

**MINUTES OF THE MARINE ADVISORY BOARD
 100 NORTH ANDREWS AVENUE
 8TH FLOOR CONFERENCE ROOM
 FORT LAUDERDALE, FLORIDA
 TUESDAY, JULY 15, 2014 – 6:00 P.M.**

<u>Board Members</u>	Attendance	Cumulative Attendance May 2014 - April 2015	
		<u>Present</u>	<u>Absent</u>
Barry Flanigan, Chair	P	3	0
James Harrison, Vice Chair	A	2	1
F. St. George Guardabassi	P	3	0
Norbert McLaughlin	P	3	0
Jim Welch	P	3	0
Robert Dean	P	2	1
John Holmes	P	3	0
Bob Ross	P	2	1
Joe Cain	A	1	2
Herb Rassing	P	3	0
Frank Herhold	P	3	0
Zane Brisson	P	3	0
Erik Johnson	P	3	0
Jack Newton	P	2	1
Jimi Batchelor	A	2	1

As of this date, there are 15 appointed members to the Board, which means 8 would constitute a quorum.

It was noted that a quorum was present for the meeting.

Staff

Andrew Cuba, Manager of Marine Facilities
 Jonathan Luscomb, Supervisor of Marine Facilities
 Sergeant Todd Mills, Marine Police Staff
 Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. Call to Order / Roll Call

Chair Flanigan called the meeting to order at 6:05 p.m. and roll was called.

II. Approval of Minutes – June 5, 2014

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

III. Statement of Quorum

It was noted that a quorum was present.

IV. Waterway Crime & Boating Safety Report

Sgt. Todd Mills of the Marine Unit reported that during the month of June, there were eight headers, eight miscellaneous reports, and eight vessel accidents. The Marine Unit issued seven marine citations and conducted 55 safety checks. One vessel was stolen in June, and there were three additional crimes involving theft of engines/electronics. He concluded that the City's 4th of July celebration went very smoothly on the water.

Sgt. Mills added that on Sunday, July 20, 2014, a meeting will be held in Tallahassee by the Florida Fish and Wildlife Commission (FWC) to discuss anchorage and mooring issues. He noted that this is a concern with many City residents, and advised that an update will be provided at the next Board meeting. He will be taking photographs, maps, and letters from concerned citizens to the meeting.

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

VII. Update – Sails Marina

Chair Flanigan introduced Tim Nipple, Dockmaster of the Sails Marina, who was present to discuss mega-yacht dockage. Mr. Nipple recalled that roughly 10 years ago, slips at the Sails Marina were designed for 100 ft. vessels, and have been regularly filled since that time; currently there is a need for slips to accommodate 150 ft. to 200 ft. vessels, some of which have had to be turned away. He emphasized the revenue brought by these large vessels to municipalities, noting that their crews have unlimited disposable income.

Mr. Nipple pointed out that due to the current economy, there is less business for 40 ft. to 60 ft. vessels, while yachts of 150 ft. or more present a strong market. He asserted that Fort Lauderdale needs to find a way to retain this market, particularly from October through June, while local business could be emphasized from July through September. He stated that there is a good deal of frustration in the industry with the lack of mega-yacht dockage, as Fort Lauderdale is where most of these boaters wish to visit.

Mr. Nipple and the Board discussed the seasonal nature of the business, as well as dockage rates, occupancy, and amenities, including fuel and electricity. He reiterated that if space is made for mega-yachts, they would prefer to come to Fort Lauderdale. He estimated that with four mega-yacht-sized slips, Sails Marina brings in roughly \$120,000/month.

**V. Application – Waiver of Limitations – ULDR Sec. 47-19.3 C, D, & E
– John C. Jr. & Cheryl J. Gorman – 720 SE 20th Ave.**

Tyler Chappell, representing the Applicants, showed a PowerPoint presentation, including several aerial views of the property and a current survey. A previous waiver was authorized by the Board for a 42 ft. finger pier and 80 ft. triple pile clusters. The new Application would add 10 ft. to the existing 42 ft. finger pier and extend the triple pile clusters from 80 ft. to 125 ft. This would allow for better mooring of the Applicants' 97 ft. vessel, as well as larger vessels that the owners are considering for purchase.

Mr. Chappell reviewed the distances required by Code, adding that the extraordinary circumstance in this case is the location on one of the widest parts of the Middle River. The request is also a significant distance from the 30% line. The Application would provide safer mooring for vessels, particularly during storm events or wake activity. The waiver is consistent with other waivers issued for nearby properties. Mr. Chappell provided a letter of support from the Applicants' adjacent neighbor to the north.

