



CITY OF FORT LAUDERDALE

**MEETING MINUTES
CITY OF FORT LAUDERDALE
MARINE ADVISORY BOARD
VIRTUAL MEETING
THURSDAY, JUNE 3, 2021 – 6:00 P.M.**

		Cumulative Attendance	
		May 2021 – April 2022	
Grant Henderson, Chair	P	2	0
Ed Strobel, Vice Chair	P	2	0
Cliff Berry II	P	2	0
Deirdre Boling-Lewis	A	1	1
Robyn Chiarelli	A	1	1
Barry Flanigan	P	1	1
Richard Graves	P	1	1
James Harrison	P	2	0
Rose Ann Lovell	P	2	0
Kitty McGowan	P	2	0
Norbert McLaughlin	P	2	0
Ted Morley	P	2	0
Christopher Rotella	P	2	0
Bill Walker	P	2	0
Steve Witten	P	2	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

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 – May 6, 2021

Motion made by Mr. Morley, seconded by Mr. Walker, to approve the minutes from the May 6 meeting. In a voice vote, the **motion** passed unanimously.

Chair Henderson requested that Items VI and VII be switched in position on the Agenda at the Applicants' request.

Motion made by Mr. Harrison, seconded by Mr. Morley, to switch #6 with #7. 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 May 2021:

- 44 citations
- 101 warnings
- 3 minor boating accidents
- 3 other minor accidents

Sgt. Mills continued that there are only five boats currently moored in Lake Sylvia, as two vessels have sunk and several others have left the area. The owner of one of the sunken vessels has been arrested for failure to appear at his hearing.

Sgt. Mills continued that the operator of a jet ski rental facility at George English Park was also arrested for failure to appear at his hearing. His business license for the facility is likely to be revoked.

The recent Air Show was a successful event, with rough weather on two days of the show, which attracted fewer oceanside viewers. Memorial Day Weekend was also very busy. Additional incidents of note included a migrant landing at Pompano Beach, which was interrupted by a Broward Sheriff's Office (BSO) boat. All individuals but one were taken into custody.

Sgt. Mills concluded that the Marine Unit plans to use grant funds from the Florida Inland Navigational District (FIND) to help purchase motors for boats.

As Sgt. Mills was retiring after 32 years with the Fort Lauderdale Police, the Board recognized his service with a plaque.

V. Dock Permit – 1009 Cordova Road / Gex & Jamie Richardson

Gex Richardson, Applicant, stated that he plans to install a 40 ft. floating dock with concrete pilings and a ramp on land. He has not yet purchased a boat, although he

plans to purchase a center console vessel. He has no plans at this time to install utilities on the floating dock.

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.

Motion made by Vice Chair Strobel, seconded by Mr. McLaughlin, to approve. In a voice vote, the **motion** passed unanimously.

VII. Dock Waiver – 141 Isle of Venice / Madison Abele, Casa Murano LLC

Tyler Chappell, representing the Applicant, showed a PowerPoint presentation on the Application, which was first presented at the May 2021 meeting. The plans have been revised to incorporate the neighbors' and the Board's feedback. They now meet the 35 ft. standard within the canal, with mooring piles moved back to a distance of 35 ft.

Mr. Chappell continued that the request is now consistent with other waivers issued in the subject area. He showed a number of views of the site, pointing out that the design is similar to the one presented at the May meeting with different spacing and larger finger piers. The waterway is 164 ft. wide at the subject location.

Extraordinary circumstances include:

- All piles and structures extend less than 30% into the waterway
- 164 ft. width of the waterway
- Structures will not impede navigation
- Perpendicular mooring will be required
- Request is consistent with other waivers in the area

Mr. Chappell provided letters of support from neighbors of the property, noting that a neighborhood association which had opposed the request at the May meeting is now supportive of the revised design. Permits are in place to begin construction.

Vice Chair Strobel requested additional information on the property's upland/side yard setback. Mr. Chappell advised that there is no side yard setback requirement for boats in this area.

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

Babs Byers, private citizen, expressed concern for navigation in the subject area if the waiver is granted. She pointed out that the pilings at their proposed distance would create a navigation issue for boats at the last two docks on Isle of Venice. This would affect boats preparing to dock at their slips or turning around in the area.

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.

The Board reviewed a slide showing an aerial view of the property, with Mr. Harrison noting that the boat may extend further into the waterway than the proposed dolphin pile. Mr. McLaughlin recalled that the individuals who expressed concern with the plans at the May meeting had not seen any issues with a 35 ft. vessel. He also observed that the Board has no way to regulate the size of a boat an owner plans to dock on his or her property.

