



CITY OF FORT LAUDERDALE

DRAFT
MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
COMMISSION CONFERENCE ROOM – EIGHTH FLOOR
FORT LAUDERDALE, FLORIDA
THURSDAY, OCTOBER 3, 2019 – 6:00 P.M.

| | | Cumulative Attendance | |
|------------------------|---|------------------------------|---|
| | | May 2019 – April 2020 | |
| Grant Henderson, Chair | A | 4 | 1 |
| Ed Strobel, Vice Chair | P | 4 | 1 |
| Cliff Berry II | P | 4 | 1 |
| Robyn Chiarelli | A | 2 | 3 |
| Richard Graves | P | 4 | 1 |
| James Harrison | A | 1 | 1 |
| Rose Ann Lovell | A | 5 | 1 |
| Kitty McGowan | P | 3 | 2 |
| Norbert McLaughlin | P | 6 | 0 |
| Curtis Parker | A | 2 | 3 |
| Rossana Petreccia | P | 4 | 1 |
| Roy Sea | P | 5 | 0 |
| Randy Sweers | A | 1 | 3 |
| Bill Walker | P | 5 | 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, Marine Facilities Supervisor
Sergeant Todd Mills, Fort Lauderdale Police Department
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. Call to Order / Roll Call

Vice Chair Strobel called the meeting to order at 6:03 p.m.

II. Approval of Minutes – September 5, 2019

Motion made by Ms. McGowan, seconded by Mr. Berry, to approve. In a voice vote, the **motion** passed unanimously.

III. Statement of Quorum

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

IV. Waterway Crime & Boating Safety Report

Sergeant Todd Mills of the Fort Lauderdale Police Department reported the following Marine Unit activity from September 2019:

- 6 citations
- 90 warnings
- 26 safety inspections
- 2 boating accidents
- 9 incidents, 5 of which were burglaries

Sgt. Mills concluded that the Fort Lauderdale International Boat Show will be held at the end of October. The event is under new management, which has addressed several previously existing issues.

V. Waiver of Limitations – Robert Bret and Nancy Lynn Anderson / 515 Idlewyld Drive

David Nutter, representing the Applicant, explained that a previous Application had been approved by the Board for a different configuration; however, the Army Corps of Engineers (ACOE) did not approve that configuration, and the Applicant was asked to make changes. The configuration before the Board today is a U-shaped dock with a boat lift to the side, with a lesser extension into the waterway than what was previously approved. One boat will be raised on the lift. Access is also available on the outside of the dock.

The proposed configuration is typical for the Idlewyld Drive area, where most docks extend beyond the 25 ft. limit. The dock structure will extend an additional 8.2 ft. and the lift 7.5 ft. into the waterway.

Ms. McGowan requested clarification of why the U-shaped dock was preferred to the previously approved L-shaped dock. Mr. Nutter advised that a neighbor had raised concerns about the previous configuration. The existing mooring pilings on the site will be removed to make ingress/egress easier for neighboring vessels. The dock does not extend beyond the Applicant's own riparian lines.

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

Brian Crew, private citizen, stated that while he is not opposed to the proposed dock, his issue is one of access. He had asked if the previously approved structure could be adjusted.

As there were no other individuals wishing to speak on this Item, the Vice Chair closed the public hearing and brought the discussion back to the Board.

Mr. McLaughlin asked for clarification of the dock's configuration. Mr. Nutter confirmed that the U structure faces north, with the boat lift on its south side. Removal of the pilings will open an area to provide improved access. The Applicant does not anticipate docking more than two vessels on the property.

Motion made by Mr. McLaughlin, seconded by Mr. Parker, to approve the dock at 515 Idlewyld. In a voice vote, the **motion** passed unanimously.

VI. Waiver of Limitations – 1476446 Ontario Limited, Gerhard Michael Sowa / 736 NE 20th Avenue

Mr. Nutter, representing the Applicant, stated that several homeowners along 20th Avenue have mooring pilings and finger piers which extend into the canal. He added that this is the one area in Fort Lauderdale in which it is permissible to rent boat slips. The proposed pilings would be located 75 ft. and 125 ft. from the seawall cap, and 78 and 128 ft. respectively from the wet face of the seawall. The Applicant plans to dock one 80 ft. and one 100 ft. vessels at the subject property, which is not unusual for the neighborhood. The property is zoned Residential (RS-8).

