



CITY OF FORT LAUDERDALE

**MEETING MINUTES
CITY OF FORT LAUDERDALE
MARINE ADVISORY BOARD**

**FORT LAUDERDALE FIRE RESCUE DEPARTMENT – STATION #2
528 NW 2ND STREET, FORT LAUDERDALE, FLORIDA 33311
3RD FLOOR CONFERENCE ROOM
THURSDAY, SEPTEMBER 7, 2023 – 6:00 P.M.**

**Cumulative Attendance
January-December 2023**

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|-----------------------------|---|---|---|
| Steve Witten, Chair | P | 7 | 0 |
| James Harrison, Vice Chair | P | 5 | 2 |
| Michael Boyer | A | 4 | 2 |
| Tyler Brunelle | P | 5 | 0 |
| Robyn Chiarelli (arr. 6:09) | P | 4 | 3 |
| Barry Flanigan | P | 7 | 0 |
| Robert Franks | P | 2 | 0 |
| Elisabeth George | A | 6 | 0 |
| Brewster Knott | P | 5 | 2 |
| John Lynch | P | 1 | 0 |
| Norbert McLaughlin | P | 7 | 0 |
| Noelle Norvell | A | 4 | 2 |
| Ed Rebholz | A | 3 | 0 |
| Bill Walker | P | 1 | 0 |
| Robert Washington | P | 4 | 0 |

As of this date, there are 15 appointed members to the Board, which means 8 would constitute a quorum.

Staff

Andrew Cuba, Marine Facilities Manager
Jonathan Luscomb, Marine Facilities Supervisor
Sergeant Travis O’Neil, Marine Unit Supervisor
Bob Dunkel, Assistant City Attorney
Carla Blair, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. Call to Order / Roll Call

The meeting was called to order at 6:03 p.m. and roll was taken.

II. Approval of Minutes – July 6, 2023

Mr. McLaughlin stated that p.3, paragraph 6 should read “constructed on shell rock,” and further clarified that concrete or panel seawalls cannot be driven far into the ground.

Motion made by Mr. Knott, seconded by Mr. Franks, to approve [as amended]. In a voice vote, the **motion** passed unanimously.

Returning Board member Bill Walker introduced himself at this time.

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 for July and August 2023:

- 60 citations
- 94 calls for service

Sgt. O’Neil also stated that 10 cases have been cleared when a number of burglary suspects were apprehended.

Sgt. O’Neil added that one of the calls for service was a request for medical assistance in which the responding Officers administered CPR until medics arrived. Both Officers received commendations from the Police Department for their lifesaving efforts.

V. Presentations

- **New River / Andrews Avenue / 3rd Avenue Bridge Lighting / Leslie Fordham, Public Art Administrator and Dominique Denis, Project Manager**

Broward County Public Art Administrator Leslie Fordham and Project Manager Dominique Denis gave a PowerPoint presentation on an artistic lighting treatment proposed for the Andrews Avenue/3rd Avenue Bridges. The project is currently in the permitting process.

Ms. Fordham explained that the County issued a call to artists for the project, ultimately selecting artist Susan Narduli from among 55 applicants. Ms. Denis explained that the artist will create lighting that will make a unique visual statement for the bridges. She showed slides of the proposed project, which will include perforated metal panels with backlighting. There will be a visual connection between the artwork created for the two bridges. The project will go before the Broward County Board of County Commissioners for approval on September 19, 2023.

- **E. Clay Shaw Jr. Bridge / Phil Dunlap, Broward County Cultural Division**

Ms. Fordham also showed slides of the artwork proposed for the E. Clay Shaw Jr. Bridge, which will be created by a Chicago-based artist working with a local team from Kimley-Horn and Associates.

Vice Chair Harrison asked if the U.S. Coast Guard has been consulted regarding the safety of navigation near the 17th Street Bridge. Ms. Fordham and Ms. Denis confirmed this, explaining that fixtures cannot be placed on the bascule portion of the bridge: instead, they will be attached to the pier. The Coast Guard has already reviewed the design.

Ms. Fordham concluded that it is hoped the Andrews Avenue Bridge project will be complete by December 2023. The 3rd Avenue Bridge project is dependent upon funding from Broward County and may take longer. The 17th Street Causeway Bridge is estimated to be complete by 2026.

