



CITY OF FORT LAUDERDALE

**MEETING MINUTES
CITY OF FORT LAUDERDALE
MARINE ADVISORY BOARD
THURSDAY, JUNE 2, 2022 – 6:00 P.M.**

**Cumulative Attendance
January-December 2022**

Ted Morley, Chair	P	4	1
Steve Witten, Vice Chair	P	4	1
Robyn Chiarelli	P	3	2
Bob Denison	P	3	2
Barry Flanigan	P	5	0
Robert Franks	P	2	0
James Harrison	P	5	0
Kitty McGowan	A	2	3
Norbert McLaughlin	P	4	1
Noelle Norvell	P	4	1

As of this date, there are 10 appointed members to the Board, which means 6 would constitute a quorum.

Staff

Andrew Cuba, Marine Facilities Manager
Sergeant Travis O’Neil, Fort Lauderdale Police Department
Carla Blair, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. Call to Order / Roll Call

The meeting was called to order at 6:00 p.m. and roll was taken.

II. Approval of Minutes – April 7, 2022 & May 5, 2022

Chair Morley explained that the April 7, 2022 minutes had required an attendance correction, which was why they were presented again for Board approval.

Motion made by Mr. Denison, seconded by Vice Chair Witten, to approve the April 7 meeting minutes. In a voice vote, the **motion** passed unanimously.

Motion made by Chair Morley, seconded by Mr. McLaughlin, to approve the May 5 meeting minutes. In a voice vote, the **motion** passed unanimously.

III. Statement of Quorum

It was noted that a quorum was present at the meeting.

IV. Waterway Crime & Boating Safety Report

Sergeant Travis O'Neil of the Fort Lauderdale Police Department's Marine Unit reported the following activity from May 2022:

- 88 waterway calls for service
- 70 citations
- 2 accidents
- 1 burglary
- 1 incident resulting in arrest

Chair Morley asked if the Marine Unit was involved in the sinking of a vessel in front of the Yacht Club. Sgt. O'Neil replied that the Marine Unit facilitated retrieval and disposal of the vessel.

V. Dock Permit – 909 Cordova Road / David & Jessie Cunningham

David Cunningham, Applicant, stated that the request was for approval of a new dock at his property.

Chair Morley observed that the drawings accompanying the Application showed a marginal dock and a perpendicular floating dock. He noted that the City requires 5 ft. setbacks, and asked if the 36 ft. vessel Mr. Cunningham planned to dock on his property would fit within that setback. Mr. Cunningham replied that the nose of the boat will extend over the floating dock in order to remain within the extension limit into the waterway.

Chair Morley continued that the drawings show the offshore mooring piles at 13 ft., and the vessel to be docked on the property has a 13.2 ft. beam. Mr. Cunningham advised that the pilings will be at 16 ft., which would leave some room on either side of the boat.

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

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

VI. Dock Permit – 1009 Cordova Road / Robert & Jena Atlass

Chair Morley noted that the Applicants for this Item were not present at the meeting. Mr. Cuba stated that there is already a dock at the recently purchased property, and the Applicants wish to obtain a permit in their own name.

Chair Morley recalled that the Board heard this permit request through the former owner several months ago. It was approved by the Board and the City Commission. The Applicants request no changes to the dock.

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

Motion made by Mr. Flanigan, seconded by Mr. Denison, to approve. In a voice vote, the **motion** passed unanimously.

VII. Dock Permit – 811 Cordova Road / Steven & Dana Marin

Steven Marin, Applicant, stated that he was willing to answer any questions from the Board regarding the Application.

Chair Morley commented that Section 8.144 of the City's permit process for dock permits requires that only vessels owned by the permit holder may be docked at the subject property. This means the City may require proof that he owns a vessel. Mr. Marin replied that he is in the process of looking for a boat to purchase. He estimated this will be a 33 ft. to 35 ft. outboard.

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

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

VIII. Old / New Business

Mr. Franks reported a recent incident in which the City's train bridge remained in the down position for approximately one hour as four trains passed, which resulted in several boats waiting on both sides of the bridge. He emphasized the need to open the bridge more frequently to allow for the passage of marine traffic on the waterway.

Chair Morley recalled that the Marine Industries Association of South Florida (MIASF) has a camera trained on the bridge to track its frequency of operation. He confirmed that current conditions can be frustrating, and all parties are seeking a better solution, although there have been no changes over the past couple of years. He encouraged all

captains to continue reporting incidents such as the one Mr. Franks had described, as these may be violations of the bridge owner's agreement with the U.S. Coast Guard.

Mr. Flanigan commented that at the previous two meetings, the Board had discussed concerns regarding a permit application to the U.S. Army Corps of Engineers for a dock on a pedestrian walkway in front of the SALT7 restaurant. He added that a City Commissioner has offered to inquire further into this matter on behalf of the Board, and asked if there are any further steps the Board can take at this time. A number of letters have been written regarding the application from both marine interests and nearby condominium residents.

Chair Morley advised that the City Commission plans to discuss dockage at the Ikon property at its June 7, 2022 Commission Agenda meeting, beginning at 1:30 p.m. He planned to attend this meeting to share the Board's concerns, and encouraged other members to attend as well. He acknowledged that the Board has limited input to the Army Corps of Engineers in this matter.

Mr. McLaughlin recalled that when train bridge activity was discussed several months ago at a meeting, it was noted that the U.S. Coast Guard was fining the owner of the bridge for violations of their time schedule. He asked if it is known whether or not the owner has paid any of these fines, and what entity oversees the payment of fines. Mr. Cuba replied that this is likely the Coast Guard, noting that a hotline was established to report violations to that body. He offered to contact MIA SF for more information, which would be distributed to the Board members.

Hardy Anderson, member of the public, advised that he is the president of Peterson Fuel. He reported that he has met with representatives of MIA SF as well as of the FEC railway, as the raising and lowering of the train bridge affects his business. The fine for a bridge violation is \$15,000 per incident, but collection of these fines has been tied up in litigation and nothing has been paid thus far. He stated that Peterson Fuel has contacted the Coast Guard multiple times to report violations.

Mr. Anderson also addressed a separate issue, explaining that he owns a property at which one of his gas barges is docked. He explained that the City recently cited him for a Code violation for keeping a commercial vessel behind a private property in a residential area. He did not believe this vessel should fall under the category of commercial watercraft, and requested feedback from the Board on this law.

Mr. Cuba asked if Mr. Anderson has an appointment with the Special Magistrate regarding the citation. Mr. Anderson confirmed this. Mr. Cuba advised that the determination will be made by the Special Magistrate, as zoning is not within the Board's purview.

Chair Morley also recommended that Mr. Anderson address this issue further with the Special Magistrate. Mr. Anderson added that he has also reached out to the City Commission and plans to address them about this issue in June.

Chair Morley asked if the Board may send letters or otherwise communicate regarding a Special Magistrate hearing. Mr. Cuba replied that while the Board may make any communication on any topic, the concern in this case is one of zoning, which is beyond their purview. Chair Morley concluded that he would like to hear about the outcome of the upcoming Special Magistrate hearing, as waterway access for commercial operators is of vital importance. He suggested that members may wish to reach out individually to their City Commissioners and communicate these concerns.

IX. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 6:37 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.]