



CITY OF FORT LAUDERDALE

**MEETING MINUTES  
CITY OF FORT LAUDERDALE  
MARINE ADVISORY BOARD  
VIRTUAL MEETING  
THURSDAY, FEBRUARY 4, 2021 – 6:00 P.M.**

		<b>Cumulative Attendance May 2020 – April 2021</b>	
Grant Henderson, Chair	A	5	1
Ed Strobel, Vice Chair	P	6	0
Cliff Berry II	P	4	2
Deirdre Boling-Lewis	A	4	2
Robyn Chiarelli	A	3	3
Barry Flanigan	P	6	0
Richard Graves	A	4	2
James Harrison	P	6	0
Rose Ann Lovell	P	6	0
Kitty McGowan	P	5	1
Norbert McLaughlin	P	5	1
Ted Morley	P	5	1
Christopher Rotella	P	1	1
Bill Walker	P	5	1
Steve Witten	P	6	0

As of this date, there are 15 appointed members to the Board, which means 8 would constitute a quorum.

**Staff**

Andrew Cuba, Marine Facilities Manager  
D'Wayne Spence, Assistant City Attorney  
Dr. Nancy Gassman, Assistant Director of Public Works -- Sustainability  
Ben Rogers, Director, Department of Transportation and Mobility  
Sergeant Todd Mills, Fort Lauderdale Police Department  
Jamie Opperee, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

None.

**I. Call to Order / Roll Call**

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

**II. Approval of Minutes – January 7, 2021**

**Motion** made by Mr. Harrison, seconded by Mr. Witten, to approve [as amended]. 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 – Christopher Rotella**

New Board member Christopher Rotella introduced himself at this time.

### **V. Waterway Crime & Boating Safety Report**

Sergeant Todd Mills of the Fort Lauderdale Police Department's Marine Unit reported the following activity during the month of January 2021:

- 43 citations
- 72 warnings
- 7 safety inspections
- 1 boating accident
- 2 burglaries

The Marine Unit undertook a two-week operation near the Middle River to target a number of jet ski rental facilities. They issued a number of citations to these businesses for livery violations. Sgt. Mills noted that although a private business may not conduct business at a City boat ramp, it is considered acceptable if business is conducted off City property and the facility only goes there to retrieve the vessel. Many jet ski rentals are conducted online.

Mr. Flanigan requested additional information regarding boats docked along the New River near a tunnel. Sgt. Mills advised that he contacted City Staff, including the Director of the Department of Sustainable Development, about this issue. It was determined that no dockage would be permitted at this location due to the potential for safety issues. More information can be provided at a subsequent meeting.

Mr. Berry requested an update on a Enhanced Marine Law Enforcement Grant (EMLEG) proposal. Sgt. Mills stated that EMLEG funds allow the Marine Unit an opportunity for Officers to work during off hours and weekends. This practice has been underway for several years. The grant also provides for additional law enforcement training. In addition to Officers who work in the Marine Unit, Officers who left the Department in good standing are permitted to work using grant funds if they have maintained their certifications.

### **VI. Presentation – Broward County Land Use Plan / Seawall Implications – Dr. Nancy Gassman**

Dr. Nancy Gassman, Assistant Director of Public Works (Sustainability), showed a PowerPoint presentation on the Broward County Land Use Plan and its implications for seawalls within Fort Lauderdale. The City's Seawall Ordinance, which was last presented to the Board in 2016, established a minimum seawall elevation of 3.9 ft. North American Vertical Datum (NAVD). The Ordinance also included the following:

- Recommended the design of seawalls for future height adjustments of up to 5 ft.
- Maximum allowable height for seawalls and associated docks is tied to a property's base flood elevation
- Seawalls must be reconstructed to the minimum elevation if a substantial repair threshold of 50% is triggered
- Seawalls must be maintained in a state of good repair
- Property owners may be cited if tidal waters enter onto their properties and impact other properties when exiting
- 365 days are permitted for completion of repairs if cited
- Docks may extend up to 10 in. above the adjacent seawall under certain conditions
- Floating docks are also addressed in the Ordinance

Dr. Gassman advised that Broward County undertook a project with the U.S. Army Corps of Engineers to study flood management throughout the County's coastal waterways. The result of this study triggered a change in Broward County's regional tidal barrier standard, which now requires a 5 ft. minimum elevation for all tidal barriers, including seawalls, banks, berms, and other tidal barriers.

Dr. Gassman explained that a change in Fort Lauderdale's Seawall Ordinance is necessary in order to become consistent with the County's Ordinance. This requires a new minimum elevation of 5 ft. for tidal barriers, including seawalls. Regional sea level rise projections, which were adopted by the City Commission in spring 2020, are included in the NAVD, which shows a current sea level rise of 0. When the amount of sea level rise over the next 30 to 50 years is considered, as well as the increase in the number of high tides over time, the 5 ft. elevation was determined to provide more protective measures for homes against sea level rise. The 30 to 50 year timespan is consistent with the approximate life span of a seawall.

