

**MINUTES OF THE MARINE ADVISORY BOARD
 100 NORTH ANDREWS AVENUE
 8TH FLOOR CONFERENCE ROOM
 FORT LAUDERDALE, FLORIDA
 THURSDAY, JUNE 4, 2009 – 7:00 P.M.**

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance</u> <u>5/2009 through 4/2010</u>	
		<u>Present</u>	<u>Absent</u>
John Terrill, Chair	P	2	0
Barry Flanigan, Vice Chair	P	2	0
Rick Schulze	P	2	0
Mark Swenson	P	2	0
Randolph Adams	P	1	1
Norbert McLaughlin	P	2	0
Alec Anderson	A	0	2
John Baker	A	1	1
Emilio DiPietro	P	1	1
Bob Ross	P	2	0
Lisa Scott-Founds	A	0	2
Stephen Tilbrook	A	1	1
Tom Tapp	P	2	0
Herb Rassing	P	2	0

As of this date, there were 14 appointed members to the Board, which means 8 would constitute a quorum.

Staff Present

Jamie Hart, Supervisor of Marine Facilities
 Andrew Cuba, Marina Manager
 Cate McCaffrey, Director of Business Enterprises
 Matt Domke, Downtown Facilities Dockmaster
 Sgt. Andrew Pallen, Marine Police Staff
 Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None at this time.

I. Call to Order / Roll Call

Chair Terrill called the meeting to order at 7:07 p.m. and roll was called.

II. Approval of Minutes – May 7, 2009

Motion made by Mr. Ross, seconded by Mr. Schulze, to approve the minutes of the May 7, 2009 minutes. In a voice vote, the **motion** carried unanimously.

Chair Terrill introduced new Board member Emilio DiPietro. Mr. DiPietro is active in the Marine Industries Association and the Greater Fort Lauderdale Chamber of Commerce.

III. Rescheduling of July 2, 2009 Meeting

Mr. Hart pointed out that the July 2, 2009 meeting falls just before a holiday weekend, when many people may be out of town, and suggested moving the meeting until the following Wednesday, July 8, at 7:30 p.m.

Chair Terrill proposed discussing this at the end of the meeting, as he noted that one Item on tonight's Agenda may be deferred July.

IV. Statement of Quorum

It was noted that 10 of the 14 Board members were present, which constitutes a quorum.

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

VI. Application – Waiver of Dock Distance Limitations – 209 N. Birch Road, Unit 1601, Slip 4: Mark A. Wilton

Mr. Hart distributed a letter from the two condominium associations adjacent to this property, which he had received after the members' information packets had been distributed. He advised that these associations are "still not in support" of this particular project, and believed there were members of these associations present to discuss this further.

Bill Thomas, representing the Applicant, noted that this is the second time this Application has come before the Board; at the first presentation, it had been recommended that the Applicant meet with the condominium associations on either side of his property. In addition, the boatlift in question has been brought 12 ft. closer to the seawall, and a letter from the lift's manufacturer affirms that the maximum-sized vessel that can be supported by the lift is a 52 ft. boat.

Mr. Wilton explained that he owns a condominium at the Alhambra, which leases land between a sandbar and the Intracoastal Waterway. He provided visual renderings that showed the property, his dock, and the proposed boatlift.

He added that the docks were built as they are shown on the plans, and he had been made aware that there was "bad blood" between the builder of these docks and some of the property's neighbors before the Applicant became a condominium owner. He felt some of the issues he has faced can be traced back to this, and did not wish to be held responsible for prior problems.

Mr. Wilton continued that there was a "major misconception" at the previous Board meeting, in that some individuals seemed to believe the dock would be extended. He affirmed that this was not the case: in fact, a lift would be added to the existing dock.

He pointed out that a good deal of garbage in the Intracoastal Waterway accumulates along the sandbar, and he has to have the bottom of his boat scraped regularly to remove oil and other waste buildup.

The dock is approximately 119 ft. by 35 ft., of which Mr. Wilton stated he only plans to use 17 ft.

He addressed some of the comments that had been made by residents of the two adjoining condominiums, noting that there had been a concern that the boatlift might impede the water taxi. Mr. Wilton pointed out that the water taxi has actually run into his dolphin pilings on two occasions, and comes very close to some of the docks and boats in this area. He felt this was unnecessary, as the water taxi has "800-900 yards of Intracoastal" that it may use.

Regarding the mention of extension of the dock, Mr. Wilton reiterated that the dock is not being extended, and he is not planning to put in new pilings. The existing pilings have been wrapped. He added that "nothing is going to be done to the dock," but the lift, approximately 17 ft. wide, would go alongside the dock.

He moved on to a comment about boats leaving their engines running overnight, and attributed this to the refuse, such as plastic bags, floating in the water.

With respect to an impact study, Mr. Wilton stated the Army Corps of Engineers has conducted a study and approved the project. Mr. Thomas explained that part of this study showed that if a dock is built higher out of the water, more sunlight could reach sea grasses through the water and encourage their growth. Lifting a boat out of the water has a similar effect, and benefits the environment.

Another comment suggested that "extending the dock" would have an adverse effect on neighboring pool structures. Mr. Wilton restated that the dock is not being expanded or changed, and in fact, the lift had been brought 3 ft. closer to the seawall than had been originally planned. He noted that the lift will now be closer to the seawall than the dock of the Versailles Condominiums. The boat will also be 3 ft. higher out of the water than originally intended.

He concluded by stating he had met with both neighboring homeowners' associations, and had "answer[ed] all their questions," although the groups had chosen to stand by their original objections.

Mr. Rassing noted that his boat is docked close to the same area, and had never encountered the difficulties Mr. Wilton had described, such as damage to the bottom of the boat or floating refuse. Mr. Wilton explained that there is a 30x30 indentation of the Intracoastal Waterway between his condominium and the one immediately to the south, where garbage regularly collects in the dock areas when the tide goes out.

Mr. Rassing continued that a previous issue had been the size of the boatlift, which is designed to hold a larger vessel. Mr. Wilton responded that the lift holds 65,000 lbs., which means the largest boat it can raise is a 52 ft. boat. He pointed out that the manufacturer's letter bears this out, and that his boat is 48 ft. in length.

