



**VIRTUAL MEETING MINUTES  
CITY OF FORT LAUDERDALE  
MARINE ADVISORY BOARD  
THURSDAY, SEPTEMBER 2, 2021 – 6:00 P.M.**

CITY OF FORT LAUDERDALE

**Cumulative Attendance  
May 2021 – April 2022**

Grant Henderson, Chair	P	4	0
Ed Strobel, Vice Chair	P	4	0
Deirdre Boling-Lewis	P	3	1
Robyn Chiarelli	P	2	2
Bob Denison	A	2	1
Barry Flanigan	P	3	1
Richard Graves	A	1	3
James Harrison	P	4	0
Rose Ann Lovell	P	3	1
Kitty McGowan (arr. 6:01)	P	3	1
Norbert McLaughlin	P	4	0
Ted Morley	P	3	1
Noelle Norvell	P	1	0
Christopher Rotella	P	4	0
Steve Witten	P	4	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 Tom Capano, Fort Lauderdale Police Department  
Officer Paul Kelly, 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.

**II. Approval of Minutes – July 1, 2021**

**Motion** made by Mr. Morley, seconded by Mr. Witten, 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 – Noelle Norvell**

New member Noelle Norvell introduced herself at this time.

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

Sergeant Tom Capano of the Fort Lauderdale Police Department's Marine Unit reported the following activity from July 2021:

- 56 citations, including 12 personally owned and 8 rented jet skis
- 138 warnings, including 16 personally owned and 20 rented jet skis
- 9 safety inspections
- 3 accidents
- 8 incidents, including 3 burglaries

Sergeant Capano also reported the following activity from August 2021:

- 30 citations, including 3 personally owned and 10 rented jet skis
- 72 warnings, including 17 personally owned and 13 rented jet skis
- 4 safety inspections
- 2 accidents
- 11 incidents, including 1 burglary
- 2 lives saved

Sgt. Capano concluded that the Marine Unit anticipates a busy Labor Day weekend.

### **VI. Dock Waiver – 501 Middle River Drive / Enrico Scarda, Manager of RA FLL, LLC**

Tyler Chappell and Jena Robbins, representing the Applicants, showed a PowerPoint presentation on the Application. The subject property currently includes a 150 linear ft. coral rock wall, as well as a 390 sq. ft. wooden dock, boat lift, and one mooring pile. The existing wooden dock, boat lift, and mooring pile are proposed to be removed. The Applicant requests installation of a new concrete panel seawall of 150 linear ft. in length, a new concrete marginal dock, a 287 sq. ft. floating dock, and three triple pile clusters.

Each of the three clusters will extend 53.2 ft. from the property line where the permitted distance is 25 ft. The Applicant requests a waiver for 28.2 ft. of the total distance. Ms. Robbins showed aerial photos of the site, as well as structural cross-sections of the proposed concrete marginal dock and new seawall. The floating dock structure is 50.8 ft. from the property line. The Applicant requests a waiver of 25.8 ft.

The structures are proposed to accommodate two vessels, one of which is 60 ft. in length and one of which is 100 ft. The extension of the property line on the western portion of the site is shown in drawings, as well as the 10 ft. setback required for vessels in the RS-4.4 zoning district. The 60 ft. vessel will be moored bow in so it does not extend past the 10 ft. setback.

The width of the waterway at the subject location is approximately 450 ft. to 500 ft. The structures and vessels will not extend more than 25% to 30% into the width of the waterway.

The Application's layout has been submitted to the Army Corps of Engineers, the Florida Department of Environmental Protection (DEP), and the Broward County Department of Environmental Protection's Growth and Management Department. The layout is currently under review by these regulatory entities.

Extraordinary circumstances for the Application include:

- Proposed structures and piles will not exceed 30% of the waterway width
- Extraordinary width of the waterway at the subject location so the structures and vessels will not impede navigation on the Middle River
- The floating dock and triple pile clusters are necessary for the safe mooring of vessels, particularly during high wind and severe weather events
- The structures are necessary to protect residents' vessels from large wakes, as the subject area is not a No Wake Zone and there is significant boating activity along the Middle River

Two letters of support from neighbors in the vicinity were provided along with the Application. Additional waivers have been previously granted in the vicinity as well, with the greatest authorized distance at 124.4 ft. The Applicant's request is for less than half of this distance.