Mr. Dean commented that because similar waiver requests are likely to be forthcoming from the surrounding neighborhood, the area could seek to create a special zoning district that takes waterway width into consideration. Mr. Chappell advised that residents of the area have been encouraged to form a neighborhood association or group, which could eventually come before the Board and the City Commission to make a request for a special district. Mr. Ross cautioned, however, that the Board should continue to have a voice in the review process due to their knowledge and expertise.

There being no further questions from the Board at this time, Chair Flanigan opened the public hearing. As there were no members of the public wishing to speak on this Item, Chair Flanigan closed the public hearing and brought the discussion back to the Board.

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

**VI. Application – Waiver of Limitations – ULDR Sec. 47-19.3 C, D, & E
– Grand Birch, LLC – 321 N. Birch Road**

Heidi Davis, representing Grand Birch LLC, showed a PowerPoint presentation to the Board, explaining that the Applicant wishes to install three triple dolphin piles and 10 mooring piles in the Intracoastal Waterway adjacent to their property. This would allow four boat slips for the adjacent upland condominium project. The proposed pilings would also be used by condominium residents.

Ms. Davis noted that the subject area of the Intracoastal Waterway is 560 ft. wide. A waiver is requested because the dolphin and mooring piles would extend an additional 50 ft. beyond the 25 ft. limit beyond the property line. She noted that the Applicant also plans to remove two existing marginal docks and three existing davits, and will install a marginal dock 520 sq. ft. in size, as well as two 60 sq. ft. finger piers. The piles would extend 13.39% of the width of the waterway.

Extraordinary circumstances for the waiver request include protection, stabilization, and security of vessels to withstand the currents of the Intracoastal Waterway. There are also excessive wakes and high wave pitch from accelerating watercraft in the area, as well as strong winds during storm events. The Army Corps of Engineers, the Florida Department of Environmental Protection, and Broward County have approved the Application and determined that the proposed piles will not create a hazard, nor will they adversely affect natural resources or riparian rights.

Matt Butler of Isiminger & Stubbs Engineering, also representing the Applicant, clarified that all measurements are from the property line, as required by Code, rather than from the wet face of the seawall. The Applicant estimates that vessels docked on the site will be from 70-75 ft. in length. There are no plans for dredging the waterway at this time. It was clarified that while there is no Code requirement for lighting on the piles, the Applicant proposes to place reflective tape on them.

Mr. Newton commented that the Central Beach Alliance (CBA) is opposed to the Application, as its members feel it extends farther than any other waiver in the area and could set a new precedent. They also feel the larger boats could obstruct the view from other properties along the waterway.

There being no further questions from the Board at this time, Chair Flanigan opened the public hearing.

Andrew Freiman, private citizen, stated that he lives across the street from the subject property. He expressed concern with how the Application could affect the navigation of vessels such as the Water Taxi and charter boats, particularly in combination with the impact of the tides.

Mr. Dean also noted that by Federal regulation, the Intracoastal Waterway occupies only 125 ft. of the entire channel in this area; the remaining navigable waterway is considered State bottomland.

As there were no other members of the public wishing to speak on this Item, Chair Flanigan closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Ross, seconded by Mr. Dean, to approve as stated. In a roll call vote, the **motion** passed 11-1 (Mr. Newton dissenting).

VIII. Reports

- **Commission Agenda Reports**

None.

IX. Old / New Business

Mr. Newton requested an update on the Board's efforts to clarify the costs of the proposed Las Olas Marina expansion. Mr. Cuba replied that he was not aware of this as an Agenda Item for the City Commission's August meeting, but noted that updates will be provided to both the Marine Advisory Board and the Beach Redevelopment Board in the future. An environmental feasibility study is planned to ensure that all necessary permits for the proposed expansion may be obtained within the appropriate time frame. A report on this process is expected in autumn 2014.

Mr. Rassing commented that there is ongoing concern regarding the impact of All Aboard Florida on the marine industry and navigation. It was noted that the Board has communicated its concerns to the City Commission regarding this project more than once, in addition to their support of a letter on this issue by the Marine Industries Association of South Florida (MIASF).

The Board discussed how to bring other officials and/or organizations into the discussion of All Aboard Florida's potential impact on the marine industry. It was noted that the best way to proceed could be to share information and educate the public without appearing to be confrontational. Mr. Herhold pointed out that this is the approach taken by the MIASF, which is gathering data and working with the FEC railway.

The members also addressed the issue of the new south runway at the Fort Lauderdale-Hollywood International Airport, which has a flight path directly over several boatyards. Mr. Dean pointed out that this could affect business in these facilities, as well as the cleanliness of the vessels there. Mr. McLaughlin

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concluded that there are projects that should come before the Board but do not, despite their potential for impact on marine business and recreation. He felt they should be made aware of projects that can affect waterways, even if they are presented for informational purposes only.

There being no further business to come before the Board at this time, the meeting was adjourned at 7:42 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

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