

**MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
COMMISSION CONFERENCE ROOM – EIGHTH FLOOR
FORT LAUDERDALE, FLORIDA
THURSDAY, DECEMBER 7, 2017 – 6:00 P.M.**

<u>Board Members</u>	<i>Attendance</i>	Cumulative Attendance May 2017 - April 2018	
		<u>Present</u>	<u>Absent</u>
F. St. George Guardabassi , Chair	P	5	0
Grant Henderson, Vice Chair	P	5	0
Jimi Batchelor	P	4	1
Cliff Berry II	P	4	1
Zane Brisson	P	4	1
George Cable	P	4	1
Joe Cain	P	4	1
Susan Engle	P	2	0
Richard Graves	A	3	2
John Holmes (arr. 6:06)	P	3	2
Ted Morley	A	3	1
Roy Sea	P	2	3
Ed Strobel	P	5	0
Bill Walker	P	3	2
Jim Welch	P	5	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
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

Motion made by Mr. Cain, seconded by Mr. Morley, that a subcommittee be formed to look into the economics and other technical aspects of the proposed use of the southwest part of the 17th Street Bridge. 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 – October 5, 2017

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

III. Statement of Quorum

It was noted a quorum was present at the meeting.

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

Sergeant Todd Mills of the Marine Unit reported the following activity from the month of November 2017:

- 6 citations
- 27 warnings
- 15 safety inspections
- 4 accidents
- 5 incidents

Sgt. Mills added that between October 4 and November 14, 2017, 19 boats were burglarized, including nine vessels in a single night at the Seven Seas dealership. The perpetrators seemed to target Garmin GPS units and fishing rods. The Police suspect there may have been two groups committing the burglaries. The burglars accessed the site from land rather than from the water.

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

Sgt. Mills noted that two accidents occurred during the Fort Lauderdale International Boat Show, one of which resulted in injuries. Division Chief Stewart Ahearn of the Fort Lauderdale Fire Department advised that a boat fire also occurred, resulting in injuries.

Sgt. Mills concluded that the Fort Lauderdale International Boat Show was a success, despite concerns related to the current. The next major event is the Winterfest Boat Parade, which is scheduled for Saturday, December 9, 2017.

Division Chief Ahearn reported the following activity since the last Board meeting

- 38 responses, including 19 distress calls
- 3 surface rescues
- 7 medical calls
- 2 vessel accidents
- 5 boat fires
- 2 drownings

Division Chief Ahearn continued that the Department's new fire boat was present at the Boat Show every day. The fire boat was present at the recent Grand Prix of the Seas and will be the lead vessel in the upcoming Winterfest Boat Parade. He thanked all who attended its christening on December 1, 2017. The boat will be placed in 24-hour service on January 1, 2018. Training for operators remains ongoing.

Division Chief Ahearn added that in November the Fire Department sent 12 members to a boat operator search-and-rescue class hosted by the United States Coast Guard. Nearly all members of the Marine Team have completed this class.

V. Waiver of Limitations – Mitch Milesi / 1325 East Lake Drive

This Item was deferred to a later date.

VI. Waiver of Limitations – Kevin Klar & Michael Zuzzi Campbell / 726 NE 20th Avenue

Ms. Engle recused herself from hearing this Item.

Stephanie Toothaker, representing the Applicant, showed a PowerPoint presentation to the Board, stating that the Application requests a number of waivers. 20th Avenue is part known as a marine-oriented area where many large vessels are docked and several waivers have been granted in the past.

Ms. Toothaker explained that the subject location is near a very wide part of the Middle River where the waters can be very rough. The request is for four triple pile clusters, two finger piers, one boat lift, and one jet ski platform. The triple pile clusters extend a maximum distance of approximately 125 ft. from the property line. The allowable distance is 25 ft. into the waterway.

