



CITY OF FORT LAUDERDALE

**MARINE ADVISORY BOARD  
100 NORTH ANDREWS AVENUE  
COMMISSION CONFERENCE ROOM – EIGHTH FLOOR  
FORT LAUDERDALE, FLORIDA  
THURSDAY, APRIL 4, 2019 – 6:00 P.M.**

**Cumulative Attendance  
May 2018 – April 2019**

Grant Henderson, Chair	P	8	1
Ed Strobel, Vice Chair	P	8	1
Cliff Berry II	P	7	2
George Cable	P	5	4
Robyn Chiarelli	P	4	2
Richard Graves	P	7	2
Rose Ann Lovell	P	6	2
Kitty McGowan	P	5	3
Norbert McLaughlin	P	7	1
Ted Morley	P	6	3
Curtis Parker	P	5	2
Rossana Petreccia	P	3	0
Roy Sea	P	9	0
Randy Sweers	A	5	3
Bill Walker	P	7	2

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  
Officer Laurie Arthur, Fort Lauderdale Police Department  
Jamie Opperlee, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

**Motion** made by Chair Henderson, seconded by Mr. Strobel, to send a communication to the City Commission stating that each waiver should be reviewed by this Board and no blanket waiver should be put in place. In a voice vote, the **motion** passed unanimously.

**I. Call to Order / Roll Call**

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

**II. Approval of Minutes – March 7, 2019**

**Motion** made by Mr. Morley, seconded by Mr. Strobel, to approve. 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**

Officer Laurie Arthur of the Fort Lauderdale Police Department reported the following Marine Unit activity from March 2019:

- 28 citations
- 139 warnings
- 61 safety inspections
- 2 boating accidents
- 6 miscellaneous incidents

It was noted that the Air Show is scheduled for May 2019, and the Tortuga Festival will be held later in April.

### **V. Dock Permit – 116 SE 11 Avenue / Stephen and Kim Ann Shulman**

Stephen Shulman, Applicant, explained that several years ago, a builder was granted a permit by the City to build a dock and improve the seawall at a property adjacent to his house. He is requesting a permit to use this dock and seawall.

Mr. McLaughlin asked if the Applicant was aware of the seawall height at the subject location, pointing out that the City is in the process of raising the height requirement for seawalls. Mr. Shulman replied that the seawall had already been raised when the permit was issued by the City. Should the City wish to raise the requirement higher, he would be responsible for the dock or any other necessary renovations. He was not aware of the current seawall height.

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. Strobel, seconded by Mr. McLaughlin, to approve. In a voice vote, the **motion** passed unanimously.

### **VI. Dock Waiver – 1180 N. Federal Highway – Unit 510 Slip 11 / Warren and Silvia Schencker**

Adam Licht, representing the Applicants, showed a PowerPoint presentation on the Item, recalling that this project came before the Board at their March 7, 2019 meeting. At that meeting, the Applicant was asked to conduct further research into whether or not the sovereign submerged land lease area could be altered. While the Florida Department of Environmental Protection (FDEP) confirmed that the lease could be extended, there is not yet a homeowners' association for the subject property that could do so. It was determined that the easiest way to address the issue was to reassign Slip 11 to the Applicants.

Slip 11 has a 40.5 ft. by 16 ft. footprint, where Slip 22's footprint was 30.5 by 16 ft. Mr. Licht showed an overview of the distance and width of the Middle River in the subject area, noting this is 350 ft. The Applicant proposes to extend the boat lift 5 ft. beyond the limitation required by the City. This will allow 319.5 ft. for boats to pass through the Middle River. While 25% of the waterway in this area is 87.6 ft., the submerged land lease area only extends 46.5 ft. from the property line. Per the manufacturer, the two outermost piles will be wrapped in reflective tape to ensure safe navigation and will serve as guideposts for the boat lift.

One boat lift is currently pre-existing on the subject property and is located 20 ft. north of the Applicant's slip. Another boat lift was approved by the Marine Advisory Board (MAB) in March 2019 and is located 30 ft. south of the Applicant's slip.

Mr. McLaughlin observed that although condominium requirements allow one boat lift per 100 ft., there are already two boat lifts planned within less than 100 ft. He expressed concern with the possibility that granting the waiver could set an unwanted precedent for other condominiums. Mr. Cuba advised that this would require an additional level of review by either the Board of Adjustment (BOA) or Development Review Committee (DRC) should it become an issue.

Mr. Berry asked what other distance waivers have been granted in the subject area. It was noted that one 5 ft. waiver has been granted thus far. Mr. Berry commented that the Board should not exceed this limit in the future.

Mr. Cuba noted that he received an email objecting to the Application, which he had distributed to the Board members. The individual had objected on the grounds that his/her view would be obstructed. Mr. Cuba noted that view corridors do not fall within the purview of the Board.

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. Strobel, seconded by Mr. McLaughlin, to approve. In a voice vote, the **motion** passed unanimously.

**VII. Presentation – Proposed Dock Permit Ordinance / Dr. Nancy Gassman**

This Item was removed from the Agenda.

**VIII. Reports**

None.

**IX. New / Old Business**

Mr. Walker addressed the issue of trains crossing the New River Bridge, recalling that there have been issues with the regular lowering of the bridge. Boaters and marine businesses have been significantly affected, and there have been discussions at the City and County levels regarding the need for an alternative method of moving passenger trains over the river.

Patience Cohn, representing MIA SF, stated that this organization has requested funds from the Florida Department of Transportation (FDOT) to build on a study originally conducted in 2006-2007. MIA SF expects to be provided with up to \$500,000 for this update.

Ms. Cohn advised that because regulations enforced by the Coast Guard are not working with regard to the bridge, a different operation is being tested that would raise the bridge 30 minutes of every hour instead of 60 minutes of every two hours. While there had been discussion of providing a mobile app that would allow boaters to keep track of the trains' schedule in real time, this has not been done, and the schedule available online is not accurate.

Mr. McLaughlin recalled that at a previous meeting, he had suggested the Board invite the Mayor, City Commissioners, and the public on a boating tour of the New River. Mr. Cuba advised that he had been informed this could not be done due to the Sunshine Law. Mr. McLaughlin felt this might have been due to the way the suggestion was presented, as a similar activity was held in the past. He emphasized that the Commissioners may not be aware of all marine issues in the City.

Mr. Cuba stated that he had forwarded an email from the City Attorney's Office to the Board members regarding the feasibility of a tour, as the City Attorney's Office felt there was the potential for a Sunshine Law violation. Mr. Graves asked if it would be permissible under the Sunshine Law for one Board member to go on a boat ride with one City Commissioner. Mr. Cuba suggested that the members may wish to forward this email to their City Commissioners and/or the City Attorney's Office if they are interested in pursuing this idea further.

Chair Henderson recalled that at the last City Commission meeting, there was discussion of issuing a blanket waiver for docks or other structures that do not extend

beyond 25% into the waterway. He expressed concern with this proposal, as each scenario in which a waiver is requested has different circumstances. He felt the Board should continue to review each waiver.

**Motion** made by Chair Henderson, seconded by Mr. Strobel, to send a communication to the City Commission stating that each waiver should be reviewed by this Board and no blanket waiver should be put in place.

Mr. Cuba explained that this idea was first proposed during a City Commission meeting at which a waiver was discussed. At that meeting, the Mayor directed the City Manager to look into the possibility of a blanket waiver. He recommended that interested Board members attend the next City Commission Conference Agenda meeting if they wished to have additional input on the proposal.

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 6:47 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.]