Motion made by Mr. Berry, seconded by Mr. Witten, to approve. In a roll call vote, the **motion** passed 13-0.

Ms. Lovell commented that a member of the Board should be present when this Application goes before the City Commission to inform the Commission that the request was denied with the earlier configuration. This could demonstrate to the Commission that the Board does not “rubber-stamp” the applications that come before them.

VI. Dock Waiver – 1207 Seminole Drive / William H. & Vicki L. Schaefer

Jena Robbins and Mr. Chappell, representing the Applicant, showed a PowerPoint presentation on the Application, which also came before the Board in May. At that time, the proposal was for finger piers that extended 33 ft. from the property line and a mooring pile that extended 53.5 ft. from the property line. After hearing comments from the property’s neighbors and the Board, the request was revised so the finger pier and mooring piles would be relocated to the north side of the property to accommodate only one vessel rather than two. The width of the finger pier was increased by 1 ft. The current Application requests that the finger pier extend 28.8 ft. and the mooring pile 48.8 ft. from the property line. This is an overall reduction of 4.7 ft. for the requested waiver.

Ms. Robbins showed multiple views of the property and the configuration of its existing structures. Zoning at the property requires a 10 ft. setback for vessels, which limits the amount of dock space available. She reiterated that the relocated finger pier and mooring pile can accommodate one vessel of approximately 60 ft. in length. The overall waiver request for the subject property is for 3.8 ft.

Extraordinary circumstances include:

- The structures and piles will not impede navigation on the lake
- Safe mooring of the property owner’s vessel
- The angle of the property line does not permit parallel mooring

The property’s neighbor to the north, who would be the most affected by the project, has provided a letter of support in favor of the Application. No other waivers have been recorded on Lake Seminole.

Mr. Morley noted that a neighbor on Seminole Drive still objects to the Application, and asked if there have been discussions with this individual. Mr. Chappell replied that this owner's letter of objection is based on the current plan, with no other feedback provided. There are also letters of objection from two more nearby properties. The Applicant does not yet have a boat but expects to purchase a 60 ft. vessel.

Mr. McLaughlin commented that while neighbors on the south side of the subject property might have valid objections to the request, neighbors on the north side should have no objections. If the southern line is extended, its intersection could restrict the southern property owner. It was clarified that the original southern property owner had previously supported the project, then withdrew his support and later sold the property. The new owner objects to the request.

Mr. Harrison observed that with no variance, and a shorter dock and mooring pile, it could still be possible to park a 60 ft. boat on the property; however, the proposed plans would make it safer to do so. He agreed that he would have an objection to the request if he was the southern neighbor to the property, although he noted that this neighbor might be able to make the same configuration as the request.

Mr. Morley noted that the existing marginal dock is being reduced by 3 ft. Mr. Chappell explained that he brought this dock as far back as possible in order to pull the boat back. It may be possible to dock a second, smaller boat at the property.

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

Richard Peacey, private citizen, stated that he opposes the Application. He asserted that the proposed boat is too large for the subject property and would obstruct the view from his home. He also noted that the plans would interfere with navigation during times of heavy waterway traffic.

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.

Vice Chair Strobel asked if the Board is permitted to consider views when evaluating an application. Mr. Cuba stated that they are not: their purview includes navigation and safety only. It was noted, however, that the City Commission may take views into consideration.

Mr. Berry asked if, even without the proposed mooring pile, a 60 ft. vessel could still be docked at the subject property, as it would fall within the limits of Code. Mr. Cuba advised that this was unlikely due to the shape of the lot and its riparian lines. Chair Henderson added that the piling is present to increase safety.

Motion made by Mr. Morley, seconded by Ms. Lovell, to approve. In a roll call vote, the **motion** passed 13-0.

VIII. Dock Waiver – 1801 SE 21st Avenue / Craig Michael & Debra Heslin

Mr. Chappell, representing the Applicant, showed a PowerPoint presentation on the Application, explaining that the subject property is located on the Intracoastal Waterway. It currently has an existing wooden finger pier, an L dock, and mooring piles. The Applicants' property line extends 70 ft. into the waterway.

Mr. Chappell advised that the City Attorney asked that this Application be brought back before the Board, although they received a previous Resolution of support in 2011. The Applicants do not plan to increase the length of the dock, but hope to add a section to create a larger finger pier. The navigable channel is 54.9 ft. from the property line. The waiver request is for 40 ft. Letters of support have been provided for the Applicant.

