

**MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE
THURSDAY, FEBRUARY 7, 2008 – 7:00 p.m.**

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance</u> <u>5/07-4/08</u>	
		<u>Present</u>	<u>Absent</u>
John Terrill, Chair	P	8	0
Barry Flanigan, Vice Chair	P	7	1
Rick Schulze	P	7	1
Eugene Zorovich	P	7	1
Michael Widoff	P	6	2
Ryan Campbell	A	4	4
Alec Anderson	P	5	3
Norbert McLaughlin	A	6	2
Stephen Tilbrook	P	6	2
John Custer	P	7	1
Randolph Adams	P	7	1
John Baker	P	6	2
Bob Ross	P	7	1

Staff Present

Jamie Hart, Supervisor of Marine Facilities
 Andrew Cuba, Manager of Marine Facilities
 Cate McCaffrey, Director of Business Enterprises
 Levent Ekendiz, Intracoastal Facilities Dockmaster
 Marlene Kimble, Downtown Facilities Dockmaster
 Sgt. Andy Pallen, Marine Police Unit
 Greg Brewton, Director of Planning & Zoning
 Wayne Jessup, Assistant Director of Planning and Zoning
 Brigitte Chiappetta, Recording Clerk, Prototype, Inc.

Guests

Charlotte Olin, Homeowner	Penny Cutt, CSI
Dave Berlin	Adrian Lyew-Ayee, CSI
David Olin, Homeowner	Joe Russo, River Taxi
Tracy Lautenschlager, Vertical Yachts	Jim Juranitch, Homeowner
Kimberly Albanes, Vertical Yachts	John Ross, VYCD
Joe Panico	Andrew Ginsburg, VYCD
Jim Talik, Venetian Condominium	Elliot Denniberg

David Reed, The Triton
Barry Dragon, USCG
Greg Shapley, USCG
Joanne Becker, Riverside Pk. Res. Assn.
Frank Becker, Riverside Pk. Res. Assn.
Michael Kelly
Barry Hemphill
William Beamer
Daniel Varrone
Bozena Varrone
Cathy Hargrove
Michael Kelly
Dahlia Hirsch, Birchcrest resident
John Struzzi, Birchcrest resident
Ruth Bearese, Birchcrest resident
Ellen Magaline, Birchcrest resident
Barry Wohl, Birchcrest resident

Rob Nolin, Sun-Sentinel
Frank Hierhold, MIA SF
J. Stickney
R. Stickney
Marilyn Mower, Southern Boating
Matt Mitchell, The Chappell Group, Inc.
Tyler Chappell, The Chappell Group, Inc.
Joe Hessmann
Lon Gentry, Docklocators
Nancy Gentry, Docklocators
Lisa Knapp, Dockwalk
Peter Mitchel
Nella Colasuonno, Birchcrest resident
Nick Colasuonno, Birchcrest resident
Dorothy DeMay, Birchcrest resident
Carlo Bonini, Birchcrest resident
Dr. Kaldman, Resident

I. Call to Order/Roll Call

Chair Terrill called the meeting to order at 7:09 p.m. It was determined that a quorum was present.

II. Approval of Minutes – January 3, 2008

With no changes, the minutes were approved as distributed.

III. Waterway Crime & Boating Safety Report

Sgt. Pallen reported that there were a few minor incidents over the holidays. On the New River, some juveniles had attempted to steal a bicycle off a sailboat that was parked on a City slip. Marine unit officers in the area pursued them on land, arrested the juveniles and took them into custody. In addition, there was a theft of 3 lower units from one go-fast boat, and another theft from a seized boat at National Liquidators where an anchor which was hanging off the front of a boat was stolen.

Sgt. Pallen reported that there was one accident, with no injuries, involving wake damage to a dock.

Assistance was provided to the Coral Ridge Yacht Club at their Fleet Review event.

Sgt. Pallen stated that while derelict vessels are always a problem in the City, there was a 65-foot wooden Broward that was left abandoned at the 1600 block of SW 23rd Avenue, which sunk within one day, blocking the canal. The vessel was moved in less than 10 days, which is very quick for a boat of that size, and any environmental hazards were prevented. Thanks were extended to Jamie Hart and Andrew Cuba for their assistance.

There was a minor accident in the ocean where a boat struck two snorkelers, resulting in a bruised shoulder and cuts on the hand. Both were treated and released from the hospital. Sgt. Pallen advised that the boat did everything properly, such as stopping and rendering aid to the injured snorkelers.

IV. Discussion – Article on the “Fall of Fort Lauderdale” and Mega Yacht Industry

- **Marine Advisory Board**

Chair Terrill advised that Mayor Naugle recently went to St. Martin with Frank Hierhold and others to promote the City of Fort Lauderdale and attract people to come to use our services.

Mr. Herhold, Marine Industries Association of South Florida, thanked the new United States Super Yacht Association and acknowledged that they were responsible for arranging the trip to St. Martin, which included a Captain’s briefing. Mr. Herhold advised that there were approximately 60 mega yacht captains at this briefing, that approximately 200 mega yachts were in St. Martin, and that the facilities were fabulous. It was an opportunity to do outreach and meet with the mega yacht captains. There was a panel discussion involving Mayor Naugle, Capt. Carl Schultz, U.S. Coast Guard Captain, Jack Terafano, Customs and Border Protection Representative, Frank Herhold, Marine Industries Association of South Florida, and moderated by Billy Smith, President of Trinity Yachts, followed by general open discussion.

Mr. Herhold stated that it was an excellent opportunity to talk about Fort Lauderdale and what it has to offer, as well as visas, notices of arrival, regulations involving mega yacht captains.

Mr. Herhold then referred to the Triton magazine, of which the latest issue had a relevant cover story.

Mayor Naugle then addressed the Board and explained that when he was invited to go to St. Martin his intention was to promote Fort Lauderdale, but also to learn about what a mega yacht facility looks like. This was the first modern facility which Mayor Naugle

had seen. Mayor Naugle showed photographs of the facility and the mega yachts, one of which reached a length of over 300 feet.

Mayor Naugle explained that at this time the Broward County Commission is considering building a convention hotel, and presently there were two proposals as follows:

1. Hilton Hotel proposes a 300 ft. tall hotel to be built alongside the 17th Street Causeway Bridge. Mayor Naugle expressed a concern that such a tall hotel would block the view as you go over the bridge. Contained within the proposal is a plan for a possible fill site for future park expansion. When the Hilton presented this proposal to the Broward County Commission, they said they could get financing on their own, and since then have said they cannot get financing and are asking for tourist tax to guarantee the construction of the hotel. This would be a 1000 room hotel built alongside the Convention Center.
2. The Marriott has a somewhat different proposal which is combined with the proposal of the portside shopping center, in which the hotel would be built back towards the parking garage, not alongside the bridge. The proposal calls for a retail area and a mega yacht facility. Mayor Naugle estimates that the vessels docked there could be between 200 and 300 ft. in length. This is the only area within the City that would have the depth necessary for dockage of mega yachts. Currently, sitting at the proposed location for the mega yacht dockage is an aging cruise ship used for the day- or overnight-cruises. Mayor Naugle noted that such businesses have been struggling because of the slot machines installed at all the gambling facilities, including the Hard Rock Casino. Therefore, Mayor Naugle feels this would be a great use of the facility.

Mayor Naugle suggested that if one County Commissioner would change their mind and pursue the Marriott proposal and consider their hotel, there would be dockage such as in St. Martin in at least this one area of the City for 6 to 10 boats. This would be the only location ever available for such mega yachts. It was suggested by Mayor Naugle that the Marine Advisory Board and/or the individuals in attendance at this Board Meeting contact their County Commissioners and request that they reconsider the foregoing two proposals. Both proposals were provided to the Board by Mayor Naugle for review.

Mayor Naugle then referred to the DockWalk article, which casts the City in a negative light. Mayor Naugle stated that there is a lot of positive news about the expanding dockage around the City, which Mayor Naugle refers to as "defragging the waterfront."

The City is reconfiguring the marinas and shifting the smaller boats onto land, reserving the larger boats for the wet spaces, and creating more and more areas for the larger boats. In addition, there is a good article in Yachting/Boating magazine this month as to the Vertical Yacht Club, which is on the agenda for this evening. Mayor Naugle stated his belief that this facility would be the best thing to come to Fort Lauderdale, boating-wise, for the mega yachts.