Mr. McLaughlin noted that it is typically recommended that owners moor boats closely against floating docks, and requested clarification of the need for cluster piles. Mr. Chappell explained that the floating dock is behind the stern of the larger vessel for access: the dock along the seawall is fixed rather than floating. The floating dock extends off the finger pier. The triple pile clusters are necessary to keep the larger boat off the fixed dock.

Mr. Witten observed that while a number of waivers have been previously issued for the area, he was aware of none for floating docks. Mr. Chappell replied that there are floating docks in the subject area, although none of these are marginal docks or finger piers. The only floating docks of similar distance are located on the Intracoastal Waterway, some of which exceed the length of this waiver request.

Mr. Witten commented that the proposed waiver would have a significant impact on its location, as there is heavy traffic coming in and out of the Middle River. While he

believed owners should be able to keep boats by their properties, he took issue with a dock that extended this far into the waterway.

Mr. Morley clarified that the subject area is a No Wake Zone except for waterskiing activity of vessels 21 ft. or less in length. He also pointed out that while some neighboring properties have marginal docks, none are perpendicular. He recommended that the Board carefully consider the safety of navigation and operation in this area, considering waterskiing activity and the lack of other perpendicular structures. He did not see any extraordinary circumstances accompanying this waiver request.

Mr. Chappell advised that while this portion of the Middle River is a waterskiing area, many boats moving north to south through the area are larger than 26 ft. in length. The Intracoastal Waterway to the east is a No Wake Zone for all vessels. The result can be “competing waves” as boats move through the area. Regarding the size of finger piers in the area, he noted that larger structures exist on 20<sup>th</sup> Avenue. The 60 ft. vessel would be large for a boat lift and would require the structure to be farther into the waterway than the proposed finger pier.

Mr. Morley noted that the 20<sup>th</sup> Avenue location to which Mr. Chappell had referred is of a size comparable to a marina and has a different type of boat traffic than the Middle River, which is a busy recreational area. He pointed out that other residents on this peninsula have found marginal docks to be sufficient. Mr. Chappell replied that the measurements include the marginal dock and seawall as measured from the property line.

Mr. Rotella expressed concern with the possibility of a boat jutting into the waterway, pointing out that the turn in this area is often taken aggressively by boaters moving north to south. He added that many skiers and/or jet skiers are not sophisticated or experienced boaters and may be less able to follow regulations regarding distances from seawalls.

Mr. Flanigan commented that the Board could leave itself open to criticism from the City Commission by approving an application such as this one.

Mr. Harrison also did not feel the proposed configuration was appropriate, pointing out that there are multiple boats 100 ft. or more in length located farther upriver. He was concerned with both waterski traffic and boats attempting to dock, and concluded that the Application would constitute a safety hazard and establish an unwanted precedent.

Mr. Chappell requested that the Application be withdrawn at this time so potential design changes could be discussed with the Applicant. He concluded that he would like to bring the amended Application back in October 2021.

## **VII. Dock Waiver – 435 Bayshore Drive Unit 402 Slip #6 / Stephen Farrell**

Susan Engle, representing the Applicant, showed a PowerPoint presentation on the Application, which requests a waiver of limitations to install a boat lift in an existing boat slip. The boat lift would extend beyond the 25 ft. limitation. The property is located on the Intracoastal Waterway, where the width of the water body is approximately 700 ft.

The existing mooring facility has come before the Board on multiple occasions to install the six boat slips. Two of the six slips have already received waivers from the Board. Slip #6 is the southernmost slip and one of the smallest at 40 ft. by 12 ft.

Plans submitted to regulatory agencies show an 8 ft. marginal dock located 48 ft. from the property line. The Applicant proposes to install a 24,000 lb. four-post boat lift at 40 ft. Two piles to secure the lift would be located beyond the 25 ft. limitation.

