



CITY OF FORT LAUDERDALE

**MEETING MINUTES
CITY OF FORT LAUDERDALE
MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
CITY COMMISSION CHAMBERS
8TH FLOOR CONFERENCE ROOM
THURSDAY, OCTOBER 6, 2022 – 6:00 P.M.**

**Cumulative Attendance
January-December 2022**

Ted Morley, Chair	P	6	2
Steve Witten, Vice Chair	P	6	2
Michael Boyer (arr. 6:01)	P	2	0
Robyn Chiarelli (arr. 6:09)	P	5	3
Bob Denison	A	5	3
Barry Flanigan	P	8	0
Robert Franks	P	5	0
Elisabeth George	P	1	0
James Harrison	P	8	0
Brewster Knott	A	1	1
Norbert McLaughlin	P	7	1
Noelle Norvell	P	6	2

As of this date, there are 11 appointed members to the Board, which means 6 would constitute a quorum.

Staff

Andrew Cuba, Marine Facilities Manager
Jonathan Luscomb, Marine Facilities Supervisor
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 – September 1, 2022

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

III. Statement of Quorum

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

IV. Introduction of New Member – Elizabeth George

New Board member Elizabeth George introduced herself at this time.

V. Waterway Crime & Boating Safety Report

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

- 2 boat burglaries
- 2 minor boating accidents
- 66 citations

Sgt. O'Neil confirmed that Code Compliance has secured its own vessel so they no longer need the Marine Unit to take Code Compliance Officers onto the water when necessary.

Mr. Harrison requested an update on preparations for the upcoming Fort Lauderdale International Boat Show. Sgt. O'Neil advised that the only significant change appears to be the loss of a former staging area near the new Las Olas Marina. Staging is occurring in a mooring field instead, with no issues. Ms. George advised that land on the south side of the Las Olas Bridge is also being used for staging, as the Boat Show will not extend past that bridge.

VI. Dock Waiver – 2150 SW 23rd Avenue / Michael & Helen Scalisi

Andrew Schein, representing the Applicants, stated that the subject property is in a unique area to which extraordinary circumstances apply. It is near the juncture of three marinas and subject to large boat traffic with significant wakes. The Applicants propose two dolphin piles at approximately 45 ft. from the property. He noted that there are different ways in which the waterway may be measured, as it ranges from 171 ft. to 212 ft. in width. The mooring piles would be between 21.2% and 26.3% of the width of the waterway.

Mr. Schein provided letters of support for the project, adding that one such letter from a nearby commercial business was included in the Board members' backup materials.

Mr. McLaughlin asked what size boat will be docked at the subject property. Mr. Schein replied there is no set size for a boat at present, although he noted that a boat shown in an aerial photo of the property is approximately 65 ft. He pointed out that this boat is not kept on the property.

Mr. McLaughlin explained that variances are related to the structures on a property: if a variance is requested with the intent of docking a vessel of a certain size, an owner may instead decide to dock a larger vessel there, which could protrude into the navigable waterway. Mr. Schein confirmed that the owner currently has a 30 to 40 ft. vessel on the property, although he could not speak to the Applicants' future plans. He noted that the proposed mooring piles are single structures.

Chair Morley observed that while the Application refers to the safe mooring of one vessel, the proposed structures provide room for the potential mooring of four to five vessels. He asked if the owners plan to rent dock slips or if all vessels on the property would be their own. Mr. Schein replied that the owners do not plan to rent slips, but may allow visiting relatives to dock their boats on the property. It was noted that the property is zoned RS-8, which prohibits rental of slips. He reiterated that there is room for four vessels on the property, although this may depend upon the time of year.

Chair Morley asked if the property is occupied by its owner, noting that the owner has a different mailing address. Mike Scalisi Jr., the owners' son, stated that members of the family regularly use the house.

Mr. McLaughlin asked if there is a boat lift on the property. Mr. Scalisi Jr. replied that there is a 12,000 lb. capacity boat lift. Mr. McLaughlin commented that the letter of support from a business was helpful in making his decision, as it showed the proposal would not impede commercial activity.

