



CITY OF FORT LAUDERDALE

DRAFT
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, MARCH 6, 2025 – 6:00 P.M.

Cumulative Attendance
May 2024-April 2025

Steve Witten, Chair	P	9	1
James Harrison, Vice Chair	A	7	3
Norm Bekoff	P	4	2
Tyler Brunelle	P	9	1
Jason Dunbar	P	9	1
Barry Flanigan	P	9	1
Robert Franks	P	8	2
John Lynch	P	9	1
Noelle Norvell	P	7	3
Bob Swindell (arr. 6:04)	P	3	0
Bill Walker	P	7	3
LaRhonda Ware	A	1	1
Robert Washington	A	8	2

As of this date, there are 13 appointed members to the Board, which means 7 would constitute a quorum.

Staff

- Andrew Cuba, Marine Facilities Manager
- Luis Villanueva, Marine Facilities Senior Administrator
- Acting Assistant City Manager Ben Rogers
- Bob Duncel, Assistant City Attorney
- Sergeant Travis O’Neal, Marine Unit
- Edward Eason, Code Compliance Officer
- Captain Chad Robertson, Fort Lauderdale Fire Rescue Marine Unit
- L. Harmon, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

- I. Call to Order / Roll Call

Chair Witten called the meeting to order at 6:01 p.m.

II. Statement of Quorum

Roll was called and it was noted a quorum was present.

III. Approval of Minutes – February 6, 2025

Motion made by Mr. Brunelle, seconded by Mr. Dunbar, to approve. In a voice vote, the **motion** passed unanimously.

Mr. Swindell arrived at 6:04 p.m.

Chair Witten advised that there are currently two vacancies on the Marine Advisory Board (MAB).

IV. Waterway Crime and Boating Safety Report

- **Sgt. Travis O’Neal – Marine Unit**
- **Captain Chad Robertson – FL Fire Rescue Marine Unit**
- **Edward Eason – Code Compliance Officer**

Sergeant Travis O’Neal of the Marine Unit reported the following activity from February 2025:

- 2 vessel break-ins resulting in the theft of four Garmin devices and fishing equipment
- 1 yacht burglary
- 1 stolen vessel
- 1 individual taken into custody
- 5 vessel accidents

Sgt. O’Neal concluded that an arrest was recently made in relation to a burglary reported at the October 2024 meeting.

Code Compliance Officer Edward Eason reported that 81 inspections were conducted over the past 90 days. He explained that Code Compliance works on the waterway typically twice per week, depending upon weather and manpower. One area of focus for Code Compliance is the identification of derelict vessels on the waterway.

Chair Witten asked if Code Compliance investigates issues they notice while on the water. Officer Eason confirmed that while the first priority may be scheduled inspections, Code Compliance will also note addresses where they identify possible Code infractions and will visit those addresses once scheduled inspections are complete. These may include derelict vessels, docks in disrepair, and similar issues.

Captain Chad Robertson of the Fort Lauderdale Fire Rescue Marine Unit reported the following activity in February 2025:

- 19 calls
- 5 drownings
- 5 open water boat accidents
- 2 boat fires
- 1 inland boat fire
- 2 marine accidents
- 1 water rescue
- 1 sewer main break

Chair Witten emphasized the importance of securing another fire boat for the Fire Rescue Marine Unit.

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

VIII. Old / New Business

Acting Assistant City Manager Ben Rogers explained that the City has worked with the Water Taxi to review their service areas. During this review, it was clarified that the Marine Facilities Supervisor is empowered to authorize certain actions under Code. Staff is working with the City Attorney's Office to provide the Marine Facilities Manager with this authority as well.

The proposed updated Ordinance will allow Mr. Cuba to take action in his capacity as Marine Facilities Manager. It will also identify Water Taxi stops within the City's rights-of-way and on other City properties. Mr. Rogers requested the Board's feedback and a recommendation to the City Commission.

