

**MINUTES OF THE MARINE ADVISORY BOARD  
 100 NORTH ANDREWS AVENUE  
 COMMISSION CONFERENCE ROOM – EIGHTH FLOOR  
 FORT LAUDERDALE, FLORIDA  
 THURSDAY, APRIL 6, 2017 – 6:00 P.M.**

<u>Board Members</u>	Attendance	<b>Cumulative Attendance May 2016 - April 2017</b>	
		<u>Present</u>	<u>Absent</u>
F. St. George Guardabassi, Chair	P	8	1
Grant Henderson, Vice Chair	P	8	1
Jim Welch	P	8	1
John Holmes	P	6	3
Joe Cain (dep. 7:52)	P	7	2
George Cable	P	5	3
Jimi Batchelor	P	6	3
Cliff Berry II	P	8	1
Bill Walker (arr. 6:06)	P	9	0
Zane Brisson	A	6	3
Richard Graves	P	8	1
Heather Moraitis	P	4	1
Duke Siotkas	P	2	3
Ed Strobel	P	5	0
Roy Sea (dep. 7:05)	P	1	0

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

**Staff**

Andrew Cuba, Manager of Marine Facilities  
 Jonathan Luscomb, Supervisor of Marine Facilities  
 Sergeant Andy Mills, Marine Police Staff  
 Division Chief Stewart Ahearn, Fort Lauderdale Fire Department  
 Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

**Motion** made by Mr. Strobel, seconded by Mr. Holmes, that the Marine Advisory Board asks that the City Commission request all parties that wish to perform improvements, make alterations, or in any way conduct operations that impact the waterways of the City of Fort Lauderdale, including the Intracoastal Waterway, New River, Middle River, Andrews Avenue Bridge, FEC railroad, numerous special events, and all of the canals within City limits, please notify the City in advance. The Board also requests that should

The Marine Unit also responded to two fuel spills, a vessel taking on water, vandalism at Las Olas Marina, and vandalism to a yacht.

Sgt. Mills concluded that the Marine Unit has been issued laptop computers they can take to the scenes of incidents. This allows Officers to operate vessels without having to confirm information over the radio.

Division Chief Stewart Ahearn of the Fort Lauderdale Fire Department reported the following activity:

- 17 calls
- 1 boat fire
- 2 boat accidents
- 8 distress calls
- 1 hazardous materials (HAZMAT) call
- 1 drowning
- 4 sinking vessels

Chief Ahearn continued that the current fire boat remains out of service. The Department is seeking a portable pump to replace the one in need of repair, as repairs may take until approximately June 2017. Until replacement or repair, the Department will continue to use its Boston Whaler, although it lacks a fire pump.

Chief Ahearn advised that when the Department's new fire boat is received, staffing this vessel will be a challenge due to budget cuts. He stated that he is open to suggestions for a funding source that can help them adequately staff the new vessel in order to respond to all emergencies on the water. He concluded that the Department is putting together a request for proposal (RFP) to identify a subcontractor to maintain this new boat, which should arrive in Fort Lauderdale in June 2017.

It was clarified that the personnel staffing the fire boat must be certified Firefighters and may not be volunteers.

#### **V. Waiver of Limitations – Walter Cassel / 333 Sunset Drive**

Mr. Cuba advised that this Item has been deferred until the May 2017 meeting at the Applicant's request.

#### **VI. Waiver of Limitations – Bruce Weiner / 353 & 363 Sunset Drive**

Tyler Chappell, representing the Applicant, showed a PowerPoint presentation on the Item, including multiple views of the location. Recent improvements to the site include a new building, new seawall, and dock piles, which he noted are not part of the waiver request. Only the mooring piles beyond the docks require a waiver.

Mr. Chappell explained that in 2015 the Applicant received permits for seawall improvements, dredging, and new docks and piles. There are 14 piles for which the Applicant is requesting a waiver, all of which are located farther out from the existing finger piers. The waiver requests range from 3.3 ft. to 29.9 ft.