He continued that he has had 65 ft. and 82 ft. boats at this dock "for a very long time," which has not seemed to create a problem with neighbors. He also noted that he could dock a 100 ft. boat, although it would not fit on the lift.

Mr. Rassing asked Mr. Wilton to describe the concerns of his neighbors. Mr. Wilton replied that they were concerned about what might happen if he sold the unit, such as whether a new resident could put in a bigger boat. He asserted that to accommodate a larger boat, a new lift would have to be installed. He added that his 65 ft. boat, which is no longer at the dock, is "considerably higher" than the current boat would be, even when the smaller vessel is out of the water.

Mr. Rassing recalled that there were also concerns that the lift would "disrupt the landscape" and obstruct the view. He asked how this has been resolved. Mr. Wilton stated that while he had originally intended to put the boat in stern first, he would now put the boat bow first. He referred the Board to pictures taken from the properties, pointing out that the highest part of the lift is obscured by trees on the Versailles property.

Mr. Schulze asked if the new configuration, after bringing in the lift by 12 ft., would extend the transom of the boat beyond the farthest end of the dock. Mr. Wilton stated this is the case, and estimated the extension would be approximately 15 feet past the end of the dock. This creates less of an obstruction than might have otherwise occurred.

He added that the Versailles' dock extends farther into the Intracoastal Waterway than his farthest piling.

Vice Chair Flanigan felt the Applicant has clarified all the major objections the Board had heard the previous month from his neighbors, and hoped someone would make a motion to approve his application.

Mr. DiPietro asked how far the dolphin pilings are from the dock. Mr. Wilton replied that there are two, roughly 4 ft. behind his dock.

Mr. McLaughlin stated that he approves of boatlifts, for various reasons, including environmental ones, as boats that remain in the water during storms can contribute to pollution. In addition, a boat on a lift cannot have its engine "idling all night long." He agreed that many of the issues raised at the previous meeting have been addressed.

Hearing no further questions from the Board at this time, Chair Terrill opened the meeting to the public.

Carol Lewandowski, representing Springbrook Gardens, a neighbor adjacent to the Alhambra, asserted that she had had "numerous meetings" with Mr. Wilton, as well as discussions with the President of the Versailles Condominiums. She referred the Board to her letter stating "nothing has changed" with regard to her opposition.

She explained that she, and other Board members from Springbrook Gardens, had met with Mr. Wilton, and then with the rest of their Board. They had additional questions, including the following:

- The site plan shows a boat of approximately 120 ft. in length, stern in, but the EPA plans do not show this boat; the residents wonder which diagram is correct;
- Plans show a 60,000 lb. boat, but there has been reference to a 65,000 lb. boat, and the residents wish to know which is correct;
- An 80 ft. boat has been referred to as being in Mr. Wilton's slip, and the residents wish to be assured that only Mr. Wilton's boat will be in his dock, as per resolutions.

Ms. Lewandowski continued that if the boat on the lift is no more than 49 ft. in length, the Board of Springbrook Gardens will approve the project.

There being no other members of the public wishing to speak on this Item, Chair Terrill closed the public hearing and brought the discussion back to the Board.

Mr. McLaughlin asked if the vessel, which is planned to be bow in, can be approved conditional to the position of the bow, or if the Applicant would be allowed to place the vessel bow out if he wished. Chair Terrill felt common sense and safety would lead the Applicant to place his boat bow in, although it was the Board's option to recommend that the City Commission apply conditional

wording. Mr. Wilton added that it would be "almost totally impossible" to bring the boat stern first.

Mr. Adams felt the Board should not include such specific wording, as another vessel with a different configuration might use the lift in that location in the future.

Mr. Tapp requested that the Applicant respond to the questions Ms. Lewandowski had raised regarding the length of the boat. Mr. Wilton stated that the lift can hold 60,000 and is built primarily for his boat. Should another boat come in that is heavier than this weight, "the lift would prohibit that boat from coming in." For a larger boat to dock at this slip, the lift would have to be removed.

Mr. Tapp asked if this answered all Ms. Lewandowski's questions. She replied that the only remaining question was with regard to who else would be allowed to use his slip. Mr. Wilton stated no one would use the lift at his dock except himself.

Chair Terrill added that it is "generally not practical" to use another boat, which might have a different shape, on a boat lift specifically designed for one kind of vessel.

Mr. Ross recalled that Ms. Lewandowski had referred to a resolution on the property, which prevents another individual's boat from being docked at Mr. Wilton's slip.

Mr. Ross felt the Applicant had "done a lot to satisfy" the questions raised by his neighbors.

Motion made by Mr. Schulze, seconded by Mr. Tapp, that the Board recommend that the City Commission adopt the current Application as modified. In a voice vote, the **motion** carried unanimously.

Sgt. Pallen joined the meeting at this time (7:48 p.m.), and Chair Terrill requested that Item V, Waterway Crime & Safety Report, be heard.

V. Waterway Crime & Safety Report

Sgt. Pallen advised that over the past month and a half, he had not brought forth some issues that were occurring in the City, as they involved ongoing operations that he was not free to discuss. At this time, however, the Marine Unit and the Street Crimes Unit, both of which perform surveillances and investigative work throughout the City to combat specific problems, had devised an action plan regarding boat burglaries, and have identified and arrested suspects and recovered "quite a bit of stolen property" at their homes.

He added that there had been approximately 20 boat burglaries, primarily involving "small, easy-to-get items," such as tools, maintenance equipment, and small engines. The suspects were using the waterway as transportation, Sgt. Pallen noted.

He praised the Street Crimes Unit as well as the Marine Police, pointing out that Street Crimes was still conducting follow-up investigations and linking the suspects to other boat burglaries in the City.

He reiterated that the Police are still recovering property and have charged the suspects with roughly 10 of the boat burglaries. Sgt. Pallen hoped to have more information the following month, particularly if the investigation has been closed by that time.

VII. Presentation – New River Floating Dock Project / Preliminary Construction Plans: Bill Sadler

Mr. Hart introduced Bill Sadler, consultant to the City for permitting, design, and construction management of the floating dock project. He provided the Board members with an outline of what he would discuss at tonight's meeting.

