

**DRAFT**  
**MINUTES OF THE MARINE ADVISORY BOARD**  
**100 NORTH ANDREWS AVENUE**  
**8<sup>TH</sup> FLOOR CONFERENCE ROOM**  
**FORT LAUDERDALE, FLORIDA**  
**TUESDAY, SEPTEMBER 23, 2014 – 6:00 P.M.**

| <b><u>Board Members</u></b>            | Attendance | <b>Cumulative Attendance</b> |                      |
|--|------------|------------------------------|----------------------|
|  |            | <b><u>Present</u></b>        | <b><u>Absent</u></b> |
| Barry Flanigan, Chair                  | P          | 4                            | 0                    |
| James Harrison, Vice Chair (dep. 7:05) | P          | 3                            | 1                    |
| F. St. George Guardabassi              | P          | 4                            | 0                    |
| Norbert McLaughlin                     | P          | 4                            | 0                    |
| Jim Welch                              | P          | 4                            | 0                    |
| Robert Dean                            | P          | 3                            | 1                    |
| John Holmes (arr. 6:09)                | P          | 4                            | 0                    |
| Bob Ross                               | P          | 3                            | 1                    |
| Joe Cain                               | P          | 2                            | 2                    |
| Herb Rassing (arr. 6:07)               | P          | 4                            | 0                    |
| Frank Herhold                          | P          | 4                            | 0                    |
| Zane Brisson                           | P          | 4                            | 0                    |
| Erik Johnson                           | P          | 4                            | 0                    |
| Jack Newton                            | P          | 3                            | 1                    |
| Jimi Batchelor                         | P          | 3                            | 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

**Communications to City Commission**

None.

**I. Call to Order / Roll Call**

Chair Flanigan called the meeting to order at 6:03 pm. and roll was called.

**II. Approval of Minutes – July 15, 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 reported that during the month of August, the Marine Unit investigated 15 miscellaneous incidents, eight headers, and four vessel accidents, issued 11 citations, conducted 147 safety checks, and wrote 116 warnings. No burglaries or larcenies were reported.

The Board discussed safety measures associated with kayaks on the ocean. Sgt. Mills advised that diving kayaks are expected to be equipped with larger-than-usual flags; however, flags may not be displayed if no diver is in the water. It was suggested that this issue could be addressed through education or possibly through legislation.

He added that the current legislative session is looking into legislation regarding anchoring laws and mooring fields. Fort Lauderdale is seeking to establish its right to regulate anchoring in its waterways. At present, vessels may be anchored anywhere outside the navigable waterway as long as they are not abandoned or taking on water.

### **V. Application – Waiver of Limitations – ULDR Sec. 47-19.3 C, D, & E – L-5 Investments IV LLC c/o Robert and Rosemary Leonard – 726 NE 20<sup>th</sup> Ave.**

Tyler Chappell, representing the Applicants, stated that the subject property is located on the Middle River. He showed photographs of the property, explaining that the request is consistent with previously approved waivers in the neighborhood. The waiver request is for 10 piles at a distance from 14 ft. to 100 ft. and a finger pier at a distance of slightly over 67 ft. Extenuating circumstances include no structures exceeding 30% of the waterway, which has extraordinary width at this location. Additional piles are necessary for the safe mooring of vessels during severe weather. Mr. Chappell provided letters of support from adjacent property owners and other neighbors.

The Board members discussed the Application, clarifying that the two vessels docked at the property must be owned by the homeowner or homeowner's representative. The property is zoned RS-8. They also reviewed nearby properties for which waivers have been approved in the past.

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. Cain, to approve as stated. In a voice vote, the **motion** passed unanimously.

## **VI. Reports**

- **Grant Status Update**

Mr. Luscomb advised that the City has applied for a grant to repair/replace the boat ramps at George English Park, as the raising of the bridge will allow larger boats access to the location. The City received this award in June 2014 and design funds are expected to be available by November. The next phase will be construction. Mr. Luscomb noted that the Broward Boating Improvement Program (BBIP) as well as the Florida Inland Navigational District (FIND) may be interested in the construction phase of the project.

He continued that he has also applied to BBIP for \$50,000 toward approved derelict vessel removal. These funds would be available for four years. The Broward County Sheriff's Office has received a similar grant for derelict vessel removal.

Regarding the proposed expansion of the Las Olas Marina, Mr. Luscomb stated that market and environmental feasibility have been examined and mitigation costs for dredging and expansion have been estimated; however, it is not yet clear what costs and/or environmental restrictions would be associated with digging out the parking lot. City Staff has been directed to hire a consultant who will review the work done thus far and determine the cost of digging out the parking lot and placing floating docks there. One potential environmental challenge would be how long it would take the basin to flush.

Chair Flanigan recalled that on July 1, 2014, the City Manager submitted an action plan on the proposed marina expansion to the City Commission, and the marina was made a high priority. Chair Flanigan expressed appreciation to the City Manager for this consideration. Mr. Cuba will serve as Project Manager, and other Marine Staff will be involved as well. Mr. Luscomb continued that a Competitive Consultants Negotiation Act (CCNA) process will be required by State statute for the dredging process. Once construction drawings are complete, the project can go out for bid. He cautioned the Board against seeing the project as a foregone conclusion, as more information will be necessary to present to the City Commission, including more input from stakeholders, before the Commission would approve the expansion project.