Mr. Herhold added that the Captains in St. Martin indicated that they loved Fort Lauderdale, but that there were problems with berthing and dredging. Mr. Herhold advised that our boat yards have an outstanding reputation, the quality of service is high, and the mega yachts come here because the yards and the ability to get up river is very important to them. Mr. Herhold believed that Fort Lauderdale still has an edge with the mega yacht captains and we need to continue to look for new possibilities for dockage.

Chair Terrill asked Mayor Naugle if the City Commission would have any influence or impact on the decision that the County Commission will ultimately make regarding the foregoing issue. Mayor Naugle stated the City Commission will have to review either development, but that it would ultimately be the County's decision. Mayor Naugle felt that the County Commission had already made their decision without much input from the community, but once the public knows about it, they could perhaps be persuaded to change their mind.

Mayor Naugle congratulated the Board for such a large crowd tonight, and stated that when he was on the Board 32 years ago, they didn't often have a crowd such as this.

Chair Terrill then opened the meeting to questions from the Board.

Mr. Flanagan asked if there was a difference in the financial commitment on behalf of the County on the two proposed projects. Mayor Naugle advised that the Marriott has offered a hotel with no assistance from the County, with the Hilton requesting a \$7 million a year pledge of tourist tax dollars, therefore, making the Hilton proposal more risky and/or costly.

Mr. Ross stated that The Sails is already set up for mega yacht dockage right now, and questioned whether we would be better off, even on a short term basis, to support The Sails, as the dockage is in place and there is nothing to be built.

Chair Terrill agreed that the Marine Advisory Board had previously voted unanimously to support The Sails, the Mayor supported The Sails, however, there was a decision by the City Commission not to support The Sails in its current configuration. Chair Terrill

felt the Marine Advisory Board cannot be any clearer about how it feels about that project.

Mr. Ross reiterated that, as Mayor Naugle suggested, individuals should contact their Commissioners and not only support the Marriott, but to also support The Sails again, in the event it comes back for approval.

Chair Terrill welcomed comments and/or questions from the public at this time, and there being none, the Board was asked if they wanted to entertain a motion.

Mr. Flanigan suggested that the people of San Diego would have been happy to have had their Mayor come before their various boards to be supportive of their marine expansion. Mr. Flanigan referred to an article in Yacht Essentials – a publication relating to vessels of 100 ft. or more – in which they finally agreed to recognize the impact of what the yachting industry and community brings to the city. With this, in addition to a city that strongly started to understand the importance of the yachting industry to its coffers, you can find there a very yacht friendly port from the top of the city government down. Mr. Flanigan advised that it took San Diego 20 years to get the Mayors and the officials to accept that position, and acknowledged that Mayor Naugle has long been a supporter of the marine industry and expressed his appreciation to the Mayor.

Mr. Tilbrook stated that it is the County Commission that is making the decision. Chair Terrill offered that, while the County Commission is making the decision, they needed to hear from the other stakeholders, including the City of Fort Lauderdale. In addition, the City Commission represents the citizens of the City, and the County Commission has an opportunity to consider what is being decided and what will affect the City.

Mr. Tilbrook said he believed the City's role will be to review the site plan, but the City Commission will have a comment on the pledging of the tax dollars for the hotels.

Motion by Mr. Flanigan, seconded by Mr. Adams, to recommend to the City Commission that when reviewing this site, they consider the impacts on the potential for mega yacht development and berthing, and the proposal to pledge tax revenues to support the hotel to be built.

Chair Terrill opened the motion for discussion.

Mr. Ross stated that it would be better to support the Marriott, as they are not asking for a penny. If that is true, Mr. Ross suggests the Board should make a very simple proposal that the Board supports the Marriott.

Mr. Anderson stated that he could not make any recommendation based on the information presently before the Board, in that the actual proposals are most likely very thick, and enough information is presently not known.

Mr. Zorovich expressed that the Board would simply be recommending mega yacht development.

Mr. Anderson agreed that this is the issue that should be considered at this time, and that there is not enough evidence before the Board as to which hotel to support, if any. Chair Terrill agreed with Mr. Anderson that there was not enough information provided to choose which hotel to recommend, although Chair Terrill stated he knew enough about the site to know it was an excellent location for mega yachts.

Amended Motion by Mr. Flanigan, seconded by Mr. Adams, to reflect that one consideration is without public funds being committed, including the marina, as presented to the County Commission. In a voice vote, the motion passed unanimously.

Mr. Tilbrook asked for confirmation, since this hotel was not placed on tonight's Agenda, and because the development would be on the waterway, he would expect that it will come before this Board at the appropriate time for review, like other developments on the waterway. Mr. Tilbrook wanted reassurance that the Board would have an opportunity to review the project when it is ripe for review.

Mr. Terrill stated that it was his understanding that this matter was a County consideration and that it will not come to this Board.

Mr. Tilbrook further inquired as to whether the proposal will come before the City for site plan approval in the future, and asked Mr. Hart to look into this matter as to whether the City and this Board will have jurisdiction to review this site plan when presented.

V. Discussion – Proposed Broward County/New River Bridge Operating Schedule Change

- **Marine Advisory Board**

Capt. Greg Shapley, USCG (Retired), Regional Director, Coast Guard's Bridge Program, advised that he was providing a presentation on this issue in order to explain the Coast Guard's involvement, role and processes in dealing with similar situations in other venues. Also in attendance was Barry Dragon, Chief of Bridge Operations/Law Enforcement, who is responsible for bridge schedules, as well as investigation of unauthorized bridge openings.

Capt. Shapley stated that his branch had received a letter in January, 2008, from Broward County Public Works, indicating their desire to not man or operate 3 bridges along the New River (3rd Avenue, 7th Avenue and Andrews Avenue) between the hours of midnight and 6:00 a.m. The reasons cited were fiscal in nature, *i.e.*, stewardship, taxpayers' money, etc. Provided with the letter were some enclosures that referenced limited number of highway traffic counts and bridge opening logs. Capt. Shapley advised that it is the Coast Guard's job to decide whether or not such a request should be granted, and this is done by conducting an investigation and analysis.

Capt. Shapley admitted that infrastructure has not kept up with demand throughout the coasts of Florida in large urban areas, inasmuch as population is booming, number of vehicles and vessels have increased, and the number of airport embarkations and debarkations have increased. Capt. Shapley felt that when looking to solve a problem, it is usually not a fiscal problem, but instead a transportation problem.

Capt. Shapley advised that it is the Coast Guard's desire to make an early "go" or "no go" decision on this request, which would be determined if the request failed to meet the reasonable needs of navigation, and would be a judgment call based on collective experience and, when necessary, would include the opinions of individuals from headquarters in Washington, as well as Capt. Schultz, etc.

Capt. Shapley explained that if the request fails to meet the reasonable needs of navigation, the Coast Guard will simply go back and tell Broward County it is a "nonstarter." Capt. Shapley advised that he does not currently have enough data or enough input to make a determination, and don't really know what kind of a fiscal issue that is being dealt with. There were different options suggested to provide a savings, such as not operating the moveable bridges during that time period, but it is currently unknown what the amount of savings would be.

Capt. Shapley stated that if it is reasonable to consider this request, before the day is done, he will have gone through this informal investigation, but also will have run the gamut of the Federal rulemaking process, beginning with publishing a Notice of Proposed Rule Making, calling for public comment, and so forth. Capt. Shapley stressed that, both now at this informal stage, and if and when the rule making stage is reached, how ultra-important it is for everyone here, and those not in attendance, to weigh in and be heard. Capt. Shapley advised those present that their voice just isn't heard loudly enough. Typically, he will hear from multiple condominium associations, numbers counting in the thousands, businesses and so forth, but he does not hear often, if at all, from the marinas, the other waterfront facilities, the boat yards, the industry or even the recreational boaters.

Capt. Shapley explained that in the past they have achieved success by breaking it out of the all of nothing, win/lose decision mode and looking at an array of alternatives. The Coast Guard is not in a position to dictate the right alternatives to any government forum, but certainly do share its experience in other venues. Capt. Shapley reiterates that there are 3 bridges involved, with a certain savings per bridge, although it is believed to be the same for each since the hours are the same. Examples of alternatives are as follows:

- Keep 2 bridges open, cutting off the roadway access during those hours and operate one;
- Remote control – railroads utilize this method and bridges all over the region use this method;
- Having someone elsewhere on-call, anywhere from 30 minutes up to 4 hours on advance notice.

