

**DRAFT**  
**MINUTES OF THE MARINE ADVISORY BOARD**  
**100 NORTH ANDREWS AVENUE**  
**COMMISSION CONFERENCE ROOM – EIGHTH FLOOR**  
**FORT LAUDERDALE, FLORIDA**  
**THURSDAY, JUNE 1, 2017 – 6:00 P.M.**

		<b>Cumulative Attendance</b>	
		<b>May 2017 - April 2018</b>	
<b><u>Board Members</u></b>		<b><u>Present</u></b>	<b><u>Absent</u></b>
	<b>Attendance</b>		
F. St. George Guardabassi, Chair	P	2	0
Grant Henderson, Vice Chair	P	2	0
Jimi Batchelor	P	2	0
Cliff Berry II	P	2	0
Zane Brisson	P	2	0
George Cable	P	2	0
Joe Cain	P	1	1
Richard Graves	P	1	1
John Holmes	P	2	0
Ted Morley	P	1	0
Roy Sea	A	1	1
Doukas Siotkas	A	1	1
Ed Strobel	P	2	0
Bill Walker	A	1	1
Jim Welch	P	2	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  
Division Chief Stewart Ahearn, Fort Lauderdale Fire Department  
Laura Reese, Budget Manager  
Brandy Leighton, Engineering Department  
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

**Motion** made by Mr. Strobel, seconded by Mr. Berry, that more investigation needs to be done on the equitability of the City's proposed dredging program, possibly looking into other funding sources, with consideration that the waterfront homeowners already pay substantially more property taxes than their non-waterfront counterparts. In a voice vote, the **motion** passed unanimously.

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

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

**II. Approval of Minutes – May 4, 2017**

**Motion** made by Mr. Batchelor, seconded by Vice Chair Henderson, to approve the minutes. In a voice vote, the **motion** passed unanimously.

**III. Statement of Quorum**

It was noted that a quorum was present at the meeting.

**IV. Introduction of New Member – Ted Morley**

New Board member Ted Morley introduced himself at this time. Mr. Morley is Chief Operations Officer at MPT, which is a private training and regulatory consulting company. He has been special advisor to a Congressional subcommittee on domestic compliance with maritime law.

**V. Waterway Crime & Boating Safety Report / Fire Department Report**

Sergeant Todd Mills of the Marine Unit reported the following activity:

- 4 citations
- 46 warnings
- 29 safety inspections
- 5 accidents
- 7 incidents, including burglaries

Sgt. Mills continued that two boating fatalities also occurred during the month of May, and the United States Coast Guard is overseeing the investigation into a sailboat fire that occurred earlier today, to which the Marine Unit also responded.

Sgt. Mills characterized the recent Air Show as a success, with several boats in attendance.

Division Chief Stewart Ahearn of the Fort Lauderdale Fire Department reported the following activity:

- 30 calls for fire boats, 18 of which were distress calls
- 1 capsized vessel
- 2 drownings
- 4 vessel accidents

The new fire boat has been launched and will begin two weeks of sea trials on June 12, 2017. Once these trials are completed, representatives of the Fire Department will accept the vessel, which is expected to be christened in July. The Department anticipates at least one month of in-service training for crews.

The current front line fire boat remains out of service, and the Department is continuing to use its Boston Whaler. Division Chief Ahearn estimated that within the next two weeks, the vessel with fire pump capabilities will be returned to service.

The Fire Department has recently met with the City's Budget Advisory Board (BAB) to discuss the staffing of the new fire boat when it arrives. The BAB is supportive of the peak hour staffing presented to them, which would begin on October 1, 2017. This proposed staffing will advance to the City Commission for final approval. The BAB has encouraged the Fire Department to explore potential avenues into 24-hour staffing, although a funding source for this level of staffing has not yet been identified.

Mr. Berry commented that the Sunrise Key Improvement District recently met and discussed that large vessels with twin engines have become more and more involved in water sports activities. These vessels can create significant wakes. Sgt. Mills requested that these vessels be reported using the Broward Sheriff's Office (BSO) non-emergency phone number, 764-4357 (764-HELP). He added that the Marine Unit is working with local Jet Ski vendors to ensure that their customers are aware of regulations.