Because two boat lifts have already been approved for this facility, the Applicant submitted an application to the City's Development Review Committee (DRC) for Site Plan Level II review. The DRC and Staff reviewed the application on July 22, 2021, and approved the project as is. The Applicant is awaiting additional DRC comments before taking that application before the City Commission for approval.

Additional waivers have been approved to the east and south of the subject area in addition to the two boat lifts previously approved on the subject site. At the subject location, the boat lift does not exceed 30% of the waterway width, nor would it impede navigation. Ms. Engle noted that boat lifts are necessary to provide safe mooring, as there is significant boat traffic in the area. The request is consistent with the two previous approvals for boat lifts at the site. The lift would be located within the sovereign submerged land lease area. The Applicant has received the appropriate permits from Broward County and DEP and is awaiting approval from the Army Corps of Engineers.

Chair Henderson requested clarification of the width of the lift. Ms. Engle replied that the slip width is very narrow at 12 ft., and the lift will be custom-made to fit within this distance.

Mr. Harrison noted that there is a letter of opposition by one entity and a letter of approval from another, and requested clarification of whether these entities are within the same building. Ms. Engle explained that after outreach to neighbors from the north, the Applicant met with these neighbors and addressed some of their concerns. During this time, the neighbors to the south, Surf Club, did not respond to outreach from the Applicant. The Applicant reached out to the Surf Club to ensure they received notice of tonight's meeting. Ms. Engle advised that there may be confusion among these neighbors regarding the specific location of slip #6.

Mr. Harrison commented that the Surf Club's concern appeared to be for garbage accumulation, which he did not believe would be an issue with additional pilings and a boat lift. He also pointed out that the boat would be permitted to be docked at slip #6 as

long as it is in the water, and that raising it on a lift would remove it from rough conditions and limit pollution from paint.

Mr. Cuba stated that per the City's Unified Land Development Regulations (ULDR), notice must be provided to all properties within 300 ft. of the subject location. This meant notice was sent to 330 addresses in the area. He has heard from one property in response and distributed the individual's email to the Board members accordingly.

Mr. Flanigan asked if the DRC approved the application. Mr. Cuba explained that the DRC is part of a separate Site Plan Level II review and approval process for multiple boat lifts within a distance of 199 ft. or less. The DRC process is often simultaneous with the Board's review process. Ms. Engle reiterated that the Application was originally scheduled to come before the Board in July 2021, but was withdrawn for additional discussion with neighbors.

Mr. Morley requested clarification of the total length of the seawall at the subject location. Ms. Engle confirmed that the seawall is 200 ft. in length.

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

Robert Amos, private citizen, advised that he is an owner at Bayshore Towers and the Surf Club and was present at the request of the Surf Club's board of directors. He reported that the board of directors has voted in opposition to the requested waiver. He recalled that in 2017, the Adagio property approached the Surf Club and Bayshore Towers to request approval for its docks, with the result that concessions were made by all parties. His understanding was that the Application proposes to extend the dock from 25 ft. to 40 ft. and does not refer to a boat lift.

Jim Potocki, member of the Surf Club, stated that it is the board of directors' impression that the boat would extend an additional 15 ft. into the waterway. This was their primary concern. Another issue is that the area may not consistently be a No Wake Zone, as this section of the Intracoastal Waterway is very busy with large boats as well as smaller vessels.

In 2017, the Surf Club and Bayshore Towers reached an agreement with the Adagio based upon principles of public safety, recreational use, and environmental stewardship. One amendment offered by the Adagio was that outer piers, including slip #6, were "cut back" as a public safety measure. Mr. Potocki felt that the Application would impede this buffer area, and suggested that the proposed boat lift could be placed in a different area, as there are more slips available.

Neil Fanelli, president of the Surf Club, asserted that when the Surf Club received documentation regarding the Application, it stated that the lift would be placed in the middle of the pier. Further research determined that the subject slip is located on the

end. The Surf Club objected to this, as the 2017 agreement was that slips #1 and #6 “would never be touched.”

