



CITY OF FORT LAUDERDALE

**MEETING MINUTES
 CITY OF FORT LAUDERDALE
 MARINE ADVISORY BOARD
 FORT LAUDERDALE FIRE RESCUE DEPARTMENT
 528 NW 2ND STREET, STATION #2
 FORT LAUDERDALE, FLORIDA 33311
 3RD FLOOR CONFERENCE ROOM
 THURSDAY, NOVEMBER 2, 2023 – 6:00 P.M.**

**Cumulative Attendance
 January-December 2023**

Steve Witten, Chair	P	9	0
James Harrison, Vice Chair	P	7	2
Michael Boyer	A	5	3
Tyler Brunelle	A	6	1
Robyn Chiarelli	A	5	4
Barry Flanigan	A	8	1
Robert Franks	P	4	0
Elisabeth George	P	8	0
Brewster Knott	P	6	2
John Lynch	A	2	1
Norbert McLaughlin	P	9	0
Noelle Norvell	P	5	2
Ed Rebholz	P	5	0
Bill Walker	A	2	1
Robert Washington	P	5	1

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 Dunckel, Assistant City Attorney
 Stephanie Bass, Code Compliance Supervisor
 Marco Aguilera, Code Compliance Officer
 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.

The following Items were taken out of order on the Agenda.

III. Statement of Quorum

It was noted 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 that the recent Fort Lauderdale International Boat Show went well, with few issues.

Chair Witten requested additional information on the presence of Police and other agencies at the Boat Show. Sgt. O'Neil advised that all eight members of the Marine Unit worked every day, with at least three boats on the water. There are also contingency details which address security and traffic for the show. There may also be representatives of state and federal agencies present.

Sgt. O'Neil added that one boat participating in the Boat Show had discovered its navigational devices missing when it returned to its home dock. There was no other significant crime in the month of October. He concluded that both boats reported stolen in September 2023 have since been recovered.

Chair Witten noted that preparations will soon be underway for the annual Winterfest Boat Parade. Sgt. O'Neil stated that he hopes to have vessels from other agencies present at this event to assist with the parade route.

V. Presentation – Las Olas Marina / Eric Metz

Chair Witten advised that this Item has been pulled from the Agenda.

At this time the Chair introduced Code Compliance Officer Marco Aguilera, who represents the City's Development Services Department. Officer Aguilera explained that the Code vessel patrols the City on Mondays and Wednesdays, often responding to various complaints that range from derelict vessels to boats encroaching into the waterway.

The Board discussed a number of potential violations that Code Compliance might see. Officer Aguilera explained that at present, Code Compliance acts mostly in a reactive capacity due to the number of complaints they have recently received. He hoped to become more proactive in the coming months.

Mr. McLaughlin observed that homes located on the water are required to make their addresses visible from the waterway side of the property. Officer Aguilera confirmed that the lack of an address is a very common violation. Code Compliance typically addresses this when there is another violation on the property.

Mr. Rebholz and Ms. George described incidents they have witnessed which may be potential violations. Officer Aguilera clarified that Code Compliance addresses issues in which a property owner can be held responsible. Issues not caused by an owner should be reported to the Police.

Chair Witten stated that Officer Aguilera would be welcome at the Board's monthly meetings if he wished to attend, and requested that he be copied on some of the Board's correspondence through Mr. Cuba's office.

Mr. McLaughlin asked how Code Compliance would be able to identify properties which are subject to deed restrictions limiting the size and/or extension of vessels that may be docked at those properties. Officer Aguilera replied that if the City Commission has passed a Resolution limiting the distance a vessel may extend into the waterway, the subject property would be in violation; however, Code Compliance does not have a list of these properties and may not know if such a Resolution exists.

Officer Aguilera explained that he hoped to attend future Board meetings in order to gain additional knowledge about the Board's work. Code Compliance Supervisor also introduced herself, noting that she focuses primarily on City Commission Districts 1 and 2.

Chair Witten stated that another issue not on tonight's Agenda is the possibility of a new bathometric study of the New River, which could help to improve navigation on that waterway. He requested additional details from Patience Cohn, representing the Marine Industries Association of South Florida (MIASF). Ms. Cohn explained that she has met with City representatives as well as the Florida Inland Navigational District (FIND) to determine if they could provide some of the funding for the study. It was determined that an inter-local agreement would be required and City Staff would submit a grant application to FIND.

Ms. Cohn continued that FIND will meet on November 17, 2023, and that MIASF has requested the proposed study be placed on that meeting's agenda. Mr. Luscomb explained that if FIND approves the City's grant request, an agreement will be drafted and sent to the City Commission for execution. Once documentation has been signed, he anticipated that the City will need to seek multiple bids for the work.

