding and would only provide instructions for such activities. He added that the instructional classes would only be done on a one-on-one basis, and no groups would be participating in such classes. He stated that kite boarding was very popular and the fastest growing sport today, and it was a sport that required safety instructions so it could continue in its popularity.

Joe Hessmann stated that the public beach had problems regarding this sport in the past, and he asked what would prevent this equipment from getting out of control in a populated area. He further stated that these activities should not prevent the public from walking through the area.

Mr. Hutchinson stated that he had a plan for his instructions and would make sure the individuals could operate these vessels properly. He explained that colored streamers would be given to individuals who proved they were able to operate their vessels appropriately.

Joe Hessmann reiterated that the safety of the public on the beach was more important than the operation.

Jamie Hart stated that a condition could be added that he was not permitted to rent such equipment and could only provide instructions for those types of craft.

Joe Hessmann further stated that he was hard-pressed on this item.

John Terrill asked what was the motivation for individuals to get certified by his operation since he was an independent operator. Mr. Hutchinson stated that by supplying streamers to the individuals who knew how to properly operate their craft would provide some control to the activity.

Joe Hessmann reiterated that he was concerned about the safety of the busiest portion of the Beach, and that he was not attempting to stop the growth of such a sport. Mr. Hutchinson emphasized that he would do his best to keep the area as safe as possible.

Richard Duncan asked what qualifications did Mr. Hutchinson have that allowed him to certify kite boarders. Mr. Hutchinson explained that he was a registered and certified instructor with PTFA (Professional Task Force Association) and helped to write the instructors' courses. He added that the certification would not be recognized nationally or state-wide, but it would be an attempt to provide a level of safety to the sport. He reiterated that the City was very busy with individuals from all over the world, and his goal was to lend safety to such sports. Richard Duncan asked why certificates would not be given to the students. Mr. Hutchinson explained that the course was not for certification purposes but to stress safety and very few individuals were certified to teach these classes. He added that such certification was not presently connected to kite boarding, and hopefully that would be done in the future.

Joe Hessmann reiterated that if kite boarding was removed from the list, he would immediately vote in favor of the waiver. He asked if kite boarding was eliminated from the contract would he accept the remainder of the contract as it existed. Mr. Hutchinson stated that he would not accept it.

Norbert McLaughlin suggested that a schedule be provided for such classes to be held at times when the beach would be less crowded.

Eugene Zorovich stated there are not enough activities for kids and individuals who wants to experience these types of activities. He stated the same problems would exist for surfboards and hobie cats, and he did not see much difference between sailing and kite surfing. He did not think there would be a major safety issue involved.

Mr. Hutchinson stated that he had been involved in activities on the beach for over 15 years.

Chair John Terrill asked if any individuals participating in these types of sports had been injured on Fort Lauderdale beaches. Mr. Hutchinson said that he did not recall any injuries, and that individuals had to be 18 or older to receive instruction in these types of sports.

Sgt. Pallen, Ft. Lauderdale Marine Patrol, stated that they did receive calls regarding kite surfing, but the calls pertained to the individuals possibly being too far out, or in distress, or too close to a particular area. He added that he was not aware of any injuries or accidents that had taken place.

Chair John Terrill asked if there was a difference in calls between windsurfers, wave runners, or other such activities. Sgt. Pallen stated that the calls were the same, but more calls came in regarding kite surfers. He reiterated that complaints were received, but there did not appear to be any violations.

Captain Ballou, Captain Ft. Lauderdale Beach Rescue, stated that there was a positive attitude regarding the lessons for kite surfers. He reiterated that it was a self-policing type of sport and the individuals did not want to lessen their opportunities to use the area. He stated that rarely did he receive any complaints or have any problems on the beach, and if any arose, the individuals themselves addressed the situation and the people involved regarding obeying the rules and restrictions. He stated that he did not understand the negative aspects in connection with these types of instructions. He felt the Board's inquiries were going in the wrong direction in connection with this concession. He reiterated that no problems existed in connection with the sport.