There being no further 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.

Mr. Cuba advised that he had provided notice of tonight's meeting to all buildings within 300 ft. of the subject property, all of which were residences. There were no objections.

Chair Morley commented that the U.S. Coast Guard has designated the New River as a commercial waterway, which means its primary purpose is commercial activity. This must be taken into consideration by the Board. He echoed Mr. McLaughlin's comments regarding the letter of support from a commercial operator who uses the waterway in the subject area.

Vice Chair Witten noted that an applicant's denial of intent to rent docks has little meaning once an application has been either approved or denied by the City Commission. Sgt. O'Neil advised that although dock rental is illegal in RS-8 zoning, there is little enforcement unless there is a complaint. If a complaint is lodged, Code Enforcement may investigate further. It can be difficult to prove that a rental transaction has taken place.

Vice Chair Witten explained that although the Board may recommend restrictions on approvals, there are no deed restrictions or other activities to ensure an owner will comply with these restrictions. Chair Morley confirmed that all the Board may do is vote on the proposed structures themselves, as the use of those structures and the boats that may be docked there are beyond the Board's purview.

Mr. McLaughlin recalled that he had looked at properties for which the Board had recommended vessels no larger than a certain size, and had noted no such size restrictions were being observed. There is no restriction included on the permit to build the structure(s). Chair Morley agreed that this should be an issue for future discussion.

Mr. Harrison reiterated the significance of the letter of support from a commercial tow operator near the property. He expressed concern that if more properties near the subject area extended vessels or structures into the waterway, it could create a gauntlet on the New River. He requested that the possibility of a moratorium on permits extending into the New River be discussed at a future Board meeting.

Mike Resta, member of the public, stated that he lives across the canal from the Applicants. He advised that the Applicants' requested extension is only 20 ft. into a river that is nearly 300 ft. wide, which would not make a significant difference. Mr. Resta concluded commercial vessels should comply with waterway regulations just like personal watercraft.

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

VII. Dock Waiver – 1215 Seminole Drive / James & Darlene Barron

Frank Mamando, representing the Applicants, stated that the proposed project consists of a 5 ft. seawall, which is consistent with the City's most recent seawall height requirements. The Applicant also plans to include two 39 ft. concrete piers, which will be 14 ft. longer than what is allowed by Code from the wet face of the seawall, and a 30,000 lb. four-post boat lift inside the required 10 ft. setback. The structures would provide safe mooring during high wind and king tide events, and will protect the Applicants' vessels from waves generated in the area.

Mr. Mamando concluded that the project has received approval from the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection, and Broward County.

Mr. McLaughlin observed that the property lines of the subject parcel are not "squared off," which could create issues with adjacent properties. Mr. Mamando advised that the proposed dock will run from property line to property line, with the pier running 15 ft. from the north side and 22 ft. from the south side. This will result in a 5 ft. setback from the outer edge of the boat lift and a 10 ft. setback from the pier on the same side.

Mr. McLaughlin noted that the property to the south of the Applicant's parcel would be restricted on its own side, although this would not be due to the Applicant's proposed structures. Mr. Harrison commented that the Board has previously granted a waiver to the property to the south.

Chair Morley stated that the proposed boat lift could become a problem for the property to the south if it extends either on the same plane as the property line or perpendicularly to the seawall. While the lift would remain within the 5 ft. setback, the vessel on it would not. He added that the Board will only be able to vote upon the plans as presented to them, although it would be possible to discuss modifications if that is the Applicant's desire.

Chair Morley further clarified that the two areas of concern are the boat lift on the south side and the 9 ft. setback "from the other side." He requested additional information on the 53 ft. area between the two proposed docks. Mr. Mamando stated that the subject property is a single-family residence, and the Applicant may consider a smaller boat lift or personal watercraft lift in the future, as well as a lower 10 ft. section of the dock for kayak or paddleboard access.

