

DRAFT
MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE, FLORIDA
THURSDAY, OCTOBER 4, 2012 – 6:00 P.M.

<u>Board Members</u>	Attendance	Cumulative Attendance May 2012 - April 2013	
		<u>Present</u>	<u>Absent</u>
Barry Flanigan, Chair	A	4	1
James Harrison, Vice Chair	P	4	1
F. St. George Guardabassi	P	5	0
Chad Moss	A	2	3
Norbert McLaughlin	P	5	0
Jim Welch	P	5	0
Robert Dean	P	3	2
John Holmes	P	4	1
Bob Ross	A	4	1
Joe Cain	P	3	2
Tom Tapp	A	4	1
Herb Rassing	P	5	0
Frank Herhold	P	4	1
Lisa Scott-Founds	A	2	3
Zane Brisson	A	3	2

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
Levend Ekendiz, Intracoastal Facilities Dockmaster
Matt Domke, Downtown Facilities Dockmaster
Sgt. Kevin Shults, Marine Police Staff
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. Call to Order / Roll Call

Steve Hudson, private citizen, stated that he has tenants who live in the area. He said he is supportive of the Application, particularly in an area zoned ROA. He characterized the Application as responsible, and noted that this area allows larger boats to moor safely.

Mr. Herhold remarked that there are few areas in the City in which larger boats may dock, and agreed with Mr. Hudson that the area in question can accommodate these vessels.

Mr. Leigh commented that the city of Palm Beach has been actively seeking business that is currently in Fort Lauderdale, and noted that the maximum dockage rate in that city is \$2.45/ft. year-round. He expressed concern that Fort Lauderdale was "pricing [itself] out of the market," and felt places where larger vessels may dock should be seen as assets.

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

Mr. McLaughlin asked if reflective material would be placed on the proposed piles. Mr. Chappell confirmed this, stating that it is a requirement.

Mr. Welch asked if Code cites a maximum length of vessels that could be docked at this location. Mr. Chappell said the Applicant must abide by both City Code, which allows vessels to be moored within 30% of the waterway, and State Code, which prohibits dockage from exceeding the submerged land lease at 124 ft. from the property line. He added that measurements are taken from the location of the piles rather than from the north or south property lines.

Vice Chair Harrison remarked that he felt the Application was good for the City, as many other locations have limited space for larger vessels. Mr. Dean noted that the greatest limiting factor for these vessels should be water depth.

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

VII. Waiver of Limitations – ULDR Sec. 47-19.3 C, D, and E – 3355 Port Royale Blvd., ERP Operating, Ltd. & EQR Port Royale Vistas, Inc.

Mr. Chappell, representing the Applicant, distributed copies of a letter of approval from the Tower Condominium Association, which is the master Association for the entire project. Representatives of the project have remained in contact with the Association since construction began in 2009. The Association has been instrumental in helping to determine the site plan and layout of the project.

He showed the Board a PowerPoint presentation, stating that the site is a residential community located in a basin off the Intracoastal Waterway. The existing basin has 16 slips, with a T-dock in the middle of the basin and mooring piles to the east, west, and northeast. Most of the surrounding residential community previously consisted of rental units; however, with the redevelopment of the project, the marina basin will be expanded.

Mr. Chappell explained that Code restricts mooring piles and vessels to within 30% of the width of the waterway, or 25 ft. beyond the property line. There are extraordinary circumstances related to the site, as the edges of the basin include 10-15 ft. of oyster beds, algae, and shallow areas. A marginal dock was built along the seawall in order to reach past these shallow areas and reduce the dredging footprint; finger piers extend from the marginal dock to provide access to boaters and appropriate depth for navigation.

He continued that the waiver is requested at the City Attorney's suggestion, due to his interpretation of Code. This interpretation states that the seawall, not the property line, is the starting point to determine a waterway if the property line is waterward of the seawall. In this case, the entire excavated basin is west of the property line.

Mr. Chappell stated that the current and proposed layouts show 16 existing slips on the T-dock, which will be redecked but otherwise left intact. An additional 48 slips are proposed as well, which means finger piers will be located on the southern side of the basin; the opening of the channel will have a marginal dock for parallel mooring; and more finger piers will be located on the north side.