Mr. Luscomb advised that the City's 2015-2019 Community Investment Plan, which is available through the City's website, includes pump-out facilities and electrical

improvements on the north side of the New River in 2016. Regarding the seawall, work is ongoing on the Riverwalk seawall replacement on the north side. New pilings are also planned for the New River, with installation to begin following the Boat Parade in December.

- **Commission Agenda Reports**

None.

## **VII. Old / New Business**

Chair Flanigan distributed a handout on All Aboard Florida to the members, explaining that public meetings are being scheduled so individuals may attend and make comments. It was noted that an economic impact statement has been released which concludes that the impact of the freight plan on navigation would be minimal. The Board members were encouraged to attend the upcoming public meetings to express their concerns. Mr. Herhold confirmed that a camera was placed in the area by the Marine Industries Association of South Florida (MIASF) during the summer to collect data on bridge openings and closings. MIASF members will meet with the leadership from All Aboard Florida on October 8, 2014.

Mr. McLaughlin commented that two contractors are no longer working in Fort Lauderdale due to their inability to load/offload within the City. He expressed concern that this could lead to a higher cost for marine construction in Fort Lauderdale than in surrounding communities.

Mr. Cuba advised that the next Board meeting is scheduled for Thursday, October 2, which is the following week. It was decided that the October meeting would be cancelled and the Board would meet again in November.

The Board briefly discussed plans for the Downtown Fort Lauderdale Transportation Management Association (TMA) to establish free water trolley service on the New River. Plans are expected to be included on the next City Commission Agenda.

## **VIII. Adjournment**

There being no further business to come before the Board at this time, the meeting was adjourned at 7:23 p.m.

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

## ITEM V

### MEMORANDUM MF NO. 14-15

DATE: October 15, 2014

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Manager of Marine Facilities

RE: November 6, 2014 MAB Meeting – Application for Dock Permit – Jack Hayes Properties, LLC - 1009 Cordova Road

Attached for your review is an application from Jack Hayes Properties, LLC, 1009 Cordova Road (see **Exhibit 1**).

### APPLICATION AND BACKGROUND INFORMATION

The applicant is seeking approval for use, maintenance and repair of an existing approximately 40' long x 5' wide marginal dock on public property abutting the waterway adjacent to 1009 Cordova Road (see **Exhibit 1**). City Code Section 8-144 authorizes the construction and use of docks on public property, and allows for the permit to be issued for a fixed period provided the permit holder agrees to maintain the improvements and seawall.

### PROPERTY LOCATION AND ZONING

The property is located within the Rio Vista Isles RS-8 Residential Low Density Zoning District. The existing dock is directly adjacent to the Rio Vista canal with direct access to the Intracoastal Waterway.

### ENGINEERING REVIEW REQUIREMENT

As a requirement of City Code Section 8-144, approval of the application is contingent upon all existing improvements to the property being maintained in accord with City Engineering standards and in full compliance with building and zoning regulations including construction permits required for any future electrical and water feeds to the property. City Staff has inspected this dock and it appears to be structurally sound.

The granting of this Permit is subject to all of the provisions of City Code Section 8-144 as well as the following terms and conditions, violation of any of which shall be grounds for revocation of the Permit:

1. The fixed period of the Permit issued for use of the Finger Pier, Mooring Pile and Adjacent Seawall described in the application is for a period of five (5) years in accordance with City Code Section 8-144 (1). The Permit is revocable at the will of the City Commission, without cause with 90 days advance notice.
2. As a special condition, the City reserves the right to remove the existing Dock and existing Mooring Piles structures for replacement of the seawall in the event that this might be required during the term of the Permit as determined by the City Engineer. The sole cost of removal and replacement of the Dock and Mooring Piles shall be the responsibility of the Permit Holder. Furthermore, the Permit Holder shall be responsible for maintaining and beautifying a reasonable area in and around the dock location and failure to do so shall be grounds for revocation of this Permit.

Marine Advisory Board

November 6, 2014

Page 2

3. As a special condition of the Permit, the Permit Holder is prohibited from erecting any signs, landscaping or fencing to restrict public access to the Dock Area except where permitted by Code. The "Dock Area" shall include the Finger Pier, Mooring Piles (if required), and adjoining seawall.
4. The public property abutting the waterway or Dock Area being used by the Permit Holder shall be kept open at all times as means of reasonable ingress and egress to the public, but Permit Holder shall have the right to exclude the public from a reasonable portion upon which improvements have been placed, not exceeding fifty (50%) percent of the area.
5. All existing improvements to the Dock Area must be in accord with City Engineering design standards and in compliance with applicable building and zoning permit requirements. Copies of all construction permits must be submitted to the Supervisor of Marine Facilities upon completion and authorization by the City's Building Services Department.
6. The Permit granted herein shall not be assignable without the written approval by Resolution adopted by the City Commission.
7. Permit Holder shall not charge or collect any rent or fees from anyone using such dock constructed on public property. No signage shall be placed upon such dock indicating it is a private dock.
8. As a special condition, vessels berthed within the Dock Area are prohibited from extending beyond the maximum distance of 30% of the width of the waterway.
9. As a special condition, vessels berthed within the Dock Area must not encroach into the northerly or southerly extension of the 5' set-back required for the RS-8 zoning district for Applicant's (Permit Holder's) Property.
10. As a special condition of the permit, in the event Permit Holder is found by the City Commission to have violated any of the above conditions or is found by the Code Enforcement Board, Special Magistrate or County Court Judge to have violated any Code sections relative to the use of the Dock Area, Dock and Mooring Piles, then the Permit granted herein may be repealed or rescinded by the City Commission upon thirty days' advance notice to the Permit Holder.
11. Use of the dock is limited to the docking of a vessel owned by the Permit Holder with a copy of the documentation showing the name and registration number of all vessels provided by the Applicant to the Supervisor of Marine Facilities.
12. The Permit Holder is prohibited from mooring any watercraft or vessel in such a manner that it is "rafted out" from any additional vessel owned or operated by the Applicant.

