

Miami River Commission Public Meeting Minutes October 2, 2023

The Miami River Commission's (MRC) public meeting convened at noon, October 2, 2023, in the Downtown Library Auditorium, 101 W Flagler. Sign in sheets are attached.

Miami River Commission (MRC) Policy Committee Members and/or Designees attending:

Horacio Stuart Aguirre, Chairman, Appointed by the Governor

Jim Murley, Vice Chairman, designee for Miami-Dade County Mayor Cava

Megan Kelly, designee for City of Miami Mayor Francis Suarez

Theodora Long, Neighborhood Representative appointed by Board of County Commissioners

Eileen Broton, Neighborhood Representative Appointed by City of Miami Commission

Neal Schafers, designee for Downtown Development Authority

David Harden, designee for State Attorney Katherine Fernandez-Rundle

Alvaro Coradin, designee for Sara Babun appointed by Miami-Dade County

Bruce Brown, Miami River Marine Group

Patty Harris, designee for Governor

Luis Garcia, Appointed by the Governor

Spencer Crowley, Member at Large Appointed by City of Miami Commission

MRC Staff:

Brett Bibeau, Managing Director

I) Chair's Report

The MRC unanimously adopted their September 11, 2023 public meeting minutes.

MRC Chairman Horacio Stuart Aguirre provided the following report:

On behalf of the Miami River Commission (MRC), we extend a sincere thank you to Honorable Miami-Dade County Commissioner Eileen Higgins and the entire County Commission for unanimously renewing and increasing the contract with the Miami River Fund Inc for services from the Scavenger Water Decontamination Vessel which collects floating debris while decontaminating 600,000 gallons of water per hour and injecting 150,000 liter of oxygen into the water every hour, which significantly improves water quality.

In addition, the Miami River Commission, extends a sincere thank you to sponsoring Honorable Commission Joe Carollo and the entire City Commission for unanimously adopting a contract and funding for the Miami River Fund Inc to provide weekly garbage removal, biweekly landscaping, and bi-annual pressure washing along the City owned portions of the public on-road Miami River Greenway.

Ms. Mercedes Rodriguez submitted a letter of resignation from the MRC to the City Clerk. On behalf of the MRC, we thank Ms. Rodriguez for her over a year of active volunteer service and energy, including the creation of the "City of Miami's 1st Annual Miami River Holiday Boat Parade and Seafood Dish Competition".

MRC Vice Chairman Jim Murley, provided the following Voluntary Improvement Plan (VIP) update:

Recently residents next to the Brickell Bridge called the MRC to complain that the steel grating on the Bridge was rattling creating a loud sound with every passing car that negatively impacted their quality of life 24 / 7. Thankfully our Managing Director knew exactly who to call at FDI Services, whom quickly inspected the Bridge, identified the problem causing the unnecessary and disturbing loud sound, which they thankfully quickly repaired

The Miami River Commission has been actively assisting the efforts of the City, County, State, and private sector to clean up the Miami River District. In addition to the maintenance professionals the MRC pays daily to remove litter, invasive plant species, graffiti and provide landscaping, pressure washing, vac truck, street sweeper and Scavenger Water Decontamination Vessel services along the Miami River, the MRC thanks the volunteers from the Coastal Cleanup Day for picking up garbage along the Miami River in Sewell Park on September 16.

II) Review Plans for 600 NW 7 Ave:

Franco Ramo and Patricio Hernandez Pons, Expanza LLC, and Christobal Pizas-Gay, representing the landowner, distributed and presented the revised Temporary Use Permit (TUP) plans and a letter of intent for a Paddle Tennis Club featuring 9 courts and a small food and beverage clubhouse with “healthy” food, smoothies, beer and wine. The TUP is for 3 years, and 1-year extensions would have to be approved by the City of Miami Commission. The applicants stated they met with the City of Miami Zoning Department, and the City indicated because the subject Recreational facility is zoned D1, Miami 21 Section 3.11 does not apply, therefore no public Riverwalk is required. The applicants offered to improve the existing public on-road Greenway in the City owned public right of way along NW 7 Ave. The applicants stated they removed the roof top dining and DJ booth. The applicants agreed to close the courts closer to the homes earlier, at 9:30 PM. In addition, they distributed copies of the signature page of the agreement, signed by the 4 homes on the Seybold Canal directly across from the site. The applicants stated they will comply with the sound restrictions in the City of Miami’s noise ordinance.