Assistant City Attorney Bob Dunckel noted that Board members Mr. Franks and Mr. Walker have conflicts of interest that would prevent them from voting on this issue.

Mr. Bekoff requested additional clarification of the reason behind the updated Ordinance, pointing out that the Water Taxi has used public rights-of-way since its inception. Mr. Rogers explained that one part of the discussion was the City's agreement with the Water Taxi to construct a terminal on the barrier island. This was followed by discussion of where the Water Taxi might land, as there were agreements for dock space at some locations but no usable access to others.

Mr. Bekoff continued that most Water Taxi stops on the New River occur in public rights-of-way. He suggested that the Ordinance include a code of conduct, which would both allow the City to protect itself and help the Water Taxi ensure that all its operators meet high standards.

Attorney Dunckel advised that he felt the proposed Ordinance should go forward as written, with a code of conduct to be added at a later date. He pointed out that the City will be bringing a Chief Waterway Officer on board in the future, and this individual could be closely involved in the Ordinance's progress.

It was also noted that the proposed Ordinance may lead to a broader discussion of how to make the City's waterways more user-friendly to other commercial charter operations, as only a limited number of landings are available to these businesses.

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.

Mr. Rogers advised that most of the proposed changes to the Ordinance would add the phrase "or Manager" throughout.

Mr. Walker advised that he would abstain from voting on this Item, as he is the owner of the Water Taxi. Mr. Franks also abstained, as he works for Water Taxi.

Motion made by Mr. Swindell, seconded by Mr. Lynch, to approve the language in the draft Ordinance in Section 8-146.1 of the Code of Ordinances of the City of Fort Lauderdale. In a roll call vote, the **motion** passed 8-0. (Mr. Franks and Mr. Walker abstained. A memorandum of voting conflict is attached to these minutes.)

V. Dock Waiver – 501/505 Hendricks Isle / 500 Hendricks LLC

Chair Witten requested clarification of the process by which notice is sent to the public with respect to waiver requests. Mr. Cuba explained that all properties within 300 ft. of the subject property are provided with notice. This is done before each Marine Advisory Board meeting and before waivers proceed to the City Commission.

Attorney Dunckel advised that the City Commission has recently asked that the timelines within which notice is provided be codified. This will be on a future MAB Agenda.

Andrew Schein, representing the Applicant, stated that the subject property was approved as part of an overall development along with another property located to the east. The eastern property will be a condominium. When it was approved, yard modifications were requested for setbacks. As part of the proposed yard modifications, the Applicant offered to improve the subject property as well, including landscaping, drainage, guest parking, and dock replacement.

Mr. Schein explained that the proposed improvements to the western property were shown when the Application for yard modifications on the eastern property went before the City's Planning and Zoning Board (PZB). The Applicant did not realize at that time, however, that they would also need to come before the MAB to request approval for the

dock itself. All other aspects of the improvements were part of the Site Plan approved by the PZB except the dock, which requires MAB approval.

Mr. Schein showed a survey of the site, which includes a 100 ft. standard dock on 10 in. pilings. It is before the MAB because the subject parcel is currently vacant, although a condominium association owns both properties, which means the dock is tied to the upland structure to the east.

Attorney Dunckel stated that Code Section 47-19.3(c) requires a principal building on the site. The waiver provision allows the Board to waive the lack of a principal building, which is the reason for tonight's application. He added that two of the southernmost pilings on the west side identified on the site are slightly too far into the water according to a land title survey, and the contractor has indicated that they will be pulled back to within the approved limit.

Mr. Schein further clarified that the existing pilings were installed by a previous owner and are located 25 ft. from the wet face of the seawall rather than from the property line. This places them at roughly 26 ft. from the property line. He confirmed that the Applicant plans to shift these pilings to bring them within the required limit.

With regard to the waiver for the upland structure, Mr. Schein advised that there will be 12 separate tax folios related to the property, 11 of which will be for individual condominium units. At present, there are two separate folio numbers for the two properties.