AC

Attachment

cc: Carl Williams, Deputy Director of Parks and Recreation  
Jonathan Luscomb, Supervisor of Marine Facilities

JACK HAYES PROPERTIES, LLC.  
1009 Cordova Road  
Fort Lauderdale  
DOCK PERMIT APPLICATION

**JACK HAYES PROPERTIES, LLC.**  
1009 Cordova Road  
Fort Lauderdale  
**DOCK PERMIT APPLICATION**

**EXHIBITS  
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October 13, 2014

Marine Advisory Board  
City of Fort Lauderdale  
2 South New River  
Fort Lauderdale, FL 33301

**Re: 1009 Cordova Road Dock Permit**

To Whom It May Concern:

I recently repurchased the above property. My wife owned the property 10 years ago and we were the people that installed the current 40 by 5ft dock with the then existing dock permit. We have now repurchased the property and desire to have the license to use the existing dock adjacent to the public right of way. The dock has been historically licensed to the homeowners and we request a license to continue the historical use. The dock is in good condition and we will adhere to the recommendations of the city staff regarding maintenance. My Son has a 21 foot shamrock that will be the primary use of the dock.

Sincerely,  
Jack Hayes Properties, LLC.



Gex Richardson, manager

**APPLICATION FOR WATERWAY  
PERMITS, WAIVERS AND LICENSES**

**CITY OF FORT LAUDERDALE  
MARINE FACILITIES  
APPLICATION FOR WATERWAY PERMITS, WAIVERS AND LICENSES**

Any agreement with the City of Fort Lauderdale and other parties, such as, but not limited to, licenses, permits and approvals involving municipal docking facilities or private uses in the waterways as regulated by Section 8 of the City Code of Ordinances or Section 47-19.3 of the City's Urban Land Development Regulations, shall be preceded by the execution and filing of the following application form available at the Office of the Supervisor of Marine Facilities. The completed application must be presented with the applicable processing fee paid before the agreement is prepared or the application processed for formal consideration (see City of Fort Lauderdale Code Section 2-157). If legal publication is necessary, the applicant agrees to pay the cost of such publication in addition to the application fee.

**APPLICATION FORM**  
**(Must be in Typewritten Form Only)**

1. LEGAL NAME OF APPLICANT - (If corporation, name and titles of officers as well as exact name of corporation. If individuals doing business under a fictitious name, correct names of individuals, not fictitious names, must be used. If individuals owning the property as a private residence, the name of each individual as listed on the recorded warranty deed):

NAME: JACK HAYES PROPERTIES, LLC.

TELEPHONE NO: 9542753309 \_\_\_\_\_ FAX NO. 9542522321 \_\_\_\_\_  
(home) (business)

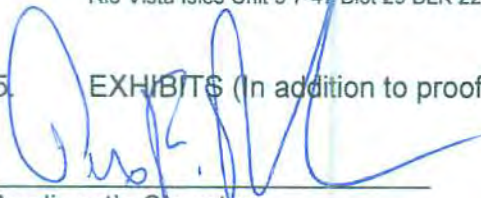
2. APPLICANT'S ADDRESS (if different than the site address):

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:

4. SITE ADDRESS: \_\_\_\_\_ ZONING: \_\_\_\_\_  
1009 Cordova Road Fort Lauderdale Fl 33316 RS-8

LEGAL DESCRIPTION:  
Rio Vista Isles Unit 3 7-47 Blot 29 BLK 22

5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications).

  
Applicant's Signature

10/9/14  
Date

=====  
The sum of \$ \_\_\_\_\_ was paid by the above-named applicant on the \_\_\_\_\_ of \_\_\_\_\_, 2014. Received by: \_\_\_\_\_  
City of Fort Lauderdale

=====  
=====For Official City Use Only=====

**Marine Advisory Board Action**

Formal Action taken on \_\_\_\_\_

**Commission Action**

Formal Action taken on \_\_\_\_\_

Recommendation \_\_\_\_\_  
Action \_\_\_\_\_

**WARRANTY DEED**

Prepared by and return to:  
David R. Roy  
Attorney at Law  
David R. Roy, P.A.  
4209 N. Federal Highway  
Pompano Beach, FL 33064  
954-784-2961  
File Number: 14-DR-1011

[Space Above This Line For Recording Data]

**THIS IS NOT AN**  
**Warranty Deed**  
**OFFICIAL COPY**

This Warranty Deed made this <sup>4<sup>th</sup></sup> day of February, 2014 between Gex F. Richardson, a married man whose post office address is 1706 NE 1st Street, Ft. Lauderdale, FL 33305, grantor, and Jack Hayes Properties, LLC, a Florida limited liability company whose post office address is 1009 Cordova Road, Fort Lauderdale, FL 33301, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

**Witnesseth**, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Broward County, Florida to-wit:

Lot 29, Block 22, RIO VISTA ISLES UNIT 3, according to the Plat thereof, recorded in Plat Book 7, Page 47, of the Public Records of Broward County, Florida.

