



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, DECEMBER 7, 2023 – 6:00 P.M.

Cumulative Attendance
January-December 2023

Steve Witten, Chair	P	10	0
James Harrison, Vice Chair	P	8	2
Michael Boyer	A	5	4
Tyler Brunelle	P	7	1
Robyn Chiarelli (arr. 6:04)	P	6	4
Barry Flanigan (arr. 6:22)	P	9	1
Robert Franks	P	5	0
Elisabeth George	P	9	0
Brewster Knott	A	6	3
John Lynch	P	3	1
Norbert McLaughlin	P	10	0
Noelle Norvell	P	6	2
Ed Rebholz (arr. 6:30)	P	6	0
Bill Walker	P	3	1
Robert Washington	A	5	2

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
Dean Trantalis, Mayor of Fort Lauderdale
Thomas Ansbro, City Attorney
Bob Dunckel, Assistant City Attorney
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 6:02 p.m. and roll was taken.

The following Item was 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

Marine Unit Sergeant Travis O'Neil reported the following activity for November 2023:

- 38 calls for service
- 60 citations

Sgt. O'Neil noted that the Winterfest Boat Parade is scheduled for Saturday, December 16, 2023. All Marine Unit Officers will be on the water, with assistance from seven other jurisdictions.

The Marine Unit continues to be short-handed due to lack of manpower, which is affecting the entire Police Department. Sgt. O'Neil was confident they can continue to get the job done, although he would like to have one additional Officer. All boats are in good condition, although some have accrued a large number of hours. The Marine Unit is working toward replacement of these vessels, and he is gathering information on purchasing a new boat.

Vice Chair Harrison asked if the Marine Unit has used its Enhanced Marine Law Enforcement Grant (EMLEG) grant. Sgt. O'Neil replied that throughout the year they use approximately 77% of this grant. The Marine Unit will be re-funded through this grant in the next year.

V. Introduction of City Attorney – Thomas Ansbro

Chair Witten introduced new Fort Lauderdale City Attorney Thomas Ansbro.

The Chair also introduced Fort Lauderdale Mayor Dean Trantalis, who joined the meeting at this time.

The following Item was taken out of order on the Agenda.

IX. End of the Year Remarks – Mayor Dean Trantalis

Mayor Trantalis emphasized the importance of showing a presence at the City's advisory board and committee meetings, as their members serve in a volunteer

capacity. He thanked the Board members for their service to the City, noting that there has been a stronger rapport between the City Commission and the Marine Advisory Board over the last eight years.

Chair Witten requested clarification of the Mayor's goals in which the Board could play a role. Mayor Trantalis advised that his overarching goal is to maintain safe passageway on the City's waterways, and to ensure that residents who own waterfront property can enjoy its use. He also expressed concern with pollution of the City's waterways, which can be caused by illegal dumping of waste into the water. Chair Witten confirmed that the Board hopes to help the City deal with these initiatives, and emphasized the importance of communication.

II. Approval of Minutes – November 2, 2023

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

V. Dock Waiver – 3019 NE 20th Court / Hubie Kerns

Frank Mormando, representing the Applicant, showed photos of the subject property, which has a concrete dock with two 27 ft. 9 in. posts. The project consists of installing a 30,000 lb. boat lift with four posts at 28 ft. 9 in. from the property line where Code allows a distance of 25 ft. The distance of the requested waiver is roughly 4 ft. Additional information is available in the members' backup materials.

Mr. Mormando added that the proposed structures have been approved by the Broward County Department of Environmental Protection, the Florida Department of Environmental Protection, and the U.S. Army Corps of Engineers.

The waiver request is justified through the following considerations:

- No structures or piles will exceed 30% of the width of the waterway
- Due to the extraordinary width of the waterway at the subject location, which is a distance of 191 ft., navigation will not be impeded
- The proposed structure is necessary for the safe mooring of the resident's vessel, particularly during high wind and severe weather events
- The proposed structure is necessary to protect the resident's vessel from high wave energy and excessive wakes from the Intracoastal Waterway

If the waiver request is approved, the Applicant will comply with all necessary construction conditions, guidelines, and Codes.

The City's Zoning Department has enacted an Ordinance which requires an independent engineer to review the placement of the boat lift's piles in order to ensure it conforms to Code. The structure would pose no hardship to the neighboring properties. One neighbor has requested that the boat be positioned slightly further to the west, and

the Applicant has agreed to this request, which will be included in the final “as built” submittal to the City and the Army Corps of Engineers.

Chair Witten asked for clarification of the existing conditions of the waterway. Mr. Mormando replied that there is a four-post concrete dock with a marble finish.

Mr. McLaughlin noted that the boat lift will place the vessel parallel to the dock, which would mean the proposed structure, not the boat itself, extends 3 ft. past the 25 ft. limit.

