



CITY OF FORT LAUDERDALE

**MEETING MINUTES
CITY OF FORT LAUDERDALE
MARINE ADVISORY BOARD
VIRTUAL MEETING
THURSDAY, APRIL 1, 2021 – 6:00 P.M.**

		Cumulative Attendance	
		May 2020 – April 2021	
Grant Henderson, Chair	P	7	1
Ed Strobel, Vice Chair	P	8	0
Cliff Berry II	P	6	2
Deirdre Boling-Lewis	P	5	3
Robyn Chiarelli	A	4	4
Barry Flanigan	P	8	0
Richard Graves	P	5	3
James Harrison	A	7	1
Rose Ann Lovell	P	8	0
Kitty McGowan	A	6	2
Norbert McLaughlin	P	7	1
Ted Morley	P	6	2
Christopher Rotella	A	2	2
Bill Walker	P	6	2
Steve Witten	P	8	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 Laurie Arthur, 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 4, 2021

Motion made by Mr. Morley, seconded by Mr. McLaughlin, to approve the minutes from the last meeting. 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 Laurie Arthur of the Fort Lauderdale Police Department's Marine Unit reported the following activity from the month of March 2021:

- 35 citations
- 101 warnings
- 7 safety inspections
- 4 accidents
- 2 burglaries
- 16 miscellaneous incidents

Sgt. Arthur advised that the upcoming Air Show is scheduled for May 8-9, 2021.

V. Dock Permit – 1029 Cordova Road / Lori Jean Marcellino & M. Austin Foreman

Steve Caswell, representing the Applicant, stated that the property owners plan to rebuild structures that existed prior to the demolition of a previous seawall. This will include a frame structure and piles. Nothing will be attached to the new seawall on either the water or the land side. A pre-cast staircase has been designed for the land side, including a stable platform that will allow the owners to cross the top of their seawall to their dock, which will extend roughly 4 ft. off the seawall.

Mr. Caswell added that he has worked closely with Mr. Cuba of Marine Facilities Staff to ensure that the request complies with current County and City requirements.

There being no 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.

Mr. Walker asked if this would be one of the first dock waiver requests since the rebuilding of the seawall in the subject area. Mr. Cuba confirmed that this was the second such request. The Application is compliant with all requirements. Chair Henderson noted that the Board will need to ensure that its review of requests in the area remains consistent, as more waivers will come forward in the following months.

Mr. Witten asked if it will be left to each homeowner's discretion regarding the construction of stairs, or if uniformity will be required. Mr. Cuba stated that no stairs may be attached to the seawall. Mr. Caswell reiterated that the stairs are a stand-alone

feature and are not attached to the structure. There is also no physical attachment between the dock and the seawall.

Motion made by Mr. Walker, seconded by Mr. Morley, to approve. In a roll call vote, the **motion** passed unanimously.

VI. Dock Permit – 915 Cordova Road / M. Austin Foreman Mgr. Gillis Investments 2 LTD

Mr. Caswell, representing the Applicant, stated that this Application also seeks to rebuild previous structures that existed before the reconstruction of the seawall. This dock will extend “approximately the same distance” into the waterway as the dock described in Item V.

There being no 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.

Motion made by Mr. Witten, seconded by Mr. Berry, to approve. In a roll call vote, the **motion** passed unanimously.

VII. Dock Permit – 1207 Seminole Drive / William H. & Vicki L. Schaefer

This Item was deferred.

VIII. Dock Waiver -- 141 Isle of Venice / Madison Abele, Casa Murano LLC

This Item was deferred.

IX. Old / New Business

Mr. Flanigan recalled that at their March 2021 meeting, the Board had voted in favor of a variance requested on 20th Avenue. At a subsequent City Commission meeting, however, the Commission unanimously rejected the variance. He also noted that the Commission had not been supportive of the Board’s recommendation and had characterized the Board’s approval process as “rubber-stamping” variances and other requests.

Mr. Flanigan continued that several facts had been omitted from the presentation of the variance to the Commission, including issues relating to service vehicles, fuel delivery, and detailing of boats on the property. He pointed out that this activity is permitted in the subject area, and that significant tax dollars are generated there. He emphasized the importance of the Marine Advisory Board building a better relationship with the City Commission.

Chair Henderson stated that he had provided the Board members with a video link to the Commission's comments regarding the variance request. He recalled that one of the Commission's concerns was the use of the applicant's boat as a charter vehicle in the past, although it has not been used in this manner since 2017. This led to the characterization of the boat as being used for business purposes at the requested dock.

Ms. Boling-Lewis observed that there are a number of charter fishing vessels that pick up customers at private docks, although she clarified that she could not speak to whether this was the case with the variance applicant. The activity occurred during the COVID-19 pandemic when charter vessels gave up their dock space because rents were not abated. Chair Henderson reiterated that the applicant's vessel has not been used for charter service in a number of years.