Mr. Rebholz requested clarification of what a bathometric study would do. Mr. Luscomb stated that the study would map the bottom of the New River.

Ms. Cohn emphasized the importance of agreement on the need for a study from multiple parties, including the Marine Advisory Board (MAB).

Assistant City Attorney Bob Dunckel addressed the current “zoning in progress” status on the New River, explaining that once a moratorium Ordinance has been proposed, it will need to go before the City’s Planning and Zoning Board for a recommendation. If that board finds that the proposal is consistent with the City’s Comprehensive Plan, the moratorium would then go to the City Commission for two readings before it can be adopted as an Ordinance.

Attorney Dunckel continued that zoning in progress is a legal concept by which waiver processes are frozen prior to the formal adoption of an Ordinance. This is the current status of waiver requests on the western New River.

VI. Dock Permit – 1415 SE 11th Court / John R. & Staci L. Swadener

Chair Witten introduced Gex “Jay” Richardson, representing the Applicants. He explained that the Applicants are requesting a permit to replace a dock which was removed during the Cordova Road seawall project.

Mr. Richardson explained that the Applicants’ request would be for the last dock on the south portion of Cordova Road, where the seawall curves to the east. This curve makes the proposed configuration of the dock more unusual, with greater setbacks than typically required for a 50 ft. dock. The setbacks would be 12.5 ft. on the south side and 6 ft. on the north side.

The Applicants have worked closely with Mr. Cuba’s office as well as with Attorney Dunckel to determine the provisions of the Application. Mr. Richardson concluded that the Application does not violate any riparian rights in the area. While the Applicants had used the existing dock in place when they purchased the property, they had not had a license for that dock, which is why the Application requests a new structure.

Chair Witten commented that Mr. Cuba’s office has vetted the Application, and that the Applicants are aware they may not penetrate the existing seawall at the property.

Mr. Rebholz asked where the Applicants plan to dock their boat. Mr. Richardson replied that the Applicants do not currently have a boat; however, they would be able to dock a vessel that could extend to the end of the proposed dock, which would be 23 ft.

Vice Chair Harrison observed that it could be possible for a boat docked at the subject property to block in a neighbor’s access. Mr. Richardson pointed out that the seawall curves approximately 10 ft., which means a neighbor’s riparian rights would not begin until that distance is passed.

Vice Chair Harrison also addressed enforcement, pointing out that it would be legal for the property owner to dock a 70 ft. long vessel at the site due to its configuration on the canal. He asked if the Applicants had a letter of support from their neighbor to the south. Mr. Richardson stated that he could request a letter from that neighbor.

Attorney Dunckel advised that he was in favor of the suggestion that the Applicants' vessel cannot extend any further into the waterway than the farthest mooring pile. He noted that the Applicants are allowed to have their finger pier extend as far as 25 ft., and that conditions are not typically attached to requests unless a waiver has been requested.

Mr. Richardson commented that while the Applicants had considered including a piling, it was determined that a piling could constitute potential navigational interference with a neighboring property. He advised that the Applicants' team has spoken with both neighboring properties, who did not take issue with the proposed dock configuration.

Mr. Rebholz asked if the Applicants had memorialized their discussion with the neighbors through some type of agreement. Mr. Richardson pointed out that there had been no issue of potential violation: the Applicants had reached out to the neighbors to inform them of their plans for the site and ensure there would be no issue. The proposed dock complies with existing law.

Mr. McLaughlin asked if the City Attorney's Office has jurisdiction over disputes regarding the private use of City property. Attorney Dunckel replied that if there is a potential conflict regarding riparian rights, he encourages the two parties to reach a boundary agreement. If the parties cannot come to agreement, only a Circuit Court judge may adjudicate riparian rights: the City does not have this ability.

Mr. McLaughlin asked if the City would intercede if a private owner is in violation of their agreement regarding use of City property. Attorney Dunckel advised that a case of this nature could go before the City's Code Enforcement Board. Another option is that the Resolution granting private use could include language stating that Code violation would result in revocation of the permit.

Attorney Dunckel stated that there are multiple options in this case: the Board could recommend approval, denial, or approval with the contingency that a vessel greater than a certain length would not be permitted. He pointed out, however, that this has never before been done for a request on Cordova Road.

Mr. Cuba advised that historically, the Board has considered the width of the canal to the north and south of the subject location. Vice Chair Harrison explained that he felt there should be an agreement with the property's adjacent neighbor, as there is the potential that that neighbor could be blocked by a large vessel at the subject property.

Mr. Richardson stated that there is no issue with the neighbor in question. He pointed out that the City Commission has put a Resolution into place regarding the lease of dock

space on Cordova Road, which requires the vessel owner to abide by Code provisions. He felt what the Vice Chair had suggested would be an alteration of those Code provisions.