He presented a brief review, recalling that the project as it now stands includes four floating dock systems along the New River/Downtown area:

- the Performing Arts Center dock, which will provide 240 ft. of dockage;
- the Maritime Museum dock, adjacent to the existing dock, with 100 ft. of dockage;
- the Marine Facilities Office dock, with 80 ft. of dockage on the east side of the 3rd Avenue Bridge;
- the Stranahan House dock, at the New River Tunnel, with approximately 220 ft. of dockage.

In total, Mr. Sadler estimated these will provide up to 600 ft. of lineal dockage. It is intended to be used by small boats, or vessels 26 ft. or under in size.

He presented a handout that showed some of the dimensions of the docks relative to the Waterway, as well as the project's limits, which are 25% of the waterway's width. From the face of the proposed docks at the Performing Arts Center to the opposite side of the river, there are roughly 160 ft. of clear channel space; at the Maritime Museum, there are over 100 ft. of clear space between the proposed dock and the boats on the opposite side of the river; at the Marine Facilities office, there are approximately 90 ft. from the proposed dock location to the opposite side of the river; and at the 3rd Avenue Bridge location, there are 75 ft. of clear space. While the space tightens as the river moves east, Mr. Sadler

asserted that there is still sufficient navigational space for boats traveling on the river.

Another item discussed at the May 2009 meeting was the basic design considerations, and how these objectives were determined after meeting with City Staff. The general appearance desired by the City, specifications for the system's basic structural characteristics, performance and structural adequacy of the dock system, maintenance and durability, and cost are all factors that contributed to the specifications, which will be used as a basis for selecting the most appropriate contractor for the project.

Mr. Sadler referred to a "very good suggestion" at the May meeting, which was that the dock near the Riverwalk area should have the same "look and feel" as the Riverwalk itself. It had been proposed that the City stamp the docks with the wave pattern associated with that area. This idea has now become an alternate in the construction plans.

He noted that there had also been mention of environmental awareness and other green initiatives in the construction of the docks, such as incorporating recycled plastic, or other environmentally conscious components. Recycled plastic material is now an alternate plan in appropriate places, such as decking on gangways or fendering systems. Mr. Sadler provided the Board with a sample of one type of recycled plastic that could be used as an alternate to hardwood or pine, pointing out that the existing concrete floating dock uses aluminum gangways or Brazilian hardwood.

Another suggestion at the previous month's meeting had involved the use of LED lighting, Mr. Sadler continued; after researching the use of these lights in a marine environment, the project's consultants had learned that LED lights can be incorporated into bollards. While they have not yet been used in Florida, LED lights are in use on the west coast as an energy-efficient lighting source. Mr. Sadler distributed photographs of these lights in use, and added that these lights have been incorporated into the plans as part of the floating docks' electrical system.

Other elements of the design include fully ADA-accessible gangways; along with access platforms leading from the bulkhead, gangways have been widened for this purpose. A vinyl fendering system for the bumpers, utility raceways for future potential utility routing, and fire protection are now part of the plans.

Mr. Sadler noted that there have been concerns about "leaving these docks generic"; he assured the Board, however, that a very detailed specifications package will ensure the City gets the best system for the project. They have consulted with "hundreds" of floating dock contractors who may or may not meet

these specifications, and they are attempting to write specifications that are tight enough to meet standards.

He continued that he had met with members of the City's Engineering Department today, and discussed a potential process for pre-qualifying floating dock manufacturers. As part of this process, the City would select up to five systems that could be approved for the project, with no alternates beyond these five. This would allow City Staff to review and evaluate multiple floating dock systems and make an informed decision.

He noted that pre-qualifications would necessarily add time to the bidding process, and Mr. Hart would discuss the schedule later on during the presentation.

Mr. Sadler recalled that the City has criteria for evaluating and selecting a floating dock manufacturer, and added that they were "certainly open for any suggestions" the Board may have regarding how to evaluate the systems. A preliminary list of features the consultants would like to see in the required package includes:

- a system that meets the City's requirements and objectives regarding color, texture, stamping, or logos;
- substructure and structural adequacy;
- performance specifications, including loading criteria, impact criteria, and wind/wave criteria;
- engineering specifications;
- manufacturer's level of experience, reputation, and longevity;
- manufacturer's experience in building a floating dock system comparable to what the City is seeking;
- manufacturer's ability to meet project schedules, as the City will have strict grant deadlines;
- an adequate quality control program;
- site of dock construction and manufacturer's ability to install docks;
- manufacturer's warranty, and ability to honor that warranty on a long-term basis.

He continued that some items the City would like to include in the RFP package include system photographs, promotional information, engineering and technical specifications, and engineer shop drawings and analyses. It is hoped that the manufacturer will either have an engineer in-house or high-quality consultants to support the system. A list of completed projects, along with references, is also necessary, and the City would like to see systems installed in a similar environment, with environmental protections, a great deal of boat traffic, and high currents.

Regarding the schedule, the City would also like to see the manufacturer's current and/or projected workload, to ensure they are not "backlogged" and can meet the schedule.

Overall, Mr. Sadler asserted, the pre-qualification process should serve to alleviate many of the concerns raised at the last Board meeting, as well as providing the City with a better understanding of the systems that are available. While it will add another step to the overall process, and perhaps extend the completion time, they felt it was a necessary step.

Chair Terrill commented that there was a "very lively conversation" the previous month with regard to the floating docks, and he was pleased to see so many of those ideas incorporated into the RFP package. He reminded the Board that they are nearing a deadline on a project which had gone on for "at least eight years," and were almost at the end, as the grant that would allow the City to complete the project expires December 15, 2009. He cautioned the Board to carefully consider any "re-engineering" of the project at this point.

Mr. Schulze recalled that the navigational concern he had raised at the previous meeting had not been addressed: he wished to see a diagram of the dock at Stranahan House, which had been the greatest part of a concern presented to Mr. Schulze by a commercial towing interest. He wished to see a diagram with the minimum dock that could be built at that location.

Mr. Sadler responded that the dock that had been proposed has been "taken out of this current phase of the program entirely," due to navigational and other issues. Mr. Hart added that when the City has reached a point where they can continue with this dock, they would present further information to the Board, but they are not yet at that point with respect to its design.

Vice Chair Terrill referred to the type of cleat system, noting that more modern floating docks have sliding cleats as opposed to straight cleats. Mr. Sadler confirmed that this is an option for the City's system.