Capt. Shapley advised that this is just a sampling of ideas that have worked successfully before between the Coast Guard, municipalities, states, and competing interests of highway, rail and maritime modes of transportation.

Capt. Shapley again encouraged all to start weighing in on this issue. Capt. Shapley welcomed input and advised he can be contacted as follows: Commander, 7th Coast Guard District, Bridge Branch, 909 SE 1st Avenue, Miami, FL, 33131-3050. Telephone: 305-415-6755. Capt. Shapley also suggested calling Barry Dragon or his assistant, Mike Lieberman.

Chair Terrill opened up the topic for questions from the Board.

Mr. Schulze stated that outwardly the idea is inconsistent with the vision and view of the City as the “Venice of America,” and believed this would be a stigma on the City nationwide to have it be known that the 3 main bridges in the downtown area don’t work from midnight to 6:00 a.m. Mr. Schulze announced that he has been informed the tax savings per year for that decision to be implemented is only \$100,000.00, which he refers to as just a “drop in the bucket.” Mr. Schulze asked how this could be a meaningful cost savings.

Capt. Shapley indicated that since the County has cited only fiscal reasons for wanting to do this, and has not cited transportation reasons, it should be envisioned that they are two scales that have to be brought into balance. One side of the scale would be the cost, navigation and business and the other side would be the savings to the County. Capt. Shipley believes they will have to come somewhat into alignment for this to get past the start point.

Mr. Ross questioned that since the New River was virtually being shut down, why not include Davie Boulevard, since boats will be unable to get up the river anyway, making it 4 bridges to shut down. Capt. Shapley stated that right now he wants to know who makes that passage up and down there, especially during the hours cited, and that the drawbridge logs should be revealing in that regard. However, Capt. Shapley plans on investigating beyond the drawbridge logs, as there are yards and businesses upriver of that site that would be conceivably impacted.

Another concern, as stated by Capt. Shapley, is the curfew that begins at 6:30 a.m., and if the bridges are locked down from midnight to 6:00 a.m., there would be a very narrow window to get out and get anything accomplished, whether one is commercial or recreational in nature. Therefore, another option to be looked into is how hard and fast is the midnight to 6:00 a.m. time frame, as people must be given a chance to get out before the curfew begins.

Mr. Ross stated that the curfew is actually 7:30 a.m. to 9:00 a.m.

Capt. Shapley further stated that the other concern is that during hurricane season, all the normal rules are off the table. Capt. Shultz will be sitting in a room with all the public safety people, marine patrol. Federal, state and local agencies and they will make a call to begin to lock down drawbridges when they collectively feel it is a good call to make.

Capt. Shapley explained that another concern was how often, if ever, a fire boat, marine patrol, public vessel, or emergency vessel has to go up the New River, in addition to what the clearance restraints are. However, Capt. Shapley will know before getting much further along in the investigation and prior to any decision making.

Capt. Shapley then referred the Board to Title 33 of the Code of Federal Regulation, which lists all bridges and what their schedules are, and the procedures for bridge owners to ask the Coast Guard for deviations, changes or removal of restrictions. This information can be found at www.cfr.com.

Chair Terrill invited comments and/or questions from the public.

Joe Hessman asked how the County can justify disrupting a \$13 billion business to save \$110,000. Joe Russo, while not aware of what the impact would be for bridge closings from midnight to 6:00 a.m., did want to speak of what the impact has been for the hours of 7:30 a.m. to 9:00 a.m. For instance, Mr. Russo advised that a 70-ft. single screw troller not knowing of the restriction finds itself laid up against the bridge going sideways, thereby obstructing traffic.

Mr. Hessman went on to state that regardless if it is \$100,000 to \$200,000 per year, it is a minimal amount for what the river does. Mr. Hessman advised that he drives the dinner cruise boats that pay dockage on the river, and they frequently get back from other locations, such as Miami or Palm Beach, and they need to up to the Performing Arts Turning Basin, thus using the Third Avenue and Andrews Avenue bridges in those cases. This would be an absolute restriction because it would necessitate that the boats dock elsewhere for the evening, or, in fact, pay dockage in Palm Beach rather than returning to their home dock, which fee has already been paid. Capt. Shapley agreed that this was a good point.

Capt. Lon Gentry stated that he has been a mega yacht captain for most of his life and lives on the New River by 7th Avenue. Capt. Gentry questioned why we would even entertain closing bridges down to save \$100,000, and referenced boats that go through the area between 1:00 a.m. and 3:00 a.m. Capt. Gentry stated that a night there are cruises that are coming back, vessels drop passengers off at the Downtowner Saloon, and boaters go out sailing at night.

Capt. Shapley advised that this request is being entertained because there is a provision in the law that says that the Coast Guard must do so. Currently, Capt. Shapley, stated that he is unable to put an exact dollar amount on the savings to closing the drawbridges.

Mr. Herhold advised that there is going to be a dredging project in order that larger boats will be able to go up the river. In addition, 1500 mega yachts visit Fort Lauderdale each year, with 1400 of these yachts spending time in the area's boat yards, which are upriver. These boats must travel during the incoming/outgoing tides and this may at times occur during the hours proposed to close the drawbridges. Mr. Herhold feels that this is very important to consider.

Chair Terrill advised that of the 1400 mega yachts that visit the City's yards, there is data reflecting the amounts on average that they spend at our yards. Mr. Herhold explained that the economic impact is almost \$500,000 per visit, with the average repair bill being \$140,000, representing significant dollars. Further, Mr. Herhold advised that there is one facility that employs over 600 people each day, and thus it is very important that there be free access to that area.

Capt. Shapley stated that the Coast Guard's authority and concern goes to the extent that a bridge is an obstruction to navigation. If a municipality wants to open a bridge and leave it open, the Coast Guard will be unable to change that decision. The final decision may be to open 2, close the roadways off to traffic during those hours, and operate one bridge to achieve some degree of savings.

Chair Terrill offered his awareness that the average expenditure of \$140,000 or \$150,000 per vessel goes to a great amount towards labor, therefore, staying in the community, resulting in an economic impact to this consideration.

Motion by Mr. Ross, seconded by Mr. Schulze, to recommend to the City Commission that they reject the County's proposal to close the 3 bridges.

Mr. Adams, also a member of the Broward County Marine Advisory Committee, advised that this issue was also before that Committee earlier in the day. Mr. Adams recommends cutting this off as quickly as possible before this process goes on *ad infinitum*. Mr. Adams believes the Board should recommend to the City, and include that the Board gives evidence collected from logs of city, plus evidence of what this impact does economically, what it does to safety on the river, and document in that presentation to be given to the County or to the Coast Guard, that this whole process is an absurdity. Mr. Adams suggests that this Board stop the proposal before it takes 6 to 7 months before the process comes to an end.

Mr. Tilbrook asked Mr. Adams what action the County took as to this issue. Mr. Adams stated that the County took none, as it was felt this matter was premature at this time and that the Coast Guard's time would be wasted on a non-starter. Mr. Adams believes that there is enough evidence between the City and the County.

Mr. Tilbrook asked Mr. Adams if the County Advisory Committee that a position that it should not be considered. Mr. Adams answered that the County took no position whatever, but that it will, at the next meeting, do exactly what is being discussed tonight at this Board meeting.

Mr. Tilbrook stated that the letter suggests that the County had already made their decision to close these bridges at this time in the best interests of the County residents. Of note is that this item was not yet brought before the County's own Marine Advisory Committee before someone wrote such a letter. Mr. Tilbrook also commented that he had not heard about this being placed on the County Commission agenda, yet the County Commissioners' names are at the bottom of the letter, and should be pointed out to the Commission that one of their staffers forged a letter to the U.S. Coast Guard to trigger this process without having it go to the County Commission or their Advisory Board or this Advisory Board. Mr. Tilbrook requested that Mr. Hart ask Leighton Elliott, P.E., whether he would be willing to attend the Board's next Advisory Meeting to learn from where this request came.

Mr. Hart advised that he did, in fact, notify Mr. Elliott's assistant, Mr. Sohol, an Engineer, that this would be discussed at this Advisory Board Meeting and extended an invitation

to this meeting. Mr. Hart then inquired as to whether anyone from the County was present and it appeared that there was none in attendance.

Mr. Hart discussed that after he received the letter, he contacted Mr. Sohol and explained to him the concerns that most likely the Board would have.

Mr. Adams stated that he felt this to be a rush to try to save \$5 billion, which is what the County is trying to save over the next few years.

Mr. Terrill explained that he questioned whether the staff member had the authority to write the letter.

