

**100 NORTH ANDREWS AVENUE
COMMISSION CONFERENCE ROOM – EIGHTH FLOOR
FORT LAUDERDALE, FLORIDA
THURSDAY, MARCH 7, 2019 – 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	7	1
Ed Strobel, Vice Chair	P	7	1
Cliff Berry II	A	6	2
George Cable	A	4	4
Robyn Chiarelli	P	3	2
Richard Graves	P	6	2
Rose Ann Lovell	A	5	2
Kitty McGowan	A	4	3
Norbert McLaughlin	P	6	1
Ted Morley	P	5	3
Curtis Parker	A	4	2
Rossanna Petreccia	P	2	0
Roy Sea	P	8	0
Randy Sweers	A	5	2
Bill Walker	P	6	2

As of this date, there are 15 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
Sergeant Todd Mills, Fort Lauderdale Police Department

Communications to City Commission

None.

I. Call to Order / Roll Call

The meeting was called to order at 6:02 p.m.

II. Approval of Minutes – February 7, 2019

A correction was noted to p.8, paragraph 7: Acting Chair Walker closed the public hearing.

Motion made, and duly seconded, to approve as amended. In a voice vote, the **motion** passed unanimously.

III. Statement of Quorum

It was noted a quorum was present at the meeting.

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

Sergeant Todd Mills of the Fort Lauderdale Police Department reported the following Marine Unit activity from February 2019:

- 20 citations
- 138 warnings
- 52 safety inspections
- 3 boating accidents
- 2 burglaries
- 4 fuel spills

Additional incidents to which the Marine Unit responded included a sunken vessel, vandalism, four abandoned vessels, and two trucks that slipped on ramps. Epoxy has been applied to the ramps.

Sgt. Mills advised that roughly 25% of vessels pass safety inspections. He explained that if a vessel is issued a citation, the Officer has the option of conducting a safety inspection as well. Citations are not written for failed safety inspections. Inspection decals are good through the remainder of the current calendar year.

V. Waiver of Limitations – 1 Hendricks Isle / Kenneth M. Ricketts

Heidi Davis, representing the Applicant, stated that the subject property is part of a town home project on Hendricks Isle. The property has an existing finger pier and pilings. The request is for the extension of a boat lift an additional 18 ft., reaching a total of 43 ft. from the property line. This is roughly 12% of the waterway's width.

Extraordinary circumstances include strong winds and extremely shallow depth during low tide at the subject location. The slip cannot be used during low tide. The Applicant has also experienced thefts from his vessel. An adjacent neighbor and the homeowners' association affiliated with the town homes complex have provided letters of support for the Application.

The Board members discussed the Application, with Mr. Morley requesting clarification that the Florida Department of Environmental Protection (FDEP) Self-Evaluation and Self-Certification process applied to multi-family dwellings. Frank Mormando, also representing the Applicant, advised that the subject property is registered as a single-family home and falls under FDEP guidelines.

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, the Chair closed the public hearing and brought the discussion back to the Board.

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

VI. Dock Permit – 333 Poinciana Drive / James D. Wilson

Courtney Crush, representing the Applicant, recalled that in April 2018, two 25 ft. finger piers were approved across from the subject property. The request is to place a dock no longer than 25 ft. on land owned by the City. The City Commission has approved the addition of language and terminology for existing licenses of this nature.

Ms. Crush advised that neighbors in the Idlewyld community, including one immediate neighbor, had expressed the opinion that there should not be finger piers attached to the previous T-dock at the subject location. The Applicant is instead proposing an L-dock, which would have the same footprint and square footage as the northeast portion of the former T-dock, as well as a 5 ft. connecting pathway. The maximum proposed dimension is 30 ft. x 8 ft. Neighbors of the property would have appropriate access to the waterway.

Mr. Sea requested clarification of where the docks would be placed in reference to the two finger piers approved in 2018. Mr. Cuba noted that there is no principal upland structure on the lots for which the finger piers had been approved. The two lots are currently vacant. Ms. Crush emphasized that this is the sole application expected to be filed by the Applicant for the subject property, as he has committed to allowing no more than one boat at the dock. The Applicant has also agreed that no boat shall be docked perpendicularly to the shoreline. She asked that these two considerations be included in any motion made regarding the Application.

Mr. McLaughlin requested clarification of the seawall height required at the subject site. Ms. Crush noted that seawall height is part of an upcoming amendment to the City Ordinance governing private use of public property, and recalled that the seawall at the subject location was repaired within the previous year. She was not aware of the scope of that repair.

There being no further questions from the Board at this time, Chair Henderson opened the public hearing.

Kelly Overman, private citizen, stated that the Marine Tower Condominiums are fully supportive of the Application with three stipulations provided:

- Confirmation that no permit for an additional dock on the subject parcel would be considered

- Stipulation that only one boat be allowed at the dock
- Stipulation that no boat may be docked perpendicularly to the shoreline

Mary Fertig, private citizen, advised that the Idlewyld neighborhood was in agreement with the Marine Tower Condominiums, subject to the three conditions stated earlier.

