



CITY OF FORT LAUDERDALE

**MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
COMMISSION CONFERENCE ROOM – EIGHTH FLOOR
FORT LAUDERDALE, FLORIDA
THURSDAY, AUGUST 2, 2018 – 6:00 P.M.**

**Cumulative Attendance
May 2018 - April 2019**

Board Members

	<i>Attendance</i>	<u>Present</u>	<u>Absent</u>
Grant Henderson, Chair	P	3	0
Ed Strobel, Vice Chair	P	3	0
Jimi Batchelor	A	2	0
Cliff Berry II	P	3	0
George Cable	P	1	2
Richard Graves	P	2	1
Rose Ann Lovell	P	2	0
Kitty McGowan	P	2	0
Norbert McLaughlin	P	2	0
Ted Morley	P	1	2
Curtis Parker	A	1	0
Roy Sea (arr. 6:05)	P	3	0
Randy Sweers	A	2	0
Bill Walker	P	2	1

As of this date, there are 14 appointed members to the Board, which means 8 would constitute a quorum.

Staff

Andrew Cuba, Manager of Marine Facilities
Jonathan Luscomb, Supervisor of Marine Facilities
Division Chief Stewart Ahearn, Fort Lauderdale Fire Department
Sergeant Todd Mills, Fort Lauderdale Police Department
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. Call to Order / Roll Call

Chair Henderson called the meeting to order at 6:00 p.m. and roll was called.

II. Approval of Minutes – June 7, 2018

Motion made by Mr. Morley, seconded by Mr. Walker, 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.

IV. Introduction of New Member – Norbert McLaughlin

New Board member Norbert McLaughlin introduced himself at this time.

V. Marine Advisory Board Elections

• Chair

Motion made by Mr. Strobel, seconded by Mr. Graves, to nominate Grant Henderson for Chair. In a voice vote, Chair Henderson was unanimously re-elected.

• Vice Chair

Motion made by Mr. Morley, seconded by Mr. Cable, to nominate Ed Strobel for Vice Chair. In a voice vote, Mr. Strobel was unanimously elected.

Mr. Sea arrived at 6:05 p.m.

VI. Waterway Crime & Boating Safety Report / Fire Department Report

Division Chief Stewart Ahearn of the Fort Lauderdale Fire Department reported the following activity from July 2018:

- 36 calls, 24 of which were distress calls
- 3 capsized vessels
- 2 medical emergencies
- 1 fire
- 3 searches/rescues
- 3 sinking vessels

The fire boat participated in the City's 4th of July event, as well as a detail for the lobster mini-season. During the month of August, members of the Marine Team will participate in a preventive radiological/nuclear detection class sponsored by Port Everglades.

Sergeant Todd Mills of the Fort Lauderdale Police Department reported the following Marine Unit activity from July 2018:

- 42 citations
- 110 warnings

- 69 safety inspections
- 3 accidents
- 3 burglaries
- 1 fuel spill
- 1 sinking vessel

Sgt. Mills advised that there have been issues regarding Jet Ski rentals at George English Park. The Marine Unit is working to reinforce existing rules so individuals are able to launch their boats from the ramp without impediment.

Vice Chair Strobel suggested that the Board recommend a change in Code to the City Commission. Sgt. Mills noted that both Code Enforcement and business licensing are working toward this goal. Mr. Cuba added that Staff has been working toward expansion of the boat ramp so additional staging area is available to boaters. Sgt. Mills continued that mini-season enforcement is underway for vessels that are too close to dive flags or divers operating without flags.

Vice Chair Strobel advised that LED lighting on bridge signage is inaccurate. Mr. Cuba replied that he would reach out to FEC to address this.

The Marine Unit is expecting the arrival of three new boats, including an additional cabin boat for all-weather response and a 10 meter open vessel.

VII. Waiver of Limitations – 777 SW 6th Street / Edward Kirwin III

David Nutter, representing the Applicant, explained that the Application is for additional mooring pilings at the site to allow better tie-offs for vessels. There are up to two vessels at the site at one time. At present there are three existing piers, with mooring pilings roughly 20 ft. from the ends of the piers; however, vessels at the location are 45 to 50 ft. in length, which requires more pilings. The Applicant would like to double the number of pilings at 20 ft. from the piers and place three triple clusters at a distance of 60 ft. from the property.

