

**MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
COMMISSION CONFERENCE ROOM – EIGHTH FLOOR
FORT LAUDERDALE, FLORIDA
THURSDAY, MAY 3, 2018 – 6:00 P.M.**

<u>Board Members</u>	<i>Attendance</i>	Cumulative Attendance May 2018 - April 2019	
		<u>Present</u>	<u>Absent</u>
F. St. George Guardabassi , Chair	P	1	0
Grant Henderson, Vice Chair	P	1	0
Jimi Batchelor	P	1	0
Cliff Berry II	P	1	0
Zane Brisson	A	0	1
George Cable	A	0	1
Susan Engle	P	1	0
Richard Graves	P	1	0
Ted Morley	A	0	1
Roy Sea	P	1	0
Ed Strobel	P	1	0
Randy Sweers	P	1	0
Bill Walker	P	1	0
Jim Welch	P	1	0

As of this date, there are 14 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
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. Call to Order / Roll Call

Chair Guardabassi called the meeting to order at 6:01 p.m. and roll was called.

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

III. Statement of Quorum

It was noted a quorum was present at the meeting.

IV. Introduction of New Member – Randy Sweers

New Board member Randy Sweers introduced himself at this time.

V. Marine Advisory Board Elections

• Chair

Motion made by Mr. Strobel, seconded by Mr. Berry, to keep St. George Guardabassi as Chair. In a voice vote, Chair Guardabassi was unanimously re-elected.

• Vice Chair

Motion made by Mr. Welch, seconded by Mr. Walker, that Grant [Henderson] stay on as Vice Chair. In a voice vote, Vice Chair Henderson was unanimously re-elected.

VII. Discussion – USCG / New River Bridge Crossing / Commander Brad Clare

Commander Brad Clare of the United States Coast Guard addressed the Board at this time. He is the Prevention Department Head at Sector Miami and manages the Waterways Division, which oversees the New River. He advised that the actual management and permitting of the New River Bridge, however, resides with the Coast Guard's District, or regional office, which is also in Miami. He offered to respond to any questions the Board might have.

Chair Guardabassi asked what recourse boaters have when the New River Bridge remains down for more than 60 minutes in a 120-minute period. Mr. Strobel asserted that keeping the bridge in the down position contributes to hazardous navigation conditions, as several boats and yachts gather to wait for the bridge to go up.

Commander Clare replied that this is one reason the Coast Guard has settled on a regulation for a tender to remain at the bridge in order to ensure regulations are followed. The Coast Guard has met with representatives of the FEC Railroad, which owns the bridge. The FEC and Brightline have created a new dispatch company that is intended to better manage the time frames in which the trains run, as the Coast Guard does not see the trains' schedules. In the event that the 60-minute time frame is exceeded, they may open an investigation as well as potential enforcement action.

Mr. Strobel reiterated that even when the bridge is operating within the 60-minute time frame, the result is hazardous conditions on the waterway. He suggested that a mobile

app showing when trains are coming would allow boaters to avoid the bridge during those times. Commander Clare advised that he has communicated with the railroad companies, which feel there are specific times during which the bridge tender is not responsive because he does not have full information. He noted that boaters may contact the Coast Guard, which will communicate with the tender to determine what is happening. He emphasized that a mobile app is not a requirement from the Coast Guard's standpoint, as there is a bridge tender present.

Mr. Strobel asked how far in advance the bridge tender is informed of the trains' schedule. Commander Clare replied that the tender is expected to communicate with waterway users, who may reach out to the tender to find when the next train is expected. He pointed out that the bridge is typically in the up position for more than 60 of 120 minutes when there is no train approaching.

Chair Guardabassi asked how the average boater notifies the authorities if the bridge is down for more than 60 minutes. He suggested that a sign be posted on both sides of the bridge to provide a number that boaters may call. Commander Clare agreed that signage may be a solution, reiterating that the District manages the bridges and conducts investigations.

Mr. Walker asked how log books maintained by the tender are monitored. Commander Clare advised that if an investigation occurs, the Coast Guard requests the bridge logs; however, not every violation will result in a fine. He pointed out that there are periods of scheduled maintenance for which FEC requests approval from the Coast Guard, and the Coast Guard reaches out to marine industries to determine the impact of this maintenance at a particular time.