There are three different types of docking systems, including a 4 ft. marginal with a 20 ft. finger pier, a 10 ft. marginal with a 20 ft. finger pier in the portion of the basin containing oyster beds and shallow areas, and a 10 ft. marginal with a 20 ft. finger pier in the northwest corner of the basin. The 13 finger piers located 30 ft. from the seawall will require a waiver of 5 ft., as will the 12 mooring piles that are also located 30 ft. from the seawall. There are four mooring piles located 55 ft. from the seawall, which will require a waiver of 30 ft.; 20 mooring piles at 45 ft. from the seawall, which will require a waiver of 20 ft.; and six mooring piles at 39 ft. from the seawall, which will require a waiver of 14 ft.

Mr. Cain asked if floating docks were considered for the basin. Mr. Chappell said the marginal docks on the entrance channel are 4 ft. wide off the seawall; floating docks were not used because most of the vessels in the development are 50 ft. or smaller. The intent was to provide sufficient room at the channel opening for both incoming traffic and vessels turning around.

Mr. Cain requested clarification of the tenant market for the project. Mr. Chappell said the project consists of both condos and rental units; typical residents are expected to own boats that are 30-50 ft. There will be 555 units on the property.

Mr. Herhold and Mr. Holmes agreed that the basin is underused, and that it needs more slips. Mr. McLaughlin observed that pilings on the site were almost a necessity in order to prevent wakes from throwing boats against marginal docks. Mr. Chappell noted that the area is not a no-wake zone.

Mr. Dean asked what would be the average water depth of the basin. Mr. Chappell said the water is very deep once past the oyster beds, toward the center of the basin.

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

Lisa Magill, private citizen, stated she is a resident of Blue Water Terrace, which lies directly to the east of the Port Royale property. While she had no objection to the additional pilings and finger piers, she was very concerned for the safety of recreational users of the Intracoastal Waterway. She felt if the Application is approved, the speed limit on the Intracoastal will need to be modified significantly, as it is currently a fast zone.

Mr. Cain asked Ms. Magill to describe her own boating experience. Ms. Magill replied that she has lived on her property for two years and has a 30 ft. vessel on a boat lift on the Intracoastal; she has also lived on a canal in Pompano Beach. She stated that she observes the waterway on a daily basis and has seen users of slower vessels threatened by the use of fast-moving vessels on the waterway. She recommended that the area be converted to a slow zone for the majority of the year, particularly since an additional 48 vessels will be expected to come in and out of the area.

Mr. McLaughlin advised that once the project is complete, it would likely be possible to have several residents signs posted to slow the boats down in the area. Ms. Magill pointed out that this would be contingent upon other residents sharing her concern. While condominium residents would be set back from the waterway, her own property sits directly on the Intracoastal, where she has observed unsafe behavior.

Mr. Cuba recommended that Ms. Magill reach out to the Florida Fish and Wildlife Commission (FWC), as signage is a State function. He explained that while the Board is concerned with safe navigation, FWC is the governing body that would ultimately determine whether or not signage is appropriate for the area.

Mr. Herhold asked what the speed limits were in the area. Ms. Magill said during manatee season, the waterway is a slow zone on weekends and holidays only; in the summer, there is heavier usage of the waterway by boaters. She reiterated that there is little usage of the basin at present, but the addition of 48 vessels will greatly increase usage.

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

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

VIII. Waiver of Limitations – ULDR Sec. 47-39 A.1.b.12 (a.) – 2341 SW 26th Avenue / Cynthia D. Wieland

Ken Heath, representing the Applicant, explained that the request is for a 1 ft. waiver on an existing dock. The Applicant's property has been annexed into the City, but remains subject to a County Ordinance that limits their dockage space. The waiver would allow them to replace an existing dock and extend the dock length to 6 ft. on a 120 ft. wide canal. Existing pilings are at 6 ft.

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

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

IX. Reports

- **ICW Dredge**

Mr. Luscomb reported that when the area to be dredged was re-surveyed, it was discovered that there is no existing seagrass. The survey also included the area that would be inside the basin of the Las Olas Marina if the expansion project goes through, and no grass was found at this site. He explained that this meant the seagrass is transient, and may either embed and grow or float and land; if it lands in a viable location, there is the possibility that it may grow there. Project engineers will apply for a dredging permit without an accompanying offer of mitigation.

- **Las Olas Expansion**