



CITY OF FORT LAUDERDALE

**MEETING MINUTES  
CITY OF FORT LAUDERDALE  
MARINE ADVISORY BOARD  
100 NORTH ANDREWS AVENUE  
CITY COMMISSION CHAMBERS  
8<sup>TH</sup> FLOOR CONFERENCE ROOM  
THURSDAY, DECEMBER 1, 2022 – 6:00 P.M.**

**Cumulative Attendance  
January-December 2022**

Ted Morley, Chair	P	8	2
Steve Witten, Vice Chair	P	8	2
Michael Boyer	A	2	2
Robyn Chiarelli (arr. 6:05)	P	6	4
Barry Flanigan	A	8	2
Robert Franks	P	7	0
Elisabeth George	P	3	0
James Harrison	P	9	1
Brewster Knott	P	3	1
Norbert McLaughlin	P	9	1
Noelle Norvell	P	8	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**

Chair Morley called the meeting to order at 6:00 p.m. and roll was taken.

**II. Approval of Minutes – November 3, 2022**

**Motion** made by Mr. Franks, seconded by Vice Chair Witten, 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. Waterway Crime & Boating Safety Report**

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

- 36 calls for service
- 2 burglaries
- 87 citations
- 2 minor accidents

Sgt. O'Neil advised that a number of burglaries have occurred in the NE 15<sup>th</sup> Street area. There have also been incidents of speeding near the Coral Ridge Yacht Club. The Marine Unit recently spent time near this area as a waterway traffic calming measure as well as a deterrent to crime.

Sgt. O'Neil stated that the Marine Unit has received a number of calls regarding boats anchored north of Las Olas Boulevard. He explained that anchored vessels are tracked on a spreadsheet, including document number, size, model, condition, owner's name, and other information. When a new vessel anchors in the City, the Marine Unit meets with its owner and informs them of the City's Ordinances and State Statutes regarding anchored vessels. If boats are in violation, they are ticketed.

Sgt. O'Neil continued that while some anchored vessels may be unsightly, this does not mean they are derelict. They must meet State Statute requirements in order to be declared derelict. If the vessel is at risk of deterioration, the Marine Unit again contacts its owner or captain to ensure they are aware of the situation. This discourages the "dumping" of boats in the City. He encouraged the Board members to email his office with any additional questions or concerns.

Additional information was requested regarding what the owners of anchored vessels are told regarding discharge. Sgt. O'Neil replied that these owners are informed of requirements such as closed/latched bows, as well as the need for vessels to visit pump-out stations. He acknowledged that any dumping of sewage must be witnessed in order for charges to be brought against the offender.

Mr. Harrison requested information on Winterfest Boat Parade preparations. Sgt. O'Neil advised that at present, there will be six Fort Lauderdale Marine Unit boats overseeing this event, with more than 10 additional vessels from other jurisdictions assisting. He is currently working to complete the schedule for this event.

Mr. McLaughlin addressed live-aboard vessels both inside and outside marinas, asking if there is any documentation of their pump-out activities by the marinas or other

entities. Sgt. O'Neil replied that while he did not know the marinas' policies on this, the boats' owners are likely to have receipts or other documentation for pump-out services. He noted that it is more likely that boats docked in marinas are pumped out.

Chair Morley asked if there are waterway traffic calming plans for the New River. Sgt. O'Neil stated that while there is no such plan at present, plans can be developed for areas where problems exist. He noted that there would need to be complaints or another reason for the allocation of the full Marine Unit into a single area.

An update was requested on the status of the City's pump-out stations. Mr. Cuba replied that two of these three units are currently working, adding that the Marine Unit is informed when these stations are not operational.

#### **V. Dock Permit – 711 Cordova Road / Rick J. Burgess**

Rick Burgess, Applicant, stated that the request is for a permit to install an L-shaped dock. He has also purchased the property located south of 711 Cordova Road and divided it with a neighbor, resulting in an 83 ft. property. The proposed dock would traverse 50 ft. in front of his 83 ft., which means he is not close to the setback on either side, and will extend 17 ft. on a gangway. This is below the 25 ft. extension limit into the waterway.

Chair Morley requested clarification of the size of the Applicant's planned boat lift. Mr. Burgess replied that it is approximately a 13,000 lb. lift. He is seeking to purchase a 21 ft. to 29 ft. vessel.

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.

