

**MINUTES OF THE MARINE ADVISORY BOARD  
100 NORTH ANDREWS AVENUE  
COMMISSION CHAMBERS – FIRST FLOOR  
FORT LAUDERDALE, FLORIDA  
THURSDAY, APRIL 2, 2015 – 6:00 P.M.**

<u>Board Members</u>	Attendance	Cumulative Attendance May 2014 - April 2015	
		<u>Present</u>	<u>Absent</u>
Barry Flanigan, Chair	P	9	0
James Harrison, Vice Chair	P	8	1
F. St. George Guardabassi	P	9	0
Norbert McLaughlin	P	9	0
Jim Welch	P	9	0
Robert Dean	P	7	2
John Holmes	P	8	1
Joseph Maus	A	1	1
Joe Cain	P	6	3
Herb Rensing	P	8	1
Frank Herhold (arr. 6:09)	P	9	0
Zane Brisson	P	8	1
Erik Johnson	P	7	2
Jack Newton	P	7	2
Jimi Batchelor	P	6	3

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  
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 6:02 p.m. and roll was called.

**II. Approval of Minutes – March 5, 2015**

Kit Denison, representing Denison Yacht Sales, showed a PowerPoint presentation on Harbour Twenty-Six. He characterized the project as a "dockominium" including 20 slips, each of which has the ability to store two boats. The fee simple ownership of the property will allow for up to 155 ft. of waterfront construction and includes a 30 ft. submerged land lease.

Mr. Denison advised that at present, eight slips are reserved, pending closing, and construction on the project will begin in June 2015. At the north end of each slip will be a two-car garage with space for storage, although he clarified that the property will not include residential use. Completion of the project is expected to occur in spring or early summer 2016. Permits have been acquired, and dredging and construction will be done by local businesses.

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

The members discussed the project with Mr. Denison clarifying that the developer has met with the local neighborhood association on multiple occasions to address their concerns. Traffic to and from the site is expected to be much more limited than if the property was a full-service boatyard. The project will also construct roughly 300 ft. of new seawall where the existing seawall has deteriorated.

Mr. Denison added that the project will be constructed to withstand winds of 150 to 160 miles per hour, or the strength of a Category 5 hurricane. A management firm will oversee the property during its first year. Space is expected to net \$4/ft. He noted that demand in Fort Lauderdale has increased by up to 70% during the past four years. Securing a boat at the facility is anticipated to have a 25%-30% effect on insurance rates for boat owners.

#### **VI. Water Taxi License Application / Sec. 8-146.1 / Riverfront Cruise and Anticipation Yacht Charters LLC**

James Campbell, representing Riverfront Cruise and Anticipation Yacht Charters, stated that he is re-applying for a water taxi license. He had first applied for this license in 2010, but was rejected at the time on the grounds that the vessels he had planned to use were too large at 70 ft. and 55 ft. Since that time, Mr. Campbell has acquired two more vessels, which were custom-built for use as water taxis in Broward County. He noted that the current Application is the same as the 2010 application, except for the types of boats. He did not anticipate any confusion between the service he hoped to provide and the existing water taxi service in Fort Lauderdale.

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



Mark Booth, representing Water Taxi, asserted that an earlier application by Riverfront Cruise and Anticipation Yacht Charters was rejected for using his client's likeness, which he felt was the case again today. He pointed out that the company's brochure uses the terms Water Bus and Water Taxi, which are registered by his client, as well as some of the same colors.

Mr. Booth continued that the Application contains misrepresentations, including the name of a captain who does not work for the Applicant and the class of vessel they will operate. He advised that an individual listed as the owner of Riverfront Cruise and Anticipation Yacht Charters has not been associated with that company since 2013. He added that the Applicant's name has been associated with other entities, such as Riverfront Cruises LLC and Presidential Yachts. He concluded that these are violations of Code Section 8-146.1.B.3, with the result that the Application is rendered incomplete.

Maggie Naylor, private citizen, stated that it was in the City's best interests to have more than one water taxi service.

Chris Wren, representing the Downtown Development Authority (DDA), observed that additional water taxi services are needed to promote a growing Downtown, and that the Applicant should be given the opportunity to offer this service.

Jim O'Connell, private citizen, advised that even though he has a seasonal pass for Water Taxi use, he would purchase a similar pass from Riverfront Cruise and Anticipation Yacht Charters. He pointed out that the existing Water Taxi is often full and he would like to see another option for this service.

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.

Mr. Campbell addressed the allegations raised by Mr. Booth, clarifying the use of his name by other entities, as well as the use of the owner's name on his brochures. He pointed out that he has registered the use of the name "water taxi," which has not been trademarked, with the Coast Guard. The captain cited in the brochure is one of a pool of captains from which services will be drawn. He concluded that while his company has operated a trial run, it used public rather than City stops, which did not constitute a violation.

The Board discussed the Application, with the clarification that the addition of any new vessels to a service requires information and a fee; however, the addition of a captain does not require City approval, as captains may come and go. It was noted that both the existing and proposed water taxi services would provide on-demand service to residential clients, as well as scheduled service.

It was noted that with two similar services using the same public stops, there is the possibility that two competing vessels may arrive at a stop at the same time. Mr. Cuba



advised that Code Section 8-146.1.F.2 addresses time limitations and distance between water taxi operations. It was further clarified that Riverfront Cruise and Anticipation Yacht Charters will operate on a different schedule from the Water Taxi. Mr. Campbell noted that there is typically a good deal of cooperation between captains of these vessels. He expressed confidence that competition would be good for prospective customers.

Mr. Cuba confirmed that the Application has been vetted by City Staff, and noted that issues such as the ownership of names and use of colors do not fall within the purview of the Board.

Chair Flanigan suggested that the Applicant work further with City Staff to address any inconsistencies within the Application. Mr. Cuba pointed out, however, that this would require a different application; the Board is only concerned with the Application before them at this time, which is a complete Application. If the Board wished the Applicant to make specific modifications to the Application, they may ask him to make these changes and bring the Application back at a later date.

The Board also addressed the issue of narrated tours, clarifying that while Code prohibits loudspeakers broadcasting from vessels, it does not state that tours may not be narrated on boats using an internal intercom system. It was also clarified that the Applicant will not receive City, County, State, or Federal transportation funds.

Mr. Johnson stated that he was concerned with the issue of naming rights, as the Water Taxi owns the rights to the name Water Bus. He emphasized the need to ensure a clear difference between the two services, and expressed concern that the Applicant's operation had functioned without a license. Mr. Campbell explained that his business had used only private docks during its recent trial period; although he had felt this was an extension of Riverfront's sightseeing and cruise business, he had ceased this operation at Mr. Cuba's direction. Mr. Cuba confirmed this.

**Motion** made by Mr. Guardabassi, seconded by Mr. Dean, to approve the Application as presented. In a roll call vote, the **motion** passed 13-1 (Mr. Johnson dissenting).

## VIII. Reports

None.

## IX. Old / New Business

Mr. Rassing introduced James Blackburn, publisher of *Lauderdale Ahead*, a new magazine devoted to the marine industry in south Florida. Its current circulation is 7500 and is distributed to boatyards and over 1000 boat owners in the area. Mr. Blackburn characterized Fort Lauderdale as "the Wall Street of the yachting community."