VI. Dock Waiver – 848 NE 20th Avenue / Bruce Jeffery, 848 NE 20th LLC

Katherine Meurer, representing the Applicant, gave a presentation on the dock waiver request, including several views of the subject property. Existing conditions include a 60 linear ft. coral rock wall, a wooden dock, and mooring piles. The proposed changes include a concrete panel seawall, as well as a concrete marginal dock and finger pier to accommodate two slips. The Applicant requests a waiver for a 48.4 ft. finger pier.

Ms. Meurer continued that the proposed project would remove the existing dock and footer while adding the concrete panel seawall with batter piles, concrete marginal dock, and finger pier. The coral rock wall will remain, and the mooring piles will be removed along with the current dock configuration.

Ms. Meurer added that the canal is 281 ft. in width at the subject location. All vessels and structures on the property will extend no more than 25% of the waterway. Because the finger pier will be 48.4 ft. from the property line, the requested distance of the waiver will be 23.4 ft.

Extraordinary circumstances for the subject location include:

- No structures will exceed 25% of the width of the waterway
- Proposed structures will not impede navigation on the Middle River
- Proposed structures are necessary for safe mooring of vessels, particularly during high wind events and severe weather
- Proposed structures are necessary to protect vessels from high wave energy and excessive boat wakes

The Applicant has received letters of support from their adjacent neighbors to the north and south, as well as an additional neighbor to the south. The requested waiver is

consistent with what has been previously authorized in the area, as waivers of 40 ft. to 125 ft. have been approved in the past.

Mr. Franks requested clarification of the size of the boat to be docked at the property. Ms. Meurer replied that the boat is 63 ft. in length.

Mr. McLaughlin commented that with a waterway width of 281 ft., 30% of this distance would be 84 ft.; however, he noted that other permits in the area provide for extensions of 106 ft. to 124 ft. He pointed out that this does not correspond to the information shown in the Applicant's presentation.

Tyler Chappell, also representing the Applicant, stated that information on previous waivers was provided by the City of Fort Lauderdale. While some properties shown during the presentation may extend as much as 30% into the width of the waterway, this may be because submerged land leases were not required when those waivers were issued. These leases, as well as the requirements of the Florida Department of Environmental Protection (DEP), have become much more stringent in recent years, particularly in the subject area.

Mr. McLaughlin explained that his concern was for the possibility of future applicants who may request waivers for significantly larger extensions into the waterway, which have been granted to some previous applicants. Mr. Chappell advised that the properties with greater extensions are on the southern portion of the Middle River, which widens as it moves south. He did not anticipate waivers in the future which would request extensions greater than 30%.

Mr. McLaughlin clarified that he did not take issue with the Application before the Board today, as the request is within an appropriate distance. His concern was with the other waivers in the area shown as part of the presentation.

Assistant City Attorney Bob Dunckel recalled that at a recent City Commission meeting, the Commission had granted a dock waiver for which the Marine Advisory Board (MAB) had recommended denial. This waiver placed a limitation on the length of the vessel that could be docked at that property, which is recorded in public record as a covenant that accompanies the land. He suggested that the Applicant may wish to offer a voluntary restriction on the length of the vessel that would be docked at the subject property, as well as limiting the location of the farthest piling to the same distance the boat may extend into the waterway.

Mr. Chappell replied that the Application is defined by the submerged land lease, which the structure and vessel may not exceed. This was how the size of the vessel to be docked on the property was determined. Should a vessel be docked on the property which extended past this limit, it would not be in compliance with the submerged land lease, and the property owner could be cited.

Motion made by Mr. Flanigan, seconded by Mr. Knott, to approve. In a roll call vote, the **motion** passed unanimously (11-0).

Chair Witten recalled that the Board has previously discussed the lack of a marked navigable channel on the New River, and asked if Mr. Chappell could address this concern. Mr. Chappell replied that the navigable channel is marked at some points on the New River. He recalled that a navigational channel was once identified by DEP when they were considering dredging the waterway; in addition, channels exist where bridge spans are located, as these dictate where the Florida Department of Transportation (FDOT) may build.

Chair Witten explained that he had raised this issue because the Board is currently discussing the possibility of a moratorium on waivers in some areas of the New River, and that a marked channel could be helpful in identifying layover areas. Mr. Flanigan added that the channel may be closer to the seawall on one side of the river than the other. Mr. Chappell proposed that the Board reach out to the Florida Inland Navigation District (FIND) for additional information on how the channel was defined when dredging was under consideration.

Chair Witten commented that a representative of the Coast Guard will be present at the Board's October meeting, and may be able to provide more information.

VII. Dock Permit – 817 Cordova Road / 817 Rio LLC

Chair Witten recalled that the Board had previously approved a dock permit for the property at 817 Cordova Road. Marco Melendez, representing the Applicant, confirmed that the Applicant is now seeking to install a boat lift at the same location.

Vice Chair Harrison observed that he had not seen any references to the width of the waterway at the subject location. The proposed boat lift would extend 24 ft. 4 in. into the waterway. Mr. Cuba noted that structures may extend up to 30% into the waterway width at this location.

Attorney Dunckel advised that boats may not be docked in a manner that would extend into a property's side yard setback, and suggested that the Applicant may wish to consider docking the boat in the opposite direction so its bow would not intrude into this setback. Vice Chair Harrison pointed out, however, that the property may be too close to the bridge to change this position. Chair Witten cautioned that the Applicant remain mindful of the boat's position in relation to the bridge.

Chair Witten also requested clarification that the boat lift would not touch the seawall. Mr. Melendez confirmed this.

Motion made by Mr. Knott, seconded by Vice Chair Harrison, to approve. In a roll call vote, the **motion** passed unanimously (11-0).

VIII. Workshop Follow Up – New River Navigational Concerns / Moratorium Language Discussion

Chair Witten stated that he had emailed proposed language provided by Attorney Dunckel for the New River dock waiver moratorium to the Board members before tonight's meeting. He requested feedback from the members on this language, asking that their comments be sent to Mr. Cuba's office so they can be summarized and provided to Attorney Dunckel. He emphasized the importance of ensuring the language's accuracy before it is sent to the City Commission.

Attorney Dunckel advised that once the proposed moratorium language has been finalized, it must go to the City's Planning and Zoning Board (PZB) for approval. After it is reviewed by that board, it will be sent to the City Commission for further consideration. He estimated that a second iteration of the moratorium language could be provided to the Board members by their next scheduled meeting, at which he suggested the members discuss where they would like to address "pinch points" along the waterway.

Mr. McLaughlin asked if any member(s) of the Coast Guard have seen the proposed language. He pointed out that the Coast Guard is considering a proposal to identify a federally regulated navigational channel on the New River, which could also result in a moratorium on construction in some areas on the waterway. Vice Chair Harrison advised that the Coast Guard has not yet been contacted regarding the proposed language.

Attorney Dunckel clarified that if a moratorium is imposed on the West New River, no individuals would be able to appear before the MAB to request a dock waiver, nor could they obtain a waiver from the City Commission. The proposal is for a one-year moratorium, which would not begin until the proposed Ordinance has been adopted by the City Commission.

Attorney Dunckel continued that there is a concept known as "zoning in progress," which would allow for the implementation of a law before the actual Ordinance is adopted by the Commission. This helps prevent a flurry of activity from property owners hoping to secure waivers before the Ordinance takes effect. The decision on whether or not zoning in progress would be implemented will be left to the City Attorney's discretion.

Mr. McLaughlin commented that at present, a property owner is seeking to legally construct a fixed dock in the Little Florida area of the river. While this structure would be permitted under existing City regulations, he pointed out that the Coast Guard may take issue with its construction, as it could affect waterway traffic in that area. He was not aware of where this project stood with respect to the permitting process.

Attorney Dunckel stated that he has spoken with the owner of the subject property in Little Florida. He had explained the Board's concern for navigation on the waterway, as well as the possibility that the dock itself could be compromised by waterway traffic. The owner

has offered to attend the Board's October 2023 meeting. Attorney Dunckel concluded that he has offered to meet with the owner and further discuss their concerns, which he would bring back to the Board.

Mr. Cuba advised that all suggestions for the proposed moratorium language should be sent to his office only, which he would send to the Chair. The two of them would work together to craft any changes to the language. Chair Witten strongly encouraged the members to send their suggestions to Mr. Cuba, emphasizing the importance of dialogue on this issue.