A/K/A: 1009 Cordova Road, Ft. Lauderdale, FL 33301

Parcel Identification Number: 504211-18-1890

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2013.

Grantor warrants and represents that the Grantor is the sole member and manager of the Grantee and therefore, pursuant to Crescent Miami Center, LLC v Florida Department of Revenue, 903 So.2d 913 (Fla. 2005) only minimal documentary stamps are due.

Grantor herein represents and warrants that this property DOES NOT constitute his homestead property nor is it contiguous or adjacent to his homestead property and that he resides at the address listed above.

\*\*\* Signature and Notary Block on following page. \*\*\*

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Dae Meyer  
Dae Meyer  
Gami Richardson  
Gami Richardson

Gex F. Richardson  
Gex F. Richardson

State of Florida  
County of Broward

The foregoing instrument was acknowledged before me this 14 day of February, 2014 by Gex F. Richardson, a married man. He  is personally known to me or  has produced a driver's license as identification.



Dae Meyer  
Notary Public  
Printed Name: Dae Meyer  
My Commission Expires: 6/30/16

THIS IS NOT AN OFFICIAL COPY

## **SURVEY INFORMATION**

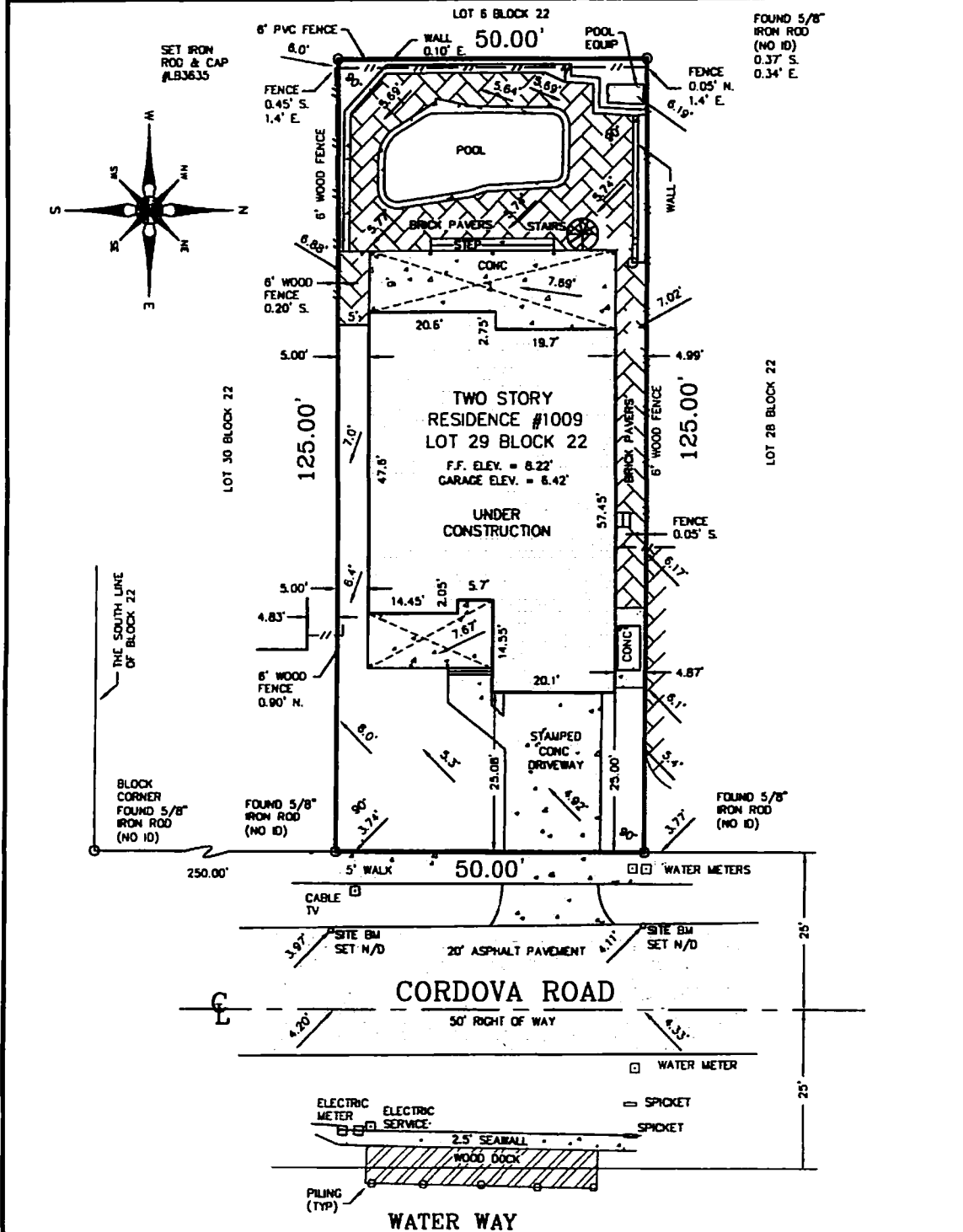
# ACCURATE LAND SURVEYORS, INC.

