



CITY OF FORT LAUDERDALE

**MEETING MINUTES
CITY OF FORT LAUDERDALE
MARINE ADVISORY BOARD
THURSDAY, OCTOBER 7, 2021 – 6:00 P.M.**

		Cumulative Attendance	
		May 2021 – April 2022	
Grant Henderson, Chair	P	5	0
Ed Strobel, Vice Chair	P	5	0
Deirdre Boling-Lewis	P	4	1
Robyn Chiarelli	A	2	3
Bob Denison	P	3	1
Barry Flanigan	P	4	1
Richard Graves	P	2	3
James Harrison	P	5	0
Rose Ann Lovell	P	4	1
Kitty McGowan	P	4	1
Norbert McLaughlin	P	5	0
Ted Morley	P	4	1
Noelle Norvell	A	1	1
Christopher Rotella	P	5	0
Steve Witten	P	5	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 William Phillips, Fort Lauderdale Police Department
Tedra Allen, 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 – September 2, 2021

Motion made by Mr. Morley, seconded by Vice Chair Strobel, 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

Officer William Phillips of the Fort Lauderdale Police Department's Marine Unit reported the following activity from September 2021:

- 85 warnings
- 35 citations
- 4 boating accidents
- 6 burglaries of vessels

Mr. McLaughlin asked if the Marine Unit investigates thefts from trailers at individuals' homes. Officer Phillips replied that Patrol Officers typically respond to these calls, since the location is not on the waterway.

V. Dock Permit – 2630 Barcelona Drive / Lee & Mary Rubin

This Item was removed from the Agenda.

VI. Presentation – Raintree Riverwalk Residences (R3) / Stephanie Toothaker & The Chappell Group

Stephanie Toothaker, representing Cymbal Development, advised that this project was originally known as Marina Lofts, for which a Site Plan has been approved and has received extensions. Raintree Riverwalk Residences (R3) is a revised version of this project. She clarified that the project is privately funded and has not received grant or City funds for the improvement of the Riverwalk seawall.

Joe Palma, architect for the development, showed a PowerPoint presentation on the project, which is located along the Riverwalk. Plans include hardscape, plantings, a water feature, and a public gathering space. A proposed 5 ft. dock would be located directly off the seawall, and a raintree will be relocated within the submerged land lease.

A public meeting area will include community retail in an active and well-lit space. Landscaping is a major feature and will include an art garden along the river's edge. This will include mature shade trees as well as ground cover and terracing.

Vice Chair Strobel asked how far the trunk of the raintree will be located from the wet face of the seawall. Mr. Palma advised that this is 35 ft. While relocation of the tree may be complex, the developer has retained a consultant with experience in this field. The tree has attained most of its canopy extension and will be pruned so it remains within

the 25 ft. submerged land lease. With regard to the ongoing maintenance of the tree, Mr. Palma advised that there will be monthly maintenance over a five-year period.

Ms. Toothaker noted that the development team's arborists were not present, as the presentation was intended to focus on the project's docks, submerged lands, and improvements in the water. Mr. Palma added that the successful relocation of a tree of this size and scale is not unusual.

Mr. McLaughlin asked if plans for the site have been submitted to the U.S. Coast Guard for navigational review and approval. It was clarified that regulatory permit applications have been submitted to Broward County, the Florida Department of Environmental Protection (FDEP), and the Army Corps of Engineers. The first round of comments on these applications has been received. The Coast Guard is consulted as part of this process.

Mr. McLaughlin expressed concern with the overhanging tree as a potential navigational hazard on the waterway, pointing out that no more than 10% of the tree can be pruned. Mr. Palma replied that this information can be provided at a later time.

Mr. Flanigan recalled that when this project first came before the Marine Advisory Board (MAB) under another name, the Board was criticized for approving it although it had no marine elements. He proposed that the Board not give formal approval of the project for this reason.

Chair Henderson recommended that the Board maintain its focus on waterway safety and navigation, which is within its purview, rather than focusing on the relocation of the tree.

Mr. Morley requested additional information regarding seawall improvements and the proposed dock. Kathryn Bongarzone, representing the Chappell Group, replied that a new seawall is proposed for the property, along with a 5 ft. marginal dock. The dock will have 10 ft. setbacks on each end of the property. The vessels proposed for dockage at the site are expected to be between 20 ft. and 50 ft. in length. No variances are required for this aspect of the project.

Mr. Harrison asked if any changes are planned for the shape of the seawall, or if any additional encroachments onto this structure are expected. Ms. Bongarzone stated that while she could not speak to any previously approved aspects of the site, the new wet face of the seawall will be within 18 in. The developer also proposes to fill in an existing basin. Mr. Harrison also observed that the presentation does not lie within the Board's purview at this point.