IX. Old / New Business – County Summit Topics – September 28, 2023 – 6:30 PM Charlotte Burrie Community Center / 2669 N Federal Hwy, Pompano Beach 33064

Mr. Cuba reported that a County summit for Broward municipalities is scheduled for 6:30 p.m. on September 28, 2023 in Pompano Beach. He recommended that the Board send a representative to this summit, and that the members send him any topics they would like to be discussed at this meeting.

Chair Witten advised that he and Mr. Cuba both plan to attend the summit, and suggested that other interested members may wish to attend as well.

Mr. Walker recalled that in the past, the Board has discussed additional funding for Marine Unit overtime and/or equipment from the County. Sgt. O'Neil noted that at present, the Marine Unit is not in need of additional equipment and is on track to procure diesel outboards.

Chair Witten requested any updates on the upcoming International Boat Show. Patience Cohn, representing the Marine Industries Association of South Florida (MIASF), stated that there has been a recent security plan meeting of law enforcement and public safety entities. She briefly reviewed additional upcoming events related to the Boat Show as well.

Chair Witten requested that Ms. Cohn continue to keep Mr. Cuba's office updated on any pending events so the Board members can support MIASF.

Amanda Coleman, co-owner of the *Hungry Dutchman* Food Boat, explained that this is a floating restaurant which is a licensed and inspected business that has attended a number of City functions. They are actively searching for ways to promote safety within the marine industry, as well as ways to keep the City's waterways clean.

Ms. Coleman continued that the owners of the food boat live and work in Fort Lauderdale and hope to contribute to the City's growth. They have been asked to serve residents living on the New River on a weekly/monthly basis in a manner similar to a featured food truck on land. Riverwalk Fort Lauderdale has also asked them to participate in events.

They have had to decline these offers to participate, however, due to the lack of available dockage on the New River, as access to commercial vessels is restricted at the City's floating docks.

Ms. Coleman explained that the business is seeking to determine a solution that serves its own and the City's needs. They have considered securing event permits and/or time slots at the floating docks. She hoped to contribute further to the local economy and encourage safety on the waterway, and asked that the Board consider helping to identify a solution.

Chair Witten asked if members of City Staff may be able to intervene on behalf of the business. Mr. Luscomb advised that the City is not taking any more commercial vessels on the New River. Other issues include prohibition of commercial operations at City park events as well as the Riverwalk. The food boat's use of the floating docks would need to be considered on an individual basis depending upon the event.

Mr. Luscomb added that one of the driving forces behind the prohibition of commercial vessels on the New River is the Riverwalk, which is why the City is currently not accepting any more leases. He suggested that the business may want to identify a niche along the seawall. Ms. Coleman replied that there are only certain locations along the seawall that could accommodate a boat, but these are not safe for individuals who may want to walk up and order.

Ms. Coleman asked why the boat could not secure a permit similar to those issued to food trucks on land. Mr. Luscomb noted that food trucks are not allowed in City parks unless there is an event. He recommended that the business work with Riverwalk. He added that the Marine Facilities Office does not issue permits; the business would need to contact the City's Parks and Recreation Department with regard to any events in parks.

Attorney Dunckel advised that the City Attorney's Office has written a number of memoranda indicating that selling food at the confluence of the Intracoastal Waterway and the New River is not permissible. He acknowledged that this regulation is not always enforced. He explained that commercial activity is not permitted in a residentially zoned district, and City zoning district lines extend to the center of the waterway. He suggested that there are other areas in which this activity is permitted, and challenged Staff to identify areas where it can be done.

Ms. Cohn commented that the grant funds which were used to purchase the floating docks are a particular concern, as those dollars are specifically prohibited from commercial use. It was further clarified that if this condition is not met, the entity which provided the grant funds would be within its rights to request that the money be returned, or to refuse to provide grant funds in the future.

Mr. Knott observed that there is a large amount of trash on the New River, and asked if the Board may communicate with local entities, such as 4ocean, to find a way to keep the

waterway cleaner. Chair Witten suggested that this can be placed on a future Agenda for further discussion. Mr. Cuba noted that there is a contractor responsible for sweeping the City's waterways, and offered to provide its contact information to the Board members.

X. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:44 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.]