Key modifications that will accompany the change to the City's Seawall Ordinance include:

- Extension elevation requirements to any type of tidal barrier
- Requirement of a minimum elevation of 5 ft. for new or substantially repaired tidal barriers
- Allows for structures permitted before January 2035 to be built lower, but requires that they be designed to allow for new structures to be elevated by 2050
- Tidal barriers built where no previous seawalls existed must provide some type of habitat enhancement on the wet face of the new structure
- Encouragement to incorporate living shoreline features wherever possible

- Required disclosure for contracts of the sale of real estate on waterways where tidal barriers may be part of the property; purchasers must understand the requirements for these barriers

Items that will not change due to amendment of the Seawall Ordinance include:

- Reconstruction to minimum elevation is still required if repairs are over the 50% threshold
- Seawalls must be maintained in good repair
- Property owners may be cited if tidal waters leaving the property have an impact on other properties

A revised proposed Seawall Ordinance also includes a provision describing the maximum seawall height, which is consistent with the base flood elevation of the property. All new City projects related to City-owned seawalls were already being built to the standard of 5 ft. NAVD as the minimum height.

Next steps for the proposed Ordinance include considering comments and feedback from the public, including presentation to the Council of Fort Lauderdale Civic Associations. Because the Ordinance will be part of the City's Unified Land Development Regulations (ULDR), it will be presented to the Planning and Zoning Board as well. After that advisory body has given approval or a recommendation, the Ordinance will go before the City Commission for first and second readings.

Mr. Harrison noted that some seawalls currently being updated or constructed are not expected to be complete within one year. Dr. Gassman advised that the 365 day time frame was in the original Seawall Ordinance, which was substantially used as a template in creating the County's Seawall Ordinance. It has been noted that the 365 day time frame may not be sufficient.

Assistant City Attorney D'Wayne Spence added that the Broward County policy provides for the City to be consistent with the adopted model Ordinance in Chapter 39 of Broward County Code. This model Ordinance includes the 365 day period. The extent to which deviation from the model Ordinance is permissible has not been determined.

Ms. Lovell asked if riprap would be considered an acceptable habitat enhancement. Dr. Gassman confirmed this, noting that the habitat requirement has been in place in Broward County for some time, although it is new to Fort Lauderdale.

## **VII. Presentation – Las Olas Marina Update – Ben Rogers**

Ben Rogers, Director of Transportation and Mobility, showed a PowerPoint update on the Las Olas Marina redevelopment efforts. At present, multiple levels of City Staff are reviewing the agreements necessary to take action on this redevelopment.

A parking agreement approved in July 2020 will allow the marina to set aside dedicated spaces in the property's parking garage for support of its operations. Staff is currently negotiating with the project's developer, Suntex, as well as the state of Florida on a number of items. The revocable license identifies all right-of-way impacts during construction and development, including pedestrian paths and a detour plan. These are expected to go before the City Commission for approval in March 2021.

Another requirement is for the marina to relocate and replace its existing pump station. This item is managed by the Department of Public Works. The developer must also make turn lane modifications at Las Olas Circle and Birch Road, including implementation of both left and right turn lanes in front of the parking garage to address traffic congestion.

In order for the project to waive the competitive solicitation requirement and proceed with developer Suntex, the City must take action on both the pump station and the turn lane modifications. The City Commission will provide a waiver for the process and assign the work to Suntex.

Two major requirements are the fourth amendment to the property's ground lease and the upland deed amendment. Modifications that arose from Suntex's interactions with the state are proposed, including clarification of submerged land rights as well as the upland deed amendment. The City Attorney's Office is reviewing these requirements to ensure there are no significant changes.

The City also hopes to lease a marine facilities trailer to Suntex, which the developer can use as a construction trailer during the development period. A City Commission Conference Agenda presentation is being prepared for March 2021. Mr. Rogers concluded that the schedule remains tentative. Once Suntex takes occupancy of the property, which is anticipated in April or May 2021, utility work will begin and a maintenance of traffic (MOT) plan will take effect 30 to 50 days after occupancy.

Mr. McLaughlin requested clarification of the cost of relocating and replacing a pump station on the property, most of which will be assumed by the City rather than by Suntex. Mr. Rogers stated that the City's estimated cost for replacement will be approximately \$2.5 million, which will cover the costs of pumps and component systems. Suntex will be expected to pay for the relocation of the pump.

Mr. Harrison asked if there has been discussion of a temporary pump during the construction period, pointing out that City pump stations are not always fully operational. Eric Metz, owner's representative for the Las Olas Marina, advised that the new pump station will be moved early in the process before the old station is demolished. They hope to avoid temporary pumping due to the volume of flow from this station.

Mr. Harrison also asked if an amendment related to the upland area is related to the submerged land lease with the state and the percentage of profit that goes to the state.

Mr. Rogers recalled that Suntex received its approvals from the state in September 2020 and those conditions are being integrated into the agreements between the City and Suntex. The City is reviewing these agreements to ensure they remain similar to the original proposal.