Chair Terrill asked Mr. Ross if he would consider including in his motion the recommendation that the Minutes of this meeting be attached and forwarded to the County Commission and the Broward Marine Advisory Committee. Mr. Tillbrook stated that the City's staff can send out the minutes without including such a directive in the motion.

Chair Terrill asked Mr. Shapley if the Coast Guard did receive a signed copy of the letter. Mr. Shapley indicated that the letter was indicated to be signed by the Public Works Director, Leighton Elliott, but that the copy in hand was not signed. Mr. Shapley stated, however, that he may have a signed copy at the office, and that it is assumed when a Public Works Director sends correspondence on City or County letterhead that he is acting as an agent.

Mr. Ross suggests a motion that the Board does not support any further closings of any bridges in the City of Fort Lauderdale. Chair Terrill then asked Mr. Ross to repeat his motion.

Amended Motion by Mr. Ross, seconded by Mr. Tilbrook, that the Board rejects any proposals to do further closings of any bridge on the New River. In a voice vote, the motion passed unanimously.

VI. Application – Waiver of Dock Distance Limitations – Venetian Condominium / 1 Las Olas Circle

- **Venetian Condominium, Inc.**

Tyler Chappell of The Chappell Group gave a presentation on behalf of the Venetian Condominium, Inc., wherein the applicant has requested the approval for 11 new mooring piles in triple clusters. Mr. Chappell stated that the facility was constructed in 1975, and over time some minor modifications were done to the marina, but it appears, based on research of the property, that this current waiver application requests the

relocation of existing mooring pilings 5 feet from the existing location. It appears from the research of the property that in 1975, no waiver was granted for the existing structure. Mr. Chappell informed the Board that this property is an historical facility. Mr. Chappell stated that in the interest of bringing this project in compliance with the City Code, Venetian Condominium has requested a waiver to move the existing pilings 5 feet from their existing location.

Mr. Chappell advised that the property is located at 1 Las Olas Circle and within the South Beach Marina and Hotel Area, and has a dock facility as an accessory use, with a 6 ft. wide marginal dock that runs along the entire property. Off that 6 ft. marginal dock there are 6 finger piers that vary in length from 31.2 ft. to 45.6 ft. There are 10 existing mooring pilings located in varying distances, from 31.8 ft. to 75 ft. from the property line, which is consistent with the old sovereign submerged lands lease line, which had since been modified and reduced by square footage, as well as its distance out into the Intracoastal. This lease had been approved at the regulatory level, but the applicant is waiting for the pending lease to be executed.

The pending request is to move the existing piles from 66 feet to 71 feet from the property line, which is 5 feet waterward from the existing piles, consistent with the northernmost mooring piles. There was a previous resolution on this property which did come before the Marine Advisory Board on the south side of the property. The current proposal involves the docks on the west side of the property.

There are mooring piles existing between the docks, and the maximum distance for those mooring piles are 36.9 feet, which would be 11.9 feet in addition to the 25 feet that are code. Mr. Chappell showed the Board the existing dock layout, with the piers from 37 ft. up to 51.5 feet, and back down to 38.3 feet off the existing 6 ft. wood marginal dock.

At this point, Mr. Chappell referred to the handouts he provided, in addition to the visual power point presentation. Mr. Chappell reiterated that the request tonight was for a waiver to be able to line up all mooring clusters to 71 feet. Based on the ULDR, the finger piers are limited to a distance of 20 ft. and the dolphin piles are limited to a distance of 25 ft.

Mr. Chappell confirmed that this matter was noticed to property owners in the surrounding 300 ft. radius, and that no letters of rejection were received.

At the location of this current marina, the distance of the width at the waterway is significant at 916 feet on the north side of the property, and 802 feet on the south side of the marina, where waivers were previously granted. The smallest distance from the

30% line to the closest structure is 156' to 231' being the farthest. The 30% line at this location is over 200' from the center line.

As to the waterway, there is only 71' of the total allowable 227' that is being used within that 30% area. Mr. Chappell advised that the applicant is requesting to bring the facility in good standing and are requesting this waiver from the City. The proposed lease was introduced to the Board and that lease should be executed within 60 days.

Mr. Chappell requested approval of this waiver from the Marine Advisory Board with recommendations from staff, and that Item #3 be amended to read, "As a general condition of approval, vessels moored perpendicular to the property cannot exceed the limitations of the required submerged land lease, as provided in the survey in Exhibit 1."

Chair Terrill opened this matter to questions from the Board.

Mr. Schulze advised that he made an inspection of the property and spoke with the applicant, and pointed out that the 3 single dolphin pilings that are existent on the northern edge of that property are now in a very deteriorated condition. Mr. Schulze opined that 5 feet is not something to be worried about and it is a good idea.

Mr. Ross asked for clarification that under extraordinary circumstances are saying that this is a speed zone, not a no wake zone, but believes this to be a no wake zone. Mr. Hart advised that this is actually an idle speed zone year round.

Mr. Schulze stated that the triple pilings are strong enough to hold a boat during a hurricane, but doubted whether any of the boats would remain there during a hurricane and not utilize the flotilla plan. Mr. Schulze was assured that a significant number of the boats do stay there during hurricane season and do not move up river. Therefore, the triple pilings would definitely be necessary for that purpose.

Mr. Adams questioned item #7 wherein it stated that a "waiver granted be automatically terminated if 50% or more of the physical structure are removed, damaged or destroyed by fire, explosion or other casualty or act of God." Mr. Hart advised that this was a new condition the City Commission recommended to be required as to all waivers. Mr. Hart stated that the new requirement is to prevent changes or reconfiguration of structures without obtaining the appropriate approvals.

Mr. Tilbrook acknowledged that Mr. Chappell did a great job with the presentation in pointing out the extraordinary circumstances. However, when reviewing the application and materials received today, Mr. Tilbrook did not see where the extraordinary circumstances were articulated. Mr. Tilbrook requested that Mr. Chappell's presentation be incorporated into the record, as it is what identifies the extraordinary circumstances.

Mr. Hart confirmed that the commitments will become a part of the minutes. Mr. Tilbrook recommended that the application form should have a place for the applicant to identify the extraordinary circumstances, or staff's review of the application should make sure that extraordinary circumstances are articulated, or the application would not be complete.

Mr. Chappell stated that for their submittals, the extraordinary circumstances are a part of the summary description, but that it is The Chappell Group's intention to submit the power point presentations beforehand.

At this time, Chair Terrill invited the public to speak on this issue. There being none, the matter was closed to the public.

Motion by Mr. Zorovich, seconded by Mr. Schulze, to approve the waiver, including the recommendation of the applicant for item #3, and deletion of item #7 from the proposal.

Chair Terrill reiterated that there was a motion and a second to approve the waiver with the special condition that recommendation #7 be completely deleted in that if an act of God were to destroy 50% or more of a dock, that the applicant would not have to start from scratch to request a waiver from the City, which was already approved, and also to amend item #3 in the following words: "as a general condition of approval, vessels moored perpendicular to the property cannot exceed the limitations of the amended submerged land lease as provided in the survey in Exhibit 1."

Mr. Zorovich confirmed that this was his motion, and Mr. Schulze confirmed his second of said motion.

Chair Terrill invited discussion on the motion, hearing none.

In a voice vote, the motion passed 10-1 (Mr. Anderson dissenting).

VII. Application – Vertical Yacht Club at Marina Mile / DRC Case #26-R-08
• **Andrew Sturner, CEO/VYCD 1 – New River, LLC**

Tracy Lautenschlager, an attorney with the firm, Greenberg, Traurig, representing the applicant, Vertical Yacht Club at Marina Mile, introduced the development team: John Ross, Principal with Vertical Yachts, Andrew Ginsberg, Project Manager, Mark Soltz, Project Architect, Penny Cutt and Adrian Lyew-Ayee, with Coastal Systems, the environmental consultant, and Kim Albanes, also from Greenberg, Traurig. Ms. Lautenschlager stated that this presentation was an "early eyeball view" of this project, and handed over the presentation to Andrew Sturner.

Mr. Sturner introduced a video presentation, showing how the facility operates. Mr. Sturner stated that the concept of lifting 70-foot yachts is somewhat new to most people.