Chair Guardabassi recalled that at the Board's April 2017 meeting, members of the public asked direct questions of the Board members, which is a violation of Florida's Sunshine Law. Board members are also prohibited by the Sunshine Law from discussing Board business with one another outside meetings. He requested that all members be cognizant of this law.

## **VI. Presentation – Canal Dredging Rate Study**

Mike Burton, representing Stantec, showed a PowerPoint presentation on the City's canal drainage project. Fort Lauderdale dredges all City-owned canals in seven-year cycles, which consist of two years of surveying and design followed by five years of construction.

A Canal Dredging Master Plan was developed in 2015 and is currently in the process of being updated to incorporate final costs. The Plan consists of assessing properties that front onto City-owned canals, based upon front footage of the properties, using information provided by Geographic Information Systems (GIS). One billing unit for this assessment consists of 5 linear ft.

There are approximately 57 miles of City-owned canals in Fort Lauderdale. Canals are classified as navigable or drainage. The cost of drainage canals may be borne by the Stormwater Fund. The Marine Advisory Board (MAB) has established a standard

dredge depth of 4 to 5 ft. below mean low water. Over 5200 parcels are located on navigable canals and benefit from access to these City-owned canals. Parcels that do not front onto City-owned canals would not be charged the assessment. Cost components of the revenue requirement include design, permitting, dredging, drying, and disposal.

Revenue recovery would be realized through a special assessment included on property tax bills when direct parcels have been identified as receiving a special benefit from the activities that are being assessed. The assessment must be apportioned in a rational and non-discriminatory manner.

The survey and review of City-owned canals every seven years is conducted to determine the dredging needs of these canals, followed by prioritization of those canals that require dredging. Mr. Burton noted that dredging includes the physical removal, drying, and disposal of dredge material. Disposal costs are higher if material is not properly dried. Between one half-acre and one acre will be necessary for drying.

There are significant year-to-year fluctuations in dredging program expenditures. Over time, the City will have more definitive knowledge related to the program's costs. Mr. Burton advised that after the first seven-year cycle, the cost of the next cycle can be expected to decrease, as the canals will begin the process in better condition and require mostly maintenance.

Stantec recommends using a loan to fund the dredging process, which would be paid back through future revenue from the dredging program. This is expected to mitigate the high starting assessment rate. Because there is little history on which to base these projections, however, there is significant uncertainty regarding potential unforeseen costs. Near the end of the first seven-year cycle, the City is expected to review the process and adjust assessments accordingly.

Based upon the most current information, \$2.05 million in annual revenue is expected to be necessary to support the first seven years of the dredging program. The proposed loan would be used to "smooth out" operating expenditures. Material expenditures may include seagrass mitigation costs, disposal cost changes, dredging volume and method, and specific characteristics of different canals.

The Canal Dredging Master Plan is designed to begin dredging program without having to maintain a significant fund balance. For this reason, assessment rates must be sufficient to sustain the fund. The assessment method of cost recovery has been recommended to the City Commission, as local government may assess specific parcels that benefit from a particular activity in the community. Mr. Burton noted that fire and stormwater assessments also currently exist in five local municipalities.

A survey of several Florida communities that have undertaken dredging programs has been conducted. Fort Lauderdale's program is unique because it is City-wide and there

are significant differences between parcels with little canal frontage and parcels with significant frontage. Actual front footage onto Fort Lauderdale canals comes to 503,516 ft. The total adjusted front footage around each parcel, rounded down to the nearest 5 linear ft., is 492,120. This provides for 98,422 billing units against a revenue requirement of \$2.05 million. Corner lots have not yet been factored into the assessment discussion.

Mr. Burton showed a diagram of the distribution frequency of canals with front footage, noting that typical footage is between 65 ft. and 105 ft. Annual assessments for these properties would range between \$250,000/year and \$437,000/year. The City Commission will make the final decision regarding the level of support they feel is best for the program, as it is not feasible to operate a program of this nature from the General Fund.

Next steps include a public outreach meeting on June 12, 2017 to property owners who will potentially be affected by the assessment, at which a draft Ordinance and preliminary Resolution will be discussed. First class mailing notices are required for all properties that may receive an assessment. This mailing is required 20 calendar days prior to the hearing, which is scheduled for September 13, 2017.