Mr. Nutter clarified that structures on the river are allowed to extend 25% or 20 ft. into the waterway, whichever is less. At 60 ft., the requested triple cluster pilings would remain within the 25% limitation.

Mr. McLaughlin expressed concern with dolphin piles at the site, which are shown at a distance of 65 ft. from the wet face of the seawall according to the Applicant's diagram. Code allows distance to be measured from the wet face of the seawall or the property line, whichever is closer to the land mass. The property line is 3 to 5 ft. further back than the seawall. Mr. McLaughlin asserted that the triple piles would allow a larger vessel to encroach into the navigable channel.

Mr. Nutter reiterated that the Applicant plans to place 45 to 55 ft. boats at the site rather than larger vessels; in addition, the 65 ft. distance is necessary to provide for tie-off points past the ends of the boats. Mr. McLaughlin's concern was for marine industry towing vessels across the waterway from the subject site. Mr. Nutter pointed out that the Applicant's diagram shows a total width of 258 ft., which means 30% of the waterway would be 77 ft.

Vice Chair Strobel suggested that if the Board approves dolphin piles at a distance of 65 ft., they could place a limitation stating no vessel may extend past this limit. Mr. McLaughlin pointed out, however, that this restriction would not be enforceable unless a complaint is filed.

Mr. Morley asked if the slips are rented or belong to the homeowner. Ed Kirwin, Applicant, stated that the vessels belong to himself and members of his family. He explained that significant wakes are created in the area, and that he has seen passing boats strike vessels moored at nearby locations. Winds and tides also contribute to conditions that could damage boats.

Mr. McLaughlin asked if moving the pilings in by roughly 15 ft. would leave room for the Applicant's vessel. Mr. Kirwin replied that other boats in the past have been damaged by wakes; to prevent this from recurring, he wished to secure his boat more firmly. Vice Chair Strobel recalled that a boat belonging to the previous occupant of the property was damaged when a wake pushed it into the seawall.

There being no further questions from the Board at this time, Chair Henderson opened the public hearing. As there were no individuals wishing to speak on this Item, Chair Henderson closed the public hearing and brought the discussion back to the Board.

Motion made by Vice Chair Strobel, seconded by Mr. Sea, to approve [the Application], subject to no boat permanently there passing the end of the piles.

Mr. Cable requested clarification of whether the **motion** referred to a vessel permanently moored at the site. Vice Chair Strobel **amended** his **motion** as follows: no vessel can be moored there that sticks out past the 65 ft. pile.

Mr. Berry asked if the Board had authority to add this condition to approval, pointing out that Code allows for vessels to extend up to 30% of the width of the waterway. Mr. Cuba confirmed that the Board may make any motion that they wish as a recommendation to the City Commission; once the Commission codifies the recommendation in the form of a Resolution, it becomes a rule for the subject property. If the property is sold, the rule does not extend into perpetuity.

Vice Chair Strobel restated his **motion** as follows: to approve with the stipulation that no vessel can be moored there past the outside edges of the new triple cluster piles.

In a roll call vote, the **motion** passed 7-4 (Mr. Cable, Mr. McLaughlin, Mr. Morley, and Mr. Walker dissenting).

VIII. Dock Permit – 515 Idlewyld Drive / Robert Bret & Nancy Lynn Anderson

Mr. Nutter, representing the Applicant for Items VIII and IX, stated that the requests were for a dock permit and a dock waiver on Idlewyld Drive, where the waterway is shallow and forces some owners to extend their boats beyond the limit. There is currently a T-dock with mooring pilings on the property. The Applicant plans to reconfigure this dock into a rectangular marginal dock with an access pier to a platform. The platform would be roughly 15 ft. inside the existing pilings and the new boat lift would be no more than 5 ft. past those pilings. The request is due to the shallow depth.

Adjacent properties already have structures that extend further into the waterway than the Applicant's plans. Mr. Nutter noted that boats in the area have been damaged due to wave action along the Intracoastal Waterway. The boat lift would protect the Applicant's vessel from damage.

Mr. Cuba clarified that the dock in this case would be located on City property across the street from the Applicant's residence. The requested dock permit would allow for private use of public property.