Mr. Walker asked if boat slips may be rented on the subject property. Mr. Nutter replied that the Applicant plans to rent out at least one slip. Mr. Cuba pointed out that slips may be rented at commercially zoned properties along 20th Avenue, but rentals are not permitted in the residentially zoned areas. It is permissible for individuals to rent upland properties and use existing docks on those properties.

Vice Chair Strobel added that zoning is outside the Board's purview: they may not grant permission related to the use of the property.

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

Priscilla Juranich, private citizen, requested clarification that the pilings would not be farther out than 125 ft. from the seawall cap. This was confirmed. She added that the Applicant's LLC purchased the property for use of the dock with a support building. There is no oversight of environmental, fuel and maintenance, or other issues on the property, as would occur at a marina.

Ms. Juranich continued that both marine wildlife and recreational swimmers are in the water near the subject property, and may be exposed to environmental and health hazards from dumped sewage. She cautioned that a significant storm surge, particularly when combined with tides, could produce 4 to 6 ft. of inundation above ground level,

and vessels left in place could break away and damage other boats or homes. She concluded that the Mediterranean mooring proposed for vessels in the area is not practical in deep water or regions with significant tides or hurricanes.

Mr. Sea commented that if the dock is rented, an agreement should be put into place that boats may not be moored there in the event of a hurricane. It was reiterated that it may not be legal to rent dock space on the subject property.

Ms. McGowan asked how far a boat may extend past 125 ft. into the waterway. Mr. Nutter replied that City Code allows a vessel to extend up to 30% of the width of the canal, with or without pilings. Water at the subject location may be 4 ft. to 6 ft. deep.

As there were no other individuals wishing to speak on this Item, the Vice Chair closed the public hearing and brought the discussion back to the Board.

Mr. Nutter reiterated that the waiver requests placement of two single mooring pilings at 125 ft. from the edge of the seawall cap and a triple pile cluster 75 ft. from the cap. There are no piers proposed by the Application.

Mr. Berry asked if there are any pilings in the area that extend more than 128 ft. from the wet face of the seawall. Mr. Cuba replied he did not believe there were any clusters farther than this distance.

Motion made by Mr. Berry, seconded by Mr. Walker, that [the Board] consider [the Application] but not to exceed any of the other clusters that have gone before this Board for a waiver, and not to exceed 125 ft. as the maximum that other clusters along that area.

Ms. McGowan requested clarification of whether the 125 ft. limit would be from the cap or the wet face of the seawall. Mr. Cuba advised that this distance is historically from the property line, which is typically but not always consistent with the seawall. Mr. McLaughlin stated, however, that the industry standard is typically from the wet face of the seawall.

Mr. Berry **amended** his **motion** as follows: the distance would be limited to 125 ft. from the wet face of the seawall.

Mr. McLaughlin cautioned that this could establish a precedent that no pilings could be placed at a greater distance than 125 ft. from the wet face of the seawall. Mr. Cuba added that the Applicant would need to provide an updated set of plans for the pilings representing this distance.

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

VII. Waiver of Limitations – Leonardo Guillermo Cole Mazzei, Costa Bahia LLC / 435 Bayshore Drive

Catherine Bongarzone, representing the Applicant, showed a PowerPoint presentation on the Application, explaining that the Board and City Commission previously approved a waiver for the same property, which approved the construction of two 20 ft. finger piers and mooring pilings at 53 ft. and 40 ft. from the property line. These structures have already been built.

The current request would add two 24,000 lb. boat lifts. The existing dock is 7 ft. and the first proposed boat lift and first piling would be 26 ft. from the property line. The second piling would be 48.5 ft. from the property line. The second boat lift would be at 43.1 ft. from the property line. The waterway is approximately 600 ft. wide at the subject location.

Extraordinary circumstances include the width of the waterway, which means the structures would not impede navigation. The mooring piles already in place have been approved by the ACOE. Boat lifts are necessary for the safe mooring of vessels, as the waterway is not a No Wake Zone at this location. The proposed structures are consistent with those of adjacent neighbors. Ms. Bongarzone provided a letter of support from a neighbor to the property and copies of existing waivers in the vicinity.