Chair Guardabassi asked if a camera placed near the bridge by the Marine Industries Association of South Florida (MIASF) is considered proof of a violation. Commander Clare confirmed this, adding that bridge logs and statements from captains or other individuals are also considered evidence. The District's phone number for reporting is (305) 415-6755. Jen Zucker is the primary contact at the District for issues dealing with the New River Bridge. After-hours reporting can be made using (305) 535-4472. He concluded that if the Board members do not have accurate contact information, he would encourage FEC to provide it. It is FEC's responsibility to look into any reports of an unresponsive tender.

VI. Waterway Crime & Boating Safety Report / Fire Department Report

Division Chief Stewart Ahearn of the Fort Lauderdale Fire Department reported the following activity from April 2018:

- 24 calls, 14 of which were distress calls
- 4 medical emergencies
- 2 fires
- 2 surface rescues

- 1 boating accident
- 1 HAZMAT call

Division Chief Ahearn continued that May 2018 is when the Fire Department appears before the City's Budget Advisory Board. He advised that top priorities include moving away from adaptive response and securing peak hour staff, which means four personnel on the fire boat from 9 a.m. to 9 p.m. Over 80% of calls on the water occur during this 12-hour time frame. Having a boat on the water removes approximately 15 minutes from the Department's response times.

Sergeant Todd Mills of the Marine Unit reported the following activity for the month of April 2018:

- 27 citations
- 129 warnings
- 66 safety inspections
- 9 vessel accidents
- 5 incidents, including vessel burglaries

Sgt. Mills continued that the Air Show is scheduled for the coming weekend. He showed an aerial view of the flight box and boundaries designated for this event. Markers will be placed to show these areas. The no-anchoring zone is larger than it was the previous year due to reef conditions. There will be 19 Police boats, with one boat stationed every half-mile. Paddleboards will not be allowed, although swimming will be permitted. Coast Guard vessels will be available on call, but the Coast Guard Auxiliary has not been asked to assist with the event.

II. Approval of Minutes – April 5, 2018

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

VIII. Presentation – South Fork Marina – Dan Fee

Colby Cooper, representing the South Fork Marina, introduced members of the team assembled to oversee this project, which will be constructed adjacent to the Shady Banks neighborhood. His group has served as a passive investor in the past, but recently determined to buy out the former investment group and take a more active role in the South Fork Marina project. The Development Review Committee (DRC) process is currently underway.

Mr. Cooper continued that since the previous year, the investment group has met with City Staff, the Mayor, the Commissioners, the River Oaks Civic Association, and the Shady Banks Marine Committee to perform due diligence for the proposed project. The intent is to complement the yachting industry in Fort Lauderdale and play a role in supply and demand for mega-yachts.

The South Fork Marina will be a 34-slip mega-yacht marina with 3940 linear ft. of salable dockage space, including floating docks with power, water, pump-out, and fire facilities. It will have a 1500 sq. ft. Dockmaster and clubhouse office, as well as one storage building with 16 bays. The facility is intended to be a non-heavy service marina that will address the demand for mega-yacht slips in Fort Lauderdale and the greater tri-county area.

Changes from previous models of facilities at the subject location include a reduced footprint, with no plans for sheds, reduced fixed docks, and no usage of residential lots on the northeast tip of the property. The size of the clubhouse and the number of storage facilities have been reduced. These changes are due to the planning principle of neighborhood compatibility. The City requested that light, view, and air be maintained in the facility, and the Shady Banks neighborhood expressed their preferences and concerns as well. The residential lots on the property will be either lived in by marina personnel or rented to long-term tenants. The investors also plan to add a gravity sewer line to extend the length of SW 17th Street.

Mr. Cooper concluded that the facility can accommodate boats of up to 155 ft. in length. Permits are authorized to accept up to 55 boats, although the investors' intention is to accept 34 boats. They plan to meet once more with the Shady Banks neighborhood to fully brief them on the project, and will seek approval from the Planning and Zoning Board in the future.

Stephanie Toothaker, also representing South Fork Marina, stated that the project's site plan has been submitted to the DRC, which made significant changes to the project that will benefit both the neighborhood and the marina itself. When the project previously came before the Marine Advisory Board (MAB), the Board issued a number of conditions, which no longer apply to the project due to the changes. They plan to offer voluntary restrictions as part of the project's site plan and request that the MAB waive the prior conditions imposed.

