

**MINUTES OF THE MARINE ADVISORY BOARD  
100 NORTH ANDREWS AVENUE  
COMMISSION CHAMBERS – FIRST FLOOR  
FORT LAUDERDALE, FLORIDA  
MONDAY, NOVEMBER 16, 2015 – 6:00 P.M.**

<b><u>Board Members</u></b>	<b>Attendance</b>	<b>Cumulative Attendance May 2015 - April 2016</b>	
		<b><u>Present</u></b>	<b><u>Absent</u></b>
James Harrison, Chair	P	4	2
Frank Herhold, Vice Chair	P	6	0
F. St. George Guardabassi	P	5	1
Jim Welch	P	5	1
Robert Dean	P	6	0
John Holmes (arr. 6:06)	P	3	3
Joseph Maus	A	4	2
Joe Cain	P	5	1
George Cable	P	1	0
Erik Johnson	P	5	1
Jack Newton	P	4	2
Jimi Batchelor	A	4	2
Cliff Berry II	P	5	0
Grant Henderson	P	5	0
Bill Walker	P	3	0

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  
Officer Quinton Waters, Marine Police Staff  
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

None.

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

Chair Harrison called the meeting to order at 6:00 p.m. and roll was called.

**II. Approval of Minutes – October 1, 2015**

boating community has a very large lobbying presence at meetings and workshops of this nature, while there are significantly fewer residents in attendance; however, many residents have expressed their preferences through an online survey which may contribute to greater compromise on this issue.

Mr. Dean asked if it was difficult for a municipality to create and maintain a mooring field. Sgt. Mills advised that a current study has established five mooring fields. Vice Chair Herhold noted that the discussions appear to consider the economic benefits brought to an area by cruising yachtsmen. Representatives of the SSCA have confirmed the suggested time frame allowed sufficient time for provisioning, repairs, and similar needs. Sgt. Mills continued that boaters also want a consistent policy as they move from north to south Florida.

Sgt. Mills moved on to the waterway crime and boating safety report, stating that in October, the Marine Unit handled 17 incidents, including two minor accidents, four citations, 92 warnings, and 94 safety checks. There were also two burglaries addressed by the Marine Unit, two thefts of personal watercraft, and two vehicles that slid into the 15<sup>th</sup> Street canal.

Sgt. Mills continued that the Fort Lauderdale International Boat Show was a success, with no major incidents. He noted that access was tight for large charter boats moving through the area, which will be reviewed to determine if the configuration should be changed before next year.

#### **VI. Waiver of Limitations – Edward J. & Betty G. Kirwin / 811 SW 6<sup>th</sup> Street**

Glenn Bryant of B&M Marine, representing the Applicants, recalled that some months ago, the Applicants were issued a permit to place dolphin pilings at a distance of 25 ft. from the seawall. Due to the size of vessels at the location, this distance has not been sufficient, which led to the Applicants' request for a waiver to increase the distance to 47 ft. from the seawall at the west end of the property and 42 ft. at the east end. He added that the area has been dredged to create depth at the corner of the property. The original dolphin pilings at 25 ft. were never constructed. The Application is not expected to create a navigational issue, as other properties in the area have pilings at a similar distance. The pilings are necessary to maintain the safety of the Applicants' vessels.

The members discussed the Application, noting that the Applicants are planning to purchase a boat with a 23 ft. beam. Mr. Bryant explained that the 47 and 42 ft. measurements are from the seawall, while the clusters would measure 32 ft. from the dock edge. He clarified that the fenders on the 23 ft. boat would push the vessel slightly away from the dock. He also confirmed that the pilings will include lights and can be used to serve as a channel marker.

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



Steve Buckingham, President of the Tarpon River Civic Association, stated that there have been several questions regarding the Application's request for triple piling clusters. He noted that many neighbors with smaller vessels typically turn east from Tarpon River onto the New River, and feel the west cluster piling would obstruct this right turn and present a new hazard to safety and navigation.