Extenuating circumstances include the width of the waterway and the fact that the property's structures are being repaired to an earlier configuration, with the addition of two finger piers for which the piles are necessary. The Applicant has received letters of support from the nearby Four Seasons condominiums.

The Board discussed the Application, with Mr. Henderson requesting clarification of the beam between piles. Mr. Chappell replied that distance is 40 ft. between the finger piers and 38 ft. between piles.

Mr. Siotkas observed that because the Sunset Lake area was never deeded to the City of Fort Lauderdale, the City also claims it does not own the seawalls in an area adjacent to Sunset Lake. He asked how the City could issue permits or leases for docks in this area. Mr. Cuba stated that the City is not issuing permits for the three slips on the easternmost portion of the subject property for this reason, as they are seeking to determine the actual owner of the seawall.

Mr. Berry asked to know the distance from the face of the seawall to the pilings. Mr. Chappell clarified that this distance is 50 ft. and the water was dredged to a (-5) depth, which means the elevation ranges from (-5) to (-4) in the area surrounding the piles at low tide. The most recent survey was conducted in 2014.

Mr. Chappell confirmed that the slips are owned by condominiums and may not be rented legally to the public according to permit restrictions. The project is not subject to a submerged land lease, although approval to use the submerged land has been acquired through consent of use.

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

Lorraine Quintero, private citizen, stated that the subject property is not a condominium, but a house located on the water with four apartments in the front. She expressed concern with placing a number of large vessels in a relatively small area, which she felt would commercialize the residential neighborhood. She added that granting the waiver could set an unwanted precedent for other properties in the area.

Grace Fang, Secretary of the Board of the Riviera Towers condominiums, stated that the condominium's 60 ft. dock has enough space for two boats at or under 30 ft.; however, they do not have two boats due to silting from a nearby pump, which compromises depth. She advised that periodic dredging is necessary for her to use her

own dock, and pointed out that the proposed dock would negatively affect her dock access.

Kelly Overn, private citizen, commented on the dimensions of the boats proposed to use the slips.

Barbara Walker, private citizen, advised that she has never seen large vessels coming into the south side of the lake, as they must remain close to the docks near the Four Seasons condominiums as well as to a channel.

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

Mr. Sea requested clarification of how the 30% rule applies to the end of a canal. Mr. Cuba replied that this depends upon the distance of the waterway directly across from the subject property. This takes width into account in the center of the channel. Mr. Chappell characterized the Application as a riparian rights issue, stating that case law suggests owners should have reasonable and equitable access to the waterway; however, how these terms are defined can be an issue. Mr. Sea pointed out that 30% of the channel would be past the pilings.

Chair Guardabassi addressed the pump that results in silting, asking if the extent to which this silting carries has been determined. Mr. Chappell replied that he did not know this distance, nor exactly where the pump is located. He added that dredging of the waterway past the proposed piles allows for a turning radius.

Mr. Batchelor suggested that the Board could stipulate that no boat larger than 50 ft. could be moored at the facility. Mr. Strobel noted that once a precedent is established on the subject waterway, there is nothing to prevent other property owners from implementing similar structures. Mr. Chappell advised that other facilities on the lake exceed, without a waiver, what is being requested by the Applicant.

**Motion** made by Mr. Cain, seconded by Mr. Henderson, to approve. In a roll call vote, the **motion** passed 9-4 (Mr. Berry, Mr. Cable, Mr. Siotkas, and Mr. Walker dissenting).

Mr. Sea left the meeting at 7:04 p.m.

Mr. Cuba clarified that the next step in the approval process will occur when the City Commission receives the Board's recommendation and makes a judgment on the Item. Notice for the appropriate City Commission meeting, which will take place in approximately two months, will be posted for the public.

#### ~~VII. Waiver of Limitations – 3 Harborage Isle~~

Mr. Chappell, representing the Applicant, showed a ~~PowerPoint presentation on the~~