

**DRAFT**  
**MINUTES OF THE MARINE ADVISORY BOARD**  
**100 NORTH ANDREWS AVENUE**  
**8<sup>TH</sup> FLOOR CONFERENCE ROOM**  
**FORT LAUDERDALE, FLORIDA**  
**THURSDAY, MAY 2, 2013 – 6:00 P.M.**

| <u>Board Members</u>       | Attendance | Cumulative Attendance<br>May 2013 - April 2014 |               |
|----------------------------|------------|--|---------------|
|                            |            | <u>Present</u>                                 | <u>Absent</u> |
| Barry Flanigan, Chair      | P          | 1  | 0             |
| James Harrison, Vice Chair | P          | 1  | 0             |
| F. St. George Guardabassi  | P          | 1  | 0             |
| Norbert McLaughlin         | P          | 1  | 0             |
| Jim Welch                  | P          | 1  | 0             |
| Robert Dean                | P          | 1  | 0             |
| John Holmes                | A          | 0  | 1             |
| Bob Ross                   | P          | 1  | 0             |
| Joe Cain                   | P          | 1  | 0             |
| Tom Tapp                   | A          | 0  | 1             |
| Herb Rassing (arr. 6:10)   | P          | 1  | 0             |
| Frank Herhold              | P          | 1  | 0             |
| Lisa Scott-Founds          | A          | 0  | 1             |
| Zane Brisson               | A          | 0  | 1             |
| Erik Johnson               | A          | 0  | 1             |

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  
Sergeant Todd Mills, Marine Police Staff  
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communication to City Commission**

None.

**I. Call to Order / Roll Call**

into the waterway would be 29.5 ft. in an area in which the waterway is 344 ft. across from the wet face of the seawall to the finger pier. The location faces west, which means there are some effects from wind and waves. The high wave pitch coming from nearby accelerating vehicles leaving a No Wake Zone is one reason the Applicant's vessel should be on a boat lift.

Mr. Herhold requested clarification that the structure would remain within the footprint of the existing docks. Mr. Chappell confirmed this, noting that one of the slides showed the existing submerged land lease boundary. The location of the proposed lift was identified on the slide.

Vice Chair Harrison asked what size boat could be moored at the existing slip without a boat lift. Mr. Chappell said the vessel to be secured on the boat lift would be no larger than 35 ft.

Mr. Dean asked if the dock itself was 23.5 ft. in length. Mr. Chappell confirmed this, stating that the property line lines beneath the marginal dock. The Applicant has secured all necessary permits other than Building Department approval, which required the waiver of limitations.

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

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

**VII. Waiver of Limitations – ULDR Sec. 47-19.3 C&E – Gilles Blondeau / Multimo LLC-3012 NE 20 Ct.**

Mr. Cuba advised that this Item has previously come before the Board for approval. Chair Flanigan stated that the owner wished to bring certain items discussed at a previous City Commission meeting to the Board's attention; there would be no need for a vote on the Item unless any member of the Board wished to change his previous vote.

Steve Tilbrook, representing the Applicant, noted that Mr. Chappell is also a consultant with the project being presented. He recalled that it was originally an after-the-fact application, and noted that mooring piles have been removed from the property. New materials and a proper site plan are being presented with the current Application.

He showed a PowerPoint presentation to the Board, stating that the request is for a waiver of limitations for two mooring pile clusters. The property is 11,875 sq. ft.,

with a south dock of 123.29 ft. in length. The waterway at the location is 200 ft. wide. Mr. Tilbrook explained that the clusters would be located at 44.2 ft. and 43.4 ft. into the waterway, requiring a 19.2 ft. and 18.4 ft. waiver respectively.

He showed photos of the vessel and dock on the property, as well as a survey of the waterway including the surveyor's interpretation of the riparian lines. The Applicant's vessel is 115 ft. in length with a 25 ft. beam, and is moored parallel to the dock. Mr. Tilbrook identified the riparian line as 123.4 ft. and showed the proposed location of the mooring clusters. He noted that there may have been questions by the Applicant's neighbors regarding the accuracy of the riparian lines.

He concluded that the question is how to safely dock the Applicant's vessel. At the previous Board meeting at which the Application was presented, it was noted that pilings are necessary on the south side of the vessel in order to keep it off the dock. The Applicant has determined that the proposed solution would have a minimal effect on the waterway or the other property owners on the canal. Extraordinary circumstances include the damaging effect of excessive wakes in this portion of the Intracoastal Waterway, the need to keep the vessel off the dock, and the extraordinary width of the waterway.

Mr. Guardabassi asked how much space would remain in the waterway if a property owner across the canal submitted a similar Application. Mr. Tilbrook stated that the channel at this location, outside the 30% allowable width on either side, would be 110 ft. wide.

Mr. Dean requested clarification of whether the Application was being presented a second time for a vote or for informational purposes only. Chair Flanigan explained that some information has been added since the last time the Application was seen by the Board; when the Application went before the City Commission, it was suggested that the pilings were not in the locations described to the Board. The pilings have since been removed and the Applicant has provided a survey.

As there were no further questions from the Board at this time, Chair Flanigan opened the public hearing.

Paul Young, private citizen, stated that he owns property on the north side of the lake. He asked to know the east/west dockage length of the subject property. Mr. Tilbrook replied that the dock is 123.29 ft. and the vessel itself is 118 ft. in total length. Mr. Young asked if the vessel would be over its easement when moored on the property. Mr. Tilbrook said there is a riparian line and a 5 ft. setback at which the piling would be located on the east side; on the west side, the vessel will lie within the riparian line, although it is allowed to extend up to 30% into the length of the waterway.

Mr. Young asked what would occur if the tender was moored on the south side of the vessel. Mr. Tilbrook said it was the Applicant's intent not to moor the tender on this side. He noted that the Application was related only to the pilings. Mr. Young stated that the tender is always moored on the south side, although this is not part of the Application.

Tom Staworths, private citizen, showed the Board a photo of the subject property. He pointed out that the piling posts are very close to the dock, and asked how the vessel would crush the dock with these posts in place. Mr. Tilbrook reiterated that due to the prevailing winds and wake, the intent of the pilings was to keep the vessel off the dock to prevent damage.

Mr. Staworths continued that the boat in question weighs over 130 tons. He stated that other similarly sized vessels are docked on the Intracoastal Waterway without pilings, and he had been advised that boats of this size are hard to move, even when wakes are thrown. He declared that the cluster pilings are not needed, and added that the owners have said the vessel will not be on the property during hurricane season. He asserted that the Applicant had "created his own extraordinary circumstance" and that the company that installed the dock and the pilings without consideration for safety. Mr. Staworths concluded that the Applicant's neighbors would continue to speak out against the Application.

Charles Donnelly, private citizen, said he lives next to the subject property. He stated that he did not agree with the interpretation of the riparian lines as drawn by the Applicant's surveyor. He added that the Applicant had originally installed the pilings illegally, without permits. He advised that the Applicant's vessel is too big for the property, and reiterated that the pilings were unnecessary. Mr. Donnelly concluded that the riparian lines may be subject to litigation.

There being 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.

Chair Flanigan stated again that the Item would not be voted upon a second time, as the Board had previously recommended it for approval. He advised that the Board is charged with making recommendations on navigational issues only.

## ~~VIII. Reports~~

- ~~• Barge Load / Offload~~

~~Mr. Luscomb reported that Staff has been researching this issue, including how riparian rights are determined for a given property. These lines do not extend from the property line to the navigable channel, but from the channel to the corners of the property. He showed a rendering that illustrated the riparian right~~