Chair Witten expressed concern that the canal at the subject location must maintain its navigable width of 40% of the waterway. He pointed out that barges will be servicing the seawalls and docks at the property, which could be compromised if docked boats are protruding into the navigable waterway.

Chair Witten also asked if new construction at the subject location could allow the condominium's docks to tie into the sewer system, and recommended further discussion of this possibility in the future.

Mr. Schein also noted that the proposed docks will be parallel to the property line.

It was clarified that the Applicant's contractor is confident the two pilings can be moved successfully. Mr. Schein added that if necessary, those pilings could be removed.

Motion made by Mr. Swindell, seconded by Mr. Walker, to approve. In a roll call vote, the **motion** passed unanimously (10-0).

Chair Witten requested that the Board clarify that its **motion** to recommend that approval of the Application is subject to the relocation or removal of the pilings so they are in compliance.

Motion made by Mr. Brunelle, seconded by Mr. Bekoff, to amend it. In a roll call vote, the **motion** passed unanimously (10-0).

VI. Dock Waiver – 629 Idlewyld Drive / Douglass Summers

Chair Witten advised that the request is for installation of five wooden pilings and two triple pile mooring clusters which extend more than 60 ft. from the property line.

Andrew Ockerman, representing the Applicant, stated that there are existing pilings on the Applicant's property which are in disrepair and must be replaced. There are also older mooring clusters which are inland of the pilings. He estimated that the new clusters would be placed "roughly about 10 to 12 ft. farther out" than the existing structures. These would not extend beyond 30% of the width of the waterway, which he cited as an extraordinary circumstance of the location.

Ms. Norvell briefly left the meeting at 6:55 p.m.

Mr. Ockerman continued that there are five to six compromised pilings located on the T-dock. These pilings will be replaced. The mooring piles on the outside will also be pulled and replaced with triple clusters.

Mr. Franks requested clarification of where the outside pilings would be located. Mr. Ockerman replied that those pilings would be 60 ft. from the property line and parallel to the property. He estimated the location of the existing pilings at "8 to 10 ft." closer to the property line.

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 Mr. Dunbar, seconded by Mr. Bekoff, to recommend approval. In a roll call vote, the **motion** passed 9-0 (Ms. Norvell not present for vote).

It was asked whether or not triple pilings would be lighted in any way as an aid to navigation when the Applicant's vessel is not docked at the site. Mr. Ockerman replied that his plans indicate the pilings will be banded with reflective tape. He confirmed that this is a concern in the subject area.

VII. Dock Waiver – 155 Isle of Venice / Victor Aguilar & Yahira Rosario

Victor Aguilar, Applicant, explained that he received a permit for installation of a boat lift on his property in October 2024. The contractor began work in November and the lift passed inspection; however, when he submitted the final survey to the City, it was determined that the lift extends past the 25 ft. limit into the waterway. He showed photos

of the canal, the property, and the lift, noting that the canal is 170 ft. wide from property line to property line at his location.

The boat lift is currently located at 33.5 ft. from the property line as measured by the survey. The requested waiver is for 8.57 ft. Mr. Aguilar explained that the contractor did not take the depth of the dock into consideration when placing the beams for the lift, and if the lift is moved closer, the beams will not be level. The boat's engine also needs approximately 1.5 ft. of clearance.

Mr. Aguilar added that the topography of the dock led to the waiver request. Other considerations include the environmental impact of removing the boat from the water and protection of the vessel in severe weather events.

Ms. Norvell returned to the meeting at 7:00 p.m.

Mr. Swindell asked how far the Applicant's vessel's engine would protrude from the boat lift. Mr. Aguilar replied that there is currently 2.5 to 3 ft. "from the dock to the engine." He reviewed the original plans for the site.

A question was also asked regarding the distance of existing dolphin pilings from the boat lift. Mr. Aguilar estimated that the pilings are "3 to 4 ft." from the lift.