Vice Chair Terrill asked at what point fire protection, which is required by the City, had become a factor. Mr. Sadler responded that this had been brought up at a previous meeting with the City, and the consultants are still working with City Staff on this issue. Mr. Hart added that fireboxes are within 100 ft. at some locations, but are less accessible in others, such as the Performing Arts Center. In these places, the less expensive alternative will be to place a box on land, he continued.

With respect to questions of warranty, Vice Chair Flanigan asked if the City could include how a warranty might be voided, and whether the contractor will be

required to have a performance bond for completion. Mr. Hart agreed that both were good suggestions and could be included.

Mr. Sadler noted that these are pre-qualifications for the manufacturer, not specifications for the contractor. Once five systems have been pre-qualified, the contractors will choose which of the five systems they wish to provide.

Vice Chair Flanigan asked who will have the final approval over the selection of one of these five prospective systems. Mr. Sadler replied that this would be a selection committee, which will include individuals with "marine interests" as well as engineers. Vice Chair Flanigan also asked if a City representative had visited Miami to learn the pros and cons of their extensive floating dock system, as the conditions are similar to those in the City. Mr. Hart felt this was an excellent suggestion.

Vice Chair Flanigan concluded by asking if the floating dock system the Police Department is seeking will use the same criteria, or if the two projects might be "tied together." Mr. Hart explained that the timing would be very different for these two projects, and the New River floating docks are not at a stage of development comparable to the Police Department's docks.

Mr. Ross requested clarification of the possibility that boats could be tied at the floating docks during hurricanes. Mr. Hart explained that this is no longer being considered part of the plan. Similarly, regarding tying up boats during the Boat Parade, he clarified that this could only apply to smaller boats. Signs would be posted stating the appropriate size of boats that may be docked, which is 26 ft. or smaller.

Mr. Ross also asked if rafting would be allowed. Mr. Hart stated that no rafting is allowed on the river, nor would rafts be allowed to use the floating docks.

Mr. Rassing recalled that the Board had requested specifications for the docks, and asked if they are available at this time. He expressed concern that the Board was still hearing "generalities."

Mr. Rassing reiterated that he wished to see "specific specifications" for the proposed docks, and asked if priority will be given to local manufacturers. Mr. Sadler explained that they are still working with City Staff to develop an exact set of criteria to pre-qualify dock systems. Mr. Hart added that they hope to use "all local" manufacturers.

Mr. Tapp felt "two or three members of this Board" should be part of the Selection Committee for the project, as their skills, experience, and knowledge could be a valuable contribution to the Committee, along with members of the Engineering Staff. He expressed some frustration with having yet to see specifics as well.

Chair Terrill felt this was "a great suggestion," as members of the community could contribute to the decision-making process.

Mr. McLaughlin referred to the diagram of the Maritime Museum dock, and stated he did not have issues with the floating dock that is currently in place; he agreed that cities with floating dock systems should be visited to hear their input, and particularly what they would change about their systems.

Mr. McLaughlin added that he "liked the idea" of movable cleats, although Vice Chair Flanigan pointed out that there was not an expected change in the size of boats that may use the docks, and the City should consider deferring to the contractor's judgment on this issue. Mr. McLaughlin explained that if a permanent cleat is loosened, it must be removed and replaced, which can cause holes in the composite, wood, or other material of the docks.

Chair Terrill observed that Mr. McLaughlin and Mr. Tapp would be "terrific candidates" to participate in the Selection Committee on behalf of the Board.

Mr. Rassing returned to the issue of specifics and a timeline, and proposed that three or four members familiar with floating docks could act as "advocates for the Board" on the Selection Committee.

Mr. Hart explained that these Committees are usually made of four people, and typically only one member of a Board would represent an advisory body. Mr. Rassing volunteered for this seat on the Selection Committee. Chair Terrill felt it would be best to send the three possible names to the City Commission and allow them to choose who would represent the Board.

Mr. Adams felt the ideas presented were positive, "as long as they don't add another delay."

Ms. McCaffrey stated the meeting between City Staff and engineers was to clarify the detail the Board is seeking: if the consultant sets out specifications, the manufacturers of the docks can tell them what the project will look like if particular materials are chosen. After this, the City would still have to go through the RFP process. She asked if the Board wished to have a member participate in "a review committee after the RFQ [pre-qualification] process" or to be on the RFQ Selection Committee, pointing out that this would not be "a majority of the Board." She also cautioned that a subsequent review committee could delay the process.

Mr. Tapp felt there should be "boat people" involved in the process, such as individuals who have built or studied vessels; he noted that bringing in individuals with too many differing viewpoints would lead to disagreements. Chair Terrill

added that Ms. McCaffrey was referring to the fact that the Board could inadvertently "dilute or delay" the selection process, and felt the Board could select a single representative to participate in the Selection Committee.

Ms. McCaffrey clarified that the RFQ process is not a necessity, but the City felt it was the best way to produce the details the Board has been seeking. She added that if the Board agrees with this process, they would need to bring it before the City Commission for approval; this would most likely delay award of the contract until the City Commission's "second September meeting."

Chair Terrill emphasized that the Board does not wish to cause a delay, but does wish to "add value" to the process. He questioned whether Staff needed to take the RFQ process before the City Commission, however. Ms. McCaffrey explained that, as Staff has promised the City Commission they would come before them before an RFP is issued, they are likewise obligated to do the same after an RFQ. As this would be a Conference Agenda Item, she was not sure when this could occur, although she agreed it should be "as soon as possible."

Chair Terrill recommended that Mr. McLaughlin represent the Board on the prospective review committee. Mr. McLaughlin agreed he would do this.

Chair Terrill asked if the Board had any opposition to Mr. McLaughlin representing them on a review committee. Mr. Rensing stated that he volunteered himself. Chair Terrill explained that considering Mr. McLaughlin's expertise in installing docks qualified him for this role, to the general consensus of the Board.

VIII. Discussion – Unified Land & Development Regulations – 47-19.3 Boat Hoists & Similar Moorings: Marine Advisory Board

Chair Terrill provided an introduction to this issue's appearance on the Agenda, noting that it had been briefly discussed at the Board's May meeting. He explained that boatlifts, and the requirements for them, are "exceedingly different" from those of a boat at rest in the water, as regards setbacks, height, and other considerations. He asserted that he did not understand why these regulations differ to such an extent; furthermore, the City's requirements for boatlifts are also different from those of other municipalities. Chair Terrill felt this was worth consideration as to whether "this [is] what we want" in the Code for boat lifts, and added that he knew several individuals who wished to install boat lifts but found the Code too restrictive.

