



CITY OF FORT LAUDERDALE

**MEETING MINUTES
CITY OF FORT LAUDERDALE
MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
COMMISSION CONFERENCE ROOM – 8TH FLOOR
FORT LAUDERDALE, FLORIDA
THURSDAY, FEBRUARY 6, 2020 – 6:00 P.M.**

		Cumulative Attendance	
		May 2019 – April 2020	
Grant Henderson, Chair	P	7	1
Ed Strobel, Vice Chair	P	7	1
Cliff Berry II	P	5	3
Robyn Chiarelli	A	2	1
Barry Flanigan	P	1	0
James Harrison	P	3	2
Rose Ann Lovell	P	8	1
Kitty McGowan (arr. 6:04)	P	5	3
Ted Morley	P	3	0
Norbert McLaughlin	P	9	0
Curtis Parker	A	3	4
Rossana Petreccia	P	6	2
Roy Sea	A	6	2
Bill Walker	P	7	1

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, Marine Facilities Supervisor
- 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

Motion made by Mr. Berry, seconded by Mr. Morley, to request the City Commission form a subcommittee of the Marine Advisory Board, to be formed by the members of the Marine Advisory Board and City-appointed subject matter experts, to study current and suggest future regulations as to proper pumping and management of gray and black water from vessels within the City. In a voice vote, the **motion** passed unanimously.

Motion made by Mr. Morley, seconded by Vice Chair Strobel, to make a communication to the City Commission to expand waterway testing to include sedimentary testing and

not just waterborne, and determine a remediation plan. In a voice vote, the **motion** passed unanimously. (Mr. Berry abstained. A memorandum of voting conflict is attached to these minutes.)

I. Call to Order / Roll Call

Chair Henderson called the meeting to order at 6:00 p.m. and roll was called.

II. Approval of Minutes – December 5, 2019

Motion made by Mr. Morley, seconded by Mr. Graves, to approve the minutes from December 5. In a voice vote, the **motion** passed unanimously.

III. Statement of Quorum

It was noted a quorum was present at the meeting.

IV. Introduction of New Member – Barry Flanigan

New Board member Barry Flanigan introduced himself at this time.

V. Waterway Crime & Boating Safety Report

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

- 8 citations
- 45 warnings
- 9 safety inspections
- 2 accidents
- 2 burglaries

Sgt. Mills recalled that the Marine Unit also addressed a sinking and/or abandoned vessel through the derelict vessel program. He noted that abandonment is becoming more common and the Marine Unit is incorporating techniques used successfully by other cities to deal with this issue.

Ms. McGowan arrived at 6:04 p.m.

Sgt. Mills reported the following activity from January 2020:

- 22 citations
- 92 warnings
- 31 safety inspections
- 2 accidents
- 0 burglaries

He added that two arrests have been made in relation to thefts of electronic devices that occurred throughout South Florida in late 2019.

VI. Discussion – New River Emergency Services

Division Chief Stewart Ahearn of the Fort Lauderdale Fire Department advised that he was asked to report on emergency services on the New River, particularly the area west of the train tracks. He characterized this as an area in which improvements can be made. At present, eight Marine Team personnel are on duty 24 hours a day at Station #49, where both fire boats are located. These personnel respond to fire suppression and medical calls on the beach and the barrier island, and are trained to operate the fire boats as an adaptive response when necessary.

The Fire Department responds to approximately 250 to 300 open water emergency calls each year in which a fire boat is used. Roughly 10% of these calls come from west of the train tracks. Their response time to a recent marine fire emergency in this area was 34 minutes in the small boat and slightly over an hour in the larger boat.

When the train tracks are down in this area, Division Chief Ahearn advised that land-based units cannot access some emergencies, including drowning victims in the area. The Fire Department has a small inflatable boat that can travel west of the tracks, although it does not provide an ideal response. There have also been times when the Department responded to an emergency in the western area and could not return to the station due to the position of the train tracks.

When the tracks are down, Fire Department crews contact the engineer responsible for raising the bridge; however, this individual cannot stop the train, but can only inform the Department when the tracks will be up. This allows responding units to determine their time frame for accessing emergencies in the west. Typically, a fire vessel cannot respond to an incident due to the tracks and turns around once the land-based units have resolved the emergency.

