



CITY OF FORT LAUDERDALE

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

		<b>Cumulative Attendance</b>	
		<b>May 2020 – April 2021</b>	
Grant Henderson, Chair	P	6	1
Ed Strobel, Vice Chair	P	7	0
Cliff Berry II	P	5	2
Deirdre Boling-Lewis	A	4	3
Robyn Chiarelli	P	4	3
Barry Flanigan	P	7	0
Richard Graves	A	4	3
James Harrison	P	7	0
Rose Ann Lovell	P	7	0
Kitty McGowan	P	6	1
Norbert McLaughlin	P	6	1
Ted Morley	A	5	2
Christopher Rotella	P	2	1
Bill Walker	P	6	1
Steve Witten	P	7	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  
Jonathan Luscomb, Marine Facilities Supervisor  
Sergeant Todd Mills, Fort Lauderdale Police Department  
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

**Motion** made by Ms. Chiarelli, seconded by Ms. McGowan, that the Marine Advisory Board urges the City Commission to address the rebuilding of the seawalls in Downtown Fort Lauderdale along the New River, to request a Master Plan and budget for implementation, and to support grants through FIND and other sources that might be available. In a voice vote, the **motion** passed unanimously.

**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 – February 7, 2021**

**Motion** made by Mr. Witten, seconded by Mr. McLaughlin, 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. Waterway Crime & Boating Safety Report**

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

- 48 citations
- 78 warnings
- 14 safety inspections
- 3 accidents
- 2 burglaries

Sgt. Mills advised that the Air Show is scheduled for the weekend of May 8 and 9, 2021. Not all permits for the event have been approved at this time.

Mr. Walker asked if the Fort Lauderdale Police Department has been involved with either the Florida Fish and Wildlife Commission (FWC) or the U.S. Coast Guard with respect to action on illegal charters. Sgt. Mills replied that the Coast Guard has undertaken a high-visibility program to deal with this activity, and the Police Department has assisted by reporting suspected illegal vessels to them. Parties witnessing problematic activity are encouraged to call the Police Department first, followed by raising the Marine Unit directly on VHF or calling the City's non-emergency number.

## **V. Presentation – Riverwalk Seawall Discussion / Genia Ellis**

Genia Ellis, representing Riverwalk Fort Lauderdale, explained that this organization oversees the Riverwalk and its surrounding district. Its footprint includes portions of both the New River and the Downtown core. She showed a PowerPoint presentation on the seawalls in the Downtown area, most of which were constructed beginning in the late 1980s. These seawalls are typically repaired only on an emergency basis, with no set plan for their maintenance. As a result, they have begun to deteriorate.

With sea level rise and the possibility of dredging the New River, attention to these seawalls is critical. In 2018, the City received a report assessing its existing seawalls, forecasting the necessary funds for these repairs. Riverwalk Fort Lauderdale also undertook a number of studies and forecasts for the repairs they believe are needed for the same specific areas. The City's study did not address the need for new seawalls on sections of the Riverwalk where these structures do not currently exist.

Representatives of Riverwalk Fort Lauderdale recently took a boat trip with the City Manager, Director of Public Works, Director of Parks and Recreation, and other members of City Staff so officials could see the seawalls' deterioration from the water. Ms. Ellis showed photographs of a number of structural concerns and failures, noting that sea level rise and king tides contribute to flooding on land. The undermining of seawalls also leads to the failure of the attached pedestrian walkway, creating unsafe conditions.

The City has recently completed its list of Commission priorities for 2021. It has identified seawalls along the New River and Downtown, including Riverwalk docking on the north and south sides of the river. At present, this is an unfunded need, although there are grant opportunities through the Florida Inland Navigational District (FIND) that would allow for the project to be realized in phases. The City does not, however, have plans or permitting in place to facilitate this project if grant funding is obtained. Riverwalk Fort Lauderdale is requesting the Marine Advisory Board's assistance in encouraging the City Commission to take these next steps and raise the priority level of seawall repair.