Mr. Welch asked if the marina is intended to be a rental project. Mr. Cooper replied that all slips will be available for short- or long-term rentals by lease. He reviewed some of the voluntary changes offered by the investors, including a requirement of only three boats per slip, access to only mid-sized fuel trucks, and hours of operation. The conditions requested by the MAB at its May 4, 2017 meeting were provided to the Board members. Ms. Toothaker reiterated that the site plan upon which previous conditions were imposed is significantly different from the current site plan.

Chair Guardabassi expressed concern with erosion on the west side of the canal. Mr. Cooper advised that residential zoning will be maintained on the northeast tip of the property. The riprap seawall extending into the canal will be pulled back to the original property line and will serve as a regular seawall cap, with wooden piles around the

residential component. This improvement was offered at the request of the neighborhood. It is a separate project from the site plan approval.

Ms. Toothaker advised that the group is not requesting any waivers at this time that would require MAB approval. The presentation is intended to be an informational item. Mr. Cuba stated that the only way to go through the waiver process would be to come back before the Board at a later time to present some of the conditions with which the site plan will voluntarily comply.

It was noted that the first original condition approved by the Board at an earlier date is one item with which the group may not be able to comply. This condition states that dockage for large vessel storage may not exceed the specified number of 26 slips with 500 linear ft. of marginal mooring facility, with required parking to accommodate lot demand and prevent overspill into the adjacent area.

Motion made by Mr. Strobel, seconded by Vice Chair Henderson, to rescind that [condition].

It was noted that the number of slips would be changed from 26 to 34 according to the current plans. The parking area will contain 48 spaces, two of which are Americans with Disabilities Act (ADA) compliant, as well as 10 bicycle racks. This exceeds minimum Code requirements for a marina. An updated traffic statement has been provided to neighbors of the property, showing that a full traffic study is not required.

Mr. Strobel recalled that the original plan included enclosed slips, which would affect the neighbors' views. There were also plans for marginal docks near the seawall, which the Board did not feel should be used for dockage and the neighbors did not want to see. The property is residentially zoned. A soil management plan and deed restriction will be in place to monitor contamination. Updated applications have been submitted to the appropriate regulatory entities.

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

Barbara Haggerty, private citizen, commented that the plans for the site reflect three boats to a slip rather than two. Mr. Colby replied that the plans authorize 50 boats in any configuration. He recalled that at a neighborhood meeting, the team was asked to agree to a limitation of the number of boats allowed in a slip. Their proposal was for a maximum of three boats per slip: if a slip can accommodate 150 ft., this would mean up to three 50 ft. boats could be docked there.

Ms. Haggerty also observed that a small area to the south may require rezoning. Mr. Colby explained that this area had needed to be rezoned because it includes a pool and cabana; however, because its usage no longer includes these amenities, it is a nonconforming use, which would require a conditional use permit. Ms. Haggerty noted

that heavy fuel trucks have been an issue in the past in the surrounding neighborhood due to a narrow entrance and streets.

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.

Chair Guardabassi clarified that the earlier **motion** was intended to eliminate condition #1, which limited the number of slips to 26, from the list of 14 conditions previously required by the MAB. Ms. Engle pointed out, however, that not all items in the new layout and plan for the site would be related to the Board's purview. Mr. Cuba stated that his original understanding was that today's Agenda Item would be a presentation only and not an Item requiring endorsement. Chair Guardabassi reiterated that the group is only asking the Board to rescind the first condition on the list.

Ms. Engle asked if the submerged land lease restricts the bows of boats to within this area. Dan Fee, also representing South Fork Marina, replied that this was his understanding. It was clarified that the marina may dredge an area to the slip line.

Mr. Cuba asked if the group would be willing to return before the Board at next month's meeting in order to clear up any confusion. It was clarified that the marina representatives were satisfied with the above **motion**. Chair Guardabassi noted that the Board did not currently feel there was sufficient information to pass a Resolution endorsing the amended plans.

In a voice vote, the **motion** passed unanimously.

IX. Dock Permit – Olas Capital LLC & James D. Wilson / 341 Idlewild Drive & 333 Poinciana Drive (REVISED)

Courtney Crush, representing the Applicant, explained that the request was originally presented to the Board by two property owners on October 5, 2017. The two properties are double lots and are located on a corner. The shared 2017 application was submitted because of the curve in the shoreline.

