



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 4, 2025 – 6:00 P.M.**

**Cumulative Attendance
May 2025-April 2026**

Steve Witten, Chair	P	6	0
Robert Washington, Vice Chair	P	6	0
Norm Bekoff	A	4	2
Tyler Brunelle	P	6	0
Jeffrey Coburn	A	5	1
Courtney Day	P	2	0
Jason Dunbar	P	6	0
Barry Flanigan	P	4	2
Robert Franks	P	5	1
John Lynch	P	5	1
Sam Mitchell	P	3	0
Ted Morley	P	3	0
Dr. Bret Ribotsky	P	5	0
Bob Swindell (dep. 8:30)	P	4	2
LaRhonda Ware	A	5	1

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
- Luis Villanueva, Marine Facilities Supervisor
- Marco Aguilera, Chief Waterways Officer
- Bob Dunckel, Assistant City Attorney
- Sergeant Travis O’Neal, Marine Unit
- Captain Chad Robertson, Fire Rescue
- Edward Eason, Code Compliance Officer
- Dr. Nancy Gassman, Deputy Director of Parks and Recreation/Chief Resilience Officer
- N. Day, Recording Clerk, Prototype, Inc.

Communications to City Commission

None.

I. Call to Order / Roll Call

Chair Witten called the meeting to order at 6:02 p.m.

II. Statement of Quorum

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

III. Approval of Minutes – November 6, 2025

The following corrections to the November 6, 2025 minutes were noted:

- Correct references to September 2026 on p.3 and p.4

Mr. Mitchell also requested clarification of his comments regarding stormwater on 19th Avenue, explaining that his concern was for stormwater traveling south on 12th Avenue to 6th Street, west of 6th Street to 15th Avenue, and eventually joining the North Fork River.

Motion made by Mr. Swindell, seconded by Dr. Ribotsky, to approve as amended. In a voice vote, the **motion** passed unanimously.

IV. Holiday Visit by Vice Mayor / Commissioner John C. Herbst – District 1

Chair Witten introduced District 1 City Commissioner and Vice Mayor John C. Herbst, recalling that a serious accident on the Intracoastal Waterway had occurred in Vice Mayor Herbst's district earlier in the year. He noted that the Florida Fish and Wildlife Conservation Commission (FWC) had acted quickly to ensure speed changes in that area.

Vice Mayor Herbst emphasized the importance of the Marine Advisory Board (MAB) to the City and its quality of life, as well as the value of its input to the City Commission. He noted specific quality-of-life issues, including the City's new pump-out boat, recent laws related to anchoring in City waterways, and more.

Vice Mayor Herbst continued by addressing the Galleria project, pointing out that the developer of this project had not reached out to him as a Commissioner, which was unusual. He pointed out that the developer is moving forward with a concept proposed under Florida's Live Local Act, which does not require any engagement with the City.

The Board further discussed the proposed project, including economic considerations related to development, the potential timeline for the project, and other Live Local Act projects underway elsewhere in the City. Vice Mayor Herbst noted that the workforce housing provided by Live Local Act projects is not the same as true affordable housing; workforce housing is defined as housing for households earning up to 120% of area median income (AMI).

V. Acknowledging our Friends from FWC – Fish and Wildlife Conservation Commission (Captain Jeff Hart, Major Bill Holcombe, Shayna Fisher, Vice Chairman Steve Hudson et al)

Chair Witten introduced Captain Jeff Hart, Major Bill Holcombe, Waterway Management Unit Administrator Shayna Fisher, and FWC Vice Chair Steve Hudson. Captain Hart addressed the recent tragedy that occurred on the Intracoastal Waterway, stating that information was already being compiled in relation to changing speed zones before the accident occurred.

**VI. Waterway Crime & Boating Safety Reports:
Sgt. Travis O’Neal (FLPD) / Capt. Chad Robertson (Fire Rescue) / Edward Eason (Code)**

Code Compliance Officer Edward Eason reported the following activity:

- Seawall in disrepair after a large tree fell into a waterway; the property owner has 60 days to obtain a permit for repairs
- Dock in disrepair; the property owner has removed all structures, including the dock and pilings

Captain Chad Robertson of Fort Lauderdale Fire Rescue reported the following activity:

- 6 fire boat calls
- 2 incidents involving impaired boat owners
- 3 missing divers who were found safely

Sergeant Travis O’Neal of the Fort Lauderdale Police Department’s Marine Unit reported the following activity:

- 1 burglary of a Garmin unit
- Impaired individual on the water on the final day of the Fort Lauderdale International Boat Show

Sgt. O’Neal continued that preparations are underway for the Winterfest Boat Parade, with units from six other municipalities in addition to Fort Lauderdale planning to assist with this event. The Florida State Guard will also assist and provide patrol and medical boats. The Winterfest event is scheduled for December 13, 2025.

