



CITY OF FORT LAUDERDALE

**MEETING MINUTES
CITY OF FORT LAUDERDALE
MARINE ADVISORY BOARD
VIRTUAL MEETING
THURSDAY, AUGUST 6, 2020 – 6:00 P.M.**

		Cumulative Attendance	
		May 2020 – April 2021	
Grant Henderson, Chair	P	1	0
Ed Strobel, Vice Chair	P	1	0
Cliff Berry II	A	0	1
Dierdre Boling-Lewis	P	1	0
Robyn Chiarelli	P	1	0
Barry Flanigan	P	1	0
Richard Graves	P	1	0
James Harrison	P	1	0
Rose Ann Lovell	P	1	0
Kitty McGowan	A	0	1
Norbert McLaughlin	P	1	0
Ted Morley	P	1	0
Rossana Petreccia	A	0	1
Bill Walker	A	0	1
Steve Witten	P	1	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, 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

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

II. Approval of Minutes – March 5, 2020

Motion made by Mr. Morley, seconded by Vice Chair Strobel, 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. Introduction of New Member – Dierdre Boling-Lewis

V. Introduction of New Member – Steve Witten

New Board members Deirdre Boling-Lewis and Steve Witten introduced themselves at this time.

VI. Marine Advisory Board Elections

• Chair

Mr. Harrison made a **motion** to nominate Barry Flanigan as Chair. [The **motion** died for lack of second.]

Mr. Morley made a **motion**, seconded by Mr. Strobel, to nominate Grant Henderson as Chair.

In a roll call vote, Mr. Henderson was re-elected as Chair 10-0. (Ms. Chiarelli did not vote.)

• Vice Chair

Mr. Henderson made a **motion**, seconded by Mr. Morley, to nominate Ed Strobel as Vice Chair. In a roll call vote, Mr. Strobel was unanimously re-elected as Vice Chair.

VII. Waterway Crime & Boating Safety Report

Sergeant Todd Mills of the Fort Lauderdale Police Department's Marine Unit reported the following activity from March through June 2020:

- March: 13 citations, 58 warnings, 19 safety inspections, 1 accident, 10 incident reports
- April: 6 citations, 16 warnings, 2 safety inspections, 0 accidents, 14 incident reports
- May: 15 citations, 83 warnings, 16 safety inspections, 4 accidents, 16 incident reports (including 3 burglaries)
- June: 5 citations, 35 warnings, 4 safety inspections, 1 accident, 14 incident reports (including 2 burglaries)
- July: 11 citations, 90 warnings, 11 safety inspections, 2 accidents, 9 incident reports

Sgt. Mills continued that the Department conducted hurricane preparations due to the recent tropical storm. A number of waterway issues related to the COVID-19 pandemic occurred as well, including anchoring to sandbars, rafting, and failure to comply with pandemic safety restrictions. He clarified that the number of individuals permitted on a boat depends upon vessel size, with a maximum of 10 people on a large boat.

Sgt. Mills recalled that the Fort Lauderdale International Boat Show is still scheduled as normal. He was not aware of any restrictions related to the ongoing pandemic at this time. The Winterfest Boat Parade is still planned according to schedule, and the Tortuga Music Festival is scheduled to go on. The Air and Sea Show is not currently listed on the City's special events schedule, although tickets are still available on its website.

VIII. Waiver of Limitations – Richard & Liliane Bolz / 1180 N. Federal Hwy. #609 Slip #4

Adam Licht, representing the Applicants, showed a PowerPoint presentation on the Application. The Applicants own a slip at the Riva Residences and hope to install a four-post, 15,000 lb. boat lift at a distance of 5 ft. beyond the 25 ft. limitation. He reviewed the Site Plan, noting that the distance from the natural shoreline of the Middle River to the wet face of the seawall at Slip #4 is roughly 338 ft.

Additional exhibits included a cross-section review of the proposed lift. The distance from the natural shoreline to the boundary of the sovereign submerged land lease is 291.5 ft. The distance from the natural shoreline to the proposed boat lift is 380 ft.

Because this would be the sixth boat lift installed on the subject property, it must comply with Fort Lauderdale's Code limitation of only one mooring device per 100 linear ft. of shoreline. The Riva Residences have 412 linear ft. of shoreline. There are five existing boat lifts on the site.

Vice Chair Strobel requested clarification that the proposed boat lift would not extend further into the waterway than other boat lifts on the property. Mr. Licht confirmed that all lifts are approximately 30 ft. from the furthest piling. This distance and the size of the lift would accommodate a boat roughly 35 ft. in length.