The Board discussed the presentation, with Mr. Cain raising the issue of typical mooring at single-family homes as compared to Mediterranean-style mooring, which is more common for high-rise communities located on wider canals. He pointed out that the density of value to boaters is much higher in high-rise communities. Mr. Burton replied that based upon front footage, all assessed properties would have the ability to build a dock and own a boat, whether or not all such properties choose to do so.

Mr. Cain also asked how to assess the portion of residents who benefit from waterways but do not live on properties with City-owned canal frontage. Mr. Burton stated that it is not possible to assess the properties of non-Fort Lauderdale residents, or those residents who do not live on canals but use City waterways and boat ramps.

Mr. Cain suggested that the City consider enforcing usage fees related to boat ramps. Mr. Burton replied that this was not part of the scope required of the consultant. He suggested that if the Board felt this should also be taken into consideration, they could recommend this consideration as part of the process.

Mr. Holmes proposed that it would be sensible to assess properties according to the length of their seawalls, which is typically noted when an owner purchases a waterfront property. Mr. Strobel suggested that the assessment could be recovered through the use of fees associated with FL stickers on boats. Mr. Graves agreed that the assessment should be based upon the length of the property. Mr. Burton reiterated that the finding of benefit in this case is an owner's access to the waterway and the enhancement and preservation of the value of a property.

Mr. Batchelor noted that the City imposes a bed tax on certain commercial properties, and suggested a similar transient tax could be levied on commercial marinas to ensure the inclusion of boat owners who rent slips. Mr. Burton clarified that a tax and an assessment are two separate entities, as a tax is unrelated to benefit. The City may not institute certain taxes without authority from the State.

Mr. Cable asked if the proposed special assessment would include a sunset provision. Mr. Burton replied that the assessment would have to last for at least one seven-year cycle, after which time a decision could be made on whether to continue the assessment or allow it to sunset. He anticipated that it was likely the assessment would continue in order to maintain the canals.

Mr. Berry asked if there is a reason the canals are filling with material. Brandy Leighton, representing the City's Engineering Department, advised that there are multiple reasons for this, including boat traffic, drainage outfalls, and natural action from waves. She reiterated that drainage canals are separate from the proposed dredging program, and added that many of the City's canals are dead ends, which means that many of the people who use them reside in the surrounding neighborhood.

Mr. Berry also asked if residents along canals that are currently deeper than the prescribed depth would be assessed for dredging. Mr. Burton stated that all waterfront properties would be assessed, as the process is City-wide rather than canal by canal. Ms. Leighton noted that the center third of the canal's navigable waterway would be dredged to four to five feet below the mean low waterline, followed by some dredging of the slope.

Mr. Cable asked if the City has undertaken a comprehensive dredging program in the past. Ms. Leighton explained that while the City has dredged on an ad hoc basis in the past, the proposed program would address all waterfront neighborhoods based upon their needs. If a canal is not in need of dredging, it will not be dredged during the first seven-year cycle of the program. It will be re-surveyed at a later date to determine if dredging is necessary. In the past, sporadic dredging was paid for using the City's General Fund.

Mr. Cain asked if the areas proposed for drying dredged material are waterfront locations. Kyle Stevens of Stantec clarified that these areas are not waterfront properties but are located on land zoned for heavy industrial use. Once dried, material would be hauled by trucks to a landfill. The City is currently considering multiple options for drying.

Mr. Morley asked if there is a metric in place to show how many of the City's 51 miles of canals are currently in need of dredging. Ms. Leighton replied that the entire network of City canals has been surveyed, and it was determined that approximately 14 miles of canals needed to be dredged.

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

Geoff Rames, Chairman of the Lauderdale Isles Water Management District, recalled that when the proposed program was first presented to the City Commission in April 2017, the suggested assessment for his property was significantly lower than the current estimate. Mr. Burton explained that cost estimates have risen since the original meeting, as the City has determined that dredging would have to remove more volume than originally anticipated. Seagrass will also have to be surveyed, which would add to the cost. The first proposed bank loan would be \$13 million, which would decrease over subsequent seven-year cycles.