Ms. Lovell advised that most residents along 20th avenue are in favor of marina activity in the area, and pointed out that while the Commission may have denied the applicant's variance request, this does not prevent the applicant from docking his boat at his property. She estimated that a high percentage of properties in the area have waivers.

Ms. Lovell continued that the Board members take their responsibilities as an advisory body seriously, and that they should consider meeting with the individual City Commissioners to discuss concerns about the relationship between the Board and the Commission. She was also in favor of developing a more uniform Code, as it may be possible that the Commission's issues with waivers and variances are not limited to this neighborhood but may be City-wide.

Ms. Boling-Lewis agreed, pointing out that one of her concerns as a Board member is the lack of standards for granting a waiver. There are no definitions of the requirements that waiver requests must meet in order for the Board to recommend for or against them.

Chair Henderson stated that the Commission's reasons for denying the request are not consistent with the reasons the Board approved the request. The Board considers factors such as safety and the navigable waterway, while the Commission seemed to have denied the request for other reasons. Mr. Berry commented that the Board's decisions are based on what is or is not included in City Code, as well as educated input on what makes for safe passage on waterways. Mr. Witten noted that the members are a dedicated group of professionals who volunteer their time because they care about the City.

Vice Chair Strobel also recommended that the Board members reach out to their respective City Commissioners and the Mayor on an individual basis to discuss this further. Mr. Morley suggested that the Board send a communication to the City Commission, inviting one or all of the Commissioners to sit in on a Board meeting and observe the Board's discussion and review of requests before decisions are made.

Mr. Flanigan reiterated that the 25% rule to which he had referred earlier has been adopted by the County and state, but not by the City, although it has been presented to individual Commissioners at different times. He suggested placing this item on a future agenda and inviting the City Commissioners to attend and hear its discussion. Mr. Cuba clarified that an item would be placed on the June meeting agenda to review the City's Unified Land Development Regulations (ULDR) criteria as it relates to dock waivers.

Mr. Walker suggested that the Board may consider sending biannual communications to the City Commission in the future to request input on their activities. He pointed out that in addition to addressing waiver requests, the Board also considers larger issues, such as tunnel crossings, dredging, public and private marinas, and lack of slip space.

Ms. Boling-Lewis noted that there are a number of undefined terms that can leave items open to interpretation, which can contribute to a misunderstanding by the public. If the City can provide more objective standards by which the Board can grant or deny waivers, this could address many concerns.

Ms. Lovell advised that due to the Commission's current perception of the Board, a communication to them might be dismissed. She instead recommended scheduling individual meetings with the City Manager, the Mayor, and the Commissioners, and urged the other Board members to join her in taking this step. The communication to the Commission could be postponed until the Board has a more comprehensive plan on how to address their concerns, including inconsistencies between the City's Code and state or County requirements.

Mr. Cuba recalled that the Board had provided significant input on the reform of boat lift Code, which occurred six to seven years ago. They had brought an idea to the City Commission that resulted in the rewrite of that portion of Code. He noted that there is a communication to the City Commission which is specific to the City's seawalls, which will be presented at the Commission's April 6, 2021 meeting, and encouraged members to attend and represent the Board at this meeting.

Mr. Morley requested that Mr. Cuba opine on the Sunshine Law as it relates to meetings with individual Commissioners. Mr. Cuba replied that an individual Board member may meet with individual Commissioners and/or the City Manager to discuss Board-related issues; however, more than one Board member may not meet with a Commissioner at the same time.

Mr. Graves suggested that the issue may not be with the Board specifically but with the City's marinas, pointing out that this culture seems to have been overtaken by other types of development. He felt the City Commission may need to better understand the impact of marine industries on Fort Lauderdale.

Mr. Cuba advised that the Commissioners also have the option of viewing the Board's meetings at their leisure, as the meetings are recorded. He confirmed that a discussion of ULDR criteria in relation to waivers will be placed on the June meeting agenda

Tyler Chappell, private citizen, stated that the Commission should be made aware of the Board's history of discussion of waivers, permits, and consistency with regulatory agencies. This has been brought to the Commission's attention in the past and was well-received. He also noted that when waivers are brought before the Board, it is the presenting consultant's responsibility to ensure that they are consistent with regulatory requirements, consider the impacts on resources and navigation, and include outreach to individuals near the subject properties. He felt the perception of a rubber stamp could be related to the fact that the Board is reviewing information that the consultant has already vetted, which makes for simpler decisions.

Mr. Berry reported that the Broward County Marine Advisory Committee approved an Enhanced Marine Law Enforcement Grant (EMLEG) that will provide \$184,104 for Fort Lauderdale's Marine Unit, among other law enforcement entities in Broward County. The funding will allow for more enforcement and more aggressive hours on the waterway.

X. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:00 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.]