Spencer Crowley stated the Florida Inland Navigation District provided grant funding to the City of Miami to restore navigation in the Seybold Canal, and noted the MRC’s distributed document (estimated 2013) points to this specific subject property and states, “This recreational marina and boatyard should be preserved. Mr. Pizas-Gay and Mr. Ramo stated they want to including boats (2 docked vessels are included in the presented plans) and they recently became aware of the distributed Miami Dade County issued Marine Facilities Annual Operating Permit issued for the subject site in 2014 which states in part, “Total Recreation Vessels: 10”. Mr. Pizas-Gay stated in addition he recently became aware of the potential ability to sell unused slips to another location, which he is interested in pursuing for any unused / leftover slips if not used on the subject site.

The MRC motion to recommend approval subject to keeping the boat slips failed 9-2.

III. Miami-Dade County's Proposed Zoning Amendment Along NW South River Drive from the Tamiami Canal to Salinity Dam

Chairman Murley stated he is employed by the applicant, Miami-Dade County, therefore is recusing himself from this item and left the meeting.

Spencer Crowley stated Akerman is retained by Jones Boatyard, therefore recused himself from this item and left the meeting.

Mr. Jess Linn, Miami-Dade County Department of Regulatory and Economic Resources, distributed and presented copies of the subject draft County Ordinance: "ORDINANCE RELATING TO ZONING IN THE UNINCORPORATED AREA; AMENDING SECTION 33-284.99.59 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING PALMER LAKE METROPOLITAN URBAN CENTER ZONING DISTRICT REGULATIONS PERTAINING TO RESIDENTIAL USES ON LOTS ADJOINING THE MIAMI RIVER IN THE RIVERSIDE SUB-DISTRICT"

In addition, printed copies of the MRC's Urban infill and Greenways subcommittee's September 8, 2023 public meeting minutes were distributed stating:

"MRC Urban Infill and Greenways subcommittee Chairman Murley stated he is employed by the applicant, Miami-Dade County, therefore will not be issuing his standard non-binding recommendation for the full MRC board's consideration. Jess Linn, Miami-Dade County Planning Department, presented and provided copies of the following draft ordinance being sponsored by County Commissioner Cabrera.

To: Honorable Chairman Oliver G. Gilbert, III and Members, Board of County Commissioners
From: Daniella Levine Cava
Subject: Social Equity Statement for Ordinance Amending Palmer Lake Metropolitan Urban Center Zoning District Regulations

The proposed ordinance amends Section 33-284.99.59 of the Code of Miami-Dade County pertaining to the Palmer Lake Metropolitan Urban Center (PLMUC) Zoning District Regulations. More specifically, the proposed ordinance revises provisions relating to development that is in the "Riverside" Sub-District and adjoins the Miami River. The PLMUC district regulates development through the use of specific sub-districts and street types; the various combination of these establish the urban character of the district with each allowing or requiring different uses and streetscape elements. Currently, properties in the "Riverside" Sub-District adjoining the Miami River do not permit non-transient residential uses. The proposed ordinance would permit non-transient residential uses to be developed within these properties that maintain a minimum of 12.5% of their units as Workforce Housing Units (WHU) on site. As defined by the PLMUC District Regulations, WHUs are dwelling units limited to households whose income is up to 140 percent of the median family income in Miami-Dade County. Furthermore, to maintain consistency with Comprehensive Development Master Plan policy PMR-1B, the proposed ordinance would require that the ground story for such development shall be devoted solely to water-dependent uses already permitted by

the PLMUC district, except for entryways and elevator lobbies necessary to access the permitted residential uses above. The proposed ordinance furthers the County's efforts to provide for the development of workforce housing by eliminating barriers to constructing additional workforce units within the PLMUC "Riverside" Sub-District while maintaining access to the Miami River for water dependent uses as is typical of the Palmer Lake area. In addition, pursuant to Resolution No. R-448-99, official input from the Miami River Commission (MRC) regarding environmental, economic, social, recreational, and aesthetic issues related to the Miami River and surrounding areas is required prior to the consideration of any resolution or ordinance related to the same. As such, this proposed ordinance is scheduled to be presented to the MRC Urban Infill Committee on September 8, 2023 and the full MRC on October 2, 2023. _____ Jimmy Morales Chief Operations Office