Mr. Rames asked if property owners living on non-City-owned canals would be assessed or if these canals would be included in the program. Mr. Burton clarified that the City does not have the right to dredge canals it does not own; however, there has been discussion of allowing residents of non-City-owned canals to opt into the program if they would like their canals to be dredged.

Tyler Chappell, private citizen, asked if the funds generated by the proposed assessment would be placed in the General Fund or if they would go into a separate fund. Mr. Burton stated that the fund for dredging would be separate. Mr. Chappell added that the current dredging depth of (-5), which was established by the Marine Advisory Board, is no longer sufficient for many boaters who live on the City's isles.

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

Mr. Cuba stated that the last time the Board addressed dredging through a communication to the City Commission, they referred only to dredge depth and did not include a recommendation regarding the funding of a program. Ms. Leighton advised that if canals are dredged to a greater depth, program costs would increase. She pointed out that the intent is to address most of the City's dredging needs during the first seven-year cycle of the program.

The Board members discussed potential action that could be taken, including a communication to the City Commission regarding the proposed program. Mr. Strobel stated that he felt the program should be studied further and additional considerations should be taken into account, including the existing burdens on waterfront property owners. He also noted that there may be differences between owners of mega-yachts and owners of smaller vessels.

**Motion** made by Mr. Strobel, seconded by Mr. Berry, that more thought needs to be put into how [the proposed dredging program] is equitable, and other funding sources need to be looked into as an alternative to this [program] that is more equitable for everyone in the County who uses this waterway.

Mr. Strobel suggested that funding for a dredging program could come from the taxes already being paid by waterfront property owners, or from the City's General Fund. It was also stated that waterfront property owners already pay a larger amount per person for their properties. Mr. Cain proposed that only the properties located along canals in need of dredging be charged the assessment. It was suggested that the City's canals be considered "wet streets."

Mr. Welch pointed out that while some canals may not currently require dredging, it has been an issue regularly discussed by the Board during his tenure. He recalled that most Board members had agreed in the past that sporadic dredging was insufficient, and that dredging should be deeper.

Ms. Reese noted that dredging is never a top priority for use of monies from the General Fund, as these funds are more typically used for bridges and streets. Under the City's current tax structure, the General Fund includes roughly \$8 million per year. Mr. Burton added that opinions are likely to differ from one canal to the next regarding whether or not a specific canal is in need of dredging.

The **motion** was restated as follows: **motion** made by Mr. Strobel, seconded by Mr. Berry, that more investigation needs to be done on the equitability of this proposal, possibly looking into other funding sources, with thought put into the fact that the waterfront homeowners already pay substantially more property taxes than their non-waterfront neighbors. In a voice vote, the **motion** passed unanimously.

It was determined that the **motion** would be sent as a communication to the City Commission.

The following Items were taken out of order on the Agenda.

**XII. Waiver of Limitations – Daniel Middleton & Carol Wechsler / 2541 NE 22 Terrace**

Bill Hammel, representing the Applicant, stated that the request is for a dock and boat lift behind a residential home. There is also a floating dock on the property, which is used by paddleboarders and canoers.

While a seawall is usually in place behind a house and distance is measured from the property line to the furthest piling, in this case the property line extends further inland than is typical. The seawall is constructed from rocks rather than concrete. For these reasons, the distance from the property line to the pilings requires a waiver, as it is less than 25 ft. The waterway at the subject location is very wide.



Mr. Cuba observed that there are five separate measurements of the requested distance, with the maximum being 13.92 ft. beyond what is allowed by Code. No feedback from neighboring properties was received.

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

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

## **VII. Waiver of Limitations – Walter Cassell / 333 Sunset Drive**

Tyler Chappell, representing the Applicant, recalled that a previous request came before the Board for an adjacent property to the east at 353 Sunset Drive. The request for 333 Sunset Drive would add finger piers to an existing marginal dock. He showed a PowerPoint presentation, noting that the existing dock currently includes 12 slips. On the south side, the maximum vessel size allowed would be 50 ft.