Mr. Franks commented that the Board members’ backup materials include letters of objection which mention navigational issues, although they do not specify those issues. Another letter had referred to obstruction of the view of the Intracoastal Waterway. Mr. Mormando reiterated that the Applicant has spoken with this individual and will move the lift so it is more closely centered on his own property, which will preserve the neighbor’s view.

Assistant City Attorney Bob Dunckel recommended that if the Board makes a motion to approve the request, that the approval will be subject to moving the location of the lift. He also requested that this issue be resolved and a proper drawing presented to the City Commission when the request goes before them.

Chair Witten advised that in addition to protecting the vessel from wave action, removing the boat from the waterway on a lift is also an environmentally sound practice. He also noted that letters of objection state a neighbor’s property value would be “greatly affected” by obstruction of the view, and requested clarification of the accuracy of this statement. Mr. Brunelle stated that he did not feel this was an accurate assertion.

Chair Witten continued that the Board is not tasked with addressing the line of sight from neighboring properties, and that he also did not believe property values would be negatively affected by obstruction of a view.

Attorney Dunckel advised that the Board may make a motion to recommend approval of the Application with or without the condition to move the boat lift’s location, or they may move to recommend denial of the Application. In any case, the Application would ultimately go before the City Commission for approval.

There being no further questions from the Board at this time, Chair Witten 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 Harrison, seconded by Mr. Brunelle, to approve as presented. In a roll call vote, the **motion** passed unanimously (12-0).

VI. Presentation – Las Olas Marina Update / Eric Metz, Suntex Marinas

Eric Metz, representing Suntex Marinas, provided an update on the status of the Las Olas Marina, recalling that dredging of the marina's basin began in January 2023 and lasted through June. Activity was paused until July, as the dredge barge was destroyed after contact with rock. A new barge was secured in July and dredged through August and September before being damaged in October and breaking down in November. Dredging was complete by December.

One major challenge of the project was replacing a pump station, as this work uncovered utilities and other unmarked wiring. This also slowed the progress of finishing part of the seawall. The former pump station became inactive due to flooding during the April 2023 severe rain event, and the new station was brought online. Work began on the marina's new buildings in February and March and the structures were topped out just ahead of the Fort Lauderdale International Boat Show.

162,000 yards of material were removed from the basin, and roughly 8000 truckloads of this material have been moved from the site thus far. It is hoped that most of the material will have been removed by the end of the year. Another 12,000 yards of material has not yet been dredged from the Intracoastal Waterway. Mr. Metz described this area as the most difficult part of the waterway. Applications have been submitted to the Florida Department of Environmental Protection as well as to the Army Corps of Engineers for the removal of this material.

Mr. Metz reviewed the site's buildings, including the locations of brokerages and restaurants. Work is underway by Florida Power and Light (FPL) to provide electricity to the buildings. He estimated that the buildings will be complete by approximately the second quarter of 2024. Work is expected to begin on the promenade during the first quarter of 2024.

Mr. Metz continued that roughly 950 linear ft. of the seawall has been replaced on the north side of the marina. As it was replaced, some portions of the structure were found to be in poor condition. Suntex is working with the City on partial cost-sharing for part of the wall. Damaged portions will be replaced by very deep sheet piles and a robust cap.

Ms. George reported that the Suntex team has met with neighboring property owners on a monthly basis, which the Mayor and the District Commissioner have characterized as a best practice.

VII. Presentation – The Winterfest Boat Parade “Reflections Afloat” – Best Show on H2O!

Mr. Walker advised that he is the current Chair of the Winterfest Boat Parade. 100 boats are expected to participate in the parade, and the Hard Rock Casino has renewed its sponsorship of the event. The parade was moved up the New River in 2007, which provides a better viewing area for spectators.

Mr. Walker also noted that Vice Chair Harrison leads the parade's Enhancement Committee. Vice Chair Harrison reported on a number of boats that plan to participate in the parade.

Mr. Walker added that Board member Mr. Flanigan also serves on the Boat Parade Committee, which oversees the internal logistics and coordination of the parade. Mr. Flanigan stated that buoys will be placed 150 ft. in front of bridges on the morning of the parade to control the spacing of boats during the parade.

Mr. Walker advised that the Winterfest Boat Parade is the seventh-largest parade in the world and the largest parade on water. It will take place on December 16, 2023 at 6:30 p.m. Boyz II Men will be this year's Grand Marshal.

All present recognized Mr. Walker for his fundraising in advance of the event, which will go to the Children's Diagnostic and Treatment Center (CDTC). Patience Cohn, representing the Marine Industries Association of South Florida (MIASF), invited all present to a joint party hosted by a number of marine associations on December 13, 2023.