As he felt this was worth "in-depth...consideration," Chair Terrill felt the Board might reach consensus as to whether this issue might be discussed; he added that if they wished to "move on," this would also be understandable. He felt the question before the Board at the moment was whether they wanted to discuss

the issue at tonight's meeting or defer it until a later one. He noted that there was no Applicant for this issue, and there did not seem to be any members of the Community present to discuss this Item.

He stated that this decision was "up to the Board."

Motion made by Mr. Tapp, seconded by Mr. Adams, to defer Item VIII until a later meeting.

Vice Chair Flanigan pointed out that the Board has received information on this issue for tonight's meeting; he felt Staff might pick up from when the issue was previously discussed, in May 2000, and "come forward with some recommendations."

Mr. Rassing agreed he would like to discuss the Item.

Mr. Ross noted that the Board had "a very full Agenda" and did not feel the Board could "do [the issue] justice" at this time; he proposed that the members might consider the issue for the following month, defer the Item, and come back to the July 2009 meeting "with good ideas."

In a roll call vote, the **motion** carried 8-2 (Chair Terrill, Vice Chair Flanigan dissenting).

IX. Presentation – BRE / Bahia Mar Development LLC / DRC Case # 3-ZPUD-08: Courtney Crush

Courtney Crush, representing Luxury Resorts, introduced Peter Henn, Vice President of Development; Kevin Quirk, Vice President of Marine Operations for LXR; and Scott Lamont, Principal with UVSA.

She stated that the Bahia Mar Marina came before the Board in June 2002, and was subsequently redeveloped after approval by the City Commission. The property before the Board today is currently "an asphalt parking lot"; however, there is a redevelopment program for the uplands, which would rebuild the property with "significant benefits for the Fort Lauderdale International Boat Show." Ms. Crush stated the developer would answer any questions the Board might have regarding how the Marina might change, as well as how the Boat Show would be accommodated during redevelopment, and following the plan's completion.

She distributed copies of the redevelopment plan, which includes a Waldorf-Astoria Hotel, two 90-unit buildings with residences, and a 4.5 acre park, which would also serve as a facility for the Boat Show. A Master Plan for the property also showed a "bird's-eye view" of what would be changed.

Ms. Crush asserted that there would be "no changes to the Marina," which is currently a 217-slip facility; no reconfiguration, addition, or reduction of slips is planned. The fuel facility will also remain on the property. The Marina occupies submerged land leased to Bahia Mar Development by the City through 2062. The amenities and promenades around the property are intended to "improve access to the Marina." No seawalls or dock facilities will be changed, she added.

She displayed renderings of the property, showing that the existing asphalt parking lot would be improved by a 10 ft. wide Marina promenade, elevated slightly after landscaping. This promenade continues around the entire perimeter of the property. A small bistro is planned for the property's northwest corner. The lower promenade continues to provide access to the Marina, while the upper promenade passes a "green-roofed garage" that not only functions as a park but a garage; both aspects would function as venues for the Boat Show, with tents set up on the park space.

Ms. Crush pointed out that both Marina access and the overall pedestrian experience are very wide along the promenade, and pedestrians "would never perceive a garage." Mr. Henn advised that the area was considered "exhibition space" rather than garage space; Ms. Crush agreed that this park/"non-garage" area consists of an entire level, with very high ceilings, designed as exhibition space for the Boat Show. She added that the park, which is intended to be a community and beach amenity, would not exist, were it not for the Boat Show: the design is intended to function as exhibition space for this event.

She noted that the existing exhibition space for the Boat Show is approximately 250,000 sq. ft. of space; after the redevelopment of the property, there will be "significantly more space." The Boat Show will also have a "marquee facility" after redevelopment, and will provide a venue of the same caliber as the Marina itself.

Ms. Crush provided a diagram of the current configuration for tents, as well as a diagram of the proposed redevelopment with two levels of exhibition space, as well as the opportunity to use the "finger" along Sea Breeze Boulevard if needed. The "Beach Walk at Bahia Mar," which was approved by the City Commission earlier this year, will also provide the possibility of additional space.

The project is intended to protect and preserve the Marina, and provide a permanent home for the Fort Lauderdale International Boat Show, Ms. Crush asserted. As this project is of a significant size, with multiple phases of construction, she advised that construction will be shut down one month every year for the Boat Show. Phase 1 begins in 2012, and the project extends through 2019.

She offered to take questions at this time.

Chair Terrill stated that the Board has traditionally been asked to consider marina-related developments, and they had reviewed the Marina plan when it was installed some years ago. He pointed out that the Board rarely considers "upland" or non-marina projects. While this may be an appropriate project for them to review, he cautioned that the Board should be careful "how far we tread."

Frank Herhold, representing the Marine Industries Association of South Florida, asserted that the Boat Show will end up with roughly 85,000 sq. ft. of additional space when the project is complete. He added that the Boat Show is "under siege" from similar shows in overseas locations, where municipalities are "pouring money" into their facilities, and this development is what the City's "high-end clientele" will expect.

Mr. Schulze noted that the development is a "monumental engineering feat," and expressed concern with how the drainage and runoff will be handled, as well as the configuration and anchoring of the tents, given the shallow ground level.

Ms. Crush clarified that the space is not a "subterranean garage," but is located under the park; it is actually elevated 17.5 ft. above grade. She agreed that the City had shared Mr. Schulze's concern about the "earthen roof," and had asked the engineering team to investigate drainage and runoff for the entire project. They had prepared a site plan application, including "full engineering drawings," but Ms. Crush did not have these documents to share with the Board at this time. She offered to send Mr. Schulze a copy of the engineering drawings.

Mr. DiPietro asked if the Master Plan has already been approved by the City Commission. Ms. Crush replied that it has not, although they are preparing documentation and requesting permission to appear before the Planning and Zoning Board. They hope to bring the plan before the City Commission by the fall.

She recalled that in May 2008, Bahia Mar Development gave a presentation on the project before asking to process the site plan, and the City Commission had granted consent for this early step.

Mr. Tapp felt this project was "a long time coming" and badly needed along the beach. He felt it might encourage the development of other high-end facilities in that area, such as a property adjacent to the International Swimming Hall of Fame.

