

DRAFT
MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE, FLORIDA
THURSDAY, DECEMBER 5, 2013 – 6:00 P.M.

<u>Board Members</u>	Attendance	Cumulative Attendance May 2013 - April 2014	
		<u>Present</u>	<u>Absent</u>
Barry Flanigan, Chair	P	6	1
James Harrison, Vice Chair	P	6	1
F. St. George Guardabassi	P	6	1
Norbert McLaughlin	P	7	0
Jim Welch	P	6	1
Robert Dean	P	5	2
John Holmes	P	5	2
Bob Ross	P	7	0
Joe Cain (dep. 8:10 p.m.)	P	4	3
Tom Tapp	P	3	4
Herb Rassing (dep. 8:24 p.m.)	P	7	0
Frank Herhold	P	6	1
Zane Brisson	A	3	3
Erik Johnson	P	5	2
Jack Newton	P	2	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
Levend Ekendiz, Intracoastal Facilities Dockmaster
Robert Dunckel, Assistant City Attorney
Sergeant Todd Mills, Marine Police Staff
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

Motion made by Vice Chair Harrison, seconded by Mr. Herhold, to send the following communication to the Commission on the subject of the north seawall: Recognizing the age, deteriorating condition, and lack of common amenities along this seawall, and

Assistant City Attorney Robert Dunckel advised that in his opinion, the Board did not have jurisdiction to approve or disapprove the alternate design presented by the Applicant until it had been made available to members of the public who might wish to comment on it. In addition, the Application is a waiver, not a variance, which meant there is no hardship involved. He also confirmed that the Board's purview was navigation and not visual obstructions. Mr. Dunckel concluded that there should be no confusion between ownership of submerged lands and navigation on the waterway atop them, as all members of the public have the right to navigate the waterway. The Board is charged with determining whether there are reasonable rights of ingress/egress and navigability, given the proposed structures.

The Board discussed alternative configurations for the development of the dock, including the possibility of providing fewer than 12 slips. It was noted that the most movement of vessels would occur across Sunrise Harbor's property, although Mr. Cuba pointed out that there is also necessary ingress and egress across Coral Cove's property.

The members also discussed what could occur if Coral Cove wished to build a dock in the future that extended to the widest point of the bay. Chair Flanigan cautioned that the Board may only address the Application before them rather than future plans. Mr. McLaughlin observed that there should be sufficient room in the center of the bay for vessels to maneuver, and that there are already boats in the area greater than 70 ft. in length, which have not been cited as creating a navigational hazard.

Motion made by Mr. McLaughlin, seconded by Mr. Cain, for approval. In a roll call vote, the **motion** passed 8-6 (Mr. Guardabassi, Mr. Holmes, Mr. Newton, Mr. Rensing, Mr. Tapp, and Mr. Welch dissenting).

Mr. Rembaum requested a copy of the vote count for the Coral Cove Association.

VI. Waiver of Limitations – ULDR Sec. 47-19.3 D & E – Shawn and Jennifer Benyo – 704 NE 20th Avenue

Matt Mitchell, representing the Applicants, showed a PowerPoint presentation, stating that the request is for a waiver for cluster piles. He showed multiple views of the property, noting that the subject site currently consists of a marginal dock, two finger piers, and four sets of cluster piles. The current configuration can accommodate four large slips; the proposed design change would replace the wooden marginal dock with a concrete marginal dock, floating marginal dock, and two med style mooring slips. Each slip would be 150 ft. in length and have three sets of cluster piles spaced in 50 ft. increments from the property line. The northernmost cluster pile is over 320 ft. from the City's 30% width requirement. Mr. Mitchell concluded that no navigational issues are anticipated, and 11 neighbors along 20th Avenue have provided letters of support.

The members discussed the Application, noting that live-aboard vessels and dock rentals are prohibited by zoning in the subject area and no parking issues are anticipated. While the Application would place cluster piles 40 ft. further into the waterway than previous waivers, the location is at the widest portion of the waterway. The Applicant is aware that all slips at the site must be used by residents of the household and must sign a letter to this effect as part of a permit requirement. The proposed vessels' beams are 21 ft. and 31 ft. The water depth at the subject location is 6 ft. to 8 ft. and may be dredged to a depth of 10 ft.

Mr. Dean observed that the proposed dockage would accommodate two 150 ft. yachts, both of which must be owned by the homeowner or individual renting the house. Mr. Chappell replied that the property owner plans to rent the house to an individual who owns two such yachts. Shawn Benyo, Applicant, advised that he is a banker and has met individuals in his professional capacity who own multiple yachts of this size. The occupant of the house may also provide quarters for the vessels' captain and crew.

Vice Chair Harrison pointed out that the economic impact of vessels of this size would be "enormous" to the City and the marine industry in particular. Mr. Herhold estimated the economic impact of a mega-yacht's visit to be approximately \$474,380, including yacht sales, repairs, and chartering. Mr. Cuba noted that it would be difficult to dock a vessel with a beam larger than 18 ft. at the City's docks.

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

Alex Johnson, private citizen, stated that the street on which the subject property is located consists of single-family homes, while the properties that have received variances in the past are commercial. He cited the example of a similar waiver in the past which resulted in the docking of up to three mega-yachts at a time at residential properties, which "turned the properties into a business."

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

Motion made by Mr. Ross, seconded by Mr. Rassing, to approve.

Mr. Guardabassi stated he would abstain from voting on this Item due to a conflict.

Mr. Cain left the meeting at 8:10 p.m.

In a roll call vote, the **motion** passed 12-0. (Mr. Guardabassi abstained. A memorandum of voting conflict is attached to these minutes.)

VII. Presentation – Winterfest Boat Parade – John Healy