Mr. Flanigan noted that the existing seawall is expected to remain. Ms. Bongarzone explained that a new wall will be placed within 18 inches in front of the existing

structure, as removal and replacement of the current seawall can create a difficult environmental scenario.

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

Janet Scrapper, private citizen, stated that she is a board member of the Tarpon River Civic Association, which is the neighborhood for which the project is planned. She asked if, when more information is available regarding the canopy and maintenance of the relocated tree and its potential impact on navigation, that aspect of the project would then fall under the Board's purview.

Mr. Cuba explained that today's presentation is intended to be for informational purposes only, with the Board invited to comment on the project's navigational impact. He could not speak to how the future condition of the tree might affect navigation, although he noted that the presentation has addressed the distance the tree is expected to extend over the waterway.

It was suggested that once more details are available on the project, the developer should be asked to assume long-term responsibility for the maintenance of the raintree within the 25 ft. submerged land lease. Ms. Toothaker stated that the developer has been issued a permit by the City for relocation of the tree, which would transfer it to the area behind the marina; however, the team hopes to move the tree to a different location. The permit requires the developer to maintain the tree monthly for a five-year period, after which regular maintenance will continue. She concluded that the developer agrees the tree must remain within the boundaries of the submerged land lease.

David Harris, private citizen, asked if boats will tie up to the seawall/dock. Ms. Bongarzone replied that slips are proposed for the wooden dock. Ms. Toothaker further clarified that the structure is intended to be a transient dock at the base of the project, which will include retail and restaurant uses.

Mr. Harris also expressed concern with limbs on the tree that are 25 to 30 ft. above the ground, pointing out that a boat with a mast could hit the tree if it attempts to dock at the location. He suggested that the Board keep this in mind as the project proceeds.

Mr. Flanigan asked if maintenance of the completed dock would be the developer's responsibility. Ms. Toothaker confirmed this. She also addressed Mr. Harris's concern, stating that boats with tall masts would not be permitted to dock under the tree. The developer is willing to offer this as a condition of Site Plan approval. It was suggested that the space beneath the tree could permit the mooring of dinghies only.

VII. Discussion – Commercial Operations Loading / Unloading

Mr. McLaughlin stated that the loading and unloading of commercial operations has been a long-term issue in Fort Lauderdale. He emphasized that the Marine Patrol is not responsible for this policy, although they are expected to enforce it. If a barge operator makes an agreement with a property owner to load or unload on that property, the agreement is not a legal one, even with the owner's permission. There is no location in Fort Lauderdale at which it is legal for a barge to load or unload equipment.

Mr. McLaughlin continued that this policy contributes to higher costs for marine construction in Fort Lauderdale, as it means the contractor must mobilize in another city. He suggested working to identify locations in Fort Lauderdale at which this could be made legal and taking the issue to the City Commission. In other cities where loading and unloading are permitted, a staff member inspects the site to ensure no debris remains on the site.

Ms. McGowan agreed with Mr. McLaughlin's concerns, noting that it is not reasonable for a waterfront city to deny contractors access to a loading/unloading site. She was in favor of a plan to access the waterways in order to maintain a thriving marine industry. Ms. Lovell added that requiring contractors to load/unload elsewhere not only places them at a hardship, it contributes to greater carbon emissions.

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

John Piotrowski, private citizen and owner of a marine business, advised that the City should undertake a formal process to modify Code to allow contractors, with advance permission, permitting, insurance, and guidelines, to load for multiple projects on a City site. He also pointed out that the City requirement to raise seawalls' minimum heights would place significant pressure on marine contractors to do more work. He recommended identification of a site or sites along the New River, which can be difficult for contractors to navigate, as well as a more central location.

Bill Lovell, private citizen and marine business owner, stated that a policy to allow loading and unloading within Fort Lauderdale would make life easier for other owners.

Patrick Dean, private citizen and marine contractor, agreed that all contractors face these problems. Loading and unloading from boat ramps or City easements are typically monitored by the Marine Unit in accordance with the City's Ordinance. He noted that Collier County includes landing areas that can be rented by marine contractors, and asserted that they are willing to pay for this use of space.

David Newmark, private citizen, agreed that the lack of loading and unloading areas is a problem that should be addressed immediately, pointing out that many work hours are lost to travel for this purpose. This is passed on to customers through cost.

Mr. McLaughlin requested clarification of the violations with which businesses are charged for loading and unloading. Officer Phillips replied that these are violations of the City's Unified Land Development Regulations (ULDR). A notice to appear in court is given. If a business is loading or unloading within a City park, it is a violation of park rules, which may include trespassing.

Mr. McLaughlin noted that these regulations do not apply to City crews working on City property. He added that businesses such as charter vessels may pick up and drop off passengers on the City's floating docks as long as there is no exchange of money in that place.