X. Old / New Business

a. FIND Grant Bathymetric Survey – Next Steps

Vice Chair Harrison stated that a group of individuals with marine interests meet on a monthly basis, including Florida Inland Navigation District (FIND) Commissioners, homeowners who live along the New River, marine industry operators, and others. The City's FIND grant, which will be used to pay for the bathymetric survey, will be finalized at a City Commission meeting in January 2024.

Vice Chair Harrison added that one item discussed by the group is the Marine Advisory Board's (MAB's) recommendation to overlay old and new surveys in order to determine whether or not the channel has changed over time. There is consensus from the group to take this step, as the last survey was done in 2011.

Mr. Luscomb explained that the FIND grant is reimbursable, which means the City must provide the money to do the work and then be reimbursed.

b. New River Moratorium Update

Attorney Dunckel stated that he had asked Mr. Cuba to closely review the proposed moratorium Ordinance, and Mr. Cuba had identified a number of irregularities. One discrepancy occurs between regulations for 25 ft. or 25% of the width of the waterway, 30 ft. or 30% of the width of the waterway, and 33% or 25% in the City's annexed area. Another provision in the annexed area limits docks from projecting more than 5 ft. into

any waterway. Rather than addressing these irregularities, his recommendation was to refer back to the Ordinance's definition section.

With regard to time frames, a zoning in progress is in effect for waiver applications on the western New River. The Ordinance will go before the City's Planning and Zoning Board (PZB) on December 20, 2023, and from there to the City Commission. He anticipated that the Ordinance will be adopted within the next two to three months, which begins the one-year period in which the moratorium will be in effect.

Attorney Dunckel urged the Board to have hearings during this year, including how dock waivers on the western portion of the New River will be addressed. He recommended a balance between navigational considerations and private property rights, and suggested inviting representatives of homeowners' associations which include the boundaries of the western New River to address the Board at subsequent meetings.

Chair Witten asked if it would be possible, under the Sunshine Law, to hold "breakout" meetings with the public or other entities. Attorney Dunckel advised that since there is no subcommittee for the MAB, the Board must hear any public input at their monthly meetings.

Chair Witten asked if the Board could schedule a special meeting or meetings, to which the public could be invited. It was confirmed that this could be done.

Attorney Dunckel further clarified that the issue of riparian rights is a judicial matter and is not determined by the City. Two property owners may have a dispute with one another, or with the City, over their respective riparian rights. This matter would be resolved by a circuit court judge.

Chair Witten advised that he, Mr. Cuba, Attorney Dunckel, and representatives of marine businesses and the MIASF will attend the December 20 PZB meeting. They have been asked to provide a number of audiovisual materials for that meeting. These materials will be shared with the Board members as well.

Mr. Walker requested clarification of what will be discussed at the PZB meeting. Attorney Dunckel replied that because the proposed moratorium will affect zoning Code, the PZB is tasked with ensuring that it is compliant with the City's Comprehensive Plan. The PZB will then make a recommendation to the City Commission. If the Ordinance is adopted, there will be one year from the effective date to determine further action.

c. 2024 MAB Goals

Chair Witten reported that a workshop was held with the Broward County Board of County Commissioners regarding the New River crossing. He characterized this as making progress on the issue.

Ms. George commented that one issue is that the bridge would be owned by Broward County rather than by Fort Lauderdale. Ms. Chiarelli noted that an additional consideration is that the issue is greater than the New River crossing and affects the entire corridor and passenger rail system. The County, rather than the City, would operate the system. In addition, federal funding must be sought for the entire project, including the rail system, not just the bridge.

Code Compliance Officer Marco Aguilera advised that king tide seawall breaches have ended. He will provide the Board with statistics on Code cases at their next scheduled meeting, including the most common violations.

Ms. Cohn of the MIASF asked if a waiver allowing a 60 ft. intrusion into the waterway, for example, would allow an owner to dock a boat greater than 60 ft. in length at that dock. Officer Aguilera replied that while Code Compliance does not see waivers, a homeowner cited for this violation would be asked to provide Code Compliance with a copy of the waiver issued.

Attorney Dunckel stated that he felt the best solution to this issue would be for the waiver to include a limitation on the length of the vessel which coincides with the distance of the dock or mooring pile. There is nothing in the City's Unified Land Development Regulations (ULDR) which limits how far a berthed vessel may extend into the waterway. He suggested that this is likely to be addressed during the proposed moratorium.

Officer Aguilera continued that if this type of violation occurs, Code Compliance is not empowered to remove the boat; however, the property owner may be fined daily until the violation is corrected. They are looking into other ways to address this and similar issues. He also noted that once a complaint is made, Code Compliance must investigate; however, they may not investigate or take reports on complaints that are made anonymously.

XI. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:58 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.]