



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, MARCH 2, 2023 – 6:00 P.M.**

**Cumulative Attendance
January-December 2023**

Ted Morley, Chair	P	3	0
Steve Witten, Vice Chair	P	3	0
Michael Boyer	A	2	1
Tyler Brunelle	P	1	0
Robyn Chiarelli (arr. 6:13)	P	2	1
Barry Flanigan	P	3	0
Robert Franks	P	3	0
Elisabeth George	P	3	0
James Harrison	P	2	1
Brewster Knott	P	2	1
Norbert McLaughlin	P	3	0
Noelle Norvell	P	2	1

As of this date, there are 12 appointed members to the Board, which means 7 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 – February 2, 2023

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.

New Board member Tyler Brunelle introduced himself at this time.

IV. Waterway Crime & Boating Safety Report

Sergeant Travis O'Neil of the Fort Lauderdale Police Department's Marine Unit reported the following activity from February 2023:

- 28 calls for service
- 3 accidents
- 1 burglary
- 62 citations

Chair Morley requested a status update on recent thefts of Garmin devices. Sgt. O'Neil replied that a group was arrested in Miami-Dade County, although they have not yet been linked to the Fort Lauderdale thefts. Burglaries have decreased since the group's arrest. Marine Unit Staff has also reached out to homeowners on the City's canals to encourage them to secure their Garmin devices or install cameras as deterrents.

Mr. Flanigan noted that Marine Unit Staff has expanded to eight Officers. Sgt. O'Neil added that two Officers will complete training next week and one retired Officer will be replaced at the end of the month.

It was suggested that the message to secure Garmin devices or install cameras include the marine industry as well as homeowners. Chair Morley stated that this could be communicated to the Marine Industries Association of South Florida (MIASF).

V. Dock Permit – 1109 Cordova Road / Andrew & Amy Shook

David Nutter, representing the Applicants, showed a PowerPoint presentation on the Application, which requests private use of public property, specifically the installation of a 65 ft. floating dock on the subject property. He showed multiple views of the property. The dock is 10 ft. wide and will include an access platform across the seawall cap, as well as ramps to this platform and the floating dock. The Applicant's boat will be approximately 14 ft. wide and will not impede waterway traffic.

Mr. McLaughlin asked if there is a roadway drain on or near the property. Mr. Nutter replied that he did not know.

It was noted that the Applicants' proposed platform would not be attached to the City's seawall, but would extend over it.

Mr. Harrison requested clarification of the size of the boats to be docked at the property. It was noted that the boat is 43 ft. in length according to the Applicants' backup materials.

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 Ms. George, for approval. In a voice vote, the **motion** passed unanimously.

VI. Dock Waiver – 87 Isle of Venice / Salvatore Cannizzaro, JDSFC Properties, LLC

Jena Robbins, representing the Applicant, showed a PowerPoint presentation on the Application, including several views of the property, which is a multi-family development with perpendicular slips. There is currently a concrete marginal dock with four 10 ft. wooden finger piers, as well as mooring piles which extend the maximum of 37 ft. from the property line into the waterway.

The Applicant proposes to remove the existing structures and install a new concrete panel seawall with batter piles, as well as four composite finger piers that are 18 ft. long and 3 ft. wide. They also plan to install 18 wooden mooring piles, 9 of which extend 35 ft. from the property line. The Application requests a distance waiver for the mooring piles that extend further than the 25 ft. allowed. The requested structures are consistent with other existing structures along the waterway and will accommodate eight perpendicular slips.

Ms. Robbins showed a rendering of the waterway's navigational channel, pointing out that the vessels to be docked at the property would not extend into that channel. The structures and mooring piles would not exceed 30% of the width of the waterway. The residents will be able to safely moor their vessels during high wind events and severe weather.

The Applicant has received two letters of support from neighbors to the south of the subject property. Ms. Robbins also provided a list of existing waivers issued to other properties in the vicinity, including waivers that allow structures to extend 35 ft. into the waterway.