1150 E. ATLANTIC BLVD.  
POMPAHO BEACH, FLORIDA 33060

L.B. #3635

SHEET 2 OF 2

TEL. (954) 782-1441  
FAX. (954) 782-1442

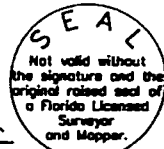


**NOTES:**

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6. THIS SURVEY CONSISTS OF A MAP AND TEXT REPORT. ONE IS NOT VALID WITHOUT THE OTHER.
7. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE CERTIFIED HEREON, TO BE VALID ONE YEAR FROM THE DATE OF SURVEY AS SHOWN.

**CERTIFICATION:**

This is to certify that I have recently surveyed the property described in the foregoing title caption and have set or found monuments as indicated on this sketch and that said above ground survey and sketch are accurate and correct to the best of my knowledge and belief. I further certify that this survey meets Minimum Technical Standards under Rule 5J-17 adopted by the Florida Board of Land Surveyors, January 11th, 2010.



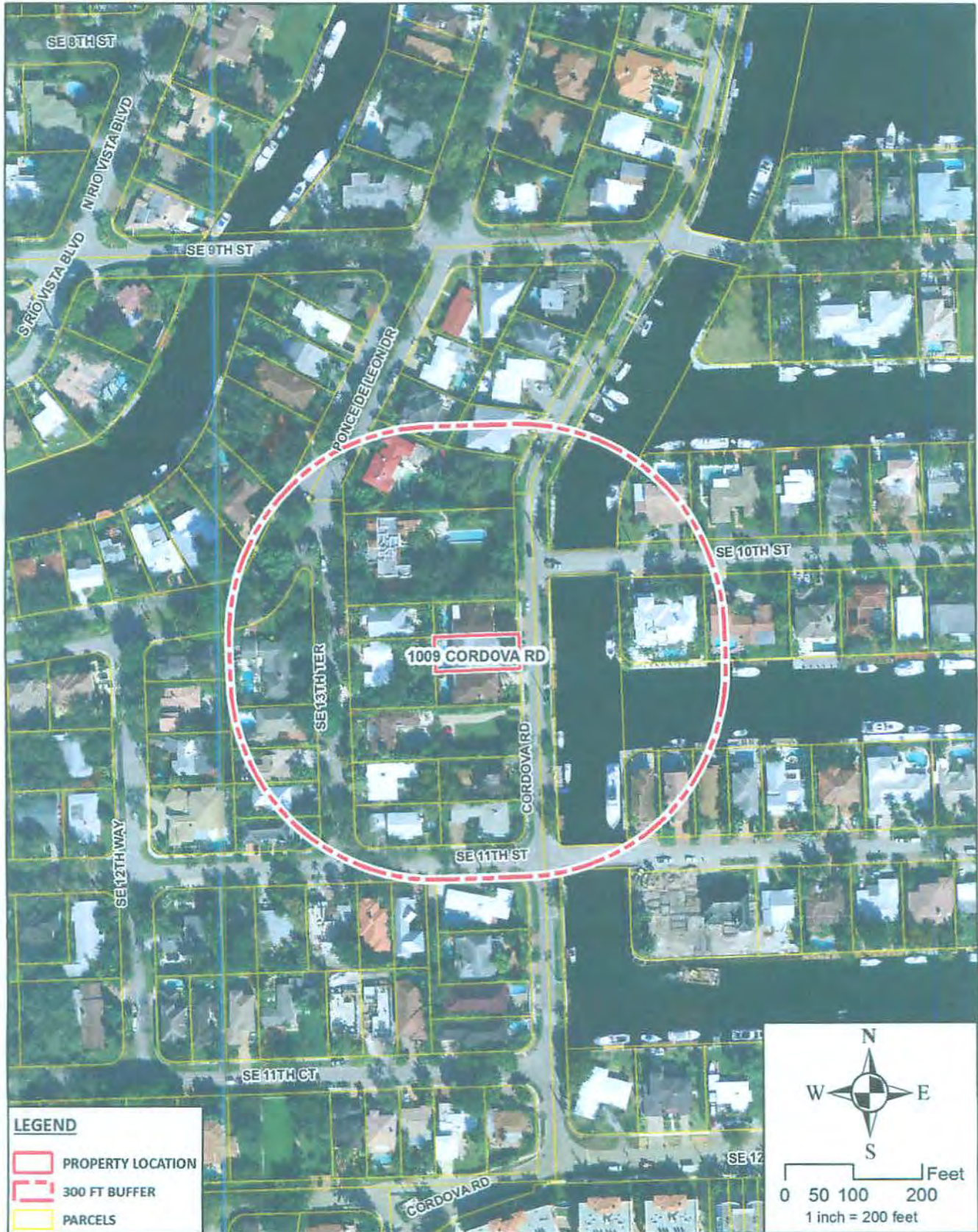
*Robert L. Thompson* 1-3-14  
**ROBERT L. THOMPSON (PRESIDENT)**  
PROFESSIONAL SURVEYOR AND MAPPER No. 3869 - STATE OF FLORIDA