Vice Chair Flanigan asked if the present 217 slips in the Marina will be sold. Ms. Crush assured him they will remain, as the property is part of a submerged land lease the developer has with the City. No "dockominiums" are planned. Mr. Henn

added that this type of structure could not be done for an 11-month time period due to the site's obligation to the Boat Show; the Boat Show will also be added as part of the Applicant's agreement with the City, and therefore legally becomes a 99-year sub-tenant, at which point the developer is not legally able to "say no to" the Boat Show.

Mr. Henn referred to Mr. Herhold's comment regarding "other municipalities" putting money into similar Boat Shows worldwide, and pointed out that the Applicant is requesting no funds from the City to develop this property, although the City owns the submerged land leased by Bahia Mar Development.

Chair Terrill asked Ms. McCaffrey if a developer has the right to sell the boat slips on space they lease from the City during the time period of the lease, such as at the New River Trading Post, as it will eventually expire. Ms. McCaffrey replied that she did not have the details of the agreement itself at hand. She was not aware of whether the New River Trading Post had a cooperative agreement or a condominium agreement, and would need to refer to the City Attorney's Office to respond accurately.

Chair Terrill stated that it would be "a shame" to have the slips sold, and noted that the New River Trading Post was located on City-owned land, with on-the-market units in the building. He asked Ms. McCaffrey if she would look farther into the issue, to which she agreed.

Mr. Ross asked if the City Commission is looking for direction or consensus from the Board regarding the presentation. Ms. Crush replied that Bahia Mar Development was asked by Mr. Hart to give a presentation to the Board. Chair Terrill agreed that action did not necessarily need to be taken.

Mr. Adams asked for an estimate of the "time horizon" of the project. Mr. Henn stated that the developer expects this to last less than 10 years; while in a normal market, the project might be completed in 33-34 months, with consideration given to the Boat Show's needs.

He advised that the project has already been approved by the City Commission, and Phase 1 involves construction of two restaurants and a promenade, with space on top for yacht brokerage. The back of the hotel will feature a retail "wraparound," with retail on the bottom, two levels of a garage atop this, and pools atop the garage space. The next phase would bring the Waldorf-Astoria Hotel to the area; the park and residential development are "done at one time," over a 3-4 year time frame with accommodations made for the Boat Show.

Mr. Adams asked how much time had been allocated for the permitting process. Mr. Henn explained that the development company has done other work in the City, and was familiar with the process, which "has gotten much better." He noted

that they were "optimistic" regarding the City's approval of the project, and felt 2011 would most likely be when building permits are issued and construction begins.

He added that nationally known restaurants are involved in the project, and the yacht brokers who would lease office space are drawn by the proximity of the water.

Mr. DiPietro asked if anyone was against the project, particularly considering the economic impact it would have in conjunction with the Boat Show. Mr. Henn agreed that while there are some "subjective" interests against the project, the cost of the lease alone would provide .25 billion for the City. He added that the Central Beach Alliance voted 67% in favor of the project.

Chair Terrill opened the meeting to the public at this time.

Joe Hessmann, resident of the Fort Lauderdale Beach area, stated that the project was a "beautiful complex"; however, he noted that the biggest complaint from Beach residents is that it is too large, and would take a long time to build.

He pointed out that the Bahia Mar property was first leased "50 years ago," and many changes had occurred in this time. Mr. Hessmann stated that the Beach is getting 4% of the lease, which he did not feel was fair, considering the amount of property involved.

He stated that the Board has a responsibility to all marinas in the City, and there is no guarantee that Bahia Mar would "get the 42-year lease added on" to the current lease, which would give the property a 99-year lease. In addition, Mr. Hessmann raised the issue of the docks themselves, and explained that the reason he was before the Board tonight was "to have this 99-year lease in the minutes" and to ensure that the 217 slips would remain once the project was built, as he felt the public was "not really sure" this would happen.

He added that the lease would be decided upon by the City Commissioners, who would decide whether the residents continued to get 4% of the lease. Mr. Hessmann asserted that perhaps they should receive 7%, which other projects contributed.

Chair Terrill observed that Mr. Hessmann was a former member and former Chair of the Board, and has been active in the community for some time.

Kevin Quirk, representing Bahia Mar, clarified that there are actually 242 slips in the Marina. He added that other cities with boat shows, such as Monaco, the Bahamas, and Abu Dhabi, are aggressively competing with the City, and if Fort

Lauderdale wished to remain the "Boating Capital of the World," they should take action to attract large boats.

He noted that the Marina "looks great as is," and nearly 800 boats could fit into that facility. Due to the size of the company's investment, he added that they had no plans to "tear the Marina up," although it may be reconfigured by the time the 99-year lease expires.

He asserted that the bigger boats bring money into the City, and the Boat Show is in need of a "push" to maintain its status. Mr. Quirk also reasserted that the developer is willing to delay construction in order to accommodate the Boat Show.

Chair Terrill stated that Mr. Quirk has been associated with Bahia Mar for many years, and has been a "driving force" behind turning that Marina into a world-class facility.

He reminded the Board as well that the involvement of the Boat Show contributed to this development coming under the purview of the Board, and that he did not wish to see the site develop similarities to the New River Trading Post, such as selling docks, and the Board should keep this in mind if they felt the issue was important as well.

Fred Carlson, private citizen, stated that he has lived on the beach for 17 years and has been a lifelong boater, and he is "very impressed" with the project. He praised Mr. Herhold's and Mr. Hessmann's concern for the City as well.

He continued that he is a member of the Central Beach Alliance, and this body has gone over the "architectural" issues of the project, as well as attention to the restaurants and other details. Mr. Carlson asserted that there have been "four [or] five meetings" on this issue, and have tried to help make the project better. He pointed out that a great many projects are "overbuilt," with no assurance that the economy will continue to support "mega-yachts and mega-hotels." He did not feel the beach could "work," economically, without a certain synergy between the marine and hotel/hospitality industries.

Mr. Carlson added that most beach area residents are "careful" of what they approve for the beach, as they do not wish to have "rampant uncontrolled development." He did not, however, feel this concern applied to this project, and reminded the Board that the City's economy is in a "crisis stage." He felt that Board members, who "really know the dock and boat business," will help the marine industry continue to assist the economy.