The Board members discussed the presentation, with Mr. Walker noting that the Riverwalk's south side between the 3<sup>rd</sup> and 4<sup>th</sup> Avenue Bridges also has issues related to its vacuum pumps for sewage systems. He felt this should be considered alongside seawall repairs, as it creates a water quality issue. Ms. Ellis noted that when the Riverwalk was built, the south side included a number of stairways down to the water; however, over time, flooding has pulled upland material into the river. The raising and repair of seawalls should be done at the same time to address this concern.

Mr. Flanigan recalled that at an earlier time, the Board had hoped to address seawalls on the north side of the river which are over 60 years old. In approximately 2010, the City attempted to address seawall concerns with concrete and pilings, but this approach was ultimately unsuccessful. He also noted that the City had requested funds through FIND for seawall improvements in the past, but matching funds were not allocated for this purpose.

Ms. Ellis noted that at present, the need the City lacks most is a set of design drawings and permits, as well as matching funds, for FIND grants. FIND requires a 50% match for its grant funds.

**Motion** made by Ms. Chiarelli to support [the request]. Chair Henderson and Mr. Cuba advised that the Board may make a communication to the City Commission in support of the proposed repairs.

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

Ms. McGowan asked if there is a current City plan or timeline for the maintenance of its marine infrastructure. Mr. Cuba replied that while there is a recognized need, and spot repairs have been made, he was not aware of a Master Plan to address seawalls. A plan of this nature would need to be developed by the City's Public Works and Engineering Departments. He suggested that the best course of action would be for the Board to make a communication to the City Commission expressing their concern for this infrastructure.

The Board discussed how marine infrastructure would be funded, either by a bonding effort or by asking newer development to pay into a supportive fund. Ms. Ellis advised that new development pays into a fund that can be accessed by the Parks Department; however, waterway infrastructure is not included among the needs that can be funded. Ms. Chiarelli suggested that the communication also include a financial component to access available funds through FIND or other grant sources.

After additional discussion, Ms. Chiarelli's **motion** was restated as follows: **motion** that the Marine Advisory Board urges the Commission to address the rebuilding of the seawalls [in] Downtown Fort Lauderdale along the New River, and to request a Master Plan and budget for implementation, and to support grants through FIND and other sources that might be available. Ms. McGowan **seconded** the **motion**, which passed unanimously in a voice vote.

Mr. Cuba advised that he would make the Board members aware of the City Commission Conference Agenda meeting on which their communication would be placed for discussion. The Board members, and the general public, may address this issue before the Commission at that time.

#### **VI. Dock Waiver – 738 NE 20<sup>th</sup> Avenue / Hal Griffin, Manager HG Middle River Investments**

Tyler Chappell and Kathryn Bongarzone, representing the Applicant, showed a PowerPoint presentation on the request. The subject property includes an existing sheet pile seawall and two slips. The site also includes wooden mooring piles, which would be removed.

The Application proposes a 4 ft. wide marginal dock as well as a finger pier, which would extend 75 ft. off the dock, and eight triple pile mooring clusters extending into the middle river. The two existing slips would be retained on-site. The distance across the waterway in the northern part of the site is 572 ft. and 680 ft. in the southern portion. The triple pile clusters range in distance from 54 ft. to 106.1 ft. from the property line. The finger pier is 84.1 ft. from the property line against an allowable distance of 25 ft., which requires a waiver of 59.1 ft. The greatest distance for which a waiver is requested is 81.1 ft.

Extraordinary circumstances include:

- No structures or piles will exceed 30% of the width of the waterway
- Extraordinary width of the waterway in the subject location
- Necessity of structures to safely moor residents' vessels, particularly during high winds and severe weather events
- The proposed project is consistent with other waivers issued in the area
- Perpendicular mooring is necessary at the subject location to protect vessels from high wave energy, as a waterskiing/jet ski area is located just to the east

Several neighbors from the surrounding area have provided letters of support. Other waivers issued in the area range in distance from 34.5 ft. to 125 ft. A Resolution was issued for the subject site in 1992 to allow the installation of triple pile clusters 75 ft. into the waterway.

