

DRAFT
MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
COMMISSION CHAMBERS – FIRST FLOOR
FORT LAUDERDALE, FLORIDA
THURSDAY, MAY 7, 2015 – 6:00 P.M.

<u>Board Members</u>	Attendance	Cumulative Attendance May 2015 - April 2016	
		<u>Present</u>	<u>Absent</u>
Barry Flanigan, Chair	P	1	0
James Harrison, Vice Chair	A	0	1
F. St. George Guardabassi	A	0	1
Norbert McLaughlin	P	1	0
Jim Welch	A	0	1
Robert Dean	P	1	0
John Holmes	P	1	0
Joseph Maus	P	1	0
Joe Cain	P	1	0
Frank Herhold	P	1	0
Zane Brisson	P	1	0
Erik Johnson	A	0	1
Jack Newton	A	0	1
Jimi Batchelor	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 Todd Mills, Marine Police Staff
Deputy Chief Tim Heizer, Fort Lauderdale Fire/Rescue
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 – April 2, 2015

needed. Fort Lauderdale is considered a donor city, which means it sends trucks to other cities when they require assistance with an emergency.

Motion made by Mr. Herhold, seconded by Mr. Cain, to give Chief Heiser two letters of support for the CBRNE fireboat by close of day next Wednesday.

Mr. Cuba advised that Staff would draft the letters of support.

In a voice vote, the **motion** passed unanimously.

VI. Waiver of Limitations – Brian S. & Kathleen A. Tedeschi / 3081 NE 40th Street

Tyler Chappell, representing the Applicants, explained that this waiver application for a boat lift had first come before the Board approximately 18 months ago. He showed a PowerPoint presentation including photographs of the existing and proposed lifts and views from the subject property, stating that the request would install a new boat lift and move outer pilings a distance of 0.3 ft. farther into the canal. The lift would be moved 10 ft. to the east and extend an additional 2.3 ft. into the canal. All structures will remain within 30% of the waterway width. Extraordinary circumstances include excessive wakes and the detrimental nature of mooring a vessel adjacent to the dock.

Mr. Chappell provided letters of support from two neighbors of the Applicants. Mr. Cuba confirmed that Staff notified all neighbors within 300 ft. of the subject property.

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

Motion made by Mr. McLaughlin, seconded by Mr. Dean, to approve.

Mr. Maus commented that he did not see extraordinary circumstances in this case, pointing out that every property located on canals of the Intracoastal Waterway experiences wakes. He also expressed concern regarding the width of the request, which could significantly narrow the entrance to the canal if the property across the waterway made a similar waiver request. Mr. Chappell reiterated that the proposal does not extend beyond 30% of the waterway's width. It was noted that the center 40% of the waterway would remain open even if two properties across from one another applied for waivers.

Mr. Maus stated again that he did not feel there were extraordinary circumstances in this case. Mr. Cuba advised that Code does not define extraordinary circumstances, which are left to the discretion of the City Commission. It was noted that the Ordinance regarding boat lifts was recently amended in order to accommodate more lifts within the City.

In a roll call vote, the **motion** passed 8-1 (Mr. Maus dissenting).

VII. Waiver of Limitations – Fourth Key Land Trust c/o Mr. Paul Queyrel / 641 4th Key Drive

Mr. Chappell, representing the Applicant, noted that the subject property is located on a wide portion of the Middle River. He showed a PowerPoint presentation, including the existing layout of the dock as well as the Applicant's proposal, which requests two triple pile clusters to hold a vessel in its slip. Extraordinary circumstances include the width of the river, which is greater than 300 ft. Additional piles are necessary to safely moor a vessel at the location due to size, wind, waves, and currents, as well as severe weather. The requested structures would reach a maximum distance of 51.7 ft. and are consistent with existing structures and waivers in the vicinity.

Mr. Chappell noted that an adjacent property owner had raised issues including navigation on the Middle River, with particular concern for waterskiing. He submitted a waterski study commissioned by the City some years ago, noting that it recommends a minimum distance of no less than 100 ft. from the shore or structures for recreational boating and waterskiing. Because the subject portion of the Middle River has also recently been used as a mooring area, it is currently less popular for waterskiing.

Mr. McLaughlin observed that pilings on a property to the Applicant's north are in line with the pilings proposed by the Applicant. Mr. Chappell added that the Applicant plans to place reflective tape on the pile clusters on his property.

Mr. Batchelor advised that he had several concerns regarding waterskiing in the area, which remains popular despite the mooring of vessels nearby. He pointed out that tubes are also pulled through this area and can strike pilings, particularly if there are multiple vessels on the water. He asserted that the Application would result in danger for recreational boaters and skiers. Mr. Maus shared this concern, noting that other water activities occur in the same area where boats are forced to navigate around moored vessels. He reiterated his earlier objection to the extraordinary circumstance cited by an applicant, which applies to all vessels moored on the water.

Mr. Chappell stated that there are six areas within the City identified by the study for waterskiing, including another portion of this waterway where waivers have been issued. He also noted that there are other structures, including pilings, in the Applicant's neighborhood that have not come before the Board for waivers. He concluded that if reflective tape is considered insufficient, the Applicant is willing to place lighted beacons on the pilings to address navigation concerns at night.

Mr. Holmes pointed out that the study cited by Mr. Chappell was conducted in 2007, and that there are many more vessels in the water since that time. Mr. Herhold advised that boaters will use a nearby turning area in order to avoid moored boats. Sgt. Mills