Vice Chair Strobel asked if similar issues occur with the Police Department's Marine Unit. Sgt. Mills explained that the Marine Unit can move beneath the bridge in their Boston Whaler vessel. They have not experienced issues with the bridge in quite some time. Stationing a boat on the west side of the bridge is not feasible for the Marine Unit, as it cannot be secured there and the Marine Unit has only seven Officers.

Vice Chair Strobel estimated that the area past the bridge includes roughly one-third of the City's major waterways, it constitutes approximately 85% to 90% of the working waterway for marine services and facilities. Sgt. Mills emphasized that this area represents a very small number of service calls for the Marine Unit.

Vice Chair Strobel asked if either Sgt. Mills or Division Chief Ahearn had noticed a difference in the bridge response since testing of blockages began in 2019. Sgt. Mills replied that he had seen no difference. Division Chief Ahearn noted that most Fire Department calls are also on the eastern side of the bridge. Most calls from the west can be initially addressed by land-based units, and most losses in this area are monetary, while losses to the east of the bridge include lives. He felt the Fire Department's resources are in the correct location.

Division Chief Ahearn continued that another major challenge in the west is access to a water supply, particularly at marinas, where hydrants are already providing water to land-based units. The smaller fire boat is only capable of 500 gallons per minute, while most land-based units can use up to 4000 gallons per minute. If a fire boat were kept on the west side of the tracks, there may not be personnel available who are certified to use it, or they may be more helpful to land-based units. There would also be concerns with securing another vessel and equipment. The Department's overtime budget is also a consideration.

Chair Henderson asked if there were any emergency scenarios in which the bridge would open if it was not providing both passenger and freight service. Division Chief Ahearn explained that law enforcement has no jurisdiction over the bridge. The Fire Department must contact the entity that owns the bridge to learn when it will open. The Department has submitted a budget request to keep the fire boat staffed.

VII. Waiver of Limitations – 1476446 Ontario Limited – 736 NE 20th Avenue

David Nutter, representing the Applicant, recalled that the Board reviewed and approved this Application several months ago, including a recommendation to move the mooring pilings closer to shore by 3 ft. The pilings are now 125 ft. and 75 ft. from the wet face of the seawall, which places them 128.3 ft. and 78.3 ft. from the property line. The request is for a maximum variance of 103.3 ft.

Mr. Nutter advised that while the City Commission did not approve the Application, their concerns were primarily for the ownership and use of the property rather than the location of the pilings in the water. The Commission also expressed concern that the Applicant's team meet with the appropriate neighborhood association. This meeting will take place in the next few weeks before the Application goes before the City Commission again. Mr. Nutter concluded that there have been no changes to the Application since the Board previously approved it.

Josh O'Hara, Captain of the Applicant's vessel, advised that a 139 ft. yacht is currently moored at the property. The Applicant owns a second boat that is currently on the Great Lakes. The 125 ft. waiver request is consistent with the placement of other pilings in this section of the river. The canal at the subject location is roughly 700 ft. wide, which means the pilings are well within the 30% limitation.

Mr. McLaughlin requested clarification that the owner of the property also owns the vessel moored there. Mr. O'Hara confirmed this is the case, noting that the vessel is owned by a holding company for liability purposes.

Mr. Berry asked if the dock on the property has a pump system. Mr. O'Hara advised that there is no dock and no pump-out facility on the property. When holding tanks are full, the vessel uses a sewage treatment system and dumps treated water at the property.

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

Motion made by Vice Chair Strobel, seconded by Mr. Morley, to accept [the Application] as amended. In a voice vote, the **motion** passed unanimously.

VIII. Discussion – 2020 Broward County Marine Summit Agenda Talking Points

Mr. Cuba explained that the 2020 Broward County Marine Summit is scheduled within two weeks in the city of Hollywood. He requested that the Board determine the talking points for Fort Lauderdale that they would like to see represented at this meeting.

Mr. Morley advised that one issue is where vessels may discharge treated water. He pointed out that the entire Intracoastal Waterway is a no discharge zone, which many owners and captains may not realize. He felt raising this issue to the County level may be useful in communicating this information.

Mr. Berry suggested that the Board establish a subcommittee to perform in-depth research with respect to pump-out facilities. He asserted that any owner wishing to upgrade his/her dock, any new home on the water, and any multi-family dwellings with docks should include pump-out stations. He also felt there should be a full-time City inspector assigned to marine issues.