Chair Henderson asked if the Applicants had added more pilings to the existing structures. Mr. Chappell replied that the number of pilings did not change: the only change is "filling in the L" of the dock. The waterway is 1100 ft. across at the subject property. The structures are outside the channel's right-of-way and turning area for cruise ships. The boat needs to be moored perpendicularly in order to avoid high waves caused by boat traffic, particularly on weekends.

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.

Motion made by Mr. Morley, seconded by Vice Chair Strobel, to approve. In a voice vote, the **motion** passed unanimously.

IX. Dock Waiver – 9 Hendricks Isle / Alan and Michelle Sincich

Ms. Robbins, representing the Applicant, showed a PowerPoint presentation on the Application, which requests installation of a four-post boat lift that would extend 43.4 ft. from the property line. An existing marginal dock on the property is 27 ft. wide with a finger pier. The lift would require a waiver of 18.4 ft. to lift a 32 ft. boat. She reviewed the locations of other waivers and boat lifts in the area, noting that the Applicant has obtained all necessary state and County environmental permits. Neighbors of the property have provided letters of support.

Extraordinary circumstances include:

- Extension will not exceed 30% of the width of the waterway
- Extension will not impede navigation, as there are mooring piles approximately 80 ft. from the property line
- The lift is necessary to safely moor the Applicants' vessels

- The boat lift will allow for light penetration to and protection of natural resources
- Perpendicular mooring is the only option on the marginal dock

Mr. Morley asked if the finger pier and moorings were installed after receiving a waiver. Ms. Robbins replied that she could find no record of waivers for the finger pier, moorings, or structures at other homes; however, if these were approved more than 20 years ago, they may not be on file. The boat would be moored bow-in. Another 8 ft. would be required if the boat were to be moored bow-out.

Vice Chair Strobel advised that the Board's purview in this case is only the boat lift, and not the vessel itself.

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.

Motion made by Ms. Lovell, seconded by Mr. Witten, to approve. In a voice vote, the **motion** passed unanimously.

Mr. Flanigan suggested that consideration of the purchase of a larger boat did not constitute an extraordinary circumstance. Mr. Chappell replied that there is no clear definition of what constitutes extraordinary circumstances.

X. Old / New Business

Mr. Cuba recalled that the Board's communication to the City Commission from the May 6, 2021 meeting came before the City Commission at their June 1 meeting. The communication had addressed the Riverwalk extension and the possibility of dockage at the Ikon site. He and Mr. Flanigan had been in attendance at the meeting, where the Commission and the head of the City's Department of Sustainable Development responded that they were unaware of any dockage at the subject location.

Mr. Cuba continued that it was also expressed to the Commission that in addition to concerns regarding dockage, the Board had recommended the addition of fencing and signage along the edge of the dock, as specified in the permit. There was little discussion of this issue by the Commission, although he had emphasized the Board's concerns.

Mr. Harrison stated that he was also disappointed in the lack of Commission discussion on this issue. He noted that the Board's communication may have buried its request to erect fencing and signage to discourage people from climbing onto the dock. He suggested that a second communication may be necessary to reinforce this concern, as he did not feel the Board should let the issue go.

Ms. Lovell proposed that the Board reach out to City Commissioner Ben Sorensen, as the dock is within his district. Mr. Flanigan recalled that Commissioner Sorensen was aware of the original recommendation for installation of a rail, and had referred to a letter from the Marine Industries Association of South Florida (MIASF) which strongly objected to dockage at this location.

Mr. Harrison proposed that the Board draft another communication to the City Commission that more clearly requests specific action on this concern. Ms. Lovell noted that if this issue involves environmental resources, it should be enforced by DEP or another regulatory entity rather than at the City Commission level.

Mr. Cuba advised that he cannot make requests of the City Commission, as he reports directly to the City Manager. He reiterated that the City Manager and City Commission had heard the Board's recommendation for a fence and signage at the site in person at the recent meeting in addition to in writing from the Board. He suggested that the Board members may wish to reach out to DEP or send individual emails to City officials expressing their concerns. He felt the issue is most likely in process, and that pressure from an environmental agency may be another way to proceed.

Mr. Harrison stated that he would work on crafting a further communication to the City Commission for future consideration by the Board.

It was noted that tonight's meeting was Mr. Berry's last as a Board member. All present recognized his service to the Board and the City.

XI. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:36 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.]