Mr. Aguilar also confirmed that when he had submitted his plans to the City's Development Review Committee (DRC), he had included a letter of support.

Motion made by Mr. Flanigan, seconded by Mr. Franks, to approve. In a roll call vote, the **motion** passed unanimously (10-0).

VIII. Old / New Business

- **Sorting Through Marine Semantics and Pragmatics: Discussion Led by Assistant City Attorney Bob Dunckel**

Chair Witten explained that this discussion would address how the Board interprets some of the terms commonly used in their deliberations. These topics included the following:

- Whether waterway distance is measured from the wet faces of seawalls, or from property line to property line
- Clarification of the term "extraordinary circumstance"
- Differences between the distance and percentage requirements when approving waivers

Attorney Dunckel advised that the waivers that come before the Board for approval must be measured from property lines. He recalled a previous discussion of a property which had provided a topographic survey measuring distance from wet face to wet face rather than from property lines. He explained that measurements from wet faces can be difficult

when circumstances such as tides, riprap, and other aspects are taken into consideration. This led to a determination to continue measuring from property lines.

Attorney Dunckel further clarified that the City's Unified Land Development Regulations (ULDR) ensures that neither vessels nor mooring structures may exceed more than 30% of the width of the waterway measured from the property lines. Allowing a maximum 30% extension on both sides ensures that the navigable channel in the center of the waterway will remain at 40% of the waterway's width. Mooring or dolphin piles may not extend more than 30% into the width of the waterway or 25 ft.

With respect to the term "extraordinary circumstances," Attorney Dunckel advised that the City Commission has consistently granted the majority of waiver requests that come before them. Decisions on waivers are viewed in terms of other waivers that were granted under similar circumstances: for example, a waterway that is 400 ft. wide is unlikely to be viewed similarly to a waterway that is only 100 ft. wide. The intent is to ensure consistency.

Attorney Dunckel continued that during the recent discussion of waivers at the Hemingway Landings condominium, an individual had defined the term "extraordinary circumstances" as "something that's beyond your circumstances." This is not consistent with the majority of waivers that have been granted since the City adopted the ULDR in 1997. The City is now working to change the language so applicants will need to show special exceptions that would favor the granting of a waiver. There are also factors that would show reason to deny a waiver in certain locations, which must also be considered.

Attorney Dunckel advised that he did not believe the City Commission should be gravitating toward a new understanding of the term "extraordinary circumstances" until Code has been changed accordingly, as it may constitute an equal protection violation to have the past 25 years handled in one manner and then modify the requirements for waivers in the future. At this time, the Board will need to continue using the term until a new Ordinance has been drafted.

Attorney Dunckel stated that there will be ongoing discussion of this issue at the City level to determine which factors should be taken into consideration. He noted that he would like to rely on the Board's collective expertise as well. He further pointed out that if measurements are made from property line to property line, recorded plats may be used to find this measurement.

Attorney Dunckel noted that the city of Pompano Beach uses a measurement reference line, which is the standard used to measure the distance from mooring structures, tidal flood barriers, riprap, and other similar structures in waterways. When the recorded property line is seaward of the wet face of the original tidal flood barrier or riprap, the wet face is used as the measurement reference line. He advised that this has contributed to the conclusion that it is simpler to measure from property line to property line.

A question was asked regarding global information systems (GIS) mapping of the New River and whether this mapping takes property lines into consideration. Attorney Dunckel confirmed this. He also noted that bathymetric studies may show that the navigable channel's depth may be skewed toward one side of the waterway more than the other, which means the distance could be applied differently based on these facts. These and more items must be taken into account when determining how to move forward.

IX. Adjournment – See You at the Tortuga Music Festival on the beach April 4, 5, 6

There being no further business to come before the Board at this time, the meeting was adjourned at 7:38 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.]