The proposed layout has been slightly revised to occupy a smaller footprint. All areas shown are encompassed within the property's submerged land lease. There are 27 waiver requests for 13 mooring piles, 13 finger piers, and one floating dock, ranging from 12 ft. to 36.7 ft. Extraordinary circumstances include failure to receive 30% of the waterway, which is over 300 ft. wide. Perpendicular docking will allow for safer mooring during high wind events. The Applicant has received three letters of support from surrounding neighbors.

Mr. Chappell clarified that there will be a total of 22 slips on the property. There are no pilings outside the finger piers. Only boats that are 30 ft. to 50 ft. in length may dock at the facility. The property is owned by a condominium association, and slips will be rented only to unit owners.

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

Grace Fang, private citizen, stated that she serves on the board of the nearby Riviera Towers condominium. She was supportive of the projects at both 333 and 353 Sunset Drive.

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

Mr. Berry asked if the subject property would require any additional dredging. Mr. Chappell replied that while the property at 353 Sunset Drive would need dredging, the property at 333 would not.

**Motion** made by Mr. Cain, seconded by Vice Chair Henderson, to approve. In a voice vote, the **motion** passed unanimously.

### **VIII. Waiver of Limitations – Rose Lovell / 1909 SE 21 Avenue**

Mr. Chappell, representing the Applicant, showed a PowerPoint presentation to the Board, stating that there is an existing dock, riprap, and piles at the subject property. The Applicant has received authorizations from the Florida Department of Environmental Protection (FDEP) as well as Broward County for both dredging and dock structures. The proposed layout will include two finger piers, one off the existing deck and another off the seawall, as well as triple pile clusters, a proposed slip, and a boat lift. Dredging would occur to a depth of (-7) ft.

The distance from the northern piles to the legal Intracoastal Waterway channel is 241 ft. The property requests wood pile clusters at distances of 45 ft. and 41 ft. beyond the 25 ft. allowed by Code. Piers would be 7 ft. and 10.5 ft. past this distance. The requests reflect the extraordinary width of the waterway at the subject location. Dredging is necessary due to the amount of alluvial sand coming into the port.

Mr. Chappell produced copies of existing waivers granted in the surrounding area, concluding that three adjacent property owners have provided letters of support. The Applicant plans to dock a 150 ft. vessel at the location. The width of the Intracoastal Waterway channel in the subject area is 125 ft.

Mr. Berry requested additional information on the depth of the shoal in the subject area. Mr. Chappell replied that this depth varies between 3 ft. and 5 ft. He further clarified that the 241 ft. distance represents 30% of the waterway.

Mr. Cain asked if the property owner has any other waterfront properties at which similar methods are used for docking large vessels. Mr. Chappell confirmed that the owner does not own other such properties. The 150 ft. boat is intended to be for personal use. It was noted that the City requires reflective tape on pilings as a standard condition, although an owner may use blinking or flashing lights instead.

Mr. Welch requested clarification of the measurement of wood piles from the property line. Mr. Chappell explained that the piles are located 66 ft. to 68 ft. from this line, which, unlike the seawall at this location, is located within the water. Mr. Cuba confirmed that Code requires measurement from the property line rather than from the wet face of the seawall.

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

Robert Linder, representing the Harbor Inlet Association's Board of Directors, stated that this Association has concerns regarding two Applications before the Board at tonight's meeting. He asserted that both proposed piers would intrude into the port entrance by 100 ft.

Mr. Linder continued that the Harbor Inlet Association consists of 225 houses, which he characterized as being besieged by vacation rentals. Five key commercial structures are under construction in the subject area within the next five years, which he felt would further disrupt and constrict the infrastructure of the neighborhood. He concluded that the proposed waivers pose safety, aesthetic, and construction concerns.

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

It was clarified that the waiver requested in Item VIII exceeds previous waivers in the area by approximately 5 ft. Mr. Batchelor observed that the letters of support provided by homeowners in the subject area may be from owners who hope to make similar waiver requests in the future. Mr. Chappell advised that the 25 ft. distance allowed by Code is measured from the property line, while the alternative 30% distance is measured from the wet face of the seawall.