Mr. Flanigan asked if a time frame has been estimated for completion of the marina. Mr. Metz replied that once agreements are finalized and construction begins, the duration is expected to be 18 to 24 months. The schedule includes a buffer period to accommodate installation of the pump station.

Mr. Flanigan also asked a question regarding an issue on North River Drive which allowed valet staging for a restaurant at the Icon property. He advised that this resulted in congestion and disrupted the allocation of parking spaces for customers with boats docked at the location. Mr. Rogers replied that the restaurant was issued a temporary valet permit through March 15, 2021 to determine if its proposal can be successful. If not, alternate plans for this location may be required. Mr. Flanigan offered to provide photographs of the subject area.

Mr. Harrison advised that with the *Anticipation* no longer docked at the Wharf property, the Wharf is using this space as its own. He requested clarification of plans for future dockage along this seawall. Mr. Rogers advised that representatives of other City Departments, such as Parks and Recreation or Sustainable Development, may have more information on this issue.

### **VIII. Dock Waiver – 2407 Aqua Vista Blvd. / Troy & Tais Eakins**

Jena Robbins, representing the Applicants, showed a PowerPoint presentation on the project, which is in an area heavily traveled by boat traffic. The property includes a 100 linear ft. concrete seawall and 962 sq. ft. PVC dock. The dock, one slip, and two wooden mooring piles would be removed.

The proposed project includes installation of a 100 linear ft. concrete cap, a concrete marginal dock, and a platform boat lift and platform jet ski lift. The proposed lifts would extend approximately 34.5 ft. from the property line, which would require a waiver of 9.5 ft. for each structure. The boat lift is located 10 ft. from the riparian rights line, which places it outside the side yard setback. No guiding poles will be needed atop the lifts.

Ms. Robbins noted that the waterway width in the subject area is 550 ft., which she characterized as an extraordinary circumstance. None of the proposed structures would extend as far as 30% of the waterway. The proposed lifts at 34.5 ft. are consistent with the extension of other structures into the waterway in the subject area. They are necessary to safely moor the Applicants' vessels, particularly during high wind and severe weather events as well as large waves generated by boat traffic. The subject area is not a No Wake Zone. Lifting the vessels from the water will also aid in protection of natural resources.

Code provides for one mooring device per 100 ft. of lot width and for one lift designed to raise a personal watercraft from the water. These would cover both the boat and jet ski lifts. Ms. Robbins provided five letters of support for the Application. It was noted that no feedback was received from properties within 300 ft. of the subject property.

It was asked how far the boat may extend into the waterway at the subject location. Ms. Robbins noted that it may extend up to 30% of the waterway width according to Code, which would be significantly greater than 30 ft.

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 Mr. Flanigan seconded by Ms. Lovell, to approve. In a roll call vote, the **motion** passed 8-0 (Mr. McGowan and Mr. Morley no longer present).

#### **IX. Old / New Business**

Mr. Flanigan addressed previous comments regarding dockage “at the western end,” stating that the City was instructed not to use or rent these slips; however, the slips were in use a short time later by a restaurant. He felt it would be beneficial to the Board to see a Site Plan of the City marina, including the condition of dockage, how it is identified, whether or not the dockage generates revenue, and how that revenue stream is received by the City.

Mr. Flanigan continued that commercial boats docked near the tunnel “are there for a reason” related to the arrival of buses serving the cruise ship industry. He pointed out that the area provides a small turning basin and a pump-out facility for these vessels. He concluded that if these vessels are relocated for a particular purpose, that purpose should be identified.

Mr. Cuba advised that the Marine Facilities Department was informed that the area adjacent to the Wharf and other restaurants was closed, and the Department placed signage in the area and discontinued sale of dockage at this location. Vice Chair Strobel requested that the Board see clarification of whether or not the restaurants were charging for dockage at this location. Mr. Cuba stated that he would look into this further.

Mr. Walker asked if the dock in question remains closed at present. Mr. Cuba replied that the City had sold a portion of the dock space up until the previous week, at which time they were told to close the dock due to structural concerns. He reiterated that signage was placed on the dock indicating that it was closed.

Mr. Flanigan asked if the City is receiving any revenue from dockage in front of the former Bryant Homes property. Mr. Cuba noted that there a license agreement with the Riverwalk is still intact for this site. Mr. Luscomb added that the City has leased these spaces for overflow dockage. The agreement with the tenant of the Bryant Homes property is still in use. The tenant is expected to pay a percentage of the dock rate.

Mr. McLaughlin suggested that it could be helpful to place “No Dockage” signs on the Icon property’s walkway. Mr. Cuba advised that signage and fencing are being looked into further at present.

Mr. Berry reported that March 6, 2021, will kick off the Broward County Waterway Cleanup. Details are available online at the MIASF site.

Vice Chair Strobel requested an update on status of the railroad bridge.

## **X. Adjournment**

There being no further business to come before the Board at this time, the meeting was adjourned at 7:14 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.]