Chair Morley noted that the new seawall would be constructed in front of the existing seawall, and requested clarification of the property line in relation to the face of the new seawall. Ms. Robbins replied that the property line is landward of the wet face of the proposed new seawall. The Applicant wishes to replace the existing seawall because it is not structurally sound.

Chair Morley also noted that Code limits distance into the waterway to 25% for structures and 35% for vessels. He observed that photos of the vessels currently docked at the subject property appear to show violation of this standard, adding that as pilings are extended into the waterway, the rule is likely to be violated further. He asked how the Applicant plans to restrict vessel length at the proposed dock.

Tyler Chappell, also representing the Applicant, advised that the existing piles at 37 ft. will be pulled back to 35 ft. The property will be home to a new multi-family development with new owners, who will be restricted to the 45 ft. slips. The new seawall will comply with the City's updated Code requirements, including a raised cap.

Mr. McLaughlin asked who owns the boats currently docked at the site, as well as whether or not dock rentals are allowed in the subject zoning district. Mr. Chappell replied that the existing facility is also a multi-family development with several owners who own the boats docked there. He could not speak to whether or not all boats on the property were tied to units. The new development will assign slips to unit owners.

Mr. Chappell continued that the Applicant held a "meet-and-greet" event with adjacent property owners, including those across the canal, to review the development and its marina. This event was held on January 15, 2023 and was attended by several neighbors.

Mr. McLaughlin also asked if the boats will be regularly serviced by pump-out facilities. Mr. Chappell replied that the Applicant is not proposing pump-out service on the property. He pointed out that they may go to local facilities for pump-out service.

Vice Chair Witten asked if the proposed development would be condominiums with boat slips deeded with the units. He also asked if the owner of each individual unit is restricted from renting their unit. Sal Cannizzaro, Applicant, stated that the owners of the boats currently docked on the property have been there for roughly 15 to 20 years and are aware they will have to vacate the property when construction begins. None of the current boat owners occupy units on the property.

Mr. Cannizzaro continued that he plans to demolish the existing structure and build an eight-unit condominium. The docks will also be rebuilt to new standards. Each condominium unit owner will have one boat slip. Any slip rentals must be to other unit owners, as the development will be a private community.

Vice Chair Witten asked how far a boat can be expected to extend past mooring piles in general. Mr. Chappell replied that for this specific development, based on the Board's previous approvals, will be kept at 35 ft.

Mr. Harrison asked how far the base of the new seawall will be expected to move. Mr. Chappell stated that this will be 18 inches, which requires a specific type of permit. If the distance is greater, the permitting process takes a longer time.

Chair Morley asked if there is a City rule regarding how many slips a property may have before a pump-out station and fire suppression are required. Mr. Cuba replied that there is no set standard for a pump-out station, although a fire cabinet may be required depending upon distance.

Ms. Norvell asked if the Board had received any letters in opposition to the Application. Chair Morley replied that one such letter was received.

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

Ian Neuwirth, member of the public, stated that he resides on Isle of Venice. He advised that it is already difficult to navigate the waterway in that area, and opposed the Application.

Jim Border, member of the public, stated that he lives next door to the subject property. He pointed out that all docks on the east side of Isle of Venice are at the maximum distance of 25 ft. into the waterway, and there are vessels which already exceed the maximum length from the dock. He did not believe the subject property demonstrated an extraordinary circumstance that would require the proposed pilings, nor that the property owner would be able to control the size of the vessels docked there.

As there were no other individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

The Board further discussed the Application, with Mr. Franks stating that the extended pilings were not likely to be necessary in the subject area. Chair Morley reviewed the dimensions of the proposed dock once more, noting that the maximum width of the largest slip is 15.5 ft. There is also one 14.5 ft. slip, while the remaining slips are 13 ft.

Mr. McLaughlin commented that when piles are extended further into the waterway by a waiver, owners may be encouraged to dock larger vessels than anticipated at their slips and encroach into the navigable waterway.