A previous waiver was approved for this location by a prior property owner in November 2014, and two sets of cluster piles were installed and remain on the property. The proposed boat slips and structures do not exceed 30% extension into the waterway. Additional piles are necessary for the safe mooring of boats. The distance across the waterway is 648 ft. at its narrowest point. The distance of individual waivers for each structure range from 5 ft. to 69 ft., with two of the triple pile clusters at 108 ft. A letter of support from a neighbor of the property was provided.

Mr. Welch asked if the property owner plans to dock two large boats at the location or a single large boat and other miscellaneous vessels. Ms. Toothaker replied that one finger pier will accommodate the other side of an existing boat, while the dock plan will also include room for another boat as well as jet skis.

Mr. Berry commented that the triple cluster piles 125 ft. from the property line would be consistent with other cluster piles in the general area. Ms. Toothaker confirmed this,

adding that the Applicant's backup materials include a list of waivers already granted along 20th Avenue. She noted that many properties north of the subject location are commercial, with residential properties to the south.

Chair Guardabassi requested clarification of the property's proximity to a No Wake Zone as shown on Google Earth. It was noted that the subject property is south of this zone, and signage would not be affected by the Application.

Mr. Strobel asked if the property owner also owns the yacht docked at the property. Ms. Toothaker replied that the City strictly prohibits rental of residential dock space.

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. Cain, seconded by Mr. Cable, to approve. In a voice vote, the **motion** passed 12-0. (Ms. Engle was recused. A memorandum of voting conflict is attached to these minutes.)

Ms. Engle returned to the Board at the conclusion of the Item.

VII. Reports

Chair Guardabassi advised that a presentation on plans for Bahia Mar would be heard under this Item.

Scott Lamont, land use planner for EDSA, and Robert Lochrie, counsel representing EDSA, advised that the most recent plans for the site went before the City's Development Review Committee (DRC) in June 2017 and were approved by the Planning and Zoning Board in October 2017. They were subsequently approved by the City Commission. Mr. Lochrie emphasized that the marina will not be affected by improvements to the upland portion of the property.

Mr. Lamont showed a PowerPoint presentation on the project, which he characterized as an opportunity for the City. The vision for the property is to improve its upland area, as well as the marina promenade and the seawall. No changes are planned to the property's docks or configuration.

One major change planned for the project will place 74% of parking below grade, which provides greater flexibility during the Boat Show. This plan would also remove large parking garages and further activate the public realm by placing storefronts and restaurants at grade. The existing hotel on the property will be replaced by a new and more modern hotel.

A two-story building with a restaurant complex is planned in front of the hotel, leading down toward the beach. Mr. Lamont emphasized the connection of the beach to the Intracoastal Waterway on the property, noting that the beach will be made public. The property will also include residential buildings with 84 to 100 units each, a boutique grocery, and a four-story parking facility that will also serve as an amenity deck.

A marina village planned for the site consists of a series of one- and two-story kiosks in an area that is currently covered by asphalt. In addition to the fishing fleet, slips will be made available for transient dockage. Over one half-mile of promenade circles the marina and connects to the overall public realm.

Mr. Lamont addressed circulation, explaining that large trucks for fuel, grocery supply, and other needs will be accommodated at the site's major intersection. Fuel trucks will be able to park in parallel spaces designed for the marina. All green space will be open to the public except during the Boat Show or other private events. The project is designed to Code standards, with no parking reductions. Of the 2200 planned parking spaces, 1900 will be underground.

Trolley stops are being developed within the site in order to bring more people into the location, and two permanent Water Taxi stops are planned as well. The facility will also provide significant bike parking, and a bike lane will be returned to a portion of Seabreeze Boulevard. A multimodal hub will serve Broward County Transit (BCT) as well as Uber and other transportation services.

Mr. Lamont continued that active ground floor uses will include yacht and marine brokerages along the perimeter of the site. Mr. Lochrie estimated that the site will include roughly 80,000 to 90,000 sq. ft. of commercial marina office space.