As there were no other individuals wishing to speak on this Item, Chair Henderson closed the public hearing and brought the discussion back to the Board.

Motion made, and seconded by Ms. Chiarelli, to approve on the three stipulations of no perpendicular vessel, no second boat, and no additional docks. In a voice vote, the **motion** passed unanimously.

VII. Waiver of Limitations – 1180 N. Federal Highway #1201 / Stephen Parker

Adam Licht, representing the Applicant, provided multiple views of the subject property, noting that there are 432.5 ft. between the Applicant's slip and the natural shoreline. The Applicant proposes a 5 ft. waiver to allow expansion beyond the 25 ft. limitation in order to install a four-post, 1600 lb. boat lift at the two easternmost piles. These two piles will act as guideposts for the boat lift and will be covered in reflective tape to ensure safe navigation. The maximum boat length that could be accommodated on the lift is 45 ft.

It was noted that individual dock slips were sold as part of a condominium project that is currently under construction. The slip width is 16 ft., while the boat lift would have a width of 14 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, the Chair closed the public hearing and brought the discussion back to the Board.

Mr. Cuba cautioned the Applicant that Site Plan Level II review may be required of the Application, as City regulations prohibit more than one boat lift per 100 ft. of seawall. This review must be complete before the Board's recommendation could be advanced to the City Commission.

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

VIII. Waiver of Limitations – 1180 N. Federal Highway #510 / Warren Schencker

Mr. Licht, representing the Applicant, provided a site map of the subject area, pointing out that there are 366 ft. between the property's seawall and the natural shoreline. The Applicant is requesting a 5 ft. waiver beyond the 25 ft. limitation. As with the previous

Application, two existing piles would serve as guideposts for the boat lift and would be covered in reflective tape.

Mr. Morley expressed concern that the proposed boat lift may be significantly oversized, and that future boats at the subject property could also be too large and therefore violate the submerged land lease. It was asked what might happen if an individual vessel extends beyond the condominium's submerged land lease. Mr. Cuba stated that this is not an issue with the proposed boat lift, but could apply to other boats docked in the area. He suggested that one option open to the Board could be restriction of vessels to the area within the footprint of the submerged land lease.

There being no further questions from the Board at this time, Chair Henderson opened the public hearing.

Stephen Parker, private citizen, advised that he was the previous Applicant. He asked how far the submerged land lease extends at the subject area. It was clarified that this distance was 36.5 ft. from the wet face of the seawall.

As there were no other individuals wishing to speak on this Item, the Chair closed the public hearing and brought the discussion back to the Board.

Mr. Cuba pointed out that a lift 5 ft. less in length would not require review by the Marine Advisory Board. He added that while the City has been able to alter some of its submerged land leases, he was not certain that the owner of an individual unit in a condominium would be able to do so, although it may be possible by the condominium itself if the state allows.

Mr. Morley requested clarification of the linear distance along the seawall between the two boat lifts requested for the same property in Items VII and VIII. Mr. Licht replied that this distance is 114 ft. He added that he has looked into the possibility of requesting an extension to the submerged land lease, and was informed by FDEP that this would require additional signatures and documentation. There may also be a need for additional discussion of this possibility between the Applicant and the condominium association.

Motion made by Mr. Morley, and duly seconded, to table this [Item] for another time when there is more information available. In a roll call vote, the **motion** passed unanimously (9-0).

IX. Reports

Mr. Cuba advised that at the March 5, 2019 City Commission meeting, a dock permit recommended for approval by the Board was approved by the Commission. He added that he had sent an email to the members with an update on a proposed pedestrian bridge over the New River, which is no longer planned.

X. Old / New Business

Mr. McLaughlin recalled that some years ago, the Board had invited City and County elected officials to attend a boat ride up the New River, which could help their understanding of marine issues. He suggested that this be proposed again. Mr. Cuba cautioned that this could present difficulties due to the Sunshine Law, as members of the public would not be able to attend. He would look further into this possibility before plans are explored.

A question was asked regarding the members' terms on the Board. Mr. Cuba explained that an appointment can be renewed by the District Commissioner each year if the member wishes to continue, with a total of six years on the Board.

Mr. McLaughlin requested information on construction at a site across from the Riverside Hotel, noting that this would be a very tight area in which to navigate if boats are docked there. He asked if the U.S. Coast Guard would have any recourse, pointing out that dockage at this site would be likely to constitute a navigational hazard. Mr. Cuba recommended sending an email to Commanding Officer Derek Wallen at the Fort Lauderdale Coast Guard station.

On March 12, 2019, special elections will include two bond bills, one for a Police station and one for parks. These bonds are significant to marine interests, as the Parks Department provides funds for City seawall repairs and the proposed Police station serves the Marine Unit. Both bonds would be issued over a 30-year period.

XI. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:23 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.]