Mr. Adams pointed out that while the Board is looking at "a remarkable development," it will not have a great deal of involvement with most of the

individual boaters in the City's community. He advised that this could be characterized as "building an oasis" that ordinary boaters will not be able to experience to a great degree.

There being no further comments at this time, Chair Terrill closed the meeting to the public and brought the discussion back to the Board.

Motion made by Mr. Rissing, seconded by Mr. Schulze, that the Board recommend the project to the City Commission as a viable asset to the community, the marine industry, and the Boat Show.

Mr. Schulze felt the developer should address the concerns Mr. Hessmann had raised, particularly regarding the size of the project. He noted that the height of the buildings in comparison to other buildings on the beach has not been addressed, along with concerns that this project might "open the floodgates" of "upward development" on the beach.

Ms. Crush advised that these concerns will be addressed "as the site plan continues," and noted that her understanding is that the Board must consider the project's impact or improvements on the Marina and/or the Boat Show, with respect to their long-term function.

Chair Terrill stated that the Board has historically avoided any analyses that are not in their purview, and must specifically address marine issues. He felt other issues included planning and zoning or neighborhood compatibility, and could not be addressed by the Board in its Marine Advisory capacity.

Mr. Ross noted that, as there has been "some hesitation" regarding the possibility of sale of the docks, keeping them "100% public" might be an appropriate condition to include with the **motion**.

Including the **condition** proposed by Mr. Ross, Mr. Rissing's **motion** was that the Board recommends that the City Commission endorse the project as a viable asset to the community, the marine industry, and the Boat Show, with the **condition** that the public docks in the Marina will never be sold.

In a roll call vote, the **motion** carried unanimously.

X. Discussion – Peterson Fuel Barge Operation: Marine Advisory Board

Ms. McCaffrey recalled that an issue involving the Peterson Fuel Barge came before the City Commission as part of its Conference Agenda on May 5, 2009. At that time, the City Commission requested the Board's input on this issue.

The Peterson Fuel Barge is a commercial fueling operation that has been in the City for several years. According to the ULDR, a commercial fueling operation may operate behind residential or commercial areas where its use is accessory to upland use; Peterson Fuel has, for many years, operated in places that do not meet this criterion, and the City has determined that this is not in accordance with the ULDR. They have operated in this manner for several years without being corrected; however, there have been recent complaints to the Police Department, which has brought the issue to a head.

Ms. McCaffrey advised that this is not the first time the issue has come up. In 2007, it came before the Marine Advisory Board, although no action was taken at that time. In 2001, the Board recommended that if this activity could be regulated, it should be done. Later that year, the issue went before the City Commission, and it was suggested that regulations could be devised; however, nothing happened after the 2001 City Commission meeting.

In an effort to resolve this, representatives of Peterson Fuel met with City Staff on a number of occasions to try to "come to an understanding." As the City's position is that this activity is not legal, they could not grant permission, which brought the matter before the City Commission earlier this year. Ms. McCaffrey noted that the locations of the fuel barge are included in the Board's information. She noted that it has been suggested they could operate in four locations: north of the 17th Street Causeway, the southeast entrance of the New River, opposite the Hall of Fame Marina, and on the north side of the Las Olas Bridge.

Following discussion at the City Commission meeting, it was pointed out that at least one of these suggested locations is prohibited by Code, and these selected locations were areas for which the Police Department had received complaints. Allowing a single business to operate in these places would invite other commercial businesses to do the same, she advised. The Police Department has additional concerns regarding the navigability of the waterways.

It was eventually determined by the City Commission that during a 60-day period, Peterson Fuel would be allowed to operate at a single location, which was the least problematic in terms of navigability. The 60-day period is currently in effect, and the City Commission had asked that the issue come before the Board.

Chair Terrill stated that he had attended the City Commission meeting at which this issue was discussed, and they are currently looking at a 60-day informal study to confine the operation to one area and observe "how things work." He also understood the City Commission planned to reconsider this issue at the end of July 2009.

He advised that he would like to see the minutes from the City Commission meeting, as otherwise he could only share his own thoughts regarding how the

operation might work and whether it was of any benefit to the community. The City Commission wishes the Board to consider possible locations and operational issues; however, Chair Terrill felt the Board members would be best served by seeing the minutes from the City Commission meeting, so they could get a sense of the direction of that meeting.

With this in mind, he felt the Board should defer this Item to the July 2009 meeting so they could see the minutes of the May 5, 2009 City Commission meeting and get a better sense of the 60-day study. In addition, Chair Terrill has asked a representative of the Peterson Fuel Barge to create his own list of suggestions as to how he would propose to operate "and be a good citizen of the community." He felt this proposal might provide a starting point for the Board's discussion.

Motion made by Mr. Ross, seconded by Mr. Rensing, to defer this Item until the July 2009 meeting.

Mr. Adams requested more information on the complaint that had triggered the discussion of this issue. Ms. McCaffrey replied that her understanding is a homeowners' association, as well as an individual at the Aquatics Center, had both complained, as well as a competitor of the Peterson Fuel Barge. Mr. Adams added that he lives in the area in question and feels the barge is "not a problem."

Mr. Ross clarified that the homeowners' association in question is one to which he belongs, and they addressed the complaint on behalf of an individual member. He noted that the complaint was "immediately addressed" by Peterson Fuel.

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

Chair Terrill felt this raised the issue of whether or not to defer the Board's July meeting from July 2, 2009 to a later date. He felt they should remain "on track" to provide the City Commission with appropriate feedback to consider at their final July meeting, when the issue will be revisited.

In a roll call vote, the Board elected to meet on July 2, 2009.

Chair Terrill advised that it would be "very important" to have a quorum on this date, and requested that anyone who would not be available let him or Mr. Hart know as soon as possible.

XI. Reports

- **Broward County Marine Advisory Committee**

There was no information to report at this time.

- **S.E. 15th Street Boat Ramp – Parking Study**

Mr. Hart reported that this study, which is being conducted by Parking and Fleet Services, is still underway. Its intent is to determine the size of trailers and other vehicles parking at the facility. The study is intended to conclude on June 15, 2009, at which point its data will be tabulated and made available to the public.

It is intended to move the project forward at this time, as the terms of the ADA-compliance consent decree must be met, and the project must go before the City Commission by the end of July. The City is also applying for approximately \$900,000 in grant money for this project.

