



Memorandum

To: The Honorable Mayor and City Commission

Date: May 16, 2023

From: Albert P. Childress
City Manager

A handwritten signature in blue ink, appearing to be "APC", is written over the name "Albert P. Childress".

Subject: Application for Expansion of Pier B

Introduction

The City Manager's Office received notice from the State of Florida on Thursday, May 3rd of a request from Pier B to expand their use of the Pier.

Background

On Wednesday May 3rd, 2023, the City Manager's Office received a letter from the FLDEP notifying the city of an application to modify its existing submerged land lease and expand the cruise port by approximately 25% in total area. A "**Special Call Meeting**" was held on May 9th in regard to this one agenda item. During the discussion of the item, the Mayor and City Commission requested that an action item be placed on the regularly scheduled meeting that was to be held on May 16, 2023. The Mayor and City Commission requested information on four (4) items. Those four (4) items were: 1) to hear from our lobbyist in Tallahassee on how this matter would be perceived 2) an analysis of Florida Administrative Code 18-21.004 subsection 3c, that in light of our one ship policy, what is our legal basis for an objection 3) how the city can oppose long term lease and pursue a City lease of their own 4) the legal ramifications with respect to the City lease agreement for Pier B. The City Attorney has issued a detailed four (4) page legal brief that answers the above questions and provides adequate information for the Mayor and City Commission to make an informed decision.

A Resolution was drafted for the Mayor and City Commission for consideration. The Resolution allows for four (4) options: 1) Support the Pier B request to incorporate the temporary use area into their existing lease for sovereignty submerged lands 2) object to Pier B's request to incorporate the temporary use into their existing lease for sovereignty submerged lands, 3) adopt a neutral position, providing neither support nor opposition 4) object the incorporation of the temporary use area which would expand pier B's existing lease for sovereignty submerged lands and support a 25 year extension of the current lease.

Recommendation

Approve one of the four (4) options to the proposed Resolution to be implemented by the City Manager's Office.