ORDINANCE RELATING TO ZONING IN THE UNINCORPORATED AREA; AMENDING SECTION 33- 284.99.59 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING PALMER LAKE METROPOLITAN URBAN CENTER ZONING DISTRICT REGULATIONS PERTAINING TO RESIDENTIAL USES ON LOTS ADJOINING THE MIAMI RIVER IN THE RIVERSIDE SUB-DISTRICT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS on May 7, 2013, the Board adopted Ordinance No. 13-43, establishing the Palmer Lake Metropolitan Urban Center ("PLMUC") zoning district to implement Comprehensive Development Master Plan ("CDMP") policies to coordinate development intensity with proximity to transit while also maintaining and coordinating marine activity on the Miami River in this area;

and WHEREAS on November 11, 2022, the Board adopted Ordinance No. 22-145, expanding the ability to develop affordable or workforce housing units within certain portions of the PLMUC while also ensuring consistency with CDMP policies encouraging marine activities in the relevant area;

and WHEREAS as set forth in section 33-193.4 of the County Code, the County has long experienced a "shortage of housing affordable to individuals and families of moderate incomes, particularly those whose earnings range from 60 percent up to 140 percent of the County's median income, the 'workforce target income group[.]" which "includes many public employees and others employed in key occupations that support the local community," and "the high cost and short supply of housing affordable to persons and families of moderate income mean that many employees in the workforce target income group cannot afford to live in Miami-Dade County";

and WHEREAS, Miami-Dade County continues to experience a significant shortage of safe and stable affordable and workforce rental and homeownership units;

and WHEREAS accordingly, this Board wishes to expand the ability to develop affordable or workforce housing units within the PLMUC to include lots adjoining the Miami River under certain circumstances;

and WHEREAS, the Miami River Commission was established by the Florida Legislature as the official coordinating clearinghouse for all public policy and projects related to the Miami River to

unite all governmental agencies, businesses, and residents in the area to speak with one voice on river issues;

and WHEREAS, pursuant to Resolution No. R-448-99, the Board shall request official input from the Miami River Commission before considering any resolution or ordinance concerning environmental, economic, social, recreational, and aesthetic issues related to the Miami River and surrounding areas;

and WHEREAS, this Board has requested such input from the Miami River Commission regarding the provisions of this ordinance prior to final adoption,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA: Section 1. The foregoing recitals are incorporated herein and are approved. Section 2. Section 33-284.99.59 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows: 1 1 Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Sec. 33-284.99.59. Uses. No land, body of water and/or structure shall be used or permitted to be used, and no structure shall be hereafter erected, constructed, reconstructed, moved, occupied, or maintained for any purpose in Palmer Lake Metropolitan Urban Center District except for one (1) or more of the following uses. All uses are subject to the airport safety uses and height restrictions provided in Section 33-336 of this chapter. The uses delineated herein shall be permitted only in compliance with the development parameters provided in Section 33-284.99.60 of this article. Water-dependent uses delineated herein shall be subject to the permit requirements of Chapter 24 of this Code and be consistent with the Coastal Management Element of the Comprehensive Development Master Plan. * * * (B) Permitted uses in the Riverside Sub-District shall be as follows: * * * (4) The additional uses listed below shall be permitted only in conjunction with one or more of the following water-dependent uses occurring on the same lot: marinas; marine terminals, passenger, freight; boat slips for the purpose of repair; boat and yacht repair, overhaul, manufacturing; shipyards. An annual certificate of use shall be required for the water dependent use when built as part of a mixed-use development that includes one of the uses listed in paragraphs (i) through ~~[[iii]]~~ On lots adjoining the Miami River, residential uses shall be permitted only above the ground story, up to a maximum of 250 dwelling units per acre, provided that such developments maintain a minimum of 12.5 percent of their units as workforce housing units on site. The ground story on such lots shall be devoted solely to water dependent uses, except that entryways and elevator lobbies necessary to access the residential uses above shall also be permitted.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: Approved by County Attorney as to form and legal sufficiency:
_____ Prepared by: _____ James Eddie Kirtley Dennis A. Kerbel
Prime Sponsor: Commissioner Kevin Marino Cabrera”

Mark Bailey provided the following statements:

“Statement submitted to: Miami River Commission/Urban Infill-Greenway Committee.

From: Miami River Marine Group, 3033 NW North River Drive, Miami, FL – Mark Bailey, Ex. Director

Re: Miami-Dade County Legislation: File Number 231424. Rezoning Riverside Sub-District – South River Drive waterfront properties – allowing for residential housing development.

Date: Friday, September 8, 2023

A proposed local Miami-Dade County Ordinance - File Number 231424 - re-zones all Miami Riverfront properties ("Riverside Sub-District" Palmer Lake Metropolitan Urban Center District) on the Upper River along South River Drive to allow for residential housing.