Dr. Ribotsky asked if the City’s Noise Ordinance will allow participating vessels to play music at the event. Sgt. O’Neal replied that vessels will have permits for music during the Boat Parade. He added that there is regular enforcement of the Noise Ordinance on the waterway.

Dr. Ribotsky expressed concern that many boaters may not be aware of the City’s Noise Ordinance and how it applies to boats on the waterway. Sgt. O’Neal advised that the Marine Unit has made social media posts and videos addressing this issue. Violations of

the Noise Ordinance must be witnessed in person by responding personnel. He clarified that the City's Noise Ordinance refers to music that is "plainly audible at 25 ft." rather than referring to a specific decibel level. Individuals are encouraged to call the Police Department's non-emergency line to report incidents.

Sgt. O'Neal also addressed limited anchoring, noting that none of the owners charged under the City's new Ordinance have gone to trial thus far. He could not predict what a judge might do in relation to these cases. He estimated more information may be available by the February 2026 MAB meeting.

Mr. Mitchell requested an update on patrols along the North Fork River. Sgt. O'Neal replied that he cannot access parts of that waterway due to work being done. Mr. Mitchell advised that the waterway can be accessed via a kayak dock at one of the City's parks.

**VII. Dr. Nancy Gassman, Deputy Director of Parks & Rec; Chief Resilience Officer
Follow-up from the November meeting**

Deputy Director of Parks and Recreation/Chief Resilience Officer Dr. Nancy Gassman recalled that the North Fork River was briefly discussed during her presentation at the November 2025 meeting. She reviewed historical data related to that location, recalling that before 1988, over 100 wastewater treatment plants discharged treated effluent into a variety of City waterways, including one facility that discharged over five million gallons per day (5 MGD) into the North Fork River. Treated wastewater is disinfected with chlorine and solids are removed from it.

Dr. Gassman continued that in 1983, discharges from that facility into the North Fork River were stopped; after 1988, other discharges which could have influenced the New River were also stopped. Several different treatment plants were consolidated into the regional George T. Lohmeyer Wastewater Treatment Plant (GTL).

Dr. Gassman referred to Broward County's quarterly monitoring data from 1973-1997, which specifically tracks monitoring at the North Fork River and Broward Boulevard. She pointed out that while this site reflected very high nutrient levels during the time that effluent was discharged into the North Fork River, these levels fell significantly once discharges were stopped, resulting in immediate improvement in water quality in that waterway. Nitrogen and oxygen levels improved sufficiently to meet standards; while total phosphorus declined, it did not meet standards.

Dr. Gassman also reviewed water quality from the North Fork and South Fork Rivers which was tested further downstream from the facilities and received greater tidal flow as well. While these changes were less dramatic, there were general improvements in oxygen and nitrogen, with accompanying improvements in phosphorus but no meeting of that standard.

Dr. Gassman continued that there has been consistent testing of waterways for *e. coli* bacteria, which is commonly found in freshwater when testing for human sewage. She pointed out that once discharges into the waterway were stopped, the presence of *e. coli* became worse and continued to do so through 1997. This was because the treated effluent discharged into waterways was high in chlorination, which helped to kill bacteria from other sources. These sources were separate from wastewater discharges from treatment plants and included stormwater, septic tanks, live-aboard vessels, and wildlife, among others.

Dr. Gassman advised that another factor affecting bacteria in the North Fork River may be tidal flow, as this could result in less stagnant water. It was determined that when more water was brought into the area, nitrogen ceased to meet standard levels, although phosphorus improved; there was no change in fecal coliform bacteria.

Dr. Gassman moved on to testing from 2006-2024, primarily in the New River and South Fork River. Phosphorus continues to be a challenge, particularly at locations such as Broward Boulevard and the North Fork River. Other sites that are farther upstream, such as Sistrunk Boulevard and the North Fork River, show similar patterns but with a higher rate of algae in the waterway. From 2018-2025, Broward County's quarterly monitoring sites are not meeting standards consistently.

Dr. Gassman continued that Broward County has conducted molecular source testing since 2017. She noted that dog and human markers are both represented as a result of this testing, with most human markers below the Environmental Protection Agency's (EPA's) threshold for swimming safety; however, other types of bacteria are present at greater rates.