As there were no questions from the Board at this time, Chair Terrill opened the meeting to the public.

Marilyn Mammano, President of the Harbordale Civic Association, explained that the 15th Street Boat Ramp is within this community; when the project first came to them, the Association could not support it, as there were several open issues and questions. They had presented testimony to the Planning and Zoning Board when the issue came before that body; Ms. Mammano advised that the "most important" was related to the size of the boats that use the ramp.

She pointed out that the boat ramp, constructed in the 1950s, was designed for use by small boats, and the community has two concerns: the safety of the boaters using the ramp, and the size of the boats and the vehicles that tow them down the "very narrow" 15th Street. She explained that this is a high-density area with traffic in both directions. In addition, the boats and trailers are not always accommodated at the facility, and are sometimes parked along swales in the community. Ms. Mammano added that the Association was "happy to see" that Parking and Fleet Services recognized that the size of the boats and trailers was an issue, and wished to limit these to 45 ft.

She felt that the key study, however, is being conducted by a City engineer, and will result in the determination of the appropriate size of boats that should be using the facility in question. The Association, she pointed out, is waiting for this report before revisiting the issue of their support for the facility.

David Reed, representing *The Triton* newspaper, stated that some months ago, he had held an event at the 15th Street Fisheries that had attracted "too many cars," many of which parked at the boat ramp facility. They all paid for their parking, but received tickets because none of the cars had trailers. Although there is "fine print" that states all cars must have trailers, he felt there should be some room for discussion.

Mr. Hart explained that the design will take cars into consideration as well as vehicles with trailers. Chair Terrill added that although there were probably few boaters at the facility during Mr. Reed's evening event, the rules must ensure that spaces are reserved for trailers.

There being no more members of the public wishing to speak on this Item, Chair Terrill brought the discussion back to the Board.

Mr. Rensing stated he had attended the event previously mentioned, and did not feel the police had acted in the best interest of the public by ticketing cars.

Chair Terrill stated that the 15th Street Boat Ramp is a "very important asset to the community" and he himself has used the facility many times. He noted that it has "grown up" along with the industry: as boats have become bigger, the 15th Street Boat Ramp has accommodated them. He affirmed that he would like to see a study of the incidence of accidents related to the size of boats launched from that facility, and had never seen an accident of this nature himself.

Chair Terrill felt "the real issue" is parking the vehicles and trailers that accommodate larger boats, rather than the boats themselves. He felt eventually they would be of a size too large to bring to that facility, at which point the boat should be taken elsewhere for launching. He felt the City should be "very careful" in considering limiting the size of the boats that may launch at the facility, and should do their best to accommodate the size of larger vessels.

He added that the ramp "has never been a park" and should not be considered as one.

Mr. Schulze returned the discussion to the event at which multiple parking tickets were issued, suggesting that the ticketing was in response to "an identifiable complaint" from the surrounding neighborhood.

Vice Chair Flanigan felt the issue of boat size takes traffic into consideration. He pointed out that there was a great deal of activity on the street from boat trailers and tankers. He proposed that perhaps it is time for the City to identify another nearby area that could accommodate a boat ramp, and noted that "there is revenue to be made" by the activity. He felt perhaps there is the possibility of partnering with the port to provide a facility, and did not feel the problem would be alleviated by reconfiguring the 15th Street Boat Ramp.

Chair Terrill felt the port was a good idea, although he advised that this would mean addressing homeland security concerns.

- **Cooley's Landing Boat Ramp Replacement**

Mr. Hart stated that the City Commission has awarded a contract on this project for well under the City's estimate. It will replace three ramps, as well as some planking and additional work. The project is scheduled to begin in July 2009.

- **City Commission Agenda Reports**

Mr. Hart advised that the guided waverunner tour operation that had previously come before the Board will be heard on June 16, 2009 by the City Commission.

XII. Old / New Business

Chair Terrill noted that according to rules of parliamentary procedure, to call a question "stops debate in its tracks." This is generally done when the Board has discussed an issue at length and all members have weighed in.

Chair Terrill stated while the Board has the right to act otherwise, it is his preference that all members have the opportunity to share their thoughts. If a motion is discussed, and a member calls the question when debate has reached the point at which it is no longer productive, Chair Terrill explained this raises the issue to "another level of voting," at which three-quarters of the Board must vote in support of calling the question.

Mr. Reed of *The Triton* reported that National Marina Day will be on August 8, 2009, and City Staff had proposed making this holiday an important one for the City. This would involve waterfront properties and marinas "getting people out onto the water." He felt the Board's recognition of this day might convince the City Commission to "buy into" the holiday as well.

Mr. Hart added that Staff had discussed working jointly with other marinas to maximize exposure. While it may be too late for this year, planning could get underway for the holiday in the future. He suggested that restaurants on the water might participate as well, and the City could put forth some level of publicity. Mr. Reed proposed including flyers in City water bills.

Mr. Herhold of the Marine Industries Association felt this was a "tremendous idea," and the marine community is asking the City to assume a leadership role in recognizing the role marinas play in waterfront communities. Mr. Hart commented that he was hoping the acknowledgement and celebration of the holiday might spread, as it was an appropriate event for the yachting capital of the world. They are seeking the support of the Board in this endeavor.

Mr. Herhold advised that this is the 7th Annual National Marina Day, and the City Commission could put forth a resolution to this effect.

Motion made by Mr. Adams, seconded by Mr. Ross, to recommend that the City Commission that they draft a resolution in support of National Marina Day. In a voice vote, the **motion** carried unanimously.

Mr. Rensing requested that dredging be placed on a future Agenda, and perhaps a policy of "maintenance dredging" could be adopted so this is done every few years. He felt this would be less expensive in the long run. Chair Terrill agreed that this could be placed on the Agenda for a future meeting.

XIII. Communications to City Commission

Chair Terrill reminded the Board that issues they feel are of particular importance may be "highlighted" by placing them in the "Communications to City Commission" section on the front page of the minutes.

Mr. Ross felt the floating dock issue should be placed in this section; however, Chair Terrill explained that the communications would be in relation to "action that [the Board] took."

There was no such information at this time.

There being no further business to come before the Board at this time, the meeting was adjourned at 10:10 p.m.

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