| REVISIONS | DATE | BY |  |
|-----------|------|----|--|
|           |      |    |  |
|           |      |    |  |

|                            |                |                   |                       |                |                             |
|----------------------------|----------------|-------------------|-----------------------|----------------|-----------------------------|
| DATE OF SURVEY<br>12/27/13 | DRAWN BY<br>SP | CHECKED BY<br>JMS | FIELD BOOK<br>13-3900 | SCALE 1" = 20' | SKETCH NUMBER<br>SU-13-3900 |
|----------------------------|----------------|-------------------|-----------------------|----------------|-----------------------------|



**AERIAL PHOTOGRAPH**



**LEGEND**

- PROPERTY LOCATION
- 300 FT BUFFER
- PARCELS

0 50 100 200 Feet  
1 inch = 200 feet



CITY OF FORT LAUDERDALE

1009 CORDOVA RD



Date: 10/8/2014

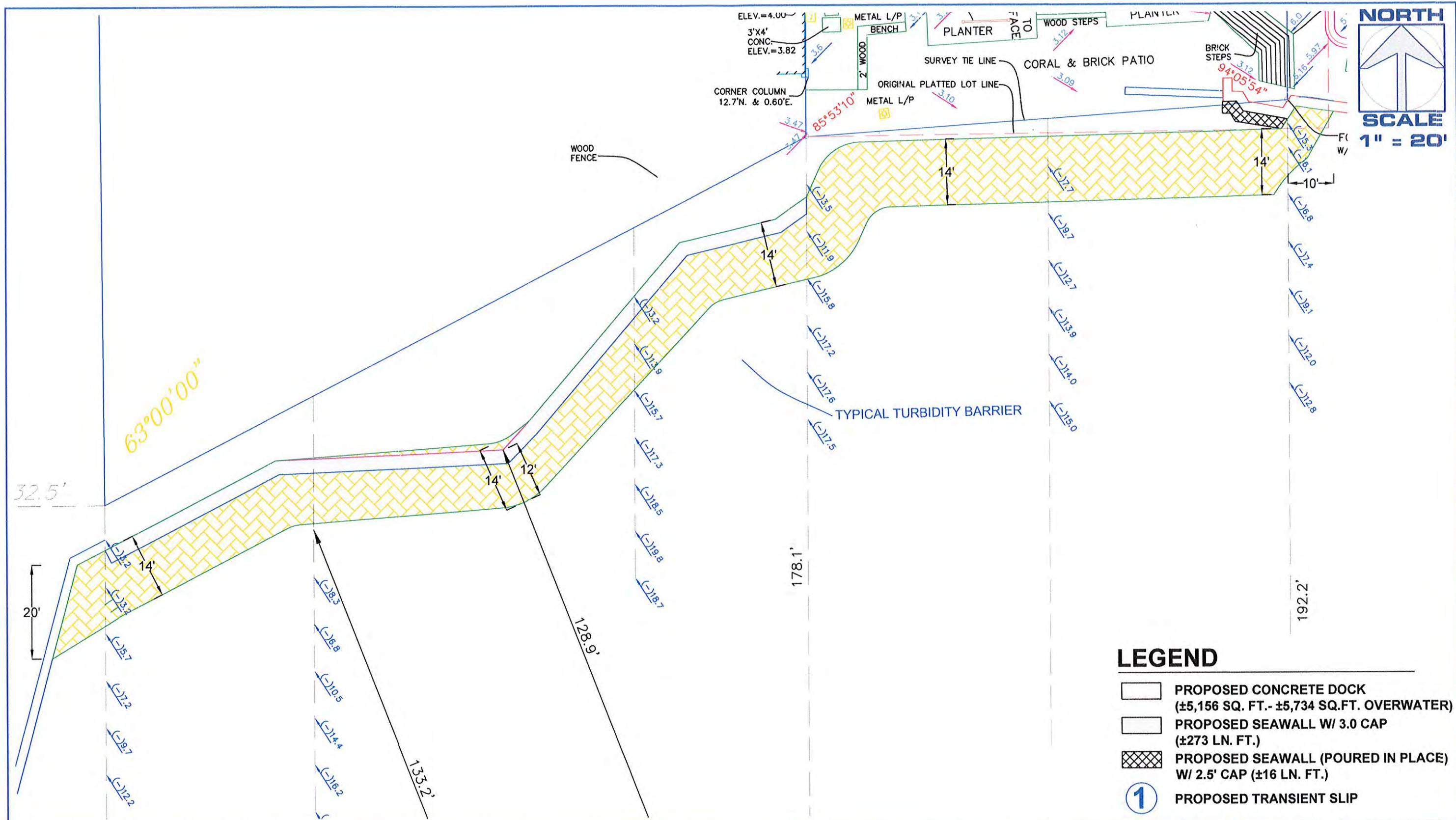
Path: J:\PKR\ICED\_DOCKMASTER\_14\_Drv\ArcMap\DOCKMASTER\_300FT\_BUFFER\_MASTER\_FORM\_141008.mxd