Mr. Sturner explained that the boats are driven into the facility, and driven to the prime mover. There is custom-made cradle for each yacht that will pick up the boat and slide it into its own custom suite. The prime mover will then push the boat and its cradle into the suite, at which point a fire door will shut behind it. Each suite is individually fire separated, so that if there were to be a fire event affecting a particular yacht, it would be rapidly extinguished, and the fire would not spread to the adjacent yachts. Mr. Sturner advised that this facility is designed for yachts up to 90 feet in length and up to 200,000 lbs. Mr. Sturner stated that nothing such as this has been done anywhere in the world.

Mr. Sturner showed the owner's lounge for the Captains and crews, as well as a gym and small spa, internet, meeting rooms.

Mr. Sturner advised that they currently own and operate a 2.4 acre yard on the Marina Mile, on the south fork of the New River. Mr. Sturner explained that this facility will have up to 200,000 lb. capacity for 62 boats, with vessels up to 90 ft. in length. There will be in-unit power so that shore systems can be run and in order to maintain their deep-freeze. Mr. Sturner stated the real economic impact to the local environment will be enormous. The MIASF has determined that over \$300,000 per year is spent in the local economy just from the management, maintenance and operation of these yachts. This amount has been taken down to approximately \$200,000 in this facility. With 62 boats in this facility, this business is anticipating \$12.5 million of direct economic impact due to these yachts being permanently housed in this facility.

In addition, the facility's bridge cranes are electrically operated, there is no diesel, no gasoline, no soot involved. In conjunction with the fire suppression system and clean management, and professional maintenance and management procedures, this will be one of the cleanest operating marinas in the world.

Vertical Yachts is the company that has developed this technology. A sister company serves as marina operators, owners and managers, so they bring their professional management skills to the table with this project as well.

This company's newest project, Vertical Yacht Club at Thunder Alley, operates in conjunction with Marina Mile and is located in Aventura, current site of the Highlift Marina, which this company also owns and operates.

Mr. Sturner explained that their systems are patented, and they designed all the technology behind the systems. The company uses a combination of the bridge crane technology with computer controls, as well as laser guidance and automation systems, which allows accuracy within $\frac{1}{4}$ inch. Mr. Sturner explained that this allows the boats to be picked up gently and stored as if they were a baby in a cradle.

Mr. Sturner presented highlights, including an environmentally clean and virtually silent electronic bridge crane, and a soft water automated pressurized boat rinsing system, which protects the boat. Mr. Sturner advised that the water is reclaimed and recycled and reused again in the facility, making this a very low waste facility. The water will never be dumped back into the canal, but instead will be filtered one last time and put into the sewer system. Mr. Sturner advised that this facility will not be polluting the environment and that an extreme reduction in boat maintenance cost for the tenant is forecast in this facility. Mr. Sturner explained that having electric power run through the building in each one of these units will allow these boats to not run off of shore power, which is very inefficient and very expensive, or to run a generator, which burns fossil fuels and pollutes the environment. This facility allows the tenant to fully shut off their systems entirely, because this facility is fully air conditioned, or when it is necessary to run their systems, the tenants can run off of the facility's power.

Mr. Sturner stated that the facility provides an answer to losing slips and marinas because the land can be used so much more efficiently with this system instead of a typical horizontal marina. Mr. Sturner explained that, typically, a conservative estimate of space required to store 62 boats in a horizontal environment would be 8 to 9 acres, while the Vertical Yacht Club utilizes only 2.44 acres. In addition, this facility owns the property alongside the building which will serve as the staging area for the slips.

Chair Terrill opened this matter to questions from the Board.

Mr. Adams asked the height of the bridge located near the property. Mr. Sturner advised it is 19 ft. at mean high tide, and that it is a drawbridge on 24-hour notice.

Mr. Schulze questioned whether there will be a lot of dredging necessary in the area. Also, Mr. Schulze inquired as to how the facility will handle the 24 hour notice requirement for the drawbridge. Mr. Sturner admitted that they are looking at several different options for this issue, including the possibility of leasing a few slips in one of the marinas on the eastern boundaries of the Intracoastal. Mr. Sturner explained that a boat owner can call ahead and their boat can be brought out to a reserved slip. Mr. Sturner believed this can be easily accommodated through appointments. Mr. Sturner notes that there will be a certain type of maintenance that will be required to drop these boats in water and that it will be necessary to do this in advance

Mr. Schulze asked the width of the river at that point. According to the survey, Mr. Hart noted that it is a minimum of 114 ft. at that point, with it being 144 ft. at the point of entry.

Mr. Schulze inquired as to whether the Lauderdale Propeller, which is adjacent to the property, will remain. Mr. Sturner acknowledges that this business will remain.

Mr. Tilbrook asked Mr. Sturner how parking will be provided. Mr. Sturner stated that this facility has all the parking needed to meet code, and it is actually exceeded. There will be indoor parking as external surface parking. As per the zoning code, this facility actually exceeds the City's requirement for parking on this site.

Chair Terrill opened the matter to the public.

Capt. Gentry questioned whether there will be too much traffic for that small of an area, stating that a 90 ft. boat is 28 ft. tall.

Mr. Sturner stated that it is not anticipated this will be a high traffic facility, and that typically these boats are used for long periods of time and are also stored for long periods of time. Mr. Sturner admitted that the preparation is the key, and that with proper planning and preparation there should not be any problems.

Chair Terrill closed the matter to the public.

Ms. Lautenschlager stated that there were proposed staff conditions, which are acceptable to the applicant, except condition #1 which reads, "dockage and mooring accommodations will not exceed the specified number of 62 slips, the size limitations as specified on the site plan, with required parking to accommodate the tenants." Ms. Lautenschlager further stated that this is seen as being really relevant because the parking requirement is a provision of the Planning & Zoning Department review and it is understood that any change to the slip ratio would drive a revision to the parking. We also agreed that any substantial revisions to the site plan that would meet the criteria under condition #6 would have to come back to this Board. Ms. Lautenschlager is seeking clarification that the Board is not intending to impose a 62 boat slip limitation tonight, but instead is intending to draw attention that any additional slips would drive additional parking.

Mr. Hart confirmed that this is what is being approved tonight. For any substantial changes, it would require that it be brought back to the Board. Mr. Hart acknowledged that he can approve minimal changes, provided the Chair does not have a problem with such changes.

Ms. Lautenschlager's understanding is that if the slip number increased, the parking would increase, and that would have to be addressed through a Planning & Zoning review. It is the applicant's concern that this not be construed as a separate limitation.

Mr. Hart stated that this condition was only to prevent a large increase in slips, when there is a plan that shows 62 slips, and there would thereby be impacts.

Ms. Lautenschlager advised that other than the foregoing, there are no other concerns about the proposed conditions.

Mr. Anderson asked if this request for zoning change is going to DRC, to which Chair Terrill answered, no.

Mr. Anderson clarified that it is the site plan submittal and the zoning change are going to DRC after.

Mr. Hart acknowledged that it is still zoned under County zoning because the City incorporated this area several years ago and it was never zoned by the City.

Ms. Lautenschlager agreed that the zoning was C-1 through the County, and the proposal was for B-2 City zoning. She further stated that the City preferred that the property be rezoned and the B-2 zoning is more suitable and is needed for the project.

Mr. Adams asked if there was going to be a change in usage.

Ms. Lautenschlager stated that the property has been a marina and will continue to be a marina.

Mr. Hart stated that most of the zoning in the area is B-3, but B-2 zoning has been requested for this property.

Mr. Ross stated that he felt this property has access to a very safe intersection and there would be good egress to this property, with plenty of room to accommodate traffic.

Mr. Schulze asks how many bridge openings per month are anticipated to be requested.

Mr. Sturner responded that it is anticipated that no more than 15-20% of the housed boats will be in the water on the busiest weekend. Typically no more than 10% of the boats are seen on average weekend. Mr. Sturner advised that, taking into the account the size of these boats, these boats are normally not dropped into the water every weekend and that, statistically, these boats are used 6 weeks out of the year. Mr. Schulze stated that his concern is that he can foresee a bottleneck at the property.

Mr. Adams referred to item #5, no rafting.

Mr. Sturner stated that this would be fine.

Motion by Mr. Schulze, seconded by Mr. Zorovich, that the Commission approve the application as presented.

Ms. Lautenschlager reiterates that any increase above the number and size of boat slips currently proposed must satisfy the Planning & Zoning parking requirements to ensure that parking will be adequate to satisfy the applicable codes, to prevent overspill into the adjacent neighborhood.

Amended Motion by Mr. Schulze, seconded by Mr. Zorovich, that the Commission approve the application as presented, with a provision that any increase above the number and size of boat slips currently proposed must satisfy the Planning & Zoning parking regulations to ensure that parking will be adequate to satisfy the applicable codes, to prevent overspill into the adjacent neighborhood.