Mr. McLaughlin continued that one option for a staging area is near the Oakland Park Bridge. Another possibility is west of the Performing Arts Center, where the floating docks are located. Both of these areas have sufficient room for vessels to turn around. He requested clarification of the best way to encourage the City to take action on this issue. It was also asked if there is the possibility of discontinuing Police enforcement of the Ordinance until the issue can be addressed by the City Commission. Mr. Cuba stated that one option is a communication to the City Commission.

Mr. Flanigan advised that permission for use of the Oakland Park Bridge site would need to come from the Florida Department of Transportation (FDOT). He felt the private sector is more likely to accommodate a request from the City for a loading and unloading area. He recommended advising the Commission of what the Board feels the private sector should do, and offering additional suggestions for potential loading and unloading sites.

Mr. McLaughlin asked if this suggestion would include having private contractors apply to FDOT for use of the Oakland Park Bridge site. Mr. Flanigan explained that if this approval is granted, the businesses could then inform the City that they are approved to use this space. He reiterated that there may be more than one appropriate site near this bridge. Another option could be space at George English Park.

Vice Chair Strobel noted that the public may object to the use of park, public, or residential space by private industry, as the necessary equipment for loading and unloading is heavy and potentially dangerous.

Mr. Morley stated that the Board should remain cognizant of the fact that the safe navigation of waterways is part of their purview when considering support of heavy lifting operations in an area as heavily congested as the New River. He emphasized that he would not be supportive of asking Police Officers not to enforce City Code. His recommendation was to ask the City Commission to look into this issue, and that private companies and their owners speak to their respective City Commissioners to encourage a way to change the subject Ordinance rather than working around it.

Patrick Dean noted that he is familiar with some of the properties discussed by the Board as potential sites, including the site near the Oakland Park Bridge. He pointed out that there may be building plans for a lot in this area. Another possibility is space on the north side of the Davie Boulevard Bridge where an empty lot exists, or closing off a section of a City boat ramp or ramps for rent to commercial uses.

Mr. McLaughlin suggested that the Ordinance could be modified to allow property owners to rent empty parcels for loading and unloading. It was pointed out, however, that this could be problematic from a zoning or a liability standpoint, particularly for parcels in residential neighborhoods. Both of these issues are beyond the Board's purview.

John Piotrowski stated that the process of amending an Ordinance can be lengthy, and proposed that marine contractors and the public join the MAB in bringing this issue before the Planning and Zoning Board, the City Commission, or both. He felt the best path forward would be to request a stay of the Ordinance that would allow loading/unloading under certain conditions for permitted projects. He also suggested working together to identify potential locations for loading and unloading, although he cautioned that this could be a longer-term process.

Jeff Scribner, private citizen, commented that he has used empty lots for loading/unloading in the past, and some companies own commercial properties that they use for this purpose. He agreed that the issue should be addressed.

Mr. McLaughlin offered to work with other contractors to develop a presentation that could be made before the MAB and later presented to the Commission along with a communication at that time. Mr. Cuba advised that he could schedule further discussion of this topic on the November 2021 meeting Agenda so the Board can review progress.

Mr. Flanigan recommended notifying the Commission via a communication that the Board is planning to look into this issue, and inviting their help. Mr. Cuba proposed designating a single Board member, in accordance with the Sunshine Law, to meet with private sector contractors and begin conversations. He cautioned that while changing the Code may be the ultimate goal, this can be a lengthy process. He also recommended that Board members plan to attend any future Commission meetings at which this topic may be discussed.

Ms. Lovell stated that the marine industry should clearly define the problem, as well as potential solutions, more comprehensively before bringing this issue before the City Commission. It was determined that this would be brought back as a November Agenda Item, with the intent of having identified potential sites by that time. Mr. McLaughlin was identified as the Board's point person to meet further with Mr. Cuba and marine industry representatives.

VIII. Old / New Business

Mr. McLaughlin requested an update regarding construction of a railing or other barrier at the Ikon property, noting that workers on the property had informed him there were no plans for a railing on the walkway. Mr. Flanigan stated that he was concerned that the Board's communication to the City Commission from May 2021 has not resulted in a response, and asked which City representative is overseeing this effort. Mr. Cuba requested that a Board member send him an email requesting this information, which he would forward to the appropriate party or parties. He also encouraged Board members to attend the next City Commission meeting at which this issue would be discussed.

Mr. Cuba reported that the Las Olas Marina is no longer being operated by the City. The keys to this facility were given to Suntex on October 1, 2021.

Mr. McLaughlin stated that the city of Hallandale Beach is implementing fixtures in its storm drains to stop the flow of debris into the stormwater system and the waterway. He suggested that Fort Lauderdale look into this option.

IX. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:34 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.]