Mr. Buckingham continued that because the stern of any yacht at the subject location will face west, all water traffic on the Tarpon River will have to pass onto the New River behind it. He stated that individuals using paddleboards and kayaks will be impeded by the west piling cluster. He added that there are clarity concerns with the Application, which refers to the relocation of dolphin pilings that do not presently exist on the property.

Mr. Buckingham concluded that while it is generally accepted that a waiver of limitations request must cite extraordinary circumstances, it has been confirmed that the Applicants have not yet purchased the yacht to which the Application refers. He asserted that for this reason, neighboring property owners do not feel an extraordinary circumstance exists to support the request.

David Rose, private citizen, stated that he felt it would be difficult to maneuver a vessel the size of the proposed yacht into the subject property without extending into the Tarpon River or a neighboring property. He objected to the idea of additional intrusion into the public waterway.

Gaylord Woods, private citizen, advised that according to Section 47-19.3.H of the ULDR, it is illegal to dock a vessel within a property's setback, which he stated has been done at the Applicants' property. He added that two vessels are already docked at the property, where the river is 38 ft. wide, and noted that 30% of the waterway at this location would be 11.4 ft. He felt the addition of another large boat at the subject location would present a safety issue.

Jack Malloy, private citizen, stated that he is the Applicant's immediate eastern neighbor. He expressed concern for the intersection of large and small boat traffic coming from the Tarpon River onto the New River. He concluded that there are no outside pilings on any City-owned dock on the New River. It was noted that Mr. Malloy is a former member of the Marine Advisory Board.

William Cosby, project manager for the Applicants, advised that the subject area is sufficiently wide to allow turning by vessels towing yachts. He distributed a document to the Board, stating that an underwater survey was required before work could begin on the Applicants' property, which showed that vessels on the site would have needed to be beyond the pilings in order to prevent running aground. He did not feel it would be difficult for a vessel to make a right turn onto the Tarpon River without hitting traffic. He advised that there may be other issues affecting opposition to the Application.



Mr. Cosby concluded that he would be willing to relocate the pilings or place lights on them if necessary. He provided photographs of a portion of the New River where the navigational channel has been reduced to approximately 60 ft.

The Board discussed the Application further, clarifying that the Applicants are having a 100 ft. vessel constructed to replace another vessel of the same size. Mr. Cosby explained that the Applicants prefer pilings to fenders due to speeding in the area. It was noted that Code does not require lights to be built into pilings, although Mr. Cosby confirmed that they can be added.

Mr. Buckingham stated that some of the comments made by Mr. Cosby were not true. He did not want these comments to leave an incorrect impression of the neighborhood.

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

Vice Chair Herhold asked what would be the maximum allowed length of both the vessel and the dolphin piles if boats at the subject property used med style mooring. Mr. Cuba replied that vessels may extend from the property line 30% into the waterway, which is identified in the Application as 90 ft., based upon the width of the river. The piles may extend 25 ft. or 30% of the waterway, whichever is less.

Mr. Holmes asked if the members of the Marine Unit felt there were navigational concerns with the Application. Sgt. Mills advised that a boat docked at the location could partially obstruct a view, but noted that this was not part of the discussion. Mr. Dean commented that a boat on this property would be located well within any sight line from the dock to the east, as the setback is significant.

Mr. Welch observed that one issue is ingress/egress from the canal, which he felt could be a hazard in the dark if there is no boat docked on the property. He suggested that visibility could be improved if the pilings included reflective lighting.

**Motion** made by Mr. Guardabassi, seconded by Mr. Berry, to approve the Application as it has been submitted.

Mr. Dean advised that he would like the **motion** to include a requirement for more markings on the pilings than are required by Code, for nighttime visibility. Mr. Guardabassi and Mr. Berry agreed to this **amendment**.

In a roll call vote, the **motion** passed 12-1 (Mr. Holmes dissenting).

~~VII. Waiver of Limitations - Acqua Celesti, LLC c/o Rose Ann Lovell, 9005  
910 NE 20<sup>th</sup> Avenue~~