Mr. Chappell advised that 30% of the 160 ft. waterway is 48 ft. He also pointed out that an additional structure is needed "on the outside" due to storm events, as well as because less experienced boaters use pilings to pivot into their slips.

Mr. Chappell continued that aials for this and other canals on the north side of Las Olas Boulevard show consistency in waivers approved by the Board. He emphasized that there are already four to five projects on the subject canal which extend 35 ft. into the waterway, which has redefined the channel.

Mr. Cannizzaro asserted that there should be restrictions on the width as well as the length of boats that are brought down the canal. He advised that the pilings at 25 ft. do not allow owners to properly tie up their boats, particularly when high winds or storms occur. He continued that the proposed pilings 35 ft. into the waterway would not permit larger boats at the site, as larger boats have wider beams and could not be docked at the proposed slips.

Mr. Cannizzaro concluded that he felt a failure to install the pilings at 35 ft. would constitute a hazard, and noted that the By-laws of the condominium documents would specify no boats larger than the approved size could be docked at the property.

Chair Morley noted that the Applicant's proposal states the condominium association documents would limit the length of vessels docked at the property to 45 ft. He asked if there are any plans to include a deed restriction as well. Mr. Chappell replied that a unit owner would be required to abide by the association documents, although he was not certain whether or not a deed restriction could apply as well. Chair Morley stated that deed restrictions of this nature are allowed.

Mr. Harrison asked how a boat is measured in the event there is a complaint regarding its width. Sgt. O'Neil replied that Code Enforcement measures the width of the canal from the wet face of the seawall as well as the length of the boat itself. The Marine Unit assists Code Enforcement as necessary, although he noted that Code Enforcement now has its own boat.

Mr. Harrison asked what would occur if there is a Code violation due to the excess length of a docked boat. Sgt. O'Neil explained that the property owner would be fined for this violation. The boat would only be towed, however, if there is a life-threatening situation or a significant hazard to navigation.

Mr. McLaughlin asked how often the length of a boat has been measured by City authorities such as Code Enforcement or the Marine Unit. Sgt. O'Neil estimated that he has made this type of measurement roughly a dozen times.

Mr. McLaughlin continued that City enforcement is typically only measuring for violations of the 30% rule, and reiterated that while previous waiver applicants have stated they would not dock boats larger than a certain size on their properties, they often do not abide by this agreement. Chair Morley stated that he had spoken with the City Attorney's Office and was informed that the only way the Board could enforce the size of vessels on the property that do not exceed the 30% rule would be through a deed restriction.

Mr. Knott asked if the proposed condominium association documents and By-laws accompanied the Application currently before the Board, and if not, when these might be provided. Mr. Chappell replied that the Applicant would be amenable to the Board's

inclusion of a condition of approval which would require language restricting the length of vessels to 45 ft.

At this time Chair Morley reopened the public hearing.

Jim Border, member of the public, commented that condominium documents can be modified by the owners of units. Mr. Cannizzaro stated that unit owners may not modify the By-laws: this would require a decision by condominium board members to present the documents for modification.

With no other individuals wishing to speak at this time, Chair Morley closed the public hearing once more and brought the discussion back to the Board.

Mr. Franks asked if the Applicant would be amenable to a Resolution that approved the dock plan but not the pilings. Mr. Chappell replied that the Applicant would not agree to this, as the pilings are the only change that are before the Board tonight.

Mr. Chappell also advised that the adjacent neighbor who objected to the Application had pilings at a length of 35 ft.

Motion made by Ms. Chiarelli, seconded by Mr. Franks, to approve the requested waiver as presented. In a roll call vote, the **motion** failed 2-9 (Chair Morley, Vice Chair Witten, Mr. Flanigan, Mr. Franks, Ms. George, Mr. Harrison, Mr. Knott, Mr. McLaughlin, and Ms. Norvell dissenting).

Motion made by Ms. Chiarelli to approve a condition to include language limiting the size of vessel in the Application to the City to a length of 45 ft. [The **motion** died for lack of second.]

VII. Dock Waiver – 728 Bryan Place / Bryan Braley

Jena Robbins, representing the Applicant, showed a PowerPoint presentation on the Application, which requests a distance waiver. The property currently has a marginal dock with a small dock extension in the center of the property, as well as two mooring piles.

The proposed project would install two floating docks, one on the west side of the property which is roughly 14 ft. x 15 ft. and a second U-shaped floating dock which would be used to moor jet skis. It would also install four wooden mooring piles. One of the proposed floating docks would extend 41 ft. to 42 ft. from the property line, while the other would be at 40.1 ft. from the property line. The proposed mooring piles would be installed at 69.5 ft. from the property line. Waivers are requested for all six structures.

Ms. Robbins continued that the waterway in the subject area is 310 ft. to 320 ft. wide. The proposed floating docks would accommodate 65 ft. and 35 ft. vessels. The

proposed structures and vessels would extend less than 30% of the width of the waterway and are consistent with other structures on that portion of the New River. She noted that there are other structures on the waterway which extend from 45 ft. to 65 ft. from their property lines.

The lengths of the requested waivers are:

- Two floating docks at 41 ft. and 48 ft. from the property line
- Four wooden mooring piles at 69.5 ft. from the property line

The structures would not exceed 25% of the width of the waterway and would not impede navigation. Two adjacent neighbors have provided letters in support of the Application. Ms. Robbins noted that there are four additional properties on this portion of the canal which have received waivers and extend roughly 32 ft. to 38 ft. from the property line.

Vice Chair Witten stated that while he appreciated the presentation, the meeting Agenda includes a discussion of a proposed moratorium on waivers on the New River. He felt it would not be appropriate to approve the request at this time. Chair Morley encouraged the Board to judge each item that comes before them independently of other Board business.

Tyler Chappell, also representing the Applicant, advised that the Applicant's team understood the concerns regarding navigation on the New River, took these concerns into consideration, and sought to request an adequate distance. He pointed out that an adjacent property was granted a waiver of 62.5 ft., and advised that the Application proposes a waiver of 69.5 ft. but is amenable to bringing this distance back to 62.5 ft. if that is the Board's wish. He concluded that the Applicant would be happy to defer the Item and adjust the requested distance to 62.5 ft., but wished to hear input from the Board first.

Chair Morley observed that the adjacent property to which the Applicant's team had referred was granted a waiver in 2017. He recalled that the City Commission had also asked the Board about that waiver, to which the Board indicated the waiver would likely have been denied if it were brought forward today due to current traffic volume on the New River.

Mr. Harrison noted that Google Earth shows a yacht brokerage business operating at the subject property. Mr. Chappell confirmed that the Applicant is a yacht broker but could not speak to whether or not a business existed at the house.

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.

Bryan Braley, Applicant, advised that he does not operate any type of business or commercial activity from the subject property. He emphasized the importance of navigation on the New River as a member of the marine industry.

Chair Morley asked if the Applicant currently owns both vessels that would be docked at the site. Mr. Braley replied that he owns a center console vessel as well as a Riviera. All the vessels to be docked at his property are his own.

Motion made by Vice Chair Witten, seconded by Ms. Norvell, to oppose.

The Application was withdrawn at this time and deferred to a later date.

VIII. Discussion – New River Navigational Concerns

Chair Morley explained that the Marine Advisory Board (MAB) has discussed this issue at previous meetings. He advised that some emails which have been circulated among the public were not written by any Board members and included incorrect information. The Board is not discussing or recommending changes to City Code Section 47-19.3, which addresses docks on the New River, nor are they suggesting changes to the size of vessels currently allowed at residences. They also do not wish to change or discuss setback requirements.

Chair Morley continued that the Board has primarily discussed hazards and safety concerns along the New River waterway. They have considered recommending studies on this waterway, as the most recent study was conducted approximately 10 years ago.

The Board's goal is to ensure that any waiver requests address specific extraordinary circumstances by the Applicant and align with the needs of public safety and public access. Vessels on the waterway must be in compliance with City Ordinances. Chair Morley strongly emphasized that any proposed moratorium on waivers would be temporary in nature, with the intent of buying time so more data collection, public outreach, industry outreach, and environmental study can be conducted.

Chair Morley continued that thus far, the Board has heard from members of marine industries, as well as from property owners on the New River and its adjacent tributaries. They have also heard from the Marine Industries Association of South Florida (MIASF), kayakers, stand-up paddleboards (SUPs), and other recreational and commercial waterway users.

The Board hopes to address several specific areas of concern:

- Volume of waterway traffic on the New River, particularly on weekends
- Increase in vessel speeds on the waterway and maintenance of No Wake requirements
- Protuberance of docks, pilings, and vessels into the New River's navigable channel, with or without waivers

- Increase in the draft of vessels, which result in more shade cover, less benthic seagrass activity, and more manatee strikes
- Amount of traffic waiting for bridges to open and the vehicular and rail schedules of these bridges

Chair Morley advised that one reason the Board is focusing on this issue at present is the increases in vessel ownership and vessel accidents. There has been a 26% increase in accidents and a 19% increase in boating fatalities on a year-over-year basis in the state of Florida. Due to the increasing size of vessels and occurrence of accidents, the threat to life, the environment, and property has increased as well.

There is also an increase in development along the New River. The United States Coast Guard estimates that over 5000 vessels are docked along the New River, and 85,000 vessels use this waterway annually. Local bridges open more than 1000 times per month. There is waterway access for kayaks and SUPs at locations such as Coontie Hatchee Park and the Broward Urban Trail. This results in vessels with significant disparities in size and power traveling the same waterway.

Chair Morley noted that in addition to yachts, commercial traffic also includes barges. There are also changes in sea level, seawall height, and new docks and pilings that must be accommodated over the next 20 to 30 years. In addition to construction-related traffic, barges also tow heavy machinery that cannot cross bridges.

Chair Morley continued that MIAF statistics show the marine industry is responsible for over 120,000 jobs in Broward County alone. The economic impact of these jobs is just under \$10 billion in Broward County. He added that navigation on the New River is a multifaceted issue, and the Board hopes to foster interaction between the public and the industry so the City can make informed decisions.

At this time Chair Morley opened the discussion to the Board.

Vice Chair Witten also stated that the Board does not hope to make any changes, but to allow time to consider current and potential conditions and how they would be affected if waivers are allowed to proceed unchecked. This would allow time to determine how the New River can remain navigable for all.

Mr. Harrison commented that this issue arose because the Board has received a number of recent waiver requests to extend into the river, and because there have been issues when barges could not navigate between pilings in the waterway. Boats extending into the waterway can also affect traffic and raise the costs of towing on the New River.

Mr. Harrison offered the example of waivers along the "Little Florida" peninsula on the New River, stating that even construction without waivers on both sides of this area could effectively stop boats from navigating in this area. This suggests that current

Code is not correct. He added that the U.S. Coast Guard may declare the New River a commercial waterway, which would designate the size of the navigable channel and how close structures or vessels may extend toward it from the sides.

Regarding enforcement, Mr. Harrison noted that a significant amount of marine Code in Fort Lauderdale is not currently being enforced, as this can be difficult and expensive. He recommended that any changes be fairly enforced for all parties.

Chair Morley pointed out that unlike the Intracoastal Waterway, the navigable areas of the New River are measured from wet face to wet face. The Coast Guard is considering whether or not a channel can be defined for this waterway. He felt this designation would support both homeowners and commercial users by establishing a “guaranteed access” corridor. No waivers can be granted for that waterway’s navigable channel or the safety zones leading to that channel, as distances must be maintained. There is no corresponding rule on the New River.