The Miami River Marine Group (MRMG) is opposed to this single, sweeping re-zoning ordinance - encompassing all waterfront properties on this Upper River section of South River Drive.

If passed, this proposed ordinance will allow for residential housing development on the Miami River waterfront on this short, yet important, section of the waterway-dependent Miami River industrial working waterfront. This proposed ordinance reverses Miami-Dade County's long-standing support of Miami's Industrial working waterfront.

This South River Drive segment of the Miami River area must be retained and protected as water-dependent an Industrial/Working waterfront. The proposed zoning ordinance "revising" the Palmer Lake Metropolitan Urban District properties adjoining the Miami River - "Riverside Sub-district" - is an incompatible encroachment on the water-dependent Miami River Industrial/Working waterfront that will have an unrepairable negative impact on key elements of the marine industry and the neighboring riverfront properties. This proposed ordinance renounces the Miami-Dade County Comprehensive Development Master Plan. Simply put, the proposed ordinance is inconsistent and incompatible with the current and future working waterfront uses at this location – an incursion of the diverse Miami River Industrial/Working riverfront.

Key elements, concerns and implications of this proposed ordinance: Miami-Dade County - Legislative Item: File Number 231424

The entire Miami Riverfront on South River Drive section of the Palmer Lake Metropolitan Urban Center District "Riverside Sub-District" will be rezoned with one sweeping ordinance, at one time. All Miami Riverfront properties in this "Riverside Sub-district" on South River Drive will be directly affected.

The Palmer Lake Metropolitan Urban Center District -- including the "Riverside Sub-District" -- was established and agreed upon in 2013, as a result of heavily-attended community workshops and careful consideration of all property owners and stakeholders. The currently proposed ordinance included no public community/stakeholder workshops, no public input and no public research/justification for rezoning. This proposed ordinance disregards each individual property owner representing over 20 separate properties and its overall impact to the diverse Miami River marine industrial riverfront.

The proposed ordinance may likely impact local property taxes for these riverfront properties in this area. While Florida's Constitution protects the working waterfront from adverse tax implications, rezoning the "Riverside Sub-District" along this section of South River Drive would remove those protections.

While the proposed ordinance includes a reference to require that water-dependent businesses must be retained on the ground floor of any housing development. It's unclear the practicality of this requirement for marine industrial operations.

The proposed ordinance does consider the neighboring industrial businesses in the immediate area and other Miami Riverfront properties.

The well-established, longstanding, and broadly supported/adopted Miami River Corridor Urban Infill Plan established a vision for the Miami River -- identifying this Upper River riverfront as an Industrial/Working waterfront. Miami-Dade County has been a longtime supporter of the Miami River Corridor Urban Infill Plan. This proposed ordinance rejects the diverse marine industry and its Miami River cargo shipping industry -- its impact on international trade and the lifeline it provides for Haiti and Western Hemisphere nations.

The proposed ordinance is entirely inconsistent and totally rejects the adopted Miami-Dade County Comprehensive Development Master Plan (CDMP) PORT OF MIAMI RIVER SUBELEMENT."

Brett Bibeau, Managing Director of the Miami River Commission, distributed copies of the Miami River Commission's 2022 Annual Report. The report shows the Miami River Commission's recommended following three geographic sections of the Miami River as adopted in the Miami River Corridor Urban Infill Plan in 2003:

"Upper River, 22 Ave to the Salinity Dam, Shipping and Marine Industrial Zone: Center of Port Miami River's trade and industry. The Miami Intermodal Center links rail, air, freight, transit, pedestrian and vehicular traffic.

Middle River, 5 ST Bridge to the 22 Ave Bridge, Residential / Mixed Use Zone: Includes River Landing, historic neighborhoods, marine-industrial businesses, parks, etc.

Lower River, Biscayne Bay to the 5 ST Bridge, Downtown Zone: High-density residential, offices and restaurants. Riverwalks link historic landmarks and parks along the river”.

Director Bibeau stated the cover picture of the MRC’s 2022 Annual Report is one of the best pictures he has ever taken because it shows the Miami River’s mixed uses including international shipping, residential, public Riverwalks, and Miami Circle Park, which is a designated National Historic Landmark.”