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

#### **VI. Dock Waiver – 1645 East Lake Drive / 1645 EL, LLC – Ellen Latham**

Kyle Martinez of American Seawall Marine Construction, representing the Applicant, stated that the Applicant owns a boat with a beam of nearly 14 ft. and lives on Lake Sylvan, which is a high-traffic area. The Applicant proposes to install a boat lift to protect this vessel. Due to the size of the boat's beam, an additional 5 ft. is needed to accommodate the vessel and extend approximately 30 ft. into the waterway.

Mr. McLaughlin requested clarification of the waterway width in the subject area. Mr. Cuba replied that it is 128 ft. wide.

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.

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

#### **VII. Dock Permit – 1410 SE 11 Street / William Premock & Vivian Alvarez**

Vivian Premock, Applicant, stated that she owns a 50 ft. waterfront property and hopes to install a 40 ft. dock. There are 5 ft. setbacks to the north and south. She plans to keep a 39 ft. boat at the property.

Mr. Franks asked if the Applicant's neighbor to the south has any objection to the proposed dock. Ms. Premock replied that her neighbors are aware of the proposal and do not take issue with it.

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.

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

#### **VIII. Discussion – New River Navigational Concerns**

Chair Morley explained that he had requested this discussion be placed on the Agenda because the New River has become very busy for those who work and/or live there. The size of vessels both traveling on and moored along this waterway is increasing, which shrinks the waterway space available and can create navigational issues. He stated that one of the Marine Advisory Board's (MAB's) responsibilities is to recommend actions for activities and operations on the City's waterways.

Chair Morley continued that he hoped the Board would develop a plan they can recommend to the City Commission to help address issues on the New River such as speeding, wake damage, and collisions. He noted that representatives of marine businesses who use this waterway are present at tonight's meeting, as well as representatives of the Marine Industries Association of South Florida (MIASF).

Mr. McLaughlin showed slides of boat traffic on the New River, pointing out that many boats have significantly larger beam sizes than in the past. He advised that boats travel the New River when the current is outgoing, as traveling with the current could lead to collisions. If there is traffic on the river, there is an area in which vessels may lay over. He also noted locations for which applications were submitted to the Board in the past,

as well as a pump-out station and the placement of a walkway on the Icon property. In some areas, boats must be staged to pass through.

Mr. McLaughlin also provided slides of boats being towed on the New River, as well as barge traffic, and pointed out the locations of docks and pilings on the waterway that can affect this traffic. He added that because there is no location in Fort Lauderdale at which barges may legally pick up or drop off material or equipment, it is not unusual for barges to overload in order to avoid making multiple trips at greater expense.

Mr. McLaughlin also showed boats docked on the New River which extend beyond their furthest pile into the waterway, asserting that property owners are not always truthful regarding the size of the boats they plan to dock. He concluded that the marine industry should not be restricted from doing its work, which means the largest possible vessels should be able to move safely along the river without obstruction.

Mr. McLaughlin also advised that seawalls in Fort Lauderdale will need to be raised in the future to meet new height requirements, which means marine contractors with barges will need to enter the City's canals. He cautioned that variances approved along these canals can restrict barge traffic and make it more difficult for homeowners to raise their seawalls.

Chair Morley stated that the New River has been designated a commercial waterway by the United States Coast Guard. In addition, the entire river is considered to be the navigational channel. He explained that one reason for tonight's discussion is the number of requests by properties on the New River which wish to extend 65 ft. or more into the waterway to place pilings. The reasons behind these requests are often damage to the owners' vessels from excessive wakes. While these are legitimate concerns, the extensions would make it more difficult for commercial and some recreational operators to traverse the New River.

Chair Morley continued that he would like the Board to consider how to move forward by determining how to address waiver, dock, and other requests on the New River. Displacement of water increases the current, which requires vessels to move faster, resulting in wakes. He also acknowledged the need to balance the needs of the commercial sector with those of homeowners.

Chair Morley recalled that a waiver request which was not approved at the Board's November 2022 meeting will go before the City Commission at their December 20, 2022 meeting. He emphasized the importance of having a member of the MAB attend that meeting to share the Board's concerns and explain why the request had twice been denied.

Mr. McLaughlin stated that he felt the City Commission should place a moratorium on any new variances on the New River until representatives of the marine industry can meet with the Commission to express their concerns. He suggested that the Board send

a communication to the Commission requesting that they approve no variances on the New River until this discussion can be held.

Mr. Harrison observed that in some areas shown in Mr. McLaughlin's presentation, it would be possible for homeowners to legally build docks that extend 30%, 25 ft., or less into the waterway without first coming before the Board. He felt this showed the current situation is not working. He felt the Board's best option was to work with the Coast Guard to ensure the New River's status as a commercial waterway, noting that the MIA SF has already reached out to the Coast Guard for this purpose.

Mr. Harrison continued that Mr. McLaughlin's presentation should be provided to a representative of the MIA SF, and that any other Board members with specific concerns regarding the New River share these with the MIA SF as well. He recommended waiting until the new City Commission is seated to send a communication to the Commission.

Mr. McLaughlin explained that his recommendation of a communication to the Commission would be intended to stop any action the Commission might take regarding the dock waiver application rejected by the Board in November. He recalled that at an earlier time, he had proposed that the Commission take a cruise of the New River to see its conditions, although the City Attorney has rejected this proposal as a potential violation of the Sunshine Law.

Mr. Harrison agreed that a tour of the New River would be important, as this would allow the Commission to see boat traffic and the marine industry firsthand. He felt this would broaden their perception of the industry.

Chair Morley requested the current estimated number of marine industry jobs in Broward County. Patience Cohn, industry liaison for the MIA SF, advised that there are 111,000 such jobs in the County. She added that 70% of the recreational boats entering the United States do so through Port Everglades.

Mr. Harrison reiterated that the Board's "most actionable idea" would be working with the Coast Guard to help educate the City Commission about issues on the New River. While he did not oppose a moratorium on further waivers or variances on that waterway, he felt it would be best for the Board to get to know the new Commission before making that recommendation. Mr. McLaughlin stated that he did not want the new Commission to approve any further variances or waivers until they have had some time to gain experience.

Chair Morley advised that he felt the best way to proceed would be to have one or more Board members present at City Commission meetings so they can speak for the Board as issues arise. It was clarified that only one individual may speak representing an advisory or civic entity at a Commission meeting. Chair Morley noted that a representative of the MIA SF may also address these issues at a public meeting. He recommended taking more time to develop a well-thought-out communication to the City

Commission that would serve to educate the Commissioners and refer to both past and future marine issues the City may face.

Chair Morley continued that the Board members may also communicate individually with the Commissioners who appointed them to the Board to help ensure their concerns are heard. He pointed out that the members represent a range of expertise in the marine industry, and emphasized that this knowledge can be used to help the City. He concluded that the proposed communication to the City Commission be maintained as an Agenda Item into the future, and that he planned to attend the December 20, 2022 Commission meeting.

Vice Chair Witten suggested that the best way forward may be to suggest a pause rather than a moratorium on the approval of waivers or variance requests on the New River. He pointed out that the issue may be one of education, as the general public may not fully grasp the importance of the marine industry to Fort Lauderdale's economy. It was noted that education is also a goal of the MIA SF.

Ms. George commented that even if only one Board member may address the Commission at a meeting, it can be valuable for multiple members to attend and show support for a position or proposal.

Ms. Cohn advised that City Commissioner Steven Glassman holds a pre-Commission meeting via Zoom on nights before the Commission meetings. Members of any Commission district may attend. She proposed that a Board member may wish to attend one of these meetings to share specific concerns.

Mr. Cuba noted that another issue may be that the City's 30% or 25 ft. rule does not apply to all zones of the New River. Mr. Franks suggested that these zones could be identified on a map of the waterway.

Ms. Cohn continued that it is also important to identify cases in which a new seawall is installed in front of the older seawall, which affects the measurement of pilings and other structures from the wet face of the seawall. She added that pursuing the creation of regulated navigation areas (RNAs) would be helpful, as it would provide federal rather than local enforcement of these areas. She also felt a workshop or "town hall" meeting would provide homeowners with a greater voice in the discussion. She concluded that enforcement of regulations on the New River is part of the problem.

Chair Morley advised that this will remain an open issue for further discussion on future Board Agendas, and again recommended outreach to the members' individual City Commissioners.

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

Mr. McLaughlin showed a brief slide presentation on the process of raising seawalls.

**X. Adjournment**

There being no further business to come before the Board at this time, the meeting was adjourned at 7:39 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.]