Chair Guardabassi requested clarification of the extraordinary circumstance related to the Application. Mr. Chappell replied that this includes insufficient depth or distance to moor the vessel, pointing out that sand buildup in the area shifts and changes.

It was noted that Mr. Brisson left the meeting prior to a vote.

**Motion** made by Mr. Cain, seconded by Mr. Batchelor, to approve, with the condition that flashing lights will be installed on the outermost dolphin pilings and docks, hardwired. In a roll call vote, the **motion** failed 5-6 (Chair Guardabassi, Mr. Cable, Mr. Graves, Mr. Holmes, Mr. Morley, and Mr. Strobel dissenting).

#### **X. Waiver of Limitations – Donald Sussman / 5 Harborage Isle**

Mr. Cuba explained that this Item was presented and recommended for approval at the Board's April 2017 meeting with an address of 3 Harborage Isle; however, the correct address is 5 Harborage Isle.

**Motion** made by Mr. Strobel, seconded by Mr. Cain, to accept the address change. In a voice vote, the **motion** passed unanimously.

#### **XI. Waiver of Limitations – Deborah Snyder / 2009 SE 21 Avenue**

Mr. Chappell, representing the Applicant, showed a PowerPoint presentation to the Board, stating that the proposal is for a dock with two boat lifts. One lift holds 10,000

lbs. and the other holds 20,000 lbs. The total distance of the dock from the seawall is 80 ft., and the edge of the dock is 190 ft. from the edge of the channel. The property line is located at the seawall.

Extraordinary circumstances include use of less than 30% of the channel width, safety of vessels in a wake zone, and movement of sand at the subject location. Letters of support from other property owners on 21 Avenue were provided.

Chair Guardabassi asked if the outside lift on the west end of the dock could be placed just south of the inside lift on the south side of the dock. Mr. Chappell replied that while the Applicant had considered this placement, the site was determined to be too shallow. He reviewed an aerial view of the project with the Board members.

Mr. Welch commented that some of the requested space appeared to be a sun deck rather than a dock. Mr. Strobel added that the scope of the project seemed comparatively large in comparison to nearby properties.

Mr. Chappell suggested that the Application could be deferred to a later date. Mr. Cuba noted that a subsequent Application for the same property must be substantively different in order to trigger a second review.

Deborah Snyder, Applicant, stated that she hopes to dock a 32 ft. boat at the subject site. She clarified that she did not need a second boat lift, although she hopes to construct the sun deck.

Mr. Berry asked what might be included in a reconfigured Application. Mr. Chappell acknowledged the Board's concerns regarding the size of the proposed structure, and advised that water depth is an issue at the subject site. He added that the Army Corps of Engineers and Port Everglades share ownership rights on the subject waterway; for this reason, there would not be dredging for a specific property owner in the absence of a navigational issue.

Christopher Mafera, also representing the Applicant, explained that the distance of the proposed structures is related to the depth of the water. He pointed out that the location of the dock structure would keep boats from coming close to the shoreline, which could pose a threat to manatees.

The Board took a brief recess from 8:43 p.m. to 8:50 p.m.

#### **IX. Waiver of Limitations – Leonardo Guillermo Coll Mazzei / Adagio Fort Lauderdale / 435 Bayshore Drive**

Mr. Chappell, representing the Applicant, showed a PowerPoint presentation to the Board, stating that existing conditions include a submerged land lease, four slips, and a marginal dock. He explained that the original design submitted with the Application is

not the design before the Board for approval, as plans were revised following discussions with adjacent property owners. The footprint of the project was reduced and setbacks were increased at the request of these owners, who provided the Applicant with letters of support.

Mr. Chappell reviewed the original design presented to neighboring properties in January 2016. The Applicant had requested through letters of concurrence that the project not be required to meet the 25 ft. setback of riparian lines. When both adjacent neighbors did not agree, the project was revised accordingly. Side setbacks were increased from 10 ft. to 25 ft.

Mr. Chappell continued that when notice of the Application was posted, representatives of neighboring property owners contacted the City in opposition to the project. The Applicant met with these owners on May 2, 2017, and discussed their concerns and potential design options. The project still has six slips, two of which were reduced from 50 ft. to 40 ft. Outside finger piers were reduced from 30 ft. to 20 ft. He showed the layout presented for approval, which increases the setbacks from 25 ft. to 30 ft. on both sides and an opening from 25 ft. to 21 ft.