Attendees noted the proposal states, “(4) The additional uses listed below shall be permitted only in conjunction with one or more of the following water-dependent uses occurring on the same lot: marinas; marine terminals, passenger, freight; boat slips for the purpose of repair; boat and yacht repair, overhaul, manufacturing; shipyards. An annual certificate of use shall be required for the water dependent use when built as part of a mixed-use development”

Mark Bailey, Executive Director of the Miami River Marine Group, distributed and read a revised statement which was very similar to the previously quoted statement, only with a few clerical corrections.

Public comments were made in favor of the subject ordinance by Tracy Slavens, LSN Law, (retained by Jones Boatyard) and Jose Bared, Owner of Jones Boatyard (located in the subject area) both of whom noted the current zoning allows for “transient” residential which has allowed several hotels to recently be constructed in the area, and the proposal deletes the “transient” requirement which would now allow for normal residential units. Mr. Bared added that he Chaired the long public planning process to create the current Plamer Lake Metropolitan Urban Center District Zoning. MRC Chairman Aguirre asked if the proposal in any way diminishes or impacts levels of currently permitted commercial activity on the Miami River, and Ms. Slavens replied no, rather it actually adds an additional commercial activity.

The MRC adopted a resolution by a vote of 6-4, respectfully recommending approval of the ordinance subject to including the following two required revisions:

- 1) Allow the height of the 1st floor to be flexible in order to accommodate the marine industrial business on the 1st floor**
- 2) When specific properties within the subject area are presented for approval draft plans will be presented to the MRC for an advisory recommendation for County consideration**

IV. Informational Presentation Regarding 1080 Spring Garden

Road Carlos Diaz, Greenberg Traurig, distributed and presented plans and a letter of intent for a new residential development on Wagener Creek, north of Spring Garden neighborhood, featuring the public Riverwalk as required in Section 3.11 and the Baywalk / Riverwalk Design Standards and Guidelines. The subject vacant site is located north of the very low fixed NW 11 ST Bridge, in a non-navigable portion of Wagner Creek, therefore the City Code defines the site as a “waterbody” not a riverfront

“waterway”. The MRC adopted a resolution (11-1) recommending approval of the presented development because it features a publicly accessible riverwalk as required by City Code, connecting with the adjacent County owned public waterfront greenspace.

V. Subcommittee Reports

a. Miami River Commission’s Urban Infill and Greenways Subcommittee

The Miami River Commission’s Urban infill and Greenways Subcommittee’s September 8 public meeting minutes were distributed.

b. Miami River Commission’s Urban Infill and Greenways Subcommittee

The Miami River Commission’s Urban infill and Greenways Subcommittee’s September 6 public meeting minutes were distributed.

c. City of Miami’s 1st Annual Miami River Holiday Boat Parade

The City of Miami’s 1st Annual Miami River Holiday Boat Parade Committee’s September 7 public meeting minutes were distributed. On June 8, 2023, the City of Miami Commission adopted a resolution creating the “City of Miami’s 1st Annual Miami River Holiday Boat Parade”. After 6 months of communications with the City, for the 1st time in mid-September the City mentioned the potential of providing \$250,000 for the City of Miami’s 1st Annual Miami River Holiday Boat Parade on Dec. 2, 2023, and on September 28, 2023 the City Commission approved the funding for the City of Miami’s 1st Annual Miami River Holiday Boat Parade in the City’s FY 23-24 budget (10/1/23 – 9/30/24). In order for the City to use their recently budgeted funding for the “City of Miami’s 1st Annual Miami River Holiday Boat Parade”, the City Commission still needs to draft and approve at a future City Commission meeting a contract with a fiscal agent to do so, followed by the transfer of the funding, which even if expedited would not be transferred until November at the earliest, only one month before the Parade (while losing Thanksgiving week). The MRC members had a lengthy discussion.

The MRC adopted a unanimous motion that the MRC will only continue to consider the details of potentially assisting to work on the logistics of the “City of Miami’s 1st Annual Miami River Holiday Boat Parade” with the following two required conditions:

- 1) “The City of Miami’s 1st Annual Miami River Holiday Boat Parade” be held in December 2024**
- 2) The City of Miami hire a professional special event planner for the “City of Miami’s 1st Annual Miami River Holiday Boat Parade”**

VI. New Business

The public meeting adjourned.

Miami River Commission Public Meeting

October 2, 2023 - Noon

Miami-Dade County Library, 101 W Flagler ST

Name	Organization	Telephone	Email
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Miami River Commission Public Meeting

October 2, 2023 - Noon

Miami-Dade County Library, 101 W Flagler ST

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