Mr. McLaughlin commented that the City has an interest in the resolution of this issue, and could refuse to renew the dock permit if it finds the Applicant is not in compliance with its policies.

Vice Chair Harrison concluded that he had heard enough evidence that he was in favor of approving the Application.

Motion made by Vice Chair Harrison, seconded by Mr. Rebholz, to approve. In a roll call vote, the **motion** passed unanimously (9-0).

VII. Industry Expert – Barnacle Doctor

Rutger Langley, representing Barnacle Doctor, explained that this is a cleaning company which services just under 200 boats on a monthly or biweekly basis. They provide maintenance and cleaning of all underwater structures, including wooden pilings. He showed a PowerPoint presentation on this maintenance, including the wrapping of pilings with reinforced materials, which can double the life of pilings if done properly.

Mr. Langley continued that most seawalls are either composite or concrete walls, or, on very old properties, are port seawalls with rock. He recommended that homeowners inspect the condition of their seawalls every two to five years and have them resealed every five years. Barnacle Doctor also installs weep hole drains, which can slow sediment loss from a property.

Mr. Washington asked if there are any environmental concerns related to cutting through underwater concrete. Mr. Langley replied that this process is similar to pouring the original concrete, and makes very small holes. He clarified that the business does not build seawalls or caps.

Mr. Langley described the process used by Barnacle Doctor, which is a cavitation cleaning system. Instead of using a pressure washer, the company's machines work at 1500 psi and use low pressure which will not damage bottom paint, gel, or fiberglass. The bubbles generated by the machinery remove growth in a manner similar to sandblasting, although with less pressure. The machinery is also safe for prop speed, particularly for large yachts, and only works underwater. It can be used to clean growth from seawalls and floating docks as well as vessels. He strongly emphasized the importance of regular inspection and cleaning of any structures or vessels left in the water.

Mr. Langley concluded by addressing boat lift zinc anodes, which are necessary for the bottoms of certain types of boat lifts. Electrolysis may vary across different canals. Zinc

should be replaced once it decreases to approximately 40%. If zinc is covered by growth, it is not working properly and should be cleaned regularly.

VIII. Discussion – Draft Moratorium Ordinance

Chair Witten advised that the draft moratorium Ordinance continues to be a work in progress. He recommended that the Board members continue to review the drafts provided by Attorney Dunckel as the process moves forward in case there are any issues that require correction.

Attorney Dunckel explained that he would like the Board to carefully review the Ordinance's preamble, as he wished to ensure no information is incorrect when the Ordinance takes effect. He continued that the proposed Ordinance is expected to go before the Planning and Zoning Board at their December 2023 meeting.

Attorney Dunckel continued that once the Planning and Zoning Board has ensured the proposed Ordinance is consistent with the City's Comprehensive Plan, the draft document will then be placed on the City Commission Agenda for two readings. He reiterated that zoning in progress is currently in place, which means the Ordinance is effectively being enforced although it has not yet been adopted.

Chair Witten asked what the Board's next steps would be with regard to the proposed moratorium. Attorney Dunckel replied that the Board may discuss ideas on what to do with dock waiver provisions in the western portion of the New River. Chair Witten recommended that the members consider how they look at the New River, including individual versus universal zones.

Vice Chair Harrison advised that a panel has been established by marine industries which will address the proposed moratorium. The panel, which recently held its first meeting, included waterfront builders and property owners, marina principals, towboat operators, marine businesses, and MIASF and FIND representatives. He recommended that the MAB members send any ideas to this panel through Mr. Cuba's office, and he will keep the Board apprised of their activities.

Ms. George asked who would represent the MAB when the proposed moratorium Ordinance goes before the Planning and Zoning Board. She pointed out that members of that advisory body may or may not be knowledgeable about marine concerns. Attorney Dunckel stated that Chair Witten will make a presentation to the Planning and Zoning Board so they can understand the complexities of New River issues. He and Mr. Cuba will also be present at the meeting.

Attorney Dunckel further clarified that any member of the MAB may attend; however, no members of the MAB other than the Chair will be able to address the Planning and Zoning Board, in accordance with the Sunshine Law.

IX. Old / New Business – MAB Member Reintroduction

Chair Witten noted that member reintroduction would be postponed until another meeting date.

Chair Witten also advised that Fort Lauderdale Mayor Dean Trantalis has indicated he will attend the Board's December 2023 meeting. He explained that he reaches out to the five City Commissioners following each MAB meeting to keep them apprised of what is going on.

II. Approval of Minutes – October 5, 2023

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

X. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:54 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.]