It was noted that an anonymous individual had submitted a letter regarding each of the three waiver applications for 1180 N. Federal Highway. Mr. Harrison commented that while the letter had expressed concern regarding boats in the event of a hurricane, vessels would actually be safer on boat lifts than in the water. It was noted that four of the boat lifts approved on the subject property extend beyond the City's limitation.

Ms. Boling-Lewis noted that the City requires a finding of extraordinary circumstances for the approval of a waiver of this nature. The circumstance cited in this Application was the necessity of protecting a vessel docked near a waterskiing area. Mr. Cuba advised that this is a historically accepted extraordinary circumstance in the view of the

City Commission. Vice Chair Strobel explained that the wakes generated by boats with waterskiing can be massive, causing damage to nearby docked boats.

Mr. Witten asked if the Board is permitted to discuss multiple applications for the same address in total, as all three waivers would affect the subject property. Chair Henderson replied that individual applications must still go through the presentation process to ensure consistency in the Board's decisions. Mr. McLaughlin added that many of the boat slips at condominiums in the City are similarly configured, which makes it difficult to limit the number of waivers or variances for those properties.

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

IX. Waiver of Limitations – Robert Wilson & Peter Zupkofska / 1180 N. Federal Hwy. #1106 Slip #19

Mr. Licht, representing the Applicants, showed a PowerPoint presentation on the request, stating that this Application is for a different boat slip on the same location as previously presented. The request is for a 5 ft. extension beyond the 25 ft. limitation for a 16,000 lb. boat lift. It is approximately 350 ft. from natural shoreline of the river to the back of the slip, 319 ft. from the natural shoreline to the sovereign submerged land lease boundary, and 330 ft. from the natural shoreline to the proposed lift.

Mr. Flanigan asked if the Riva Residences' condominium association has been made aware of appropriate practices for boats docked at their facility in the event of a hurricane. Mr. Licht stated that this association was only recently formed and may be working toward a hurricane plan, although he has not discussed such a plan with them.

It was determined that the anonymous letter did not need to be read into the record, as the Board members had received copies for their review.

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 Ms. Lovell, to approve. In a voice vote, the **motion** passed unanimously.

X. Waiver of Limitations – Scott Rappoport / 1180 N. Federal Hwy. #408 Slip #17

Mr. Licht, representing the Applicant, showed a PowerPoint presentation on the Application, which is for a boat lift at a different slip at the same location as the two previous requests. The width of the river is 360 ft. from the natural shoreline to the wet face of the seawall at Slip #17. The request is for an 8 ft. extension beyond the 25 ft. limit. The vessel currently docked at this 40.5 x 16 ft. slip is 34 ft. in length.

Vice Chair Strobel asked if this is the furthest extension the Board has approved for the subject property. Mr. Licht confirmed this, noting that the boat will be docked bow in. Mr. Strobel commented that he did not recommend extending further into the waterway than 30 ft. total. Mr. Morley agreed, stating that the request should be consistent with other waivers that have not exceeded a 5 ft. extension past the limit.

Mr. Licht explained that the Applicant has requested the 8 ft. extension at the recommendation of the contractor and manufacturer of the lift, who advised that they needed 8 ft. to accommodate the Applicant's boat. He has not discussed a 5 ft. extension with the Applicant, who owns both the rights to the slip and the sovereign submerged land lease.

The Board discussed retaining a 30 ft. extension as a consistent limitation. Vice Chair Strobel asked if the Applicant would be required to submit a new Application for a 5 ft. extension, or if he could amend the current Application. Mr. Cuba clarified that the Board may make a motion restricting the extension to 5 ft.

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.

Scott Rappoport, Applicant, explained that his vessel requires a 24,000 lb. boat lift. The condominium association's dockage rules require bow-in docking. He needs the additional 3 ft. waiver in order to meet these requirements. He also noted that the waterway is nearly 400 ft. wide at the subject location. He added that the water is very shallow at the location of his slip, making it difficult or impossible to dock his boat stern-in. He concluded that an additional 3 ft. extension seemed inconsequential.

Mr. Harrison commented that unless all boats on the subject property were removed from their lifts and placed in the water, he felt the 3 ft. difference would not be noticeable. While he acknowledged the need for consistency, he pointed out that the Board is asked to approve lifts where boats are already docked, rather than permitting a larger vessel to be docked there.

Chair Henderson observed that part of the Board's charge is to review safety in navigation, and that placing pilings 3 ft. further east would not impede this safety in the waterway. Mr. Morley asked if the pilings would be located at a stepped-down location in the submerged land lease. Mr. Licht further clarified that the Applicant's boat is docked at the largest slip available at the condominium.

Mr. McLaughlin advised that whether a boat is in the water or on a lift, it will extend further into the waterway than the lift mechanism itself. He noted that many developments require boats to be docked bow-in as a way to prevent erosion of their seawalls. He noted that a 3 ft. difference in the location of the pilings was not likely to be affected by whether or not the vessel is in the water or on a lift.

Mr. Morley asked if the PowerPoint showed a better view of the entirety of the property so the Board may see the full stepped-down area, not only the area at Slip #17. It was confirmed that the vessel would still be within the limits of the submerged land lease.

Mr. Graves expressed concern that granting an additional 3 ft. could establish an unwanted precedent for the future. Mr. Witten stated that the reason the waiver has been requested at 8 ft. rather than 5 ft. is the size of the Applicant's boat, which means a subsequent applicant could conceivably ask for an even larger vessel to be accommodated in the future, and for pilings that extend further into the waterway.

Mr. Rappoport clarified that the beam of his vessel is 11.9 ft. and the slip allows roughly 4 to 5 in. on either side. He added that due to the size of his boat, he has to time the tides in order to move under the nearby bridge, and had not witnessed any boats larger than his coming from the north since he has lived at the Riva Residences.

Motion made by Ms. Lovell, seconded by Mr. Harrison, to approve at the 8 ft [requested]. In a roll call vote, the **motion** passed 9-1 (Mr. Graves dissenting). (Ms. Chiarelli did not vote.)

XI. Old / New Business

Mr. Luscomb reported that Suntex is close to an appearance on the state's agenda to finalize the revenue sharing agreement for the Las Olas Marina. If they are approved in September 2020, they will then go before the City Commission to request taking possession of the facility. No changes may be made to the project once approval has been issued.

Mr. Flanigan asked if the project will include commercial dockage. Mr. Luscomb replied that the City has been restricted to allow commercial vessels in the marina as conditions of Environmental Protection Agency (EPA) agreements issued in the 1990s. He noted that when the City dredged this site, seagrass was found; however, once the water reaches a certain depth, seagrass is less likely to survive. If there are no potential impacts to seagrass after the site is dredged, environmental issues no longer apply and the submerged land lease may be renegotiated if that is Suntex's desire.

Mr. Graves asked if Suntex has also taken over the lease for the Bahia Mar property. Mr. Luscomb advised that Suntex bought into the Bahia Mar project and has a significant position within that facility's lease. Any conflict of interest regarding the

operation of both sites remains to be seen. He noted that Bahia Mar is preparing to construct a promenade along the eastern seawall of the marina.

Mr. Flanigan recalled that he had asked Mr. Cuba to distribute a letter to the Board members from a subsidiary of Carnival Cruise Lines. The letter describes the conditions the cruise industry is currently facing due to the ongoing COVID-19 pandemic. He explained that the Board might consider a request that the City Commission defer dockage fees for commercial operations, recognizing the impact the pandemic has had on these businesses. He pointed out that many commercial operations, such as the Water Taxi and dinner cruise boats, are either restricted or not operating at this time.

The Board discussed the suggestion, with Mr. Morley pointing out that it would be difficult to draw a line between different types of commercial operations. The letter from Carnival addresses a number of cruise ships which operate under foreign flags rather than local businesses based in Fort Lauderdale.

Mr. Flanigan stated that when cruise vessels dock in Fort Lauderdale, they disperse a large number of individuals into the City who contribute to its economy. He noted that many of these cruise passengers spend money on local tourism, including fishing and dinner boats. The request is intended to include commercial boats that dock at City marinas.

Mr. Witten commented that there is no definitive timeline by which to discuss the COVID-19 pandemic's effect on businesses. He did not feel this was an appropriate time to come up with a recommendation, although the issue was worthy of further discussion. Mr. Morley suggested that this be added to a future Board Agenda, and that information be provided on the number of vessels affected.

Mr. Luscomb explained that when the pandemic struck, the City adopted a policy that they would work with businesses to defer but not forgive rent at all leased City facilities, not only docks. While the City is offering grants and loans to assist businesses during the pandemic, he was not certain that the City Manager would be willing to cut rates. He characterized the letter as a slippery slope, as an exception made for one business could lead to exceptions requested by other businesses at City facilities.

Mr. Flanigan asked if all commercial entities renting City docks are paid in full. Mr. Luscomb replied that most of these businesses are current within one month. He noted, however, that the pandemic is not yet over and there may be further impacts, and policy is set by the City Manager.

Chair Henderson requested that this topic be an item on the next Board Agenda.

Mr. Flanigan also asked if results of core samples from near compromised sewer lines are available. Mr. Cuba advised that this data is expected to be complete by September 2020 and will be shared with the Board once it is available.

XII. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:28 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.]