Mr. Cuba recommended that a request of this nature be sent as a communication to the City Commission, as the Commission would need to approve the concept and appointment of a subcommittee.

Motion made by Mr. Berry [for] a subcommittee [to be] formed by the members of this group to study the regulations, now and going forward, on the proper pumping or management of gray and black water from vessels in the City.

Mr. Berry further clarified that he did not wish his **motion** to be misconstrued as being related to the City's recent sewer breaks. He felt the release of gray or black water may cause contamination unrelated to sewage spills, and that information on the City's

website regarding the condition of waterways should include contamination reports such as fecal counts.

The Board discussed the prospective makeup of a subcommittee, with Mr. Berry advising that he was open to the appointment of non-Marine Advisory Board (MAB) members to a subcommittee to provide expertise.

Mr. Berry's **motion** was restated as follows: **motion** to request the City Commission form a subcommittee of the Marine Advisory Board, to be formed by the members of the Marine Advisory Board and City-appointed subject matter experts, to study current and suggest future regulations as to proper pumping and management of gray and black water from vessels within the City.

Mr. Morley **seconded** the **motion**. In a voice vote, the **motion** passed unanimously.

Vice Chair Strobel pointed out that while dumped liquids eventually wash away, solids may remain in an area. He asked if sediment in waterways is tested as well. Mr. Cuba recommended that Board members be present when their motion goes before the City Commission so they can speak to this topic.

There was additional discussion of discharged material that contributes to build up on the bottoms of waterways. It was noted that some canals are considered to be private waterways and not eligible for City dredging, although they may still be exposed to City pollution. Mr. Flanigan suggested that it may be possible to allocate funds through a bond or other financing to pay for maintenance dredging of canals.

Motion made by Mr. Morley, seconded by Vice Chair Strobel, to make a communication to the City Commission to expand waterway testing to include sedimentary testing and not just waterborne, and determine a remediation plan. In a voice vote, the **motion** passed 11-0. (Mr. Berry abstained. A memorandum of voting conflict is attached to these minutes.)

Final topics for the Marine Summit were as follows:

- Establishment of a County-wide subcommittee to address gray/black water
- Anchorage concerns
- Maintenance dredging of canals
- Derelict vessel concerns
- Train bridge concerns
- Theft concerns, with emphasis on interagency communication

Mr. Cuba encouraged the Board members to attend the upcoming summit and plan to address these items as a group.

IX. Old / New Business

Kirk Goldstein, member of the public, stated that the anchoring issues on Lake Sylvia are worsening. He estimated there are now 30 to 35 vessels in the lake on an average day. He also expressed concern with local boats, some of which are derelict, left in the lake for months at a time. Live-aboard vessels may be present for five to six months during the summer and can cause damage to docks if they come unmoored.

Mr. Goldstein continued that many of these vessels discharge sewage directly into the lake, which is a water skiing zone. He acknowledged that there is little action the Marine Unit can take, and advised that there has been discussion at homeowners' association meetings of helping to hire attorneys and raise funds to address this problem. He noted that it can take up to seven months to designate a vessel as derelict.

Vice Chair Strobel recalled that this issue was discussed at a previous meeting, where it was noted that creating a mooring area could be helpful; however, Mr. Luscomb noted that in order for a mooring field to be established, the state must grant a submerged land lease to an upland facility with restrooms, parking, and other requirements. He concluded that the state does not allow cities to regulate moored vessels as they may wish to do.

Mr. Luscomb continued that there can be difficulty determining whether or not a vessel is derelict. The City may also seek restitution in cases of felony dumping, and the state provides grant funds for disposal of derelict vessels. Sgt. Mills added that owners must be given due process once a vessel is determined to be derelict. He also cautioned that an abandoned vessel may not meet the standard for designation as derelict. It can also be difficult to charge an owner with felony dumping unless the act is witnessed.

Vice Chair Strobel encouraged Board members as well as the public to contact their City Commissioners with these concerns.

X. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:24 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.]

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, Cliff Berry II, hereby disclose that on Feb - 6 - 2020, 20 20 :

(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 Cliff Berry, Inc., 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:

My Company is cleaning up the mess from the sewer pipe/break. The motion had to do with the clean up.

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.

Feb - 6 - 2020
Date Filed

[Signature]
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.