

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

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance</u> <u>May 2017 - April 2018</u>	
		<u>Present</u>	<u>Absent</u>
F. St. George Guardabassi, Chair	P	3	0
Grant Henderson, Vice Chair	P	3	0
Jimi Batchelor	A	2	1
Cliff Berry II	P	3	0
Zane Brisson	P	3	0
George Cable	P	3	0
Joe Cain	P	2	1
Richard Graves	P	2	1
John Holmes	A	2	1
Ted Morley	P	2	0
Roy Sea	A	1	2
Ed Strobel	P	3	0
Bill Walker	P	2	1
Jim Welch	P	3	0

As of this date, there are 14 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
Division Chief Stewart Ahearn, Fort Lauderdale Fire Department
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

Motion made by Mr. Cain, seconded by Vice Chair Henderson, that the Marine Advisory Board respectfully requests that the City Commission direct Marine Facilities Staff to undertake a study as to the suitability of the southwest corner of the 17th Street Bridge for super-yacht dockage. This study is to include but not be limited to: physical abilities, financial considerations, environmental considerations, tourism and image considerations, and competitive stature evaluation. In a voice vote, the **motion** passed unanimously.

Mr. Walker asked for clarification of the waterway width. Mr. Chappell explained that the 30% restriction is based upon City Code, which measures the waterway from wet face to wet face. In this location, the distance is approximately 1280 ft.

Mr. Morley commented that he did not feel the distance to the edge of the channel was correct as it is stated in the Application, due to the Intracoastal Waterway making a "jog" to the east and bringing the channel close to the toe of the berm. He asserted that the total distance of 1280 ft. does not account for a security zone or regulated navigational area, which shrinks the area that can be used by boaters. Mr. Chappell advised that this will be explored further during the permitting process when the Application is reviewed by the Army Corps of Engineers.

Chair Guardabassi raised the issue of lights, recalling that this was discussed at the June 1 meeting. Mr. Cuba noted that the Board may attach this as a condition if they move to approve the Item. Mr. Chappell confirmed that the Applicant plans to place lighting on the dock in any case.

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

Motion made by Mr. Strobel, seconded by Mr. Cain, to approve with hardwired dawn-to-dusk lighting and no dockage on the western face of the dock.

Mr. Chappell stated that the Applicant does not plan to secure a vessel on the western face of the dock. Mr. Morley suggested that the **motion** be amended to limit its use to short-term dockage rather than long-term or overnight dockage. Mr. Strobel accepted the proposed **amendment**.

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

IX. Waiver of Limitations – Rose Lovell / 1909 SE 21 Avenue

Mr. Chappell, representing the Applicant, showed a PowerPoint presentation on the Application, which has been permitted by all applicable agencies. The project proposes pile clusters at 66 ft., 68 ft., and 70 ft. from the property line. He pointed out that the property line is located in the water rather than at the seawall. Piers are located at 10.5 ft. and 7 ft. beyond the 25 ft. restriction, with wood piles at 45 ft., 43 ft., and 41 ft. past 25 ft.

The project has been reduced based upon comments received thus far, including a reduction from double to single pile clusters as well as the distance of these piles. The vessel size has been reduced to 60 ft. The finger piers and jet ski lift are at the originally proposed locations. The new proposed pile is 147 ft. from the edge of the channel, and all structures are now east of the No Wake sign due to concerns for the view corridor.

Extraordinary circumstances include the width of the waterway as well as plans for perpendicular mooring for the safety of the vessels. Both adjacent neighbors have provided letters of support for the Application.

Mr. Welch requested clarification of how much a 60 ft. vessel might extend toward the channel. Mr. Chappell replied that 60 ft. is the proposed vessel size for the slip. Widths will remain 24 ft. He continued that not all neighboring property owners responded favorably to the Application, as they had multiple concerns: they did not want a commercial marina at the subject location, and were concerned about view corridors and the possibility of the Application establishing a precedent for perpendicular mooring on the waterway. He pointed out that the waiver request includes 14 conditions established by the City Manager and City Attorney's Office, including:

- The use must conform with the land use assigned to the property
- Rental slips are prohibited
- No maintenance on vessels at residential locations
- Only minor repairs may be made at the site
- Must apply to appropriate regulatory entities within 90 days
- Must construct the property within 180 days of receipt of City permits
- Maximum vessel length is restricted to 60 ft.
- If ownership of the property is transferred to another party, the waiver becomes null and void

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

Robert Linder, private citizen, stated that he is a member of the Harbor Inlet Homeowners' Association. His concerns included the possibility that slips will be rented, as well as the diameter of the turnaround for large vessels coming into the area, which will increase from 900 ft. to 2400 ft. He also noted that the U-shaped dock will extend significantly into Port Everglades and restrict the access, egress, and ingress of boats entering the port. He concluded that the community does not want the facility be used as a commercial marina.

Mr. Cain requested clarification of City Code as it refers to renting dock space. Mr. Linder advised that homeowners may keep their boats at the dock, or may allow another party to keep his or her boat at their dock at no charge. Mr. Cuba added that a dock is considered an appurtenance to the upland structure, which may include usage of the dock if rented.

Sgt. Mills pointed out that there is a common loophole for dock rental, however, as it is very difficult to prove a dock is being rented unless one of the parties involved admits to the rental.

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

Mr. Morley asked if the property owner currently owns a 60 ft. yacht or plans to purchase one. Bill Lovell, Applicant, confirmed that he owns a vessel of this size and hopes to use the property to dock vessels of more than one size.

Mr. Strobel noted that the 30,000 lb. boat lift is located within the 5 ft. legal setback on the north side of the property. Mr. Cuba clarified that the 5 ft. setback is located on the vessel itself. Mr. Chappell added that the Applicant's northern neighbor has provided a letter of concurrence regarding this setback. He advised that if it is the Board's wish, they may approve the project without the proposed boat lift, as it is not identified as part of the waiver.

Motion made by Mr. Cain, seconded by Mr. Strobel, to approve with the conditions, including lights and a 60 ft. maximum boat length. In a roll call vote, the **motion** passed 11-0.

X. Waiver of Limitations – 1336 Seminole Drive – 1336 Seminole Drive, LLC

This Item was deferred to a later date.

XI. Reports

Mr. Cuba reported that the City Commission approved a waiver for 5 Harborage Isle.

Mr. Luscomb advised that City Staff is close to the final draft of a lease for the Las Olas Marina. The City has authorized Suntex to negotiate on its behalf for any forthcoming changes to the plat. The State of Florida has also expressed interest in this lease, and Suntex has reached out to the State to move into its phase of the agreement. Once the lease has been signed, the project must be completed within five years, according to the City's Charter.

Chair Guardabassi asked what the State's interest in the project might be. Mr. Luscomb explained that in the 1950s, the State deeded a portion of this land to the City for public purpose use; in 1989, the City changed the land's designation to allow for private use, and agreed to give the State 50% of the net income of the property for its first 30 years. This amendment is still part of the deed and must be negotiated.

XII. Old / New Business

Mr. Cain suggested that the Board request the City Commission undertake a study for the use of property on the southwest corner of the 17th Street Bridge, which is currently unused. While it is owned by the Port, he believed that there may be an opportunity for the City to use this site.