

DRAFT
MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE, FLORIDA
THURSDAY, FEBRUARY 7, 2013 – 6:00 P.M.

<u>Board Members</u>	Attendance	Cumulative Attendance May 2012 - April 2013	
		<u>Present</u>	<u>Absent</u>
Barry Flanigan, Chair	P	7	1
James Harrison, Vice Chair	P	5	3
F. St. George Guardabassi	P	8	0
Norbert McLaughlin	P	8	0
Jim Welch	P	8	0
Robert Dean	P	6	2
John Holmes	A	6	2
Bob Ross	P	6	2
Joe Cain	A	5	3
Tom Tapp	P	7	1
Herb Rassing	P	7	1
Frank Herhold	P	6	2
Lisa Scott-Founds	P	4	4
Zane Brisson	A	5	3
Eric Johnson	P	1	0

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
Matt Domke, Downtown Facilities Dockmaster
Lieutenant Frank Sousa, Marine Police Staff
Officer Quinton Waters, Marine Police Staff
Al Battle, Economic Development Director
Karen Reese, Economic Development Project Manager
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

Motion made by Mr. Herhold, seconded by Vice Chair Harrison, that the Marine Advisory Board has heard from the captains of *Cakewalk* (289 ft.) and *Lady*

the event. He has also met with the Coast Guard to discuss the Marine Unit's deployment plan for the Air Show.

Lt. Sousa reported that one boat in the Marine Unit's fleet now has a new engine, while another vessel is having a second set installed. He has applied for a Florida Inland Navigational District (FIND) grant for another set of motors. He is still seeking a new sergeant for the Unit, and is being assisted by Officer Quinton Waters at present.

Mr. McLaughlin observed that when a Police Officer attends meetings of his civic association, the Officer typically does not have information on waterway crime. Officer Waters explained that when figures are compiled for civic association meetings, crime analysts include only major crimes. In addition, the Officers who regularly attend these meetings are the evening shift zone Officers rather than the detectives assigned to a particular case.

V. Waiver of Limitations – ULDR Sec. 47-19.3.D. & E. – 3012 NE 20th Court / Gilles Blondeau

Jerry Wooten, representing the Applicant, stated that the request is for approval of mooring piles. The pilings are currently at a length of 45 ft., which is 22.5% of the waterway. Code requires that pilings be placed within 30% of the waterway or 25 ft., whichever is less.

Mr. Ross asked if Mr. Wooten's business, Broward Dock and Seawall, had installed the Applicant's pilings. Mr. Wooten confirmed this, explaining that the Applicant's boat was not on-site when the engineer made the installation. He asserted that he was responsible for the error.

Mr. Tapp observed that a request for a waiver is typically due to extraordinary circumstances, and asked what these circumstances might be in this case. Mr. Wooten said the beam of the Applicant's boat is 25 ft., and the vessel is moored to an 8 ft. dock, which places it beyond the 25 ft. Code requirement.

Mr. Herhold said he had viewed the property in question, and noted that the slow speed zone of the Intracoastal Waterway begins to the south of the property. There are also large fenders in the area, which he advised was a good idea due to the wave action. He pointed out, however, that there are no reflectors on the pilings for night visibility. Mr. Wooten said these could be installed. Mr. Herhold continued that in his experience, the height of pilings allowed for some flexibility during wave action.

Mr. McLaughlin asked why the pilings were not installed as part of the original permit. Mr. Wooten reiterated that this was his fault, as he had not known where to place the pilings when the permit was issued.

Chair Flanigan said he could understand the reason for the current placement of the pilings due to the seawall, as well as the three feet of bumpers between the boat and the pilings. He pointed out that boats do not often heed the 18 in. wake sign to the south of the property, and the wake in this location could be an issue.

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

Tom Staworths stated that he lives at the southeast corner of the canal in question. He reported that this canal is short and rough due to the wakes created in this area. While the Applicant had had another boat at the site, which did not cause a problem, he advised that the current vessel affects the flow within the canal itself, which in turn causes the seawall and other vessels to "take a beating" from the wakes going both north and south. He asserted that the mistake should have been caught during the planning phase of the installation. He concluded that the issue is one of safety.

Charles Donnelly said he resides next door to the Applicant and also feels the vessel and pilings constitute a marine hazard due to their location. He asked that the Board consider whether or not approval the waiver might leave the City exposed to a lawsuit in the case of a boating accident.

Mr. Cuba explained that the Board does not grant waivers, but makes recommendations to the City Commission. Mr. Donnelly added that he had protested the installation of the pilings when it occurred, and that the workers in charge had acknowledged there was no permit for the installation.

Warren Ullman said he lives to the north of the canal in question. He expressed concern with the precedent that approval of the waiver might set, which he felt could lead to placing pilings further and further into the waterway.