Dr. Gassman noted that the City regularly cleans its existing stormwater structures, including two major water quality structures that capture debris and sediment before they are deposited in the North Fork River. The City continues to follow national discharge elimination systems requirements for monitoring and reporting. Current and future actions include working with the Parks and Recreation Department to fence off City properties that have served as camping areas for the City's homeless population, as well as working with the Florida Department of Transportation (FDOT) to close off similar encampments next to their roadways.

Mr. Mitchell distributed copies of a *Sun-Sentinel* article to the Board members, stating that the article includes information on sludge in the North Fork River, to which he had referred at the November 2025 meeting. He explained that he had been told this was the result of treated waste dumped into the river, and that it had included both solids and heavy metals.

Dr. Gassman clarified that that the term "solids" can include any material that can be flushed down a drain. She noted that the article states the City of Fort Lauderdale was required to dredge a portion of the subject area in 1992. This was followed by a Broward

County program for “spot dredging” in the North Fork River, which resulted in the removal of sediments and other materials from dredged locations throughout the river.

Mr. Mitchell asserted that he would like to see documented evidence that sludge was removed from the North Fork River, noting that the river has not been rated as suitable for recreation in a very long time. He concluded that this led him to believe the sludge may still be present in that waterway. Dr. Gassman replied that this documentation could be requested from Broward County through a public records request.

Chair Witten asked if there is another advisory entity which may have more information on these topics. Dr. Gassman replied that the Broward County Environmental Monitoring Division may be one such organization.

Mr. Mitchell strongly emphasized that the problems with which he was concerned have existed for a very long time. Dr. Gassman recalled that during her tenure with Broward County, the North Fork River had represented the single greatest expenditure of funds for environmental cleanup in any Broward County waterway.

Chair Witten asked what the Board may be able to do to address concerns about the North Fork River. Dr. Gassman reiterated that during her time with Broward County, the river was a major concern, resulting in several studies and different forms of testing. She did not believe the North Fork River had been neglected, but that it suffers from the same conditions facing any urban waterway within a densely populated county.

Assistant City Attorney Bob Dunckel advised that the Board may determine its own priorities. Mr. Mitchell stated that unless concerns with the North Fork River are raised and brought to the attention of the City Commission, those concerns are unlikely to be addressed.

Dr. Gassman clarified that the North Fork River is not under the jurisdiction of Broward County, but of the South Florida Water Management District (SFWMD). It was also noted that Fort Lauderdale Chief Waterways Officer Marco Aguilera has reached out to the SFWMD, which indicated that unless conveyance on the North Fork River is impacted, they are not interested in dredging.

VIII. Dock Waiver – 401 Idlewyld Drive / Nancy A. Daly and Pal E. Daly, Co Trustees of the Nancy A. Daly Revocable Living Trust

Matt Cappiello, representing the Applicants, explained that the Application seeks to replace an existing dock that was constructed in 1992. They also hope to replace the seawall on the property.

Attorney Dunckel noted that if a property has a linear width of more than 65 ft. on the water, there must be a 25 ft. setback between that property owner’s riparian rights and

the neighbors' riparian rights. The subject property exceeds this requirement to the south, and the City has waived the requirement on its north side.

Mr. Cappiello explained that the Applicants need a waiver for the dock's extension beyond the 25 ft. limit into the waterway. The dock would extend to a distance of 53 ft. and would remain roughly 200 ft. from the west side of the channel.

Mr. Cappiello continued that the subject property is located where a natural curve in the waterway exists, which lessens the projection. In addition, of 25 docks constructed along Idlewyld Drive, 19 have received Code variances to extend past the 25 ft. setback, and 14 of the 19 extend beyond the Applicants' requested 53 ft. Extending the dock into deeper water would also protect the docked vessel from damage due to high winds, storm surge, or wake activity.

A seagrass survey has been certified and approved by the Florida Department of Environmental Protection (FDEP) as well as the U.S. Army Corps of Engineers. The Applicants' mitigation efforts include reducing the footprint of the dock from the original plans. They have also increased the height of the proposed dock and the spacing of its planks.

Mr. Cappiello reviewed the location of the Applicants' riparian rights, noting that there have been no challenges to the existing structure, which has been on the property for approximately 34 years.