Mr. McLaughlin pointed out that the Applicants could not place a second lift on the property without a variance request, as the City permits only one lift per 100 ft. He reiterated that if a boat is placed on the proposed lift with the stern facing inward, the boat would extend another estimated 10 ft. beyond the lift. Mr. Mamando suggested that the 53 ft. area could be modified to address this, and indicated the Applicant's willingness to stipulate to this change. He reiterated that the project meets the standards of the Army Corps of Engineers.

Mr. Harrison commented that he would like to see the Applicant bring back plans in the future along with a letter of support from the neighbor on the southern property. He noted that the boat docked on the Applicant's property could be quite large due to the size of the lift, and could affect the neighbor's riparian rights. He suggested placing the proposed finger pier on the south side of the structure and moving the boat lift to the north side, which would ensure that the neighbor's ingress/egress to their own dock would not be impeded.

Mr. Mamando advised that if changes are made to the plans, the Army Corps of Engineers would require a new "as built" proposal from the Applicant. He suggested bringing the plans back to the Board after this has been done.

Mr. McLaughlin noted that if the dock is moved to the south side rather than the boat lift, it would still result in the presence of a boat within the setback, which would be more problematic than the lift. He recommended modifying the 53 ft. area and turning the boat lift in the direction of the property line.

Vice Chair Witten asked if any letters of objection to the Application were received. Mr. Cuba stated that notice was provided to all properties within 300 ft. of the Applicant's property, and none had responded to express concerns.

Mr. Harrison noted that the issue was not the length of the proposed structures into the waterway, but was instead the sides and positioning of the structures. Mr. McLaughlin reiterated that his primary concern was the boat lift on the south side of the property.

Chair Morley concluded that the Board may not vote to approve an Item that would intrude into a setback. He recommended that the Application be tabled, and that the Applicants bring back modified plans addressing the setback issue.

Motion made by Chair Morley, seconded by Vice Chair Witten, to table this. In a voice vote, the **motion** passed unanimously.

VIII. Presentation – Broward County Public Art and Design Program – E. Clay Shaw Jr. Bridge / Leslie Fordham

Leslie Fordham, Broward County Public Art Administrator, showed a PowerPoint on projects planned for Fort Lauderdale's bridges. The County's Public Art and Design program places artwork in locations such as airports, libraries, and various County buildings and streets.

Ms. Fordham explained that there are three Fort Lauderdale projects in progress, including the Andrews Avenue Bridge, which is on a County-owned road. The proposal is for an interactive and dynamic design with moving light behind metal panels. The design would change at major holidays.

The County also plans to perform renovations on the 3rd Avenue Bridge, where another potential art project has been proposed by the same artist in charge of the Andrews Avenue Bridge project. The preliminary design has not yet been approved. A survey has been issued to the public to determine who will be the intended audience for the 3rd Avenue Bridge project. This would also be an interactive project.

A project has been proposed for the E. Clay Shaw, Jr. Bridge, which crosses the 17th Street Causeway. While there is no budget thus far for this project, three artists have been shortlisted and will be asked to submit design proposals to the County's nine-member art selection panel. The bridge is close to the Convention Center, which is currently being renovated.

Before the Broward County Board of County Commissioners allocates funding for a project, the selection panel collaborates with any appropriate agencies. In the case of the E. Clay Shaw, Jr. Bridge, that agency will be the Florida Department of Transportation (FDOT). Ms. Fordham clarified that while no funding has been allocated

for this project thus far, there is funding available to hire an artist and investigate the cost of their design proposals. She showed examples of the shortlisted artists' work.

Ms. Fordham concluded that she would send Mr. Cuba a link to the 3rd Avenue Bridge survey to be forwarded to the Board members. Chair Morley requested that the PowerPoint presentation be provided to the members as well.

Chair Morley asked if the U.S. Coast Guard is consulted when lighting plans are made. Ms. Fordham confirmed this.

Ms. Chiarelli suggested that the Broward Map Fund may be able to provide some funding for bridge projects, as they are transportation-related. She also asked if there is consideration of projects other than lighting, which could provide some daytime activation of projects. Ms. Fordham replied that the Convention Center has requested the E. Clay Shaw, Jr. Bridge project include a mural or other aspect beneath the bridge itself. This may also be a possibility for other bridges if funding allows.