Mr. Batchelor requested additional information on the phasing of the project, including its hotel and residential components. Mr. Lamont replied that Phase 1 will clear the entire promenade around the site, make seawall improvements, and include the marina village. The existing Dockmaster will remain in place. Phase 2 will include the new hotel and restaurants, the boutique grocery, and the residential building. The old hotel will remain until the new hotel has been constructed. Phases 3 and 4 address the center of the property, and Phases 5 and 6 will take place on the west end of the site. Construction will occur during 10 months of the year in order to accommodate the needs of the Boat Show. The construction cycle is anticipated to last seven years.

Mr. Sea asked if the residential units will be condominiums or apartments. Mr. Lamont replied that they are currently designed as rental apartments. Mr. Lochrie explained that the current lease on the property would not allow the units to be converted to condominiums, as the lease covers less than 50 years.

Vice Chair Henderson asked if the site will include sufficient parking to allow contractors to service boats in the marina when the Boat Show is not underway. Mr. Lamont

confirmed that this is one reason parallel parking is immediately adjacent to the promenade, and some ground floor parking will also be targeted for vendor use.

Chair Guardabassi requested additional information on accommodation of the fishing fleet. Mr. Lamont reiterated that transient dockage will be added to the marina along with dockage for the fishing fleet, although the location of transient dockage has yet to be determined. Three fueling stations are planned on the property, although discussion of the location of tanks is still at a conceptual level.

Mr. Strobel asked if the parking garage is intended to be usable during a hurricane event. Mr. Lochrie replied that storm doors would be used during a hurricane, although he was not certain whether evacuation would be necessary. He acknowledged the significance of storm surge and sea level rise on the barrier island, noting that sea level rise is one reason plans include the raising of the seawall. The garages and their electrical equipment are designed at or above the flood plain.

The Board moved on to Reports, with Mr. Luscomb stating that the City was granted \$218,000 for the boat ramp at George English Park.

VIII. Old / New Business

Mr. Cuba recalled that a motion was made at the October 5, 2017 meeting regarding the formation of a subcommittee of the Marine Advisory Board; however, since the Board may not appoint a subcommittee on its own, he recommended that the October motion could be sent as a communication to the City Commission. He recalled that the motion stated on October 5, 2017 was as follows:

Motion made by Mr. Cain, seconded by Mr. Morley, suggesting that a subcommittee be formed to [look] into the economics and other technical aspects of the proposed use of the southwest part of [the] 17th Street Bridge. In a voice vote, the **motion** passed unanimously.

Motion made by Vice Chair Henderson, seconded by Mr. Cain, to send [the motion as] a communication. In a voice vote, the **motion** passed unanimously.

Mr. Cuba continued that a legislative proposal at the County level regarding kayak safety would require a 4 ft. to 5 ft. pole with an orange flag to be placed on every kayak that is offshore. He noted that the proposal is specific to kayakers on the Intracoastal Waterway.

Mr. Berry recalled that there were similar discussions at the Broward County Marine Advisory Committee level regarding offshore kayakers. Mr. Welch pointed out that kayakers typically travel more slowly on the Intracoastal Waterway than offshore. Mr. Cuba advised that the Board may suggest to the City Commission that the City make a legislative request to include offshore kayaking as well as on the Intracoastal Waterway.

Chair Guardabassi asked if Broward County has offshore jurisdiction. It was clarified that the State has jurisdiction over three miles offshore. Mr. Batchelor noted that the lack of County jurisdiction may be one reason the proposal does not address offshore safety. Mr. Cuba stated that he would seek additional information on the basis of the request and distribute it to the Board members.

It was noted that the next Board meeting is scheduled for January 4, 2018.

IX. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:21 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.]

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Engle Susan Marie</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Marine Advisory Board</i>
MAILING ADDRESS <i>420 Isle of Capri</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY <i>Ft. Lauderdale Broward</i>	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Susan Engle, hereby disclose that on December 7, 2017:

(a) A measure came or will come before my agency which (check one or more)


- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

12-7-17

Date Filed

Signature 

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.