Photos and videos of traffic on the New River were shown and discussed by the Board members.

At this time Chair Morley opened public comment.

Jim Dunn, member of the public, stated that he had believed the rule for maintaining a navigable channel was “30/30/30,” which would allow property owners to have boats that would take up 30% of the waterway width. While he understood the needs of the marine industry, he suggested that boat traffic, including mega-yachts, could develop a system to manage use of the waterway. He cautioned that the discussion could pit property owners against the marine industry.

Chair Morley clarified that current Code allows for structures to reach 25% into the waterway and for vessels to reach 30% of this distance.

Phil Purcell, representing MIAASF, stated that there is no desire to set homeowners and the marine industry against one another, pointing out that there is significant overlap between these two groups. He noted that the commercial aspect of the New River begins near the City docks at the Riverside Hotel, where “layup” areas begin.

Mr. Purcell continued that the size of boats has grown significantly in recent years, and pointed out that many homeowners are building in front of their seawalls, which increases their distance into the waterway. He concluded that many of the City’s rules were made in an era where boats were much smaller, which means new solutions must be identified, and that it is important to ensure any information being shared regarding tonight’s discussion is accurate.

Bob Swindale, representing the Greater Fort Lauderdale Alliance, explained that this is an economic development organization in Broward County. He stated that the area’s

largest retention industry is the marine industry, and suggested that the City “take a pause” with regard to waivers on the New River.

Matt Domke, member of the public, emphasized the importance of the New River as a resource.

Julie Berry, member of the public, was in favor of a review of Code, as all types of boats are getting larger and any additional encroachment into the navigable waterway can be dangerous. She cautioned that any action that affects the yachting industry or navigation will affect marine jobs.

Justin Heuer, member of the public, noted that many homeowners on the river are among his customers, and characterized most marine industries as small businesses. He felt there should be a moratorium on waivers on the New River until a Coast Guard study has been completed. He agreed that a vessel traffic service may be one solution for navigation, and pointed out the significance of the taxes assessed from the marine industry.

Jim Steele, member of the public, commented that the New River is a slow speed minimum wake zone rather than a No Wake zone. He described the waterway as an artery that is prone to clogging from boat traffic. He expressed concern with the lack of enforcement of existing Code regulations, including requirements related to the opening and closure of the railroad bridge.

Kitty McGowan, president of the U.S. Super-Yacht Association, emphasized the economic impact of the marine industry on Fort Lauderdale and Broward County, as well as the importance of a lifestyle that includes marine activities. She pointed out that if industry watercraft cannot travel the waterway, personal watercraft will be affected as well, as will property values.

Ryan Wiborg, member of the public, noted that the Board has discussed potential Code changes on the New River in the past. While he did not oppose a temporary moratorium on waivers, he felt Code changes would diminish property values on the waterway. He requested clarification of whether the Board hopes to pursue these changes as well as a moratorium.

Chair Morley recalled that at the February 2, 2023 meeting, the City’s 30% rule had been discussed in the context of the Coast Guard creating a regulated navigational area (RNA). This would be a federally regulated waterway, similar to one that currently exists on the Miami River. He advised that at the February meeting, the Board had discussed areas of the New River, such as Little Florida, that could pose problems, particularly with regard to the perpendicular docking of vessels. The Board is proposing a temporary hold on the issuance of waivers until the Coast Guard has had sufficient time to complete their studies and review.

Mr. Wiborg asked if the Board would consider adopting a Resolution stating that they are not pursuing a Code change. Chair Morley explained that the Board is charged with making recommendations to the City Commission on marine issues: Resolutions are outside their purview.

Mr. Wiborg continued that while he did not want the marine industry to face any additional challenges, they are currently operating businesses that are successful, and this success has contributed to the increase in marine traffic on the New River.

