

DRAFT
MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE, FLORIDA
THURSDAY, OCTOBER 4, 2012 – 6:00 P.M.

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

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
Levend Ekendiz, Intracoastal Facilities Dockmaster
Matt Domke, Downtown Facilities Dockmaster
Sgt. Kevin Shults, Marine Police Staff
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. Call to Order / Roll Call

Glenn Caddy, Applicant, explained that he was seeking to establish the right of use for a dock located in front of his house. He advised that he only recently learned he did not have a use permit for this dock.

Mr. Cuba stated that the dock is well-maintained and the City did not object to the use.

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

Motion made by Mr. Herhold, seconded by Mr. McLaughlin, to approve. In a voice vote, the **motion** passed unanimously.

VI. Waiver of Limitations – ULDR Sec. 47-19.3 D and E – 810 NE 20th Avenue / Dixie Southlands Corporation

Tyler Chappell, representing the Applicant, gave a PowerPoint presentation on the Item. He recalled that in 2007, an application had come before the Board requesting a waiver for two docks at the facility to extend 73 ft. into the waterway. Tonight's request is for an additional waiver that would allow the Applicant to add triple pile clusters outside the docks in order to moor vessels at the location more securely.

Mr. Chappell showed a slide of the existing layout of the marina, noting that wooden finger piers are fixed onto concrete piles and graded decking exists near the seawalls. The proposal would include only three slips if the triple pile clusters are added. He noted that most vessels are currently tied bow in; the Application would mean these boats are turned around for safety purposes.

He continued that Code does not allow mooring or piles to extend more than 30% or 25 ft. into a waterway. The Application requests that the triple pile clusters be placed at 113 ft., 116 ft., and 124.4 ft. Mr. Chappell said the request was due to extraordinary circumstances, as the Middle River is very wide in this location, extending 376 ft. across at the north property line and 429 ft. at the south property line. The requested waiver would also create greater stability for docking and mooring, particularly during storm events, by allowing bow lines to be tied to the triple pile clusters. All boats and structures would remain within the existing sovereign submerged land lease issued by the State.

Mr. Chappell noted that the first pile, which is on the northern side, would have a variance of 91 ft.; the second would have a variance of 96 ft., and the third pile would be 99.4 ft. Eight waivers for this section of the waterway have been

previously recommended by the Board and issued by the City Commission, with the waiver distances ranging from 45 ft. to 108 ft.

Mr. Cain asked to know the maximum length of vessels that would be allowed to dock at the site. Mr. Chappell said the maximum length would be 105 ft., which is the same length presently allowed. The property is commercially zoned.

Mr. McLaughlin asked to know the length of the property line extending to the waterfront and seawall. Mr. Chappell said the property line does not extend into the water; the measurement is made from the property line rather than from the seawall. Only fixed piers are located on the site, although floating piers have been approved in the past. The average water depth in the area is 7 ft.-10 ft. at low tide. The property was dredged in 2009.

Mr. Dean asked if any problems were foreseen with regard to seagrass by docking the vessels with sterns in. Mr. Chappell explained that the seagrass is only located near the seawall; there is very little left at the location. Mr. Herhold commented that the primary issue seems to be safety, as bow anchors could be dropped if vessels were docked stern-to.

Mr. Welch asked if waterskiing was allowed in the area. Mr. Chappell confirmed that skiing is permitted to the south of the property. He noted that the maximum radius recommended for skiing is 200 ft., while the waterway is more than 400 ft. across at the southern end of the property.

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

Robert Terrance Reilly, private citizen, stated he resides two lots from the location. He advised that he was concerned with the distance the proposed pilings would extend into the waterway, and that vessels might be moored out too far into the waterway.

He added that although living aboard vessels is prohibited in the area, which is zoned ROA, there is little parking available through the week for nearby businesses. Mr. Reilly concluded that should the Application be approved, he would like to see measures enacted that would prevent pilings from being placed even farther into the waterway.

Alan Leigh, private citizen, also resides in the area. He asserted that the Applicant has done a good job maintaining his docks; however, he expressed concern for vessel safety, particularly during hurricane season. He felt enabling boats to turn around would increase safety, and concluded that he was supportive of the Application.

Steve Hudson, private citizen, stated that he has tenants who live in the area. He said he is supportive of the Application, particularly in an area zoned ROA. He characterized the Application as responsible, and noted that this area allows larger boats to moor safely.

Mr. Herhold remarked that there are few areas in the City in which larger boats may dock, and agreed with Mr. Hudson that the area in question can accommodate these vessels.

Mr. Leigh commented that the city of Palm Beach has been actively seeking business that is currently in Fort Lauderdale, and noted that the maximum dockage rate in that city is \$2.45/ft. year-round. He expressed concern that Fort Lauderdale was "pricing [itself] out of the market," and felt places where larger vessels may dock should be seen as assets.

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

Mr. McLaughlin asked if reflective material would be placed on the proposed piles. Mr. Chappell confirmed this, stating that it is a requirement.

Mr. Welch asked if Code cites a maximum length of vessels that could be docked at this location. Mr. Chappell said the Applicant must abide by both City Code, which allows vessels to be moored within 30% of the waterway, and State Code, which prohibits dockage from exceeding the submerged land lease at 124 ft. from the property line. He added that measurements are taken from the location of the piles rather than from the north or south property lines.

Vice Chair Harrison remarked that he felt the Application was good for the City, as many other locations have limited space for larger vessels. Mr. Dean noted that the greatest limiting factor for these vessels should be water depth.

Motion made by Mr. McLaughlin, seconded by Mr. Herhold, to approve. In a voice vote, the **motion** passed unanimously.

VII. Waiver of Limitations – ULDR Sec. 47-19.3 C, D, and E – 3355 Port Royale Blvd., ERP Operating, Ltd. & EQR Port Royale Vistas, Inc.

Mr. Chappell, representing the Applicant, distributed copies of a letter of approval from the Tower Condominium Association, which is the master Association for the entire project. Representatives of the project have remained in contact with the Association since construction began in 2009. The Association has been instrumental in helping to determine the site plan and layout of the project.