Chair Terrill then opened the Motion for discussion by the Board, hearing none.

In a voice vote, the motion passed unanimously.

VIII. Application – Waiver of Dock Distance Limitations – 315/325 N. Birch Road

- **315 Birch, LP**

Mr. Chappell of The Chappell Group, on behalf of the applicant, made a presentation to the Board for a waiver to reconfigure an existing dock facility where two marginal docks would be removed, along with 8 mooring piles, and to allow the installation of 7 finger piers, with associated triple mooring pile clusters. A waiver was requested to construct 7 sets of triple mooring pile clusters that are 75 feet from the property line.

Mr. Chappell stated that the existing docking facility is currently a 9' wide by 56' long marginal dock and a 9' by 18' marginal dock that are parallel with the seawall. There are 4 mooring piles, ranging from 37' to 29' feet from the property line on the north side, and 30' on the south side. There are 4 piles which are about 20' apart.

Mr. Chappell advised that the applicant has proposed to remove all docks and pilings and construct seven, 20' by 2.6' foot finger piers, seven triple-pile mooring clusters at 25' from the property line, and seven triple-pile mooring clusters at 75' from the property

line. The requested waiver was only for the seven triple-pile mooring clusters, not the docks and the piles located 25' from the property line.

Mr. Chappell stated that this request is consistent with previous waivers issued in the IOA District and on Birch Road. Mr. Chappelle also referenced the power point presentation, wherein a waiver of 50' was requested to allow for the location of the mooring clusters to be located 75' from the property line.

Mr. Chappell acknowledged that public notices were sent out to all residents within 300' and the applicant has had the opportunity to speak with CVA President and his concerns regarding the adjacent residences. As of today, Mr. Chappelle confirmed that they were provided a memorandum and a site plan, and that some of their concerns will be addressed in this presentation as well.

Mr. Chappell advised that the waterway in this location is extremely wide, with 627' on the north side and 582' on the south side. The farthest pile would be located 110' from the 30% line, the closest pile being 93.89' feet from the 30% line, and the distances from the 30% to the center line average 400'.

Mr. Chappell explained that perpendicular docking is necessary at this location because of the no wake zone, and the need for the boats' bows to displace any wave action.

Mr. Chappell further explained that the applicant proposes to remove dilapidated and unsafe structures and mooring, as well as the existing dock structures, as a portion has already fallen in the water. Currently, there is an existing situation where the dock area is unusable and is a danger to the existing facility and the applicant seeks to renovate not only that facility and the docking portion, but also the upland portion.

Mr. Chappell stated that the proposed mooring pile clusters are consistent with previously issued waivers on Birch Road and at the City of Fort Lauderdale Marina. In addition, Mr. Chappelle advised there are two other leases in this area, one being adjacent to and south of the property, which allows 45' from the property line, and then Alhambra which is 35' from the property line.

Mr. Chappell then addressed concerns of some of the residents, as follows:

- That the owner of the property is not actually the applicant. The applicant is, in fact, the owner of the property, to-wit: 315 Birch, LP.
- Concerns from the residents because of the current nature of the site in that it has been boarded up for a few weeks now, and a concern as to what the proposal would involve for the upland property. The applicant proposes to demolish the building on the north side of the property which

is 325 and renovate and remodel the 315 portion of the property. The area where the building is demolished on 325 is proposed to be a parking lot to service the proposed renovation, as well as the proposed dock facility.

- Why the waiver was coming to the Marine Advisory Board prior to any site plan being submitted. Previously, the Marine Advisory Board was addressed subsequent to dealing with regulatory issues. Currently, because the City has become more involved with the approval process, the City is addressed first, and then the Army Corps of Engineers. The Broward County Environmental Protection permit has a 1-year process, which can actually take longer than a year. To go through that financial obligation, as well as the time involved, it is not advantageous to come to the Marine Advisory Board and possibly receive a denial is not advantageous to the project. In addition, DRC submittal and processing must run parallel with the ERP permitting, because it often takes them each a year for approval. As a result, applicants do not wish to go to DRC or ERP prior to coming before the Marine Advisory Board.

Mr. Chappell stated that the applicant desires to present to the CVA and the neighbors, and such a meeting has been arranged to be provided to the CVA on March 27, 2008. In addition, the applicant needs to get feedback from the neighbors as well as the CVA before going to the final site plan as well as for engineering and ultimately permitting.

Mr. Chappell further informed the Board that structures are set back the required 10', as required by code, and that the property is unique, as all neighbors have very wide views of the ICW.

Mr. Chappell explained that the applicant is seeking approval of the waiver, with the same revisions to items #3 and #7, as in the last approval given by this Board this evening.

Chair Terrill opened the floor to questions from the Board.

Mr. Schulze voiced a concern that this request is putting the cart before horse because of the seawall on both properties, and noted that the northern property is 325 and 327. Mr. Schulze felt that the seawalls are undermined on both properties and that the earth behind them has been leaching into the Intracoastal for a long time. Mr. Schulze stated that in order to put this project into place without completely reworking the seawall is not practical, and that there has been no discussion or statement that this will, in fact, be done.

Mr. Chappell stated that there actually is a plan to repair and/or replace the seawall, and that this is a part of the proposal.

Mr. Flanigan asked for clarification as to Mr. Chappell's statement that the area was in a no wake area, which he believes is incorrect. Mr. Flanigan then asked the distance between the finger piers. Mr. Chappell advised this to be 27'.

Mr. Flanigan then asked for the parking requirements on behalf of the City for 6 slips. Mr. Chappell stated that he believes the 26 and the 12 exceeds that number because what is there now is only 10 and there were previously 3 slips at the site. Mr. Chappell advised that the site plan before the Board is to code, based on the architect.

Mr. Flanigan stated that if in the future the upland property was altered, the parking requirements would still have to be adhered to. Mr. Chappell advised that the parking shown in the plans is for the hotel guests as well as the dock facility use.

Mr. Flanigan advised that his concern lies with the situation that exists in the Intracoastal where the Diplomat is located where there are vessels there commercially taking people out at night on tour boats and dinner boats and their guests are in the high-end hotels. Mr. Flanigan felt there is a valid concern about that activity that has not been addressed. Mr. Flanigan asked Mr. Hart as to there being any caveat as to such usage. Mr. Hart stated that there is a condition that slips can only be used for the occupants of the property, or for whatever future use is determined. Mr. Chappell advised that the only use can be by hotel patrons or that as agreed to by the applicant. Mr. Hart confirmed that the docks are strictly limited to the occupants of the property.

Mr. Chappell advised that according to the submerged land lease, there is no allowance for live-aboards and that the slips will have to be used by that facility.

Mr. Adams asked with reference to item #3, which refers to the submerged land lease, where it is located, relative to the end of the dolphins. Mr. Chappell advised that the submerged land lease had not yet been drawn out, but it is anticipated to be, if not at the piles at 75', very close to the piles.

Mr. Adams pointed out that if the submerged land lease is made out to 75', and the applicant wanted to put an 80-footer out there, it cannot be done. According to item #3, this would not be allowed, as a vessel moored perpendicular to the property cannot exceed the limitations of the required submerged land lease. Mr. Chappell requested, therefore, that item #3 be removed.

Mr. Hart advised that if item #3 is eliminated as to the proposed pilings, the submerged land lease could conceivably be put out further.

Having no further questions from the Board, Chair Terrill opened the item for discussion from the public.

Judy Scherer, President of Birchcrest Condominium, and former Executive Vice President of the Central Beach Alliance, stated that she has great difficulty in understanding how this project has come before the Marine Advisory Board first, since this building has been abandoned since this past summer. Ms. Scherer advised that there are vagrants living in this building, and that residents have been calling the City, including our Commissioner, to complain.

Ms. Scherer questioned how building more piers can be considered, as it seems to put the cart before the horse, in that it is not known what type of structure will be built on the property. Ms. Scherer believed that at this point this should not be voted on, but should go through the normal process, and is asking for this item to be tabled at this time.

Dr. Jay Kaldman, resident of Birch Pointe, and immediate neighbor to the south of the subject property, stated that he was never informed of this proposal. Dr. Kaldman advised that he sits on the CVA and is familiar with going through DRC and the normal protocol. Dr. Kaldman claimed that he was never informed that the docks would be right in front of the residents, that would impact the water taxi as it comes into the Seville entrance, and felt that 75' is a long way out on that particular side of the Intracoastal.