Vice Chair Strobel requested clarification of whether the subject site is commercial or residential. Ms. Bongarzone replied that the site is residential. Either the owner or a tenant will keep his vessel(s) on-site.

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

William Smith, private citizen, asked if any neighbors who have submitted letters of support have not been granted their own waivers. Ms. Bongarzone clarified that three individuals have not received waivers.

Mr. Smith also asked for information regarding the business plan of the Applicant's firm. Mr. Chappell replied that he was not aware of this plan; the Application intends to install a dock that can better support the Applicant's or tenants' vessel(s).

Mr. Smith asked that the length of vessels to be docked at the subject location be clarified. Ms. Bongarzone stated that the two slips can accommodate 100 ft. vessels. It was estimated that a vessel of this length could have a crew of two to four individuals. Mr. Smith noted that the waiver would have minimal impact on navigation, except for the inconvenience of ongoing construction on 20<sup>th</sup> Avenue, and concluded that he was in favor of the request.

Jim Juranitch, private citizen, expressed concern with the challenges posed by hurricanes, recalling that during a recent Category 1 storm, a yacht had broken loose from the subject property and damaged two smaller boats. He noted that the subject location can accommodate vessels larger than 100 ft., and advised that stronger storms could result in even greater damage if these vessels break from their mooring structures.

Ms. Bongarzone stated that as part of regulatory review, the Applicant's team was required to provide structural drawings. Mr. Juranitch noted that these would apply to the normal load on a structure, not the wind load posed by a storm.

Mr. Chappell reiterated that the vessels proposed for the site are 100 ft. in length. In addition, the proposed pilings and other structures are required to remain within the Applicant's submerged land lease. He concluded that no design is intended to fully withstand a Category 5 hurricane: the requested structures are intended to withstand conditions such as regular thunderstorm events. In hurricanes, vessels are typically moved to another area outside the subject location.

Mr. Juranitch again stated his concern for the lines that would hold the vessel. Ms. McGowan pointed out that many vessels are mandated to follow the regulations established by their insurance companies, and may not be present in the area during hurricane season for this reason. Ms. Lovell confirmed this as well.

Priscilla Juranitch, private citizen, noted that over approximately 20 years, a large number of waivers have been approved in the area, resulting in what she characterized as an unregulated marina within the combined residential and commercial areas. She was concerned for the potential for waste, fuel spills, charter services, as well as the possibility of storm damage.

Mr. Chappell reiterated that the proposal and permits for the requested waiver are required to remain within the property's submerged land lease. He added that live-aboard vessels are not permitted in this area and are not expected to pump sewage into the waterway.

Alex [last name not provided], private citizen, advised that he was supportive of the requested waiver, and noted that most residents of the subject neighborhood leave the area during a hurricane. He felt the proposed waiver would benefit the street.

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.

Mr. Witten recalled that there had been mention of tenants at the property when he had understood the vessels to be for the resident's use. He added that the concerns raised by the public regarding pump-outs at the site also raised the issue of whether the space is for commercial or residential use.

Mr. Chappell explained that the subject property is zoned RS-8, which permits residential use. This requires that boats docked at the location belong to the owner or to a party renting the property who acts as the owner's representative.

**Motion** made by Mr. Harrison, seconded by Ms. McGowan, to approve this waiver. In a roll call vote, the **motion** passed 10-1 (Vice Chair Strobel dissenting). (Ms. Chiarelli was not present for the vote.)

## **VII. Old / New Business**

Mr. McLaughlin recommended that the Board consider that the channel of the New River may not be located in the center of the waterway. This would mean that structures extending more than 30 ft. into the waterway at some locations could obstruct navigation. He suggested that this be taken into consideration when reviewing applications.

## **VIII. Adjournment**

There being no further business to come before the Board at this time, the meeting was adjourned at 7:40 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.]