Tyler Chappell, member of the public, advised that he is in favor of a moratorium on waivers, as they can result in pitting neighbors against one another as well as pitting homeowners against the marine industry. He recalled that in 1998, the Florida Department of Environmental Protection (DEP) gave the City a 100 ft. easement that delineates a channel on the New River. He also cautioned against "federalizing" the waterway, as this could have unforeseen consequences.

Mr. Chappell continued that it is important for all parties with a stake in traveling the New River be involved in this discussion, suggesting that there could also be outreach to homeowners' associations located on this waterway. He concluded that he would be willing to assist the Board in any way he could.

As there were no other individuals wishing to speak on the Item, the Chair closed public comment and brought the discussion back to the Board.

Chair Morley noted that the Board's goal is not to arrive at a solution, but to hear input and perspective from different members of the community before they present a recommendation to the City. He encouraged all present to provide contact information if they wish to remain apprised of future meetings.

Ms. George requested clarification of the Board's next steps. Chair Morley replied that he would like the Board to review the minutes from tonight's meeting when they are provided and come up with their final thoughts and recommendations on this issue. He hoped to make an initial recommendation to the City Commission at the April 6, 2023 Board meeting.

Mr. Harrison recommended that the Board's best tool would be a communication to the Commission, and that they work to craft the language for this communication, including the reasons for their proposal. He suggested that the members provide Mr. Cuba's office with their ideas on the communication, which could be discussed further at the next meeting.

Chair Morley added that the Mayor has indicated he hopes to attend the April meeting. Mr. Harrison encouraged the members of the public present at tonight's meeting to attend in April as well. Mr. Cuba stated that he would provide the minutes of tonight's meeting to the Board members when they are available.

IX. New / Old Business

Chair Morley asked where waterborne trash and debris is offloaded by the City after it is collected by skimmers. Mr. Cuba replied that this is done using a small crane from a boat ramp. He acknowledged that the marine industry has asked this question before, as they often need to load or unload construction debris from barges. He concluded that this issue will be addressed further in the future, and encouraged the Board to consider potential solutions.

Mr. Flanigan recalled that at a previous meeting, the Board had indicated they would look further into the issue of illegal docking. Chair Morley advised that the operation of illegal charter vessels from public docks has been documented with photographs. The Marine Unit has explained, however, that they cannot take enforcement action unless money is changing hands at the time of boarding.

Mr. McLaughlin commented that the captains of these vessels may be unlicensed. Chair Morley noted that this would be a federal licensing issue and require Coast Guard involvement. The Coast Guard has indicated that they have ideas regarding enforcement, but are limited by lack of manpower.

Mr. Chappell, member of the public, requested clarification of the punishment when a property owner makes a Code violation. Chair Morley replied that the property owner is fined.

It was suggested that Code Enforcement be invited to a future meeting to discuss these issues further. Mr. Cuba agreed to reach out to this Department.

Chair Morley continued that he has spoken with the Assistant City Attorney regarding vessels that extend more than 30% into the waterway. There is a possibility of tying boat length into the Resolution providing a waiver, which means the length restriction would be recorded as part of the deed and would transfer in perpetuity with the property. This provides for enforceable Code action against the property owner. He further clarified that Code Enforcement cannot enforce condominium regulations, but only City Code.

Chair McLaughlin asked if the City Commission now sees recommendations of both approval and denial of waiver applications from the Board. Mr. Cuba explained that items denied approval are moved forward with the Board's recommendation of denial.

Mr. Harrison recalled that one suggestion made regarding enforcement included docking boats perpendicularly to the seawall and not allowing them to extend beyond the property's pilings. Another proposal addressed illegal commercial pickups and loading of barges, and would designate a City-owned area for this activity, such as a portion of the Downtown seawall. Legal operators could apply for a permit to use this

space. Mr. McLaughlin recalled that this was proposed in the past but was ultimately not permitted.

Chair Morley referred to Code Section 8-34, which delineates the responsibilities of the MAB, and recommended that the members review these duties and keep them in mind as they move forward with new leadership in the future.

X. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 9:04 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.]