Steve Farrell, Applicant, stated that he was not attempting to extend the dock or the boat slip, but to place a lift within the four corners of the existing slip. He was not aware of or party to any agreement between neighboring properties and the developer. Other slips in the unit have already been sold. He emphasized that the property was not in a No Wake Zone. The boat that would be placed on the requested lift has not yet been purchased.

Mr. Amos stated that the notice he had received indicated a change in the length of the slip from 25 ft. to 40 ft. Ms. Engle clarified that the slip is 48 ft. from the seawall and 12 ft. wide. The slip’s size is not changing; however, because the City has placed a limitation on how far into the waterway structures may be installed, the Application had included an illustration of where the 25 ft. mark is located within the Applicant’s slip.

Mr. McLaughlin asked to see the Site Plan and the location of slips 1 through 6. Ms. Engle reiterated that slip #6 is 40 ft. by 12 ft. and located on the south side, which is closest to the Surf Club. Slips 2, 3, 4, and 5 are larger slips and slip 1 is located to the north. There is no request to increase the size of slip #6, and no boat is currently docked in that slip.

Ms. Engle noted that boat slip #6 will be roughly 8 ft. landward of slip #5, which places it closer to the dock. Mr. McLaughlin concluded that slip #6 did not seem to constitute a navigational hazard, as it is closer to the upland than some other slips to which the neighboring property owners had no objection. No mooring piles are planned beyond the boat lift.

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 Mr. Witten, seconded by Ms. Lovell, to approve. In a voice vote, the **motion** passed unanimously. (Ms. Chiarelli was not present for the vote.)

#### **VIII. Dock Permit – 1516 Ponce De Leon Drive / William & Ethel McIntyre**

Mr. Chappell and Ms. Robbins, representing the Applicants, showed a PowerPoint presentation on the Application, which requests private use of public property. A new seawall has been constructed in the Rio Vista neighborhood, which meant residents had to remove their docks. The City is requesting that approval for the replacement of these docks come before the Board.

Ms. Robbins explained that the Applicants’ property is located to the right of a public right-of-way. She showed photos of the new seawall in the subject area and aerial views of the subject property. The Applicant previously had a marginal dock and floating dock

to accommodate their 40 ft. vessel. These were removed due to the Cordova Road seawall project.

Ms. Robbins also showed the 5 ft. side yard setback of the Applicants' property, which is required for their zoning district. Their dock area is permitted to extend from one side yard setback line to the other. The new sheet pile seawall is 79.6 linear ft. in length. The Applicants request private use of public property abutting waterways for the installation of a 400 sq. ft. concrete marginal dock that is 50 ft. in length and 8 ft. wide, as well as the installation of a 20 ft. by 6 ft. floating dock with a 3 ft. by 16 ft. ramp.

Justifications of private use of public property include:

- All structures and piles will not exceed 30% of the waterway width
- Applicant previously had an existing marginal and floating dock and would like to install the new structures in the same configuration

The Applicants propose to adhere to the Cordova Road landscaping plan from the public swale area to their proposed marginal and floating docks. They have received two letters of support from adjacent property owners to the north and south. Other private uses of public property are and/or were permitted within the vicinity.

Mr. Morley asked how the new docks would be mounted, pointing out that they cannot be affixed to the new seawall. Mr. Chappell advised that there are two sets of piles which support the entire structure. The area between the seawall cap and the dock will include an expansion joint that can be removed if necessary in the future.

Mr. Morley advised that it is very important for households that make private use of public property to meet the City's requirement of landscaping between the roadway and the seawall cap.

Mr. Harrison asked if there are any concepts of stairs or a ramp for the seawall cap on the roadway side. Mr. Chappell replied that the Applicant does not yet have a design for this step, but pointed out that the distance is roughly 1.5 ft. from the ground elevation to the top of the cap. He estimated that this would be a wooden step up to the cap and over to the dock.

At Mr. Chappell's request, Mr. Cuba agreed to forward the step design proposed by another property to the Applicants, as it was both aesthetically pleasing and safe.

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. Harrison, to approve as is. In a voice vote, the **motion** passed unanimously. (Ms. Chiarelli was not present for the vote.)

