

**MINUTES OF THE MARINE ADVISORY BOARD  
100 NORTH ANDREWS AVENUE  
COMMISSION CONFERENCE ROOM – EIGHTH FLOOR  
FORT LAUDERDALE, FLORIDA  
WEDNESDAY, NOVEMBER 7, 2018 – 6:00 P.M.**

<b><u>Board Members</u></b>	<i>Attendance</i>	<b>Cumulative Attendance May 2018 - April 2019</b>	
		<b><u>Present</u></b>	<b><u>Absent</u></b>
Grant Henderson, Chair	P	5	0
Ed Strobel, Vice Chair	P	5	0
Jimi Batchelor	A	2	2
Cliff Berry II	A	4	1
George Cable	P	3	2
Robyn Chiarelli	P	1	0
Richard Graves	P	4	1
Rose Ann Lovell	A	3	1
Kitty McGowan	A	3	1
Norbert McLaughlin	P	4	0
Ted Morley	P	3	2
Curtis Parker	P	3	0
Roy Sea (arr. 6:04)	P	5	0
Randy Sweers	A	3	1
Bill Walker (arr. 6:06)	P	3	2

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  
Sergeant Todd Mills, Fort Lauderdale Police Department  
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 Henderson called the meeting to order at 6:03 p.m. and roll was called.

**II. Approval of Minutes – September 6, 2018**

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

New Board member Robyn Chiarelli introduced herself at this time.

Mr. Sea arrived at 6:04 p.m.

### **III. Statement of Quorum**

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

### **IV. Waterway Crime & Boating Safety Report / Fire Department Report**

Sergeant Todd Mills of the Fort Lauderdale Police Department reported the following Marine Unit activity from October 2018:

- 15 citations
- 129 warnings
- 42 safety inspections
- 1 boating accident
- 1 burglary from a boat

Mr. Walker arrived at 6:06 p.m.

Sgt. Mills continued that the load-in for the Fort Lauderdale International Boat Show went very smoothly, with one incident that stopped traffic at the swinging bridge. The incident will be addressed with management prior to next year's event.

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

- 19 distress calls
- 4 medical emergencies
- 3 fires
- 4 search and rescue calls
- 2 sinking vessels
- 1 boating accident

Division Chief Ahearn noted that the Grand Prix of the Seas is scheduled for November 17-18, 2018. The fire boat will be on hand for this event. The Department has recently instituted emergency fire dispatch, which is a nationally recognized program that allows dispatchers to ask questions to determine the type of emergency, including open-water emergencies. This ensures that the proper units are dispatched to calls.

### **V. Introduction – Lieutenant Derek Wallin – Coast Guard Station Fort Lauderdale**

Lieutenant Derek Wallin of the U.S. Coast Guard introduced himself at this time. He noted some of the major efforts in which the Coast Guard has been recently involved, including illegal charters, which can only be addressed when they are underway. Lt. Wallin emphasized that bridge activity on the New River falls outside his purview, as the Fort Lauderdale Station is typically involved in issues such as search and rescue and other law enforcement activity. The Fort Lauderdale Station's parent command, which is located in Miami, oversees bridge activity and has fined FEC Railway, the parent company of Brightline, due to lengthy bridge openings.

Mr. Strobel requested additional information on illegal charter activity. Lt. Wallin replied that the Coast Guard follows a checklist to inspect these vessels. If the number of passengers and the vessel's gross tonnage are below a certain threshold, the vessel may not need a license. He encouraged the Board members to make the Coast Guard aware if they suspect illegal charters.

Mr. McLaughlin addressed bridge openings and closures, asking why bridge tenders do not keep logs of the amount of time a bridge is down. He explained that this is an issue for tow boats and other commercial vessels. He also asked how the Coast Guard determines that a violation has occurred on the bridge.

Lt. Wallin reiterated that he did not have enforcement authority for the bridge at the station level, adding that bridge closures are tracked, which led to the fine issued to the FEC Railway. He offered to provide the Board with a contact number for the Command Center in Miami, which can take calls for bridge violations. It was clarified that fines go into the Coast Guard's General Fund. The bridge tenders' log is not considered public information, as the bridge is owned by a private company.

Chair Henderson requested additional information on safety features the Coast Guard would like to see on clusters or pilings, such as reflective tape or solar lighting. Lt. Wallin advised that while he was uncertain of exact regulations for these features, red or green lights should not be used. Mr. Cuba added that the City requires 5 in. reflector tape on pilings.