Dr. Kaldman advised that there have been 2 break-ins, and that Code Enforcement has been called to shoot pictures of the "missiles" that have been on the roofs now for 2 years, which is of great concern should there be a hurricane. Dr. Kaldman felt this should be looked at first. Dr. Kaldman stated that when the Miller family sold the property, the residents were advised that the Bermudian and the tropical garden were going to be knocked down within two weeks of August 20th when the property was sold. Dr. Kaldman felt that it should have been presented to DRC through CVA, and then there should have been a discussion as to the 75' docks, which would impact Birch Pointe, the Cormona on the south, as well as other neighboring "mom and pops" in the area. Dr. Kaldman felt this is a neighborhood compatibility problem.

Chair Terrill asked staff of the procedure for neighborhood notification.

Mr. Hart stated that 109 notices were sent out with the Agenda to all neighbors within 300 feet, which is done with all applications. Mr. Hart advised that there are no requirements for public notification, and that it is done merely as a courtesy. Also, neighborhood associations are notified in this manner as well, in addition to the President of the Central Beach Alliance being e-mailed the Agenda, a copy of the plan,

as well as all e-mail responses. Mr. Hart stated that this is way beyond what is normally done.

Ms. Scherer stated that she had been seeking information as to the Bermudian, as it in such a bad state of disrepair, and she was glad that the applicant will provide a presentation on March 27th.

Chair Terrill asked Mr. Hart how quickly after an application is received does notification go out to the residents. Mr. Hart stated that in this case the application came in very late, however, it normally goes out with the Agenda, which was done in this case.

Chair Terrill asked Mr. Hart to explain whether there is a requirement to communicate with the civic associations of that neighborhood, to which Mr. Hart responded that it is not required under the code, but that it was done anyway.

Chair Terrill stated that he knows from his 5-years of experience on this Board, that there is no requirement, and whether Marine Facilities does or doesn't send out notifications, there is no requirement that neighborhood associations be notified of a waiver.

Mr. Tilbrook commented that it seemed that every time one of these items is on the Agenda, where notice is provided and neighbors are concerned about compatibility, notice is received by the residents very late. Mr. Tilbrook suggested that no matter what is required of the code, that notice is a good practice to adhere to, and that it would be a good practice to provide more notice. In his opinion, Mr. Tilbrook felt that residents should expect a minimum of 10 days notice before an item comes before public hearing.

Chair Terrill asked that the public be permitted to speak and then the issue would be brought back to the Board.

Elliott Denenberg, Vice President, Portofino Condo Association, located 3 blocks south of the subject property, stated that he is a boater, and that he enjoys the marina there. Mr. Denenberg confirmed that the Bermudian is a "wreck," and that it appeared that homeless people had been sleeping on the stoop. In Mr. Denenberg's opinion, he believed it would be proper to give permission for the property to be improved, as it sounds like the property will be greatly improved.

Dave Berlin, a resident of the Cormona, stated that he is opposed to this waiver being granted, as the proposed property would obstruct his view, and that the other 6 residents of his building all objected as well. The residents are concerned that it would greatly devalue their property. Mr. Berlin stated that they recently restored his building, as it is an historical building, and that the attraction is the view. Mr. Berlin felt that it

would be unfair to be looking at the side of a boat, and that this is a residential neighborhood. If boats are out there, the residents will be looking at side of boat, thus destroying the view. Mr. Berlin further advised that the windows in his building are designed to look directly at the property. Mr. Berlin confirmed that he has a boat that he keeps at the City marina and feels that others can do the same.

David Olin advised that he and his wife did provide a statement in writing, and that he shared water space with this proposed development. He stated that if the docks are built out perpendicular to their property, it will impose on his property. Also, Mr. Olin stated that he felt this is a commercial venture in a residential area and is not appropriate. Mr. Olin also felt that the environmental impact is substantial and needs to be examined. For instance, manatees are seen frequently along the seawall, and requests that environmental impact studies be done.

Joe Panico stated that there is a lot of crime in the neighborhood down on the beach, and that he liked the project. Mr. Panico referenced 15 boarded up and fenced in buildings from Sunrise to Las Olas and as such, felt this is a step in the right direction.

Delia Hirsch, from Birchcrest, felt that there are two different issues, (1) tearing down the building to make it safer, and (2) permitting for slips. Ms. Hirsch believes these issues should be completely separate from each other, and that the issue of the slips should be tabled.

Chair Terrill advised that the concern at this meeting is not the upland use, unless it concerns parking impacting the boat slips.

Mr. Tilbrook stated that he felt upland use must be considered in this case as a marina is not a permitted use in this zoning district, and is only permitted as an accessory use to an upland use. Mr. Tilbrook further advised that dock slips are not permitted unless they are accessory to an upland use, and does not understand the purpose of the upland use.

Mr. Hart responded to Mr. Tilbrook's concerns and advised that he did speak with attorneys about this issue. Mr. Hart advised that he did place a condition on the approval that approval of this waiver is conditioned on site plan approval under the IOA zoning regulations under Section 12.5, of the ULDR, and the City Attorney's Office has suggested that this waiver not go forward with City Commission approval until their site plan is review and approved, or not approved, by Planning & Zoning.

Chair Terrill stated that the public should be allowed to finish. Mr. Tilbrook announced that when the public is finished, he has a motion for continuance.

Mr. Widoff advised that the pictures being circulated have raised a question as to the dolphin pilings and docks out in the water currently, and asked if they currently can be used. Mr. Hart stated that the docks could not be currently used, as the principal structure is not currently being used. Mr. Hart added that there was never a waiver granted and yet there are pilings more than 25 feet out.

Mr. Chappell asked to touch on some of the comments for clarification purposes. As to the cart before the horse comments, it is imperative that the dockside is very important to moving forward with the upland use. Mr. Chappell explained that without that, it is very difficult for the owner to move forward renovating the existing structure, demolishing one of the old structures, and coming up with site plan, and to beautify the community, as they are being asked to do. Mr. Chappell agreed there has to be an accessory use, however, there is a C.O. on the building, the existing building is a hotel, and the IOA is for a commercial type facility. Mr. Chappell advised that the IOA runs from Las Olas up to this point, and it is not a residential neighborhood. Further, Mr. Chappell stated, the purpose of IOA is to have the historical hotel/motel type of use, and that is what the IOA is trying to preserve.

Mr. Chappell advised with reference to the water taxi, that they had been instructed to use the appropriate channel to get to property. If they are not doing so, then Mr. Chappell advises they will be approached in order to discuss how they can be rerouted to get to the people they need to get to.

Mr. Chappell advised that if they do not have the City Commission's approval for the docks, in order to move forward with the DRC submittal and the permitting, this is the first step. The applicant is willing to make that first step to move forward to getting to the point where this type facility is no longer a detriment to the neighborhood.

With reference to environmental studies, Mr. Chappell advised that this is already required as part of the permitting process, which cannot be reached until this portion of the process is addressed. Mr. Chappell reiterated that at the beginning of the evening there was discussion as to the need for commercial slips/marinas, and slips that are made available to public to use in a hotel situation, and this just happens to be on a smaller scale.

Chair Terrill closed the matter to public comment and opened the item for deliberation by the Board.

Mr. Baker stated that his major concern is if these docks are built first, when the rest of the project will continue. Mr. Hart informed the Board that the docks cannot be built first under the code, in that the principal structure must first be in place and in use

before the docks can be built and used. That was the purpose of the contingency for site plan approval.

Mr. Tilbrook stated that he did have concerns about view, particularly in a situation where neighbors haven't had a great deal of notice, and believed that this Board should respect the wishes of the community, and to give the applicant an opportunity to present before them before the Board acts on the item. Mr. Tilbrook advised that he will make a motion to continue this item until after the applicant has had an opportunity to make their presentation to the Central Beach Alliance.

Amended Motion by Mr. Tilbrook to continue this matter until the April meeting of the Marine Advisory Board.

Chair Terrill advised that he would first like to open this matter up to discussion, and that there are certain procedures that this Board has always operated under. Chair Terrill explained that the Board must listen to the public as well as to the applicant, and the Board members' feelings are bounced back and forth. Chair Terrill expressed that everyone on this Board should have an opportunity to speak and share their thoughts. Chair Terrill stressed that this is not a race to jump in with a motion before there has been any discussion among the Board, allowing questions to be asked. Chair Terrill requested that Mr. Tilbrook clarify the motion that has been placed on the table.