Mike Jones said he lives two doors to the east of the Applicant's property. He advised that the 30% or 25 ft. rule is part of Code for a reason, including safety considerations. He asserted that the Applicant had the option of mooring his vessel at a nearby marina, and that the canal in question was not the appropriate place for a boat of its size. He also stated that the individuals who installed the pilings were aware of the issue when the installation was made. He concluded that the safety of the boating community was part of the Board's responsibility.

Vincent Rosignol, captain of the vessel in question, said he believed the logic of the 30% or 25 ft. restriction was intended for narrow canals. He said the boat acts as a breakwater and does not create extra waves. He added that Code Enforcement has visited the vessel multiple times in response to calls from neighbors, and he has met with a Code Enforcement Officer several times. He

stated that he has seen many larger vessels tied up at residences throughout the City.

Mr. Ross asked to know the length of the boat. Mr. Rosignol said it is 115 ft., adding that the dock frontage at the Applicant's home is 127 ft.

Mr. Herhold asked if Code Enforcement had found any Code violations associated with the vessel. Mr. Rosignol replied that no violations were found.

Mr. Tapp requested that the location of the pilings be shown on an aerial photo of the property. Mr. Rosignol noted this location. Mr. Tapp said the pilings are not in the Intracoastal Waterway, and he did not feel they posed a safety hazard. Mr. Rosignol said other pilings in the area reached farther into the waterway than the pilings in question.

It was clarified that reflectors of appropriate size should be attached to the pilings.

Paul Young stated he resides three doors down from the Applicant. He pointed out that the width of the vessel, as well as the tender, should also be taken into consideration as a safety issue, as it extends past the location of the pilings and into the canal. He added that the tender does not have lights, which contributes to the possibility of a safety hazard.

Mr. Rosignol replied that Code Enforcement had not found the tender of the boat to be a Code violation.

There being no further questions from the public at this time, Chair Flanigan closed the public hearing and returned the discussion to the Board.

Mr. McLaughlin stated he had an issue with the installation of the pilings without a permit. The correct procedure is to submit a change order to the permit, which would go to the City and before the Board prior to installation. He declared that the Application addressed a breach of procedure rather than a request for a waiver.

Mr. Welch asked if any extra charge or penalty was associated with the permitting issue. Mr. Cuba said while he could not speak to penalties, after-the-fact waivers have become more common and are part of the process. He said he would find out from the Building Department whether or not a penalty applied.

Vice Chair Harrison agreed that his only issue with the Application was with its after-the-fact status. He added that he had visited the site and did not believe a navigational hazard existed, and felt most of the objections to the Application were related to the boat rather than the pilings.

Mr. Dean asked if the 45 ft. extension lay within the limits of what is permitted by zoning. Mr. Cuba explained that the maximum distance a boat and/or mooring structure may extend is 25 ft. or 30% into the width of the canal. Mr. Dean said based on the 200 ft. width of the canal, the extension could be up to 65 ft. Mr. Cuba advised that the City Commission would ultimately determine what would be allowed in this case.

Motion made by Vice Chair Harrison, seconded by Mr. Dean, to approve the waiver.

Vice Chair Harrison asked if it would be possible for the Board to require larger reflective devices on the pilings, as the existing reflectors are very small. Mr. McLaughlin asked if reflectors would be required on the pilings if the waiver is ultimately approved by the City Commission. Mr. Cuba replied that Code requires reflector tape at least 5 in. in width and within 18 in. of the top of the piling.

Vice Chair Harrison and Mr. Dean **amended** their **motion** as follows: a requirement for an additional 5 in. wide strip of reflector reflectors 3 ft. to 5 ft. off the high water mark of the piling was added to the **motion**.

In a roll call vote, the **amended motion** passed 12-0.

VI. Presentation – Captain Keith Moore / M/V *Lady Sheridan*

Chair Flanigan recalled that at the December 2012 Board meeting, the captain of the *Cakewalk* had addressed the Board with regard to the economic impact of large yachts on the City and the marine community. He introduced Keith Moore, captain of the *Lady Sheridan*.

Mr. Moore said he has been active in the marine industry on a professional level since 1986. The *Lady Sheridan* is a 190 ft. motor yacht, which often ties up at Pier 66 due to the restricted berthing available for vessels of its draft and length. He advised that when the yacht is in town, \$1400 per night is spent on dockage, not including electricity. From October to April, the vessel fuels twice at a cost of \$140,000-\$162,000 each time. The *Lady Sheridan* has a crew of 15, and for large events typically spends \$55,000 on local catering. The crew rents three cars each time they are in town at a cost of roughly \$1700 per month per car.

Mr. Moore continued that the crew members are well-paid, have zero expenses, and spend a great deal of money in the City on retail, restaurants, and other amenities. Every crew member is fed three meals a day, seven days a week; the vessel is 100% responsible for their needs, such as toiletries.