Mr. Sea asked if it is clear where the New River channel is located. Lt. Wallin recommended that the Command Center be contacted if there are any questions regarding placement of pilings or clusters.

## **VI. Introduction – Paul Flannery – Executive Director International Yacht Brokers Association (IYBA)**

Paul Flannery, Executive Director of the International Yacht Brokers Association (IYBA), explained that this organization is the largest yacht brokers' group in the world, with over 1500 members. Its purpose is to promote professionalism and cooperation among the

yacht brokerage community. The IYBA has recently adopted the position that it has the ability to remove barriers to commerce.

In 2010, working in concert with the Marine Industries Association of South Florida (MIASF), the IYBA convinced the Florida Legislature to pass a sales tax cap, which limits the sales tax on boat purchases to \$18,000. This captures more boat deals made in the state of Florida rather than allowing them to take place offshore. This enabled the capture of more than \$10 million in sales tax revenue in the first year after the cap was created.

The yachting industry in Florida is worth \$17.2 billion and supports 202,000 jobs throughout the state, including roughly \$11 million and 136,000 jobs in the three South Florida counties. Mr. Flannery noted that this industry is the second-largest economic driver in the state behind tourism. At present, the IYBA has a federal legislative effort underway to enact two deferred importation bills, which would modify restrictions on sales of foreign vessels to U.S. residents in U.S. waters.

Other initiatives are underway to raise the level of professionalism in the yachting industry. The IYBA has lobbied the state of Florida to license yacht brokers, and is active in education, providing seminars for professionals in Fort Lauderdale multiple times each year. The organization also has an international presence in the Mediterranean, which is a key area for the yachting industry.

Chair Henderson requested additional information on how a change in laws would bring more boats to South Florida. Mr. Flannery advised that vessels over 300 tons must be registered commercially under a law from the early 20<sup>th</sup> century, when there were few boats of this size. An amendment to this law has been proposed to mandate that the U.S. Coast Guard develop a set of rules for recreational vessels in excess of 300 gross tons under the U.S. flag. This will remove a barrier to commerce and encourage Americans to keep and service their boats in the United States.

Mr. Flannery concluded that the IYBA helps brokers in other countries work with brokers in Florida and bridge the gap between these members. It is very effective in lobbying for change, as it represents an industry at large and can draw on multiple areas of that industry for support and expertise.

## **VII. Reports**

Mr. Cuba stated that a recent application to place dolphin pilings in the waterway off SE 6<sup>th</sup> Street was not approved by the City Commission, based on navigational concerns raised by neighbors of the property.

Projects including the lagoon at Coontie Hatchee and floating docks at Riverwalk are both moving forward. The floating docks are proposed for the north side of the river

between existing docks at the Maritime Museum and the Esplanade. A bid package is being created for boat ramp improvements at George English Park.

### **VIII. Old / New Business**

Mr. McLaughlin requested clarification of the rule governing bridge openings and closings. Lt. Wallin confirmed that the bridge may not be closed for more than 60 minutes in a two-hour period. He reiterated that these reports are not addressed at the Fort Lauderdale Station. If suspected violations are reported, the Coast Guard will investigate to determine whether or not violations occurred. Patience Cohn, representing MIAASF, stated that fines for violations are \$27,500 per vessel detained.

Mr. Morley asked for clarification of when a dock waiver application would come before the Marine Advisory Board (MAB) as opposed to the Board of Adjustment (BOA). Mr. Cuba replied that dock waivers come to the MAB, while setback waivers go to the BOA. He added that the MAB is likely to see fewer dock waivers, as the new City Commission appears to be less receptive to them.

Mr. Walker recalled that a dredging study was presented to the Board some years ago, and stated that a new study should be undertaken. Mr. Cuba advised that the Board may send a communication to the new City Commission on this topic. It was determined that the members would discuss potential language for this communication and review previous communications on dredging at the next meeting.

Mr. McLaughlin commented that in the past, the Board typically saw multiple applications for boat lifts each month, which previously led to a communication to the City Commission suggesting that this regulation be changed to allow boat lifts to be placed in up to 25% of waterway distance. He proposed that the Board send a similar communication recommending restriction of the length to which pilings may be placed in the waterway.

### **IX. Adjournment**

There being no further business to come before the Board at this time, the meeting was adjourned at 7:11 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.]