Mr. McLaughlin requested clarification of the location of the boat lifts. Ms. Bongarzone advised that they are on the inside of the docks.

There being no further questions from the Board at this time, Vice Chair Strobel opened the public hearing. As there were no individuals wishing to speak on this Item, the Vice Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. McGowan, seconded by Ms. Petreccia, to approve. In a voice vote, the **motion** passed unanimously.

VIII. Reports

Mr. Cuba introduced Enrique Sanchez, Deputy Director of Parks and Recreation. Mr. Sanchez advised that the City has entered into a new canal cleaning contract, as Staff has been unable to keep up with the size and scale of canal cleaning in the past. The contractor, Aquatic Control Group, offered the best resources for the job. They will begin transitioning into place the second week of October, with City Staff on board during the first few weeks while the contractor becomes familiar with the routes.

Mr. Sanchez continued that the contract is expected to increase the level of service. At present, Staff goes through six to nine cycles per year throughout the City, with six to eight weeks per cycle, depending upon weather. The contractor is obligated to complete a cycle every four weeks, which is expected to increase the number of cycles to 12 per

year. Costs remain roughly the same as the City's costs, while providing a higher level of service.

The contractor will go off-route to address any emergencies that may arise. They will operate two boats on a daily basis. Hazards on the canals are to be reported to the Police Department.

Vice Chair Strobel advised that significant cleanup of Styrofoam waste is needed in and outside the city of Plantation, where it eventually intrudes into the City's waterways. Mr. Sanchez advised that Broward County has cleaning vessels that can address this issue, although he was not certain of their jurisdiction. It was suggested that this concern be communicated to the Broward County Marine Advisory Committee.

Mr. Sanchez continued that the cleaning boats are equipped with water cannons and sonar to locate underwater debris. They are used in post-hurricane cleanup efforts.

Vice Chair Strobel asked if information is available on construction of a kayak dock at Coontie Hatchee Landings Park. Mr. Luscomb replied that the contract for this dock was just awarded, with a price of approximately \$530,000. He added that the City has applied for grant funds for concrete floating docks on the New River. The boat ramps at George English Park will be replaced with a ground-out design, which includes floating docks and will be compliant with the Americans with Disabilities Act (ADA).

IX. Old / New Business

Ms. McGowan stated that the U.S. Super-Yacht Association will be at the American Pavilion of the Fort Lauderdale International Boat Show. Its lounge will be available to any members of the Marine Advisory Board (MAB) who attend the event.

Mr. Walker advised that the state of Florida has approved \$750,000 to review a study of the FEC Bridge. This review is currently underway and will include renderings from the Florida Department of Transportation (FDOT). A report will come before the MAB and ultimately to the City Commission. The study is expected to be complete by January 1, 2020. It will focus on mitigating the impact of train transport on the waterways.

Mr. Berry recalled that concern with sewage dumping on 20th Avenue was raised earlier during public comment. He asked what is being done in the City regarding live-aboard vessels and environmental testing. It was noted that sewage pump-out is not available at all locations where individuals may live aboard their boats. Mr. Cuba replied that he can seek an update from the appropriate City Department.

Sgt. Mills stated that while this is a Code Enforcement rather than a Police issue, the Marine Unit has authority to perform checks such as tablet drops if they suspect a boat of dumping sewage into a waterway. He added, however, that the Marine Unit requires

owner permission to conduct these checks, and that vessels dumping sewage are unlikely to do so in daylight.

The Board discussed initiatives taken by other coastal communities to prohibit dumping of sewage. It was noted that the Keys are a No Discharge Zone, as they are an environmentally sensitive area. Communities must apply to the Florida Department of Environmental Protection (FDEP) if they wish to have this status. The City provides pump-out facilities at marinas and at various locations along the New River.

The Board also discussed anchorage and mooring fields, with Mr. Luscomb clarifying that mooring fields cannot be implemented unless there is an upland property to support it. The state encourages municipalities to use mooring fields. There was additional discussion of State Statutes related to live-aboard vessels.

Ms. McGowan thanked all individuals and industries who participated in humanitarian efforts to aid the Bahamas following Hurricane Dorian. She emphasized that the majority of these islands remain open for business, with the exception of some northern areas.

X. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:26 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.]