Ms. Crush continued that when the application was originally presented, the Applicants requested additional time to work with a nearby property owner to the north. Since that time, the property located to the north has changed hands. Due to the curved shoreline, the riparian rights to the properties overlap. The length of the proposed docks has been reduced from 40 ft. to 25 ft., which means the Application is for a dock permit rather than for a dock waiver. The width of the docks has been reduced from 5 ft. to 4 ft., and the proposed dolphin piles have been removed from the Application.

One request from the northern property is for a 5 ft. setback from that property owner's extended riparian line. The neighbor has also requested that there be no dockage on the north side of the proposed northern dock. Another requested condition is the

limitation of any future dock waiver to within 25 ft. without the express consent of the neighbor.

Ms. Crush advised that the Applicant has attempted to remain in contact with the nearby Marine Towers condominium to the north, which has expressed some general concern regarding the Application; however, the Applicant's priority was to focus on the wishes of more immediate neighbors, including the property owner to the north.

Vice Chair Henderson asked to know the distance between the two proposed docks. Ms. Crush replied that they are 36 ft. apart at the base. One of the Applicants owns one boat and the other Applicant owns two boats. She added that a graphic submitted to the Board by a neighboring property owner appears to be the same as the graphic for the 40 ft. docks proposed in October 2017, with additional sketches of two boats.

Mr. Strobel asked if a maximum length per vessel has been proposed. Ms. Crush replied that there has been no discussion of restricting the length of vessels thus far. It was noted once more that the current request is for 25 ft. docks instead of 40 ft. The distance between the two docks was adjusted as well.

Mr. Walker asked where the riparian rights meet for the two Applicants. Ms. Crush responded that this has not been made clear, even following discussions with the City Attorney's Office and Zoning Department and review of historical records before the existing docks were permitted. Some of the docks constructed on the curve were believed to have been built in the 1960s. The Application will go before the Board of Adjustment, as it is not clear whether the Applicants are requesting a setback waiver due to riparian rights.

Mr. Sweers asked if the Applicants are willing to limit the size or length of boats to be docked. Ms. Crush advised she would need to consult with her client to determine this.

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

Kim Hackett, Applicant, stated that the property at 333 Poinciana Drive has always been a dry lot, with no discussion of riparian rights or a dock. He added that he is agreeing to the proposed solution as a good neighbor.

Brian Gottlieb, private citizen, advised that he represents the owner of 329 Poinciana Drive. The owner has no objections to the conditions proposed by the Applicants. There has been no discussion of restricting the length of boats at the docks by his client.

Mike Evangelisti, private citizen, noted that he lives at 3349 Idlewyld Drive. He asserted that he objects to the proposed dock configuration, as the proposal would demolish one existing dock and replace it with a dock including two finger piers and three boat slips.

One slip would be located just west of his own dock and would make navigation more difficult for him.

Mr. Evangelisti continued that another issue is that one property appears to be for sale. He felt the proposed configuration would result in a financial benefit to the developer while causing a financial loss to himself due to the diminished use of his dock. He characterized the proposed configuration as a "mini-marina."

Mr. Sweers asked if Mr. Evangelisti would be more amenable to the proposal if the property owner to the south eliminated the allowance of a boat on that side or limited the size of the boat. Mr. Evangelisti explained that he would have to look into how this would affect his property.

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.

Ms. Crush addressed the earlier question regarding limitation of the size of boats permitted at one of the docks. She advised that the Applicant was willing to restrict the maximum boat length to 35 ft.

Mr. Sweers asked if the Applicants would entertain vacating the slip located to the south to accommodate Mr. Evangelisti's dock. Ms. Crush replied that the proposed dock location is 28 ft. from Mr. Evangelisti's T-dock, which the Applicants feel is sufficient room for navigation.

Ms. Engle pointed out that if Mr. Evangelisti cannot navigate from his dock, his only option would be to extend his own dock further so it is parallel with the proposed southern dock, which would affect the Applicants' access with a third boat. Mr. Sea added that he felt it is incompatible to have bow-in docks next to T-docks due to navigation concerns.

Chair Guardabassi asked if the Applicants have considered constructing one larger dock that is 10 ft. wide, which would provide more room to neighbors and still accommodate two boats. Mr. Strobel also asked if the Applicants have considered building a dock like theirs for the neighboring property. Mr. Hackett replied that they have suggested this, as well as the possibility of cutting off one side of the T of the T-dock at their own expense. He pointed out, however, that he owns two lots and the City has approved the construction of two houses, with a boat slip for each house. He reviewed the plans for the site, asserting that everything possible has been done to move the slip away from Mr. Evangelisti's property.