There being no further questions from the Board at this time, Chair Henderson opened the public hearing. As there were no individuals wishing to speak on this Item, Chair Henderson closed the public hearing and brought the discussion back to the Board.

Mr. Sea requested clarification of square footage limitations on City docks. Mr. Nutter advised that the City does not have this limit. The boat lift does not count toward overall square footage.

Motion made by Mr. McLaughlin, seconded by Mr. Morley, to accept the permit. In a voice vote, the **motion** passed unanimously.

IX. Waiver of Limitations – 515 Idlewyld Drive / Robert Bret & Nancy Lynn Anderson

Mr. Cuba noted that the requested dock waiver would extend a maximum distance of 29.5 ft. past the limit into the waterway. Because the dock is across the street from the subject property, the distance from the Applicant's property line is 110 ft.

There being no further questions from the Board at this time, Chair Henderson opened the public hearing. As there were no individuals wishing to speak on this Item, Chair Henderson closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Morley, seconded by Mr. McLaughlin, to approve the request. In a voice vote, the **motion** passed unanimously.

X. Reports

None.

XI. Old / New Business

Chair Henderson requested an update on plans for the southwest corner of 17th Street. Mr. Cuba advised that this property is owned by Broward County, and recalled that there was previous support by the Board for a possible mega-yacht dockage facility at this location. This proposal was brought to the City Commission's attention through a communication from a previous meeting. No action has been taken regarding this communication. Mr. Cuba suggested bringing the communication back before the Board as a discussion item at a subsequent meeting.

Mr. Walker reported that he attended a recent Harbor Safety Committee meeting, at which issues affecting Port Everglades are regularly discussed. Because speeding is a recurring issue, he proposed that the Board make recommendations to the City Commission to address this problem, such as posting signage in areas where speeding occurs. The signs could be recommendations or for informational purposes only, as they would not be enforceable.

Another issue is illegal charters, which is problematic for the U.S. Coast Guard. Mr. Walker emphasized the need to raise public awareness of unlicensed charter activity. It was noted that local law enforcement would not have jurisdiction in this matter. Sgt. Mills confirmed that this is a Code rather than a Police issue.

Mr. Cuba advised that the City posted the signs directing boaters to monitor channel 9. He requested input from the Board members regarding any other signage they feel should be posted. Vice Chair Strobel suggested that additional No Wake signs could be necessary in some areas due to Jet Ski activity.

Mr. Sea addressed plans for Bahia Mar, stating that the property has been approved for 600 apartment units that would be built once a 50-year lease extension has been negotiated for the property. He emphasized the importance of Bahia Mar to the future of Fort Lauderdale. Mr. McLaughlin commented that once a lease has been acquired, it will be possible for Bahia Mar to sell boat slips, resulting in a "dockominium."

Ms. McGowan requested an update on a pedestrian bridge proposed for the New River. Mr. Cuba replied that plans for a bridge are still conceptual and public meetings would need to be held. He added that this is not a City initiative, but a proposal from the Florida Department of Transportation (FDOT).

Patience Cohn, representing the Marine Industries Association of South Florida (MIASF), reported that FDOT hired an engineering firm in 2016 to seek stakeholders' opinions regarding the proposed pedestrian bridge. Stakeholders, including MIASF, were not supportive of the plans. Earlier in 2018, another firm was hired to conduct a study to determine whether or not a bridge was necessary. Their suggestion to the City Commission was for a 21 ft. bascule bridge to accommodate pedestrian traffic, including students walking to school. The study has not yet been completed.

Ms. Cohn continued that the minimum bascule bridge that would be permitted by the Coast Guard is 21 ft. above the water. MIASF has not agreed with this suggestion, instead recommending a modification to the 3rd Avenue Bridge or a train bridge.

Mr. Cable observed that a recent newspaper article suggested the Coast Guard was looking into possible violations by the train bridge across the New River. Mr. McLaughlin noted that because the opening schedule is set up on a two-hour system, the bridge may be closed for 60 minutes every two hours rather than 30 minutes every hour. He encouraged boaters to report potential violations to the Coast Guard, which cannot act in the absence of documented violations.

Chair Henderson requested that Mr. Cable prepare information on this topic for the next meeting so the Board may consider a communication to the City Commission.

XII. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:31 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.]