**PHOTOGRAPHS  
OF DOCK**









**NORTH**  
  
**SCALE**  
 1" = 20'

**LEGEND**

- PROPOSED CONCRETE DOCK  
(±5,156 SQ. FT.- ±5,734 SQ.FT. OVERWATER)
- PROPOSED SEAWALL W/ 3.0 CAP  
(±273 LN. FT.)
- PROPOSED SEAWALL (POURED IN PLACE)  
W/ 2.5' CAP (±16 LN. FT.)
- PROPOSED TRANSIENT SLIP

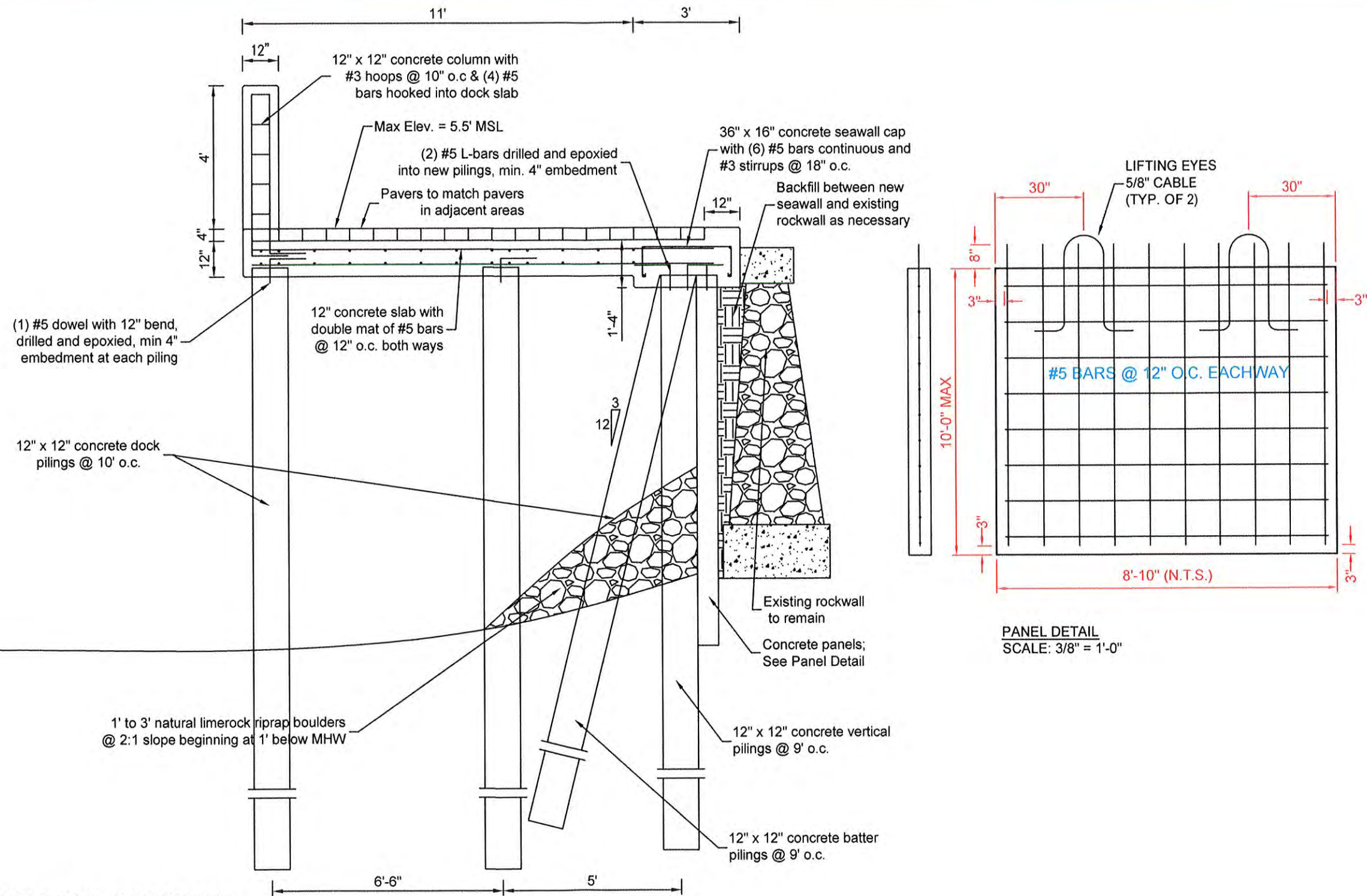
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 fax. 954.782.1108  
 www.thechappellgroup.com

- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Phase I ESAs

RIVERWALK PEDESTRIAN STREETSCAPE IMPROVEMENT PROJECT  
 PREPARED FOR:  
 B & M MARINE CONSTRUCTION INC.

| PROPOSED CONDITIONS  |                     |                  |
|----------------------|---------------------|------------------|
| Date:<br>1/7/13      | Sheet :<br><b>2</b> | of :<br><b>6</b> |
| Proj No.:<br>13-0070 |                     |                  |