Mr. Evangelisti stated that if the Applicants constructed a new dock for him with the same configuration as theirs, this would affect his neighbors to the south, whose navigation would be affected in turn.

Ms. Crush asked if Mr. Evangelisti would be willing to consider having the Applicants construct a new dock on his property. Mr. Evangelisti replied that he felt the Applicants were willing to be neighborly to a resident to the north but were not willing to extend him the same courtesy. Ms. Crush advised that this was reflected by providing greater distance between the Applicants' proposed docks and Mr. Evangelisti's T-dock. She stated the Applicants were willing to continue to discuss what might be acceptable to all parties. The Board members, Ms. Crush, and Mr. Evangelisti discussed the proportions and specifications of docks and boat lifts on adjacent properties.

Mr. Cuba clarified that the request is for a dock permit for private usage of public property, which means the Board of Adjustment must also review the Application to ensure it is possible to operate within the proposed setbacks. The Board's responsibility is to determine whether or not the plan meets their navigational scrutiny. Ms. Crush added that the Applicant is not requesting anything other than the standard requirements for a dock. She reiterated that the Applicants are willing to limit the size of the boat at the southern dock to 35 ft.

Mr. Cuba continued that the Board cannot approve the concept of constructing a dock at Mr. Evangelisti's property without reviewing plans for the structure. Mr. Evangelisti pointed out that if the Application is approved at tonight's meeting, there is no guarantee a later application for his own property would also be approved, as his neighbors on the other side may have objections.

Ms. Crush requested a moment to confer with her clients before determining what steps they would like to take.

Ms. Crush asked if further restrictions on the length of the boat at the southern dock would be helpful in addressing the navigational issue. Mr. Evangelisti responded that he was concerned with the potential for enforcement of this restriction. He felt more comfortable exploring the possibility of another dock on his property if his southern neighbors did not object.

Motion made by Mr. Strobel, seconded by Mr. Berry, to accept as is, with the restrictions that the first two boats are limited to 35 ft. and the third boat is limited to 25 ft. In a roll call vote, the **motion** passed 8-2 (Chair Guardabassi and Ms. Engle dissenting). (Mr. Batchelor was not present for the vote.)

Mr. Cuba advised that the Application would not go before the City Commission until it has been determined whether or not Board of Adjustment review is required.

X. Reports

Mr. Luscomb reported that at a recent City Commission Conference Agenda meeting, the City Commissioners did not clearly understand the most recent communication sent by the Board. The City Manager reviewed the elements of the communication, including

dredging and maintenance of a working waterfront, suggesting that the Marine Master Plan be discussed at the Commission's next Prioritization Workshop meeting, where the annual agenda for projects is established. The next Prioritization Workshop will be held on May 7 and 8, 2018, beginning at 9 a.m. at the Women's Club.

Chair Guardabassi encouraged the Board members to reach out to their respective City Commissioners to include this Plan in their priorities. Mr. Cuba explained that any direction given to Staff regarding this process must come from the City Commission through the City Manager.

Mr. Berry advised that he had attended the Broward County Marine Advisory Committee, where the County made a presentation on its Comprehensive Plan update. The revised Plan will include new objectives, such as protection of wetland resources and wildlife, increased knowledge of safe boating, and tighter restrictions on marine construction. He explained that this will make it more difficult to construct boat slips and ramps. He recalled that the MAB has previously made recommendations to eliminate restrictions of this nature.

XI. Old / New Business

Ms. Engle noted that the Board is often asked to review a project without granting approval of it; however, at recent meetings, have been asked to vote on approval although members of the public in attendance may not have been prepared for any further action than discussion. She did not believe this was fair to the public, and noted that when the Board is asked to give approval, she prefers to conduct more due diligence than is necessary for a presentation. Mr. Cuba agreed that this was not proper procedure and was not consistent with how the items were presented for inclusion on the Agenda.

Chair Guardabassi stated that the Fort Lauderdale Pirate Festival will be held on Saturday, May 12, 2018 in front of Esplanade Park from 11 a.m. to 7 p.m. This event was formerly known as the New River Raft Race.

XII. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 8:35 p.m.

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