Motion by Mr. Tilbrook, seconded by Mr. Anderson, to continue this item until the April meeting of the Marine Advisory Board. In a voice vote, the motion passed 6-5 (Chair Terrill, Mr. Zorovich, Mr. Widoff, Mr. Adams, and Mr. Baker dissenting).

Chair Terrill announced that this application is deferred until the April Marine Advisory Board meeting.

IX. Discussion – Recommendations for Zoning on Waterway -- N.E. 20th Avenue/Middle River
• **Marine Advisory Board**

Chair Terrill, having noted there was no available presentation on this issue, opened the matter to questions of the Board for Staff.

Mr. Hart advised that Staff was in attendance to answer questions from the past meeting or questions that Mr. Hart cannot answer in terms of the zoning issues, if any. Mr. Hart introduced Greg Brewton, as Director of Planning and Zoning, and his assistant, Wayne Jessup.

Mr. Zorovich acknowledged that he asked this item to be placed on this month's Agenda, and has now had an opportunity to look at the property both on land and by water, and felt that this area needs some serious evaluation. Mr. Zorovich found that there appear to be several homes zoned for that area, and three homes together that are not zoned for what they are doing.

Mr. Zorovich reiterated his concern that the Board had been requested to do something in RS-8 zoning that possibly doesn't belong there. Further, Mr. Zorovich stated that there are people next to this request that are doing exactly what they are doing, which is renting docks, and felt that this should be brought to the Board in order to determine what advice should be given to the Commission, whether something else should be done, or whether the Board should simply treat this individually.

Mr. Anderson felt the only place left in the City for waterskiing that is not fresh water, or in the ocean, and would recommend to the City Commission that it be a water sport activity area.

Chair Terrill interjected that Commissioner Teel specifically requested that Planning and Zoning staff come to this meeting to answer any questions specific of their field of expertise, and, as such, suggested that this would be the perfect opportunity to ask them questions and then allow them to go home.

Mr. Zorovich questioned Mr. Brewton as to his perspective on whether a variance is allowed of this nature to go forward, how the entire zoning process will be affected.

Mr. Brewton, Planning & Zoning Department, advised that what this Board does in terms of the waiver of the dock limitations or on the waterway does not change the use of the upland property. The zoning that exists there today, RS-8, the ROA, and RO, and the B-1, has nothing to do from Planning & Zoning's perspective as it relates to the upland property. Mr. Brewton confirmed that the use of that property will still remain the same: RS-8 will be single family, ROA will be single family or office, RO would be multi-family or office, and the B-1 – the commercial piece to the north – would be simply commercial/retail activity.

Mr. Hart asked for confirmation that none of those, with the exception of B-1, could be used commercially as to the dockage, and Mr. Brewton acknowledged this was correct.

Mr. Flanigan stated that he felt the applications should be recognized as they come, and if there are issues against the zoning, he doesn't see them being brought to the table, and Staff should not bring them in until there is clarification. Therefore, the Board should give them credit that they bring forth the items that are compatible with their

zonings and take them on an individual basis, rather than try to blanket an area with something that's not such an item.

Mr. Zorovich indicated that he disagrees to some extent, as when you look at that area it goes from very heavy use to lighter and lighter use. The entire issue appeared to start when one looked at the variances that had been requested at NE 20th, that perhaps something needed to be done, even though the Board would still evaluate, look and study and recommend approval or not, that perhaps something different could be done there because the Board is going to be doing this over and over again. Mr. Zorovich felt that rather than refer to precedence that may have been previously set, to come up with some standardization, if possible. Mr. Zorovich admitted that because of his background, he does not like gray areas, and that was the premise for putting this matter on the Agenda. Mr. Zorovich stated that he is requesting some recommendations and help in coming up with something.

Mr. Tilbrook advised that Commissioner Teel was in attendance at the previous Marine Advisory Board meeting. Mr. Tilbrook referred to a hard fought battle as to one application on the Agenda that past meeting, while another application was not so hard fought. Mr. Tilbrook asked Mr. Brewton if there was any effort to change the zoning in that area, to restrict dockage or to limit dockage any further than it is already limited in this area.

Mr. Brewton advised that they have not entertained any proposal to do any zoning changes to the upland property. If there is a need to study the waterway to determine if some additional adjustments need to be made as relating to deal with concerns as relating to the waterway uses, then that would be something waterway uses, then there would have to be a study and workshop, to see what the concerns are.

Mr. Tilbrook stated that he got the feeling after the last meeting that there were concerns about the process, but that the public should be advised that right now there is no effort to change the way things are happening. Further, Mr. Tilbrook felt that if Board members have recommendations as to how things should be changed, those recommendations should be made and then Staff who is in attendance or Mr. Hart can communicate this back to the staff. While cumbersome, Mr. Tilbrook feels that the current process works.

Mr. Zorovich felt that the request that was denied last month will probably come up again, and he wanted to make sure that the applicants understand the area very clearly, as it may be a heavy decision for the Board and may require a little more analysis than usual.

Mr. Flanigan stated that this Board must strongly consider the individual applications, as he has heard conversations in the past month that this may cause actions for moratoriums on variances.

Mr. Zorovich agreed that it is individual, but still noted that it is mixed zoning.

Mr. Flanigan questioned the last time there was a zoning waterway master plan rewrite, and whether this should be looked at again because the boats today were not around in 1980 or 1981 and the conditions for the boats that are seen today are different than those 20 to 30 years ago.

Chair Terrill opened the matter for public discussion.

Mr. Beamer stated that he had seen changes on 20th Avenue, and they have been for the better. Mr. Beamer felt that the people on 20th Avenue, by and large, should have a say as to what goes on at 20th Avenue. Mr. Beamer also felt that this issue should be left alone, because if residents have a grievance, they can go to code enforcement or to planning and zoning. Further, Mr. Beamer, stated that he has not seen a trend that is adverse to public interest.

Hearing no further comments from the public, this matter was brought back to the Board for discussion. Hearing none, this discussion was deemed closed.

X. Old/New Business

Mr. Flanigan presented the Board with an article concerning Broward Community College's Marine Engineering educational program where students can obtain a two-year degree, and felt that this is something the industry needs.

Mr. Baker stated that he has many times asked the Board about the parking situation in front of New River Village and how it encroaches upon the marine use down there. Mr. Baker advised that on Friday morning he drove through the area in his car and noted that the valet parkers were bringing cars down in advance so customers can get to work in the morning. Therefore, both sides of the two-lane road are full of cars, which is making it difficult to get through there in a vehicle. Mr. Baker stated that it can be very frustrating if one sought to use the marinas in this area.

Chair Terrill asked Mr. Baker if this matter should be placed as an update topic for the next Board meeting, and whether staff should check into the situation, and what recommendations there would be to resolve the problem.

Mr. Baker stated that it definitely affects the people that are renting the City's marine facility docks in the area. Mr. Hart advised that he would look into the matter.

Mr. Hessmann announced that the Portofino just finished their dock, and the water duck approved by the Board sits there with his engines running, waiting for buses to come in so that he can take passengers. This is creating the sand to be pushed back right into where the fresh new docks have been built. Mr. Hessmann also advised the Board that he also parks at Beach Place, which is not allowed in this area. Mr. Hart advised Mr. Hessmann that this matter would be looked into.

XI. Status Report

- **Broward County Marine Advisory Committee**

Mr. Adams stated that at this time he would not reiterate what was previously discussed at tonight's meeting. Mr. Adams announced that participants will be making their pitch next month for the Enhanced Marine Law Enforcement Grant.

XII. City Commission Items – February 5, 2008 Meeting (Scheduled)

- **Facility Use Agreement/ Las Olas Marina – Fort Lauderdale Billfish Tournament, Inc.**

Mr. Hart stated the Facility Use Agreement for the Last Olas Marina was approved last night by the City Commission as well as a separate agreement, as previously explained, as there is going to be a much more grandiose event with a seafood festival. The parking lot will be rented at face value, the docks will be rented at face value, with a caveat that the City be given a 2-week notice if all space will not be rented.

Mr. Baker commented that as to the Billfish Tournament, he would like to see the Board in attendance that weekend. There will be music, entertainment, and Mr. Baker will himself be a part of the tournament. If a Board member desires tickets, Mr. Baker would prefer that he be contacted.

XIII. Adjournment

There being no further business before the Board, the meeting was adjourned at 10:37 p.m.