Ms. George requested clarification of the entity who will manage the lights on these bridges. Ms. Fordham replied that Broward County will maintain the projects on County roads. The artists will also have links to their projects and may be able to reset lighting remotely if needed.

IX. Old / New Business

Ed Rebholz, member of the public, introduced himself at this time. He is a candidate for City Commission District Four. He is president of the Lauderdale Harbors Improvement Association and acknowledged that the rental of private dock space is an issue in that community.

Chair Morley advised that the City Commission recently tabled a discussion of proposed Ordinance 22-0844, and had requested that the Board look into this issue; however, this Item has now been removed from the City Commission's Agendas for the foreseeable future. The Commission hopes to look into this proposed Ordinance more closely going forward.

Chair Morley explained that the Commission hopes to reconcile Code language regarding dock rentals. At present, Code specifies that RS-4.4 and RS-8 are the only two residential zoning districts in which dock rentals are not permitted; however, Code also includes some contradictory language. The Commission is seeking additional feedback from stakeholders, and the Marine Advisory Board will be part of this discussion, as will marine industries and City neighborhoods.

Chair Morley emphasized that he has spoken directly with the Mayor on this topic and has requested that the Board be directly involved with this issue going forward. He

reiterated that the issue has currently been tabled and will require further discussion. The current Ordinance remains in effect.

Mr. Franks commented that he has concerns about this issue. The tabled Ordinance had addressed dock rentals in residential areas where this activity was previously permitted. He felt it was important to address this issue where there has been a problem, but was concerned with the possibility of new restrictions where no issues existed. He noted that this can vary significantly from one neighborhood to another.

Mr. Franks also pointed out a reference to major or minor repair or maintenance of watercraft, which suggested that this work must be conducted within an enclosed structure. Chair Morley stated that this section of the tabled Ordinance will also be revisited with a focus on major vessel repairs, commercial charters, and live-aboard vessels. He reiterated that there will be significant marine industry feedback before the tabled Ordinance is revised and goes before the City Commission.

Mr. Rebholz commented that allowing dock rentals in residential areas has led to charter boat operations in these neighborhoods. He felt the problem in some neighborhoods, such as Lauderdale Harbors, is that it can be more profitable to rent dock space than to rent houses, which can entice businesses to invest in these residential neighborhoods and rent the docks.

Chair Morley advised that there will be significant debate on these issues, and encouraged stakeholders to speak up at City Commission and other meetings to express their concerns. He recommended that individuals address their comments to their City Commissioners. Mr. Cuba stated that as information becomes available on this issue, he will send emails to the Board members. He reminded the members of the restrictions of the Sunshine Law as well.

Ms. George recalled a discussion on how the tabled Ordinance was handled at a recent pre-Commission meeting. One of the concerns raised at that meeting was that the Ordinance had not come before the Marine Advisory Board or other appropriate City advisory entities before it was originally planned to go before the Commission. Chair Morley agreed, noting that his attention had been called to the item because it had not come to the Board although it was directly within their purview.

Mr. Harrison recalled that the Board had previously discussed dockage at the Ikon property. While there had been an attempt to have this dockage approved through the Army Corps of Engineers, therefore bypassing the City, that attempt has been stopped by the U.S. Coast Guard. He concluded that he has been assured the issue will come before the Marine Advisory Board before any further decisions are made at the City Commission level.

Michael Feinstein, member of the public, stated that he has lived in the Riviera Isles community for several years and recently received a citation for docking a boat in his

back yard within his RS-8 zoning district. He asserted that this is selective enforcement of restrictions against dock rentals, which he felt was widespread throughout the City. He added that this would have a negative effect on the maritime industry, and that realtors who sell waterfront properties should be required to inform prospective buyers of the City's prohibition on dock rentals in some zoning districts. Mr. Feinstein concluded that rental activity should be regulated so it is not out of control and can generate income for the City.

Mr. McLaughlin urged continued caution throughout the remainder of hurricane season.

X. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:30 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.]