MEMORANDUM NO. MF 25-06

DATE: March 4, 2025
TO: Marine Advisory Board Members
FROM: Andrew Cuba, Marine Facilities & Parks Manager
RE: April 3, 2025 MAB Meeting – City Code 8-35 – Public Notice Procedures -Proposed MAB Posting Processes

The City Commission has expressed concern regarding the timelines of the Dock Waiver mail noticing process, Agenda publication and Agenda posting for the Marine Advisory Board, and has requested an ordinance requiring time-lines for these procedures.

Please find attached Draft Ordinance detailing requested information.

To summarize:

Mail Notice: All properties within 300' of Public Hearing real property address at least ten (10) days before the MAB meeting.
Agenda Publication: MAB agenda publication at least ten (10) days before MAB date.
Agenda Posting: Must be posted at least ten (10) days prior to MAB meeting date.

AC

cc: Enrique Sanchez, Parks and Recreation Deputy Director

ORDINANCE NO. C-25-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, CREATING A NEW SECTION 8-35 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, THEREBY AMENDING PUBLIC NOTICE PROCEDURES FOR THE MARINE ADVISORY BOARD, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission has expressed concern as to the timeliness of Mail Notice, Agenda Publication and Agenda Posting for the Marine Advisory Board and has requested that an ordinance requiring time-lines for Mail Notice, Agenda Publication and Agenda Posting for the Marine Advisory Board proceeding; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 8-35 of the Code of Ordinances for the City of Fort Lauderdale is created to provide as follows:

Sec. 8-35. Public Notice Procedures.

When referred to in the Code of Ordinance, the different types of public notices, agenda publication and agenda posting set out below shall be given the meaning and conform with the provisions as follows:

(1) Mail notice.

(a) For applications presented to the Marine Advisory Board for recommendations as to waivers pursuant to ULDR Sec. 47-19.3 (e), mail notice shall consist of mailing a notice of a public hearing to real property owners within the city as specified herein as each is listed in the latest ad valorem tax records of the county. Each owner of a condominium or cooperative unit whose address is known by reference to the latest ad valorem tax records shall be sent notice as a real property owner.

(b) In addition to the requirements provided in this section, the notice shall state the date, time and place of the meeting or public hearing, the title of the proposed ordinance or a description of the

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions.

action to be considered and the place or places within the city where such proposed ordinance or information may be inspected by the public.

- (c) The notice shall advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance or action to be considered.
- (d) Unless otherwise provided by law, mail notice may be provided by bulk mail, first-class mail or other type of mail made available by the U.S. Postal Service if the mail is sent in a timely manner as provided in this section.
- (e) A copy of the notice mailed shall be made available for public inspection during the regular business hours of the city clerk.
- (f) Mail notice shall be deemed given when a notice has been properly addressed, stamped and deposited in a U.S. Postal Service depository.
- (g) Failure to receive notice shall not be grounds to invalidate the hearing as this provision is directory and not mandatory.
- ~~(h)~~ Prior to the public hearing before the Marine Advisory Board for applications presented as to waivers pursuant to ULDR Sec. 47-19.03(e), mail notice shall be given to the owners of lands under consideration for a waiver of limitations to the owners of lands within three hundred (300) feet of those land at least ten (10) days prior to the date set for public hearing.

(2) Agenda Publication

- (a) Agenda publication shall apply to the publication of the Marine Advisory Board agenda at least ten (10) days before the meeting of the Marine Advisory Board.

(3) Agenda Posting

- (a) Agenda posting shall mean posting of the agenda for the Marine Advisory Board reviewing applications for dock permits pursuant to Code Sec. 8-144 or waivers pursuant to ULDR Sec. 47-19.3 (e) at a public place on a wall outside City Hall identified for that purpose at least ten (10) days prior to a hearing on the above referenced matters.

SECTION 2. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect upon final passage.

PASSED FIRST READING this _____ day of _____, 2025.

PASSED SECOND READING this _____ day of _____, 2025.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN