



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, FEBRUARY 2, 2023 – 6:00 P.M.**

**Cumulative Attendance  
January-December 2023**

Ted Morley, Chair	P	2	0
Steve Witten, Vice Chair	P	2	0
Michael Boyer	P	2	0
Robyn Chiarelli	A	1	1
Barry Flanigan	P	2	0
Robert Franks	P	2	0
Elisabeth George	P	2	0
James Harrison	A	1	1
Brewster Knott	P	1	1
Norbert McLaughlin	P	2	0
Noelle Norvell	A	1	1

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  
Chris Troiano, 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 – January 5, 2023**

**Motion** made by Vice Chair Witten, seconded by Ms. George, 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**

Officer Chris Troiano of the Fort Lauderdale Police Department's Marine Unit reported the following activity from January 2023:

- 47 calls for service
- 62 citations
- 5 accidents
- 7 burglaries

Officer Troiano advised that most of the items stolen in burglaries were Garmin electronics.

### **V. Dock Permit – 1029 Cordova Road / Eric Wiborg**

Eric Wiborg, Applicant, explained that he was seeking a permit for an existing dock that was on his property when he moved there. He provided photos of the dock for the Board members. There are no plans to modify the structure.

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

### **VI. Dock Permit – 817 Cordova Road / 817 RIO LLC, Cabot Craig Edewaard**

Karl Gustafson, representing 817 RIO LLC, advised that a new house is being built at the subject location. The proposed structure is a wooden marginal dock 47 ft. in length.

Mr. Cuba stated that a required 5 ft. setback from a nearby bridge has been incorporated into the structure.

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

**VII. Dock Waiver of Limitations – 1208 Seminole Drive / Stefani Green Revocable Trust / Stefani Green as Trustee / Robert Saporiti**

David Nutter, representing the Applicant, advised that a marginal dock has already been approved by the City through a separate permit. A waiver is requested for a finger pier and three mooring pilings. There are several similar finger piers in the area.

Mr. Nutter continued that the mooring pilings would be on the south side of the property. He showed the location of the proposed finger pier as well as other details on the site, stating that the request is similar to other waivers granted in the Sunrise Bay area. The proposed construction would be perpendicular to the marginal dock due to wave action. The front of the marginal dock has a seagrass area on the north side, which limits construction to the south side.

Mr. Cuba noted that all neighbors within 300 ft. of the subject property were notified of tonight's hearing. One individual in the area submitted a letter of concern and claimed that no structures are allowed in the bay from adjacent owners; however, the City Attorney has indicated that this concern is not valid, as the submerged land gives consent for riparian rights of adjacent owners. Consent is transferred with the land rather than with the owner.

Chair Morley stated that the Board has received 10 letters of support from other neighbors in the area. He noted that the request is to extend the pier a total distance of 35 approximately ft. from the wet face of the seawall.

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. Franks, to approve. In a voice vote, the **motion** passed unanimously.

**VIII. Dock Permit – 1320 Ponce de Leon / William & Anne Scherer**

This Item was deferred.

**IX. Dock Permit – 1326 Ponce de Leon / William J. Scherer Jr. & Anne Scherer**

This Item was deferred.

**X. Dock Permit – 919 Cordova Road / William S. & Linda M. Trethewey**

This Item was deferred.

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

Chair Morley advised that he and other Board members have sent concerns and communications to Mr. Cuba's office for dissemination. He added that an Assistant City Attorney has been invited to attend the next Board meeting to provide information, and Fort Lauderdale Mayor Dean Trantalis is scheduled to attend the April meeting. He hoped the Board could reach consensus on its key points prior to the next meeting, and requested that members email their comments to Mr. Cuba for distribution among the group.

Chair Morley continued that the Mayor and Assistant City Attorney are aware of what the Board hopes to do. The Assistant City Attorney has provided a draft Resolution that will be reviewed as part of tonight's discussion. The Chair emphasized the importance of recognizing and respecting the needs of the marine industry, the general public, and homeowners along the New River. The Board has proposed a six-month moratorium on waivers along the New River's navigational corridor.

Mr. Flanigan advised that the Assistant City Attorney had indicated a better time frame for the proposed moratorium might be one year rather than six months. It was also noted that if the Board finalizes a communication to the City Commission at their March 21, 2023 meeting, the communication might be sent to the City Commission in time for their second meeting in March. A member of the Marine Advisory Board (MAB) would need to be present at that meeting to discuss the communication in case the Commission has questions.

Mr. McLaughlin asked whether the proposed moratorium would affect building on the New River or any variance requests involving extensions. Chair Morley replied that the intent is for a moratorium on waiver requests, as there is recognition from the public and the marine industry that waivers present a conflict on some parts of the New River. A moratorium would provide sufficient time for the MAB, the City's Building Department, Code Enforcement, and the City Commission to weigh in on conditions on that waterway.

Mr. McLaughlin observed that there are areas on the New River where even the construction of a dock that would not require a waiver could constitute a hindrance to navigation. Chair Morley commented that he would like to hear the Assistant City Attorney's input on the possibility of a moratorium on all construction rather than only on waiver requests, although he felt a moratorium on waivers would be easier to enact. He felt it could be best to consider changing City Code in certain geographical zones on the New River.

Chair Morley continued that the 30% rule in City Code does not work at all locations, particularly in areas where the navigational channel extends from seawall to seawall on the New River. He hoped to achieve consistency of requests on this waterway in the name of public safety and navigation.

Mr. Flanigan suggested that a survey could be done of the New River, and asked if this was a possibility before April of this year. Mr. Cuba recalled that a bathometric survey was taken 12 years ago, and offered to reach out to a member of the marine industry for additional information.

Chair Morley also asked the Board members to encourage operators of marine industry vessels on the New River to attend upcoming MAB meetings. They will be able to provide more exact information to educate the Board members and the public about where conflicts exist.

Mr. Cuba recommended that the Board gather as much information as possible before the Mayor attends their April meeting, as he may have questions on this issue. Chair Morley advised that he would reach out to the Marine Industries Association of South Florida (MIASF) to request that they have a representative present as well. Mr. McLaughlin proposed that marina owners or representatives also be encouraged to attend and provide input. Chair Morley added that he has also heard concerns about congestion on the New River from kayaking groups.

Chair Morley concluded that he hoped to discuss this issue in greater depth at the March meeting, and requested that emails be sent to the members absent from tonight's meeting so they will be aware the discussion will continue. He reiterated that he hoped to hear from the public, including various interest groups and representatives of the marine industry. Mr. Cuba noted that he would reach out to Patience Cohn of the MIASF to help spread the word about the March meeting.

Mr. Boyer asked if the March meeting will focus on dock waivers, or if there is a greater goal to "clean up" the New River as a whole. Chair Morley replied that the Board hopes to remain focused on the waiver aspect at this time, but noted that some cleanup on the waterway may address unpermitted and grandfathered construction as well if those structures infringe upon navigation. If a moratorium is established, this would provide time for a further study of existing structures on the New River.

Mr. Boyer also expressed concern with charter vessels that may be operating illegally on the waterway. It was noted that the United States Coast Guard and Florida Fish and Wildlife Commission (FWC) are also looking into this issue.

Mr. Knox asked if the Board will eventually address issues such as illegal operations of charters as well as the proposed moratorium. Chair Morley replied that this would fall within the Board's purpose, although he did not wish to take on both of these concerns at the same time. He recommended that priority be given to the moratorium at this time.

Mr. Cuba recalled that he provided information on the Miami River, as well as regulations in other cities, to the City Commission several years ago, but little has changed. He pointed out that Fort Lauderdale is unique due to its different types of

waterway access. He concluded that it is possible to gather this information and provide it once again.

## **XII. Old / New Business**

Mr. Flanigan commented that commercial activity continues to be conducted at City-owned docks despite regulations against it, and generates no revenue for the City.

Ms. George observed that the docking area in question is not managed. Mr. Franks added that “No Docking” signs in the area are ignored by boaters and not enforced by the City. Chair Morley pointed out that if the City has identified the subject area as unsafe for use, allowing use could result in liability. It was noted that the area in question was declared unsafe by the City’s Public Works Department.

Mr. McLaughlin asked to see a report declaring the area unsafe, pointing out that the City does not have any marine engineers. Mr. Cuba replied that he would request the report on behalf of the MAB. Ms. George pointed out that although the area has been deemed unsafe, there is no enforcement.

Mr. Flanigan asserted that the Board has submitted several photos and reported the use of the dockage area despite its status as unsafe. Chair Morley suggested that with a new City Commission and City Attorney in place, there may be a more significant response.

Mr. McLaughlin recalled that at a previous meeting, the Board had discussed drainage and outfall on Cordova Road. He asked if the dock owner or the City is responsible for keeping these facilities clean and free of debris. Mr. Cuba replied that he would bring back an answer to this question.

Chair Morley stated that in the past, the Board has discussed the granting of waivers for docks and placing restrictions on the size of boats that can be docked at particular locations. He advised that the property owners do not typically adhere to these restrictions, and there is no recorded mechanism that permits Code Enforcement to tack action against them if they are not in violation of the 30% rule.

Chair Morley continued that the City Attorney’s Office has recommended the Board work on a draft Resolution that would allow these restrictions to be recorded publicly as part of the title for the property, so they would be available upon title search and would remain enforceable in perpetuity through successive owners. The restriction would be disclosed to future owners as part of the title search.

Chair Morley stated that a draft Resolution would be circulated to the Board members from Mr. Cuba’s office as a template. He emphasized that the change would allow for enforcement action when dock owners “say one thing and do another.” He cautioned that this would only be enforceable if a complaint is made.

Mr. Franks asked if there is funding available to repair public docks at Cooley's Landing through the Parks Bond. Mr. Luscomb replied that there is \$1.1 million available for this park. The City is attempting to leverage \$500,000 of City matching funds through another grant. He was not certain how much funding would ultimately be available, as all the grants for which the City is applying are competitive. He anticipated making presentations to seek grant funding later in the year.

Mr. Franks asked if the Marine Facilities Department has sufficient funding from the City for its operations. Mr. Luscomb confirmed this, clarifying that the Department's funds come from the Parks and Recreation portion of the City's General Fund.

Mr. Flanigan asked if a marine summit is planned in the future. Mr. Cuba recalled that the City hosted the last summit roughly four years ago, but Broward County has not pushed for another such meeting.

### **XIII. Adjournment**

There being no further business to come before the Board at this time, the meeting was adjourned at 7:14 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.]