**NEW SEAWALL AND CONCRETE WALKWAY DETAIL (SECTION A-A)**  
N.T.S.

**\*SECTION DETAILS PROVIDED BY JAMES F. BIAGI P.E.**

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[www.thechappellgroup.com](http://www.thechappellgroup.com)

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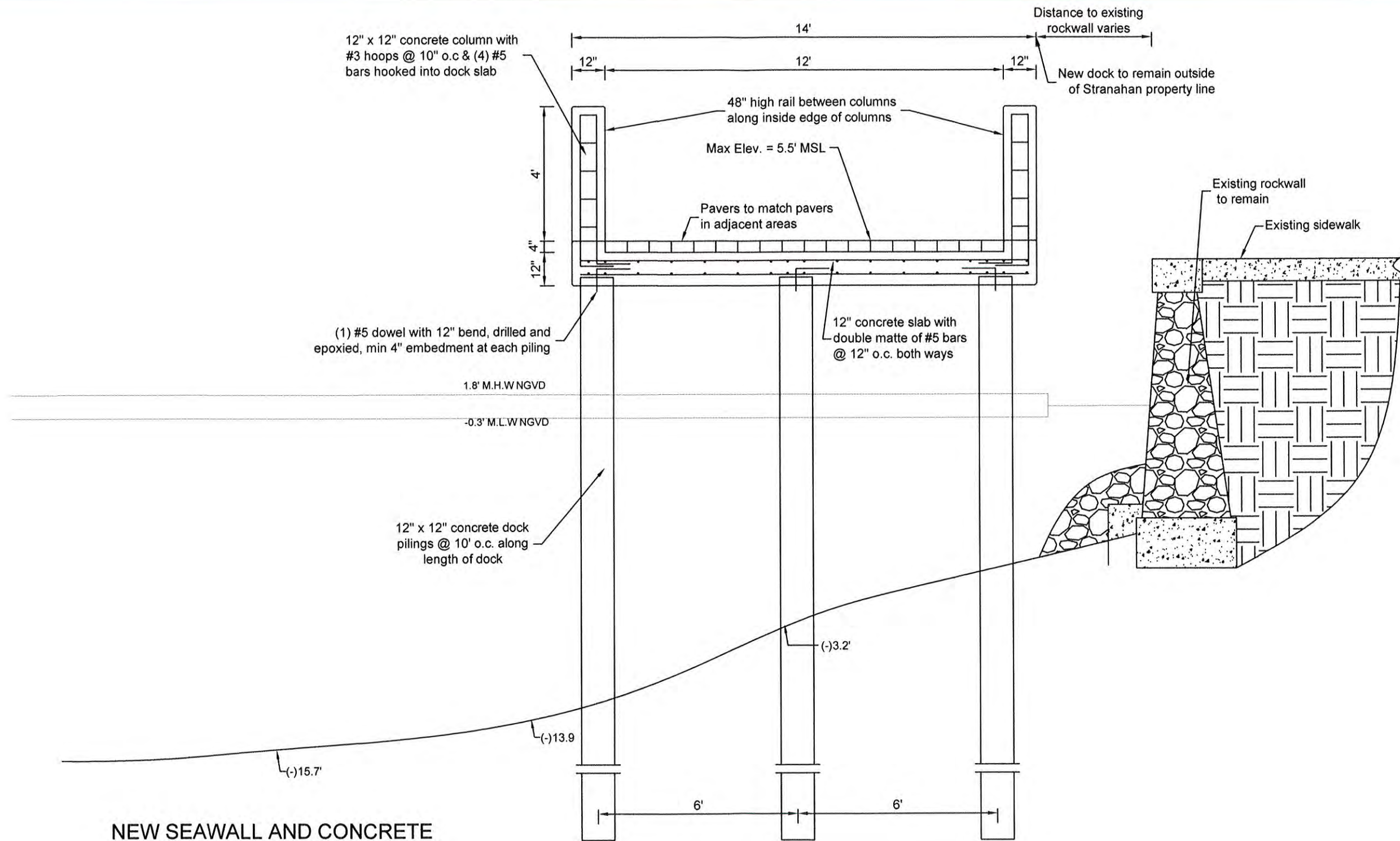
RIVERWALK PEDESTRIAN STREETScape IMPROVEMENT PROJECT

PREPARED FOR:  
B & M MARINE CONSTRUCTION INC.

SECTIONS

|                      |             |          |
|----------------------|-------------|----------|
| Date:<br>1/7/13      | Sheet:<br>4 | of:<br>6 |
| Proj No.:<br>13-0070 |             |          |





**NEW SEAWALL AND CONCRETE WALKWAY DETAIL (REVISED SECTION B-B)**  
N.T.S.

**\*SECTION DETAILS PROVIDED BY JAMES F. BIAGI P.E.**

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- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Phase I ESAs

RIVERWALK PEDESTRIAN STREETSCAPE IMPROVEMENT PROJECT

PREPARED FOR:  
B & M MARINE CONSTRUCTION INC.

| SECTIONS             |                     |                  |
|----------------------|---------------------|------------------|
| Date:<br>1/7/13      | Sheet :<br><b>5</b> | of :<br><b>6</b> |
| Proj No.:<br>13-0070 |                     |                  |