Jamie Hart stated that the applicant claimed they were only going to provide instructions and they were not part of the rental concession. Therefore, the condition could be removed from the contract. He stated his concern was that the operation be limited to instructions only.

Motion made by Eugene Zorovich and seconded by Randolph Adams to approve the application for the waiver per staff's recommendations.

Richard Duncan reiterated that the language in the document stated that: "the concession would police and monitor all kite surfing activities by the public at the launch by ensuring that the kite surfers understand and are willing to abide by and help police the kite surfing rules." Therefore, it appeared the concessionaire would be the "cop on the beach." Chairman John Terrill stated that it was his understanding that this had been operated in this fashion in the past, but he did question whether there was an implied authority because there was no authority. He stated if the public chose not to abide by what the concessionaire was informing them regarding rules, then it would become a Marine Patrol or police issue. Heather Keith stated that the City had ordinances to follow, and therefore, they were arguing semantics. She further stated that the above-mentioned provision should remain in the contract and that instructions were only to be provided. She reiterated that banning such activities from the beach were another issue.

Chair John Terrill stated that since renting equipment was not in the plan, then the restriction should be included in the language.

Jamie Hart reiterated that the concessionaire self-policed, and Parks and Recreation was responsible for the launching area beyond issuing permits. He felt that some flexibility had to be provided. He stated that he was satisfied with the concessionaire's track record.

Roll call showed: YEAS: John Terrill, Heather Keith, Eugene Zorovich, David Bernier, Roger McKee, Norbert McLaughlin, Richard Duncan, Randolph Adams, and John Baker. NAYS: Joseph Hessmann. Motion carried 9-1.

OLD/NEW BUSINESS

Broward Urban River Trails

John Rude, Broward Urban River Trails, stated he wanted to invite everyone to their annual fundraiser to be held on Saturday, April 22, 2006. He stated that they participated in annual waterway cleanups with the Marine Industry Association, and they also did such cleanup every other month. He advised that a cleanup would be conducted this Saturday if anyone was interested in volunteering.

Canals

Eugene Zorovich stated that the canals north of Commercial Boulevard have been in terrible condition and were loaded with trash. He asked if a report could be done and information reported back to this Board at their next meeting. Mr. Hart stated that such a report would be given to the Board.

Chair John Terrill suggested that the report include what programs are in existence at this time to address this matter. Mr. Hart stated that there was a committee that was reviewing this issue. He reminded everyone that there was a problem with the Pollution Solution vessel. It was stated that possibly this matter should be looked at regarding privatization as was previously discussed.

Heather Keith stated that she wanted to encourage everyone to attend the fundraiser being sponsored by the Broward Urban River Trails. She stated that John Rude had been doing a fantastic job.

REPORTS

New River Floating Dock Project

Jamie Hart stated that this project was moving forward and an estimate had been received from the consultant, but the amount was still being negotiated since it was more than what had been anticipated. He advised that they were also applying for a FIND grant and a presentation would be made for that in June. He stated that the estimate was divided into two tasks, and the amount listed for their fee was over what had been anticipated. He reiterated that it would take another two years for this project to be completed.

Roger McKee asked about the area at Hyde Park. Jamie Hart stated that he was informed by the City Attorney's office that the matter would take time to resolve. He stated that they are not sure what the City's rights are and it could take one or two years to resolve. The matter was being worked on, and grants could not be applied for until the situation is resolved.

John Baker thanked Joseph Hessmann for all the information he had brought to the Board since he had been a member.

Broward County Marine Advisory Committee

Randolph Adams stated the inlet grants had been reviewed.

Mr. Robert Sadowski was thanked for all his years of service on this Board. Chairman John Terrill recognized Dr. Geraldine Udell and Joseph Hessmann for their years of dedication and service to this Board. Jamie Hart thanked the outgoing Board Members for their years of service. Mr. Joseph Hessmann thanked the Board and stated that it was pleasant serving in this capacity.

There being no further business to come before the Board, the meeting was adjourned at approximately 9:30 p.m.

Respectfully submitted,

Margaret A. Muhl
Recording Secretary