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

Officer Paul Kelly of the Fort Lauderdale Police Department's Marine Unit showed a PowerPoint presentation on the Seminole River's Slow Speed Zone. At present, the entire river is a Slow Speed Zone. There have been several complaints to the Marine Unit regarding high speeds in the area, as proximity to the 15<sup>th</sup> Street boat ramp and the ocean make this a highly congested area. Thus far, the Marine Unit has made 100 contacts and issued 27 tickets for violation of zones in the area.

Officer Kelly showed a map of the Idle and Slow speed zones, as well as other restricted areas. These include Port Everglades, which has an Idle Zone on the Seminole Canal that stretches across 17<sup>th</sup> Street.

Florida State Statute 327.46 states that if requirements are met, the City or County can enact its own Ordinance to specify a Slow or Idle Zone. One requirement is that the zone be within 500 ft. of any public boat fueling facility, such as the 15<sup>th</sup> Street fishery. The City may not exceed 150 ft. in distance past the furthest boat ramp moving either east or west. This permits them to make nearly one-third of the subject area an Idle Speed Zone.

The Florida Fish and Wildlife Commission (FWC) requires the Marine Unit to provide a statement of purpose for the proposed zone. This has been completed, along with scale drawings. The City requests to erect six signs, one facing each direction, as well as to add three pilings. Assistant City Attorney Brad Weissman has drawn up an Ordinance to address these needs.

Mr. Morley applauded the Marine Unit for this initiative, stating that he was fully supportive of the effort. The subject area is congested and speed is a major safety issue. Chair Henderson and other Board members indicated their support as well.

**Motion** made by Vice Chair Strobel, seconded by Mr. Morley, to support this effort. In a voice vote, the **motion** passed unanimously. (Ms. Chiarelli was not present for the vote.)

Vice Chair Strobel added that the Board would like to see similar action taken for the Cooley's Landing area, as it is difficult to move boats on or off trailers when a wake is in effect. Officer Kelly advised that once this Ordinance is passed, similar Ordinances are likely to be passed for every boat ramp that meets requirements.

The Board moved on to address other business, with Mr. Flanigan stating that a bareboat charter vessel is discharging customers at a dock that the City has condemned. This is part of the Board's ongoing concern regarding unlicensed charter vessels. Mr. Flanigan continued that this type of commercial activity is inconsistent with the grant funding that was provided to build City floating docks, which are another location these vessels use to pick up and discharge customers.

Mr. Cuba advised that the Board's communication to the City Commission from the July 2021 meeting, which expressed concerns with a seawall in disrepair at The Wharf, has been received by the Commission. He was informed that replacement of this seawall has been planned as a priority for the City.

Mr. Cuba continued that commercial activity at the floating docks refers to any activity involving exchange of monies. As long as vessels pick up and discharge customers at the floating docks without an exchange of monies at the location, the County has indicated that they are not concerned from a grant perspective.

Vice Chair Strobel added that another issue is charter boats that do not have a legal commercial dock, which is a City requirement of these vessels. He acknowledged, however, that it can be difficult to prove a charter boat has no such dock. Mr. Cuba agreed, noting that there are dishonest charter operators who contribute to this problem. He advised that he can work with Sgt. Capano to review ideas for how to address this issue. Vice Chair Strobel suggested that the Board consider drafting a memorandum to the U.S. Coast Guard. It was determined that this would be an Agenda Item for the next meeting.

Mr. McLaughlin commented that another issue within the City is that barges do not have an area in Fort Lauderdale where they can load or offload equipment or debris. This must be done in other cities, which raises the cost of marine construction.

Officer Kelly advised that the City issued an NTA on August 30, 2021 to address this issue on Bayview Drive. Mr. McLaughlin stated that the barges' intent is to find a legal area for loading or offloading where they are not fined. It was determined that this would be a future Agenda Item. Mr. Cuba recommended that contractors affected by this policy be on hand to provide more information on this issue and how to address it.

## **X. Adjournment**

There being no further business to come before the Board at this time, the meeting was adjourned at 7:44 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.]