A waiver of 36 ft. is requested in order to place mooring piles at 61 ft. from the property line. Another distance waiver requests that four finger piers be placed at 28 ft. from the property line, and waivers are requested for the placement of additional pilings from 47 ft. to 33.6 ft. Permits will need to be re-issued for the modified project design. Vessels may not extend past the outer piles.

Mr. Batchelor expressed concern with a blind turn in a high speed zone, as the project would push boat traffic further out into the waterway. Mr. Holmes added that residents of the nearby Surf Club also shared their concerns with the Board, including visibility. Mr. Chappell clarified that the Board Presidents of the two adjacent condominium associations provided the letters of support for the project.

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

Abby Laughlin, private citizen, stated that she is a resident of Surf Club and is supportive of the project. She noted that the area's only non-No Wake Zone, where water sports are allowed, is located between channel markers 3 and 5. She felt the proposed project would change the character of the area.

James Potocki, private citizen, advised that he is also a resident of Surf Club. He felt Ms. Laughlin's comments were representative of the opinions of most owners within the community, and pointed out that the Applicant made concessions to the project's neighbors that resulted in support for the project.

Robert Amis, private citizen, stated that he owns properties at both Bayshore Towers and Surf Club. He observed that he has counted up to 28 boats at one time in front of his unit, and confirmed that many boats hug the shore in this area, including mega-yachts, small boats, kayaks, paddleboards, and the Water Taxi. He urged the Board to consider that the subject area experiences high waterway traffic and congestion, particularly during holidays and the Fort Lauderdale International Boat Show. His primary concern was for safety and navigation.

Andy Ziffer, private citizen, explained that his real estate company represents sales to Adagio Fort Lauderdale. He agreed that there is a good deal of waterway activity on busy days, which helps to promote the area as a residential location. He showed photographs of boats in the subject location, asserting that it is not common for vessels to hug the seawall.

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

Mr. Chappell stated that the proposed design is intended to provide mooring for 50 ft. boats and is based on the location of the navigable channel and the movement of waterway traffic. He advised that boats making the turn near the subject location are consistent with the wider portion of the body of water, rather than with the channel.

Mr. Welch noted that the zone near the project limits vessels to 25 miles per hour or less. Mr. Cuba confirmed that the area is not identified with water sports. It was noted that the area in question requires idle speed at all times.

**Motion** made by Mr. Strobel, seconded by Vice Chair Henderson, to pass, but with [a requirement of] lights. In a roll call vote, the **motion** passed 8-3 (Chair Guardabassi, Mr. Batchelor, and Mr. Holmes dissenting).

### **XIII. Reports**

Mr. Cuba reported that an application that came before the Board for properties at 343 and 353 Sunset Drive has been approved by the City Commission.

### **XIV. Old / New Business**

It was decided that Staff would look into the possibility of an alternate date for the next meeting, which is currently scheduled for July 6, 2017, in order to ensure that most members would be present.

Vice Chair Henderson requested an update on the communication to the City Commission from the May 4, 2017 meeting, which addressed Code enforcement of waterway cleanup. Mr. Cuba replied that he would look further into this response, which

he anticipated would be included on the City Commission Agenda at their June 6, 2017 meeting.

Mr. Cable requested additional information regarding the replacement of the 3<sup>rd</sup> Avenue Bridge. Chair Guardabassi stated that the procedure regarding notice for bridge closures will be amended in order to provide 60 days' notice. It was also noted that City Manager has added a procedure to ensure that all bridge closure events provide a letter from the United States Coast Guard prior to receiving City Commission approval.

Mr. Berry advised that a one-year trial period, which allowed mooring during daylight hours only in the Middle River, was scheduled to sunset on July 1, 2017; however, the State Legislature has passed permanent legislation that will prohibit overnight mooring. The legislation is awaiting signature by the Governor.

## **XV. Adjournment**

There being no further business to come before the Board at this time, the meeting was adjourned at 9:25 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

[Minutes prepared by K. McGuire, Prototype, Inc.]