Mr. Lynch requested clarification of where the Applicants plan to dock their boat. Mr. Cappiello replied that this would depend in part upon the draft. The Applicants own a sailboat approximately 40 ft. in length, estimating the vessel's beam at between 12 ft. and 15 ft.

Mr. Cuba advised that no letters of support for the Application have been received, although there is one letter of objection.

Chair Witten requested that Attorney Dunckel share his thoughts on the Application. Attorney Dunckel advised that a memo from the City's Zoning Administrator indicates the boat would need to be moved back 5 ft. from the extension from the property line and should not encroach into the northern side yard setback. This would move the current dock back by 8 ft. The Applicants' plans also include benches, which would constitute a Code violation unless removed.

Attorney Dunckel concluded that should the Board recommend approval of the Application, he would recommend moving their vessel back by 5 ft. so it does not encroach into the side yard setback. Mr. Cappiello expressed concern that moving the dock southward would result in conflict with the findings of the seagrass survey.

Attorney Dunckel advised that the Application as presented includes a violation of Code, which was why he recommended moving the structure back by 5 ft. when the new construction begins.

Tyler Chappell, representing property owners at 407 Idlewyld Drive, stated that the Applicants have made several changes to their Application over time, resulting in dimensions that may not be correct. He pointed out discrepancies in the distances between the dock and the riparian lines, as well as the distance between the lines themselves.

Mr. Chappell continued that while the Applicants' presentation does not show a boat docked at the property, he did not know why the proposed 40 ft. boat would need a draft of 68 ft. He concluded that the boat was removed from the Applicants' visuals because when a boat was pictured on the plans, the plans could not be approved by FDEP due to setback encroachment.

Mr. Chappell distributed copies of the original plans proposed for the site, which included a survey of the property with the existing dock and riparian lines. He also noted that there was originally no seagrass found on the property; however, when his clients had conducted their own research, they had found seagrass and turned the results in to the appropriate regulatory agencies. This resulted in changes to the Applicants' proposed deck spacing.

Mr. Chappell advised that the turning radius of his clients' boat would be blocked if the Applicants' plans proceed. He expressed concern that his clients need 54 ft. of space to dock their own vessel at their slips, and that the configuration of the Applicants' proposed dock does not take the navigation of neighboring properties into account.

Mr. Chappell reviewed potential alternative concepts for the site, which included moving the proposed dock by 5 ft. in order to meet side yard setback requirements. Other proposals included options such as a viewing platform, a finger pier, and different configurations of the structures. He concluded that the Applicants had presented no extraordinary circumstances to indicate why they needed the waiver.

The Board members discussed both the Applicants' and Mr. Chappell's proposals, including whether or not the Board could recommend approval of the Application in its current state, which shows some conflicts with Code. It was also noted that the Application itself required some modifications from what was presented to the Board. Attorney Dunckel clarified that Applications with modifications within 10% of Code requirements may move forward.

Chair Witten asked if the Application could proceed if the Applicant was willing to make changes so the plans do not encroach into the 5 ft. setback. Attorney Dunckel explained that one of the Board's options is approval of the Application, subject to moving the

northernmost finger pier outside the 5 ft. setback and removing the benches shown on the plans.

It was noted that Mr. Cappiello had indicated during his presentation that a boat could be moored at either the finger pier or on the south side of the structure(s). There was additional Board discussion of mooring vessels of the approximate size as the Applicants' boat at the subject location.

There was additional discussion of possible configurations for the site.

Mr. Swindell suggested that the Item be tabled pending further discussion between the Applicants and their neighbors.

Motion made by Mr. Swindell, seconded by Mr. Lynch, to table. In a roll call vote, the **motion** passed 9-3 (Mr. Flanigan, Mr. Mitchell, and Dr. Ribotsky dissenting).

IX. Good and Welfare – News, Updates, Scuttlebutt – Holiday Cheer

Chair Witten reported that the Tortuga Festival is scheduled for April 10-12, 2026. He also reminded all present of the upcoming Winterfest Boat Parade, scheduled for December 13, 2025, beginning at 5:30 p.m.

X. Discussion – New River Navigation / Board Member Captain Bob Franks

Mr. Franks showed a presentation on navigation on the New River, explaining that State Statutes prohibit the anchoring or mooring of a vessel in a manner which unreasonably or unnecessarily constitutes a navigational hazard or interferes with another vessel. Should the river become congested, State Statutes supersede City Code and could be enforced by FWC.

Mr. Franks reviewed dimensions of the river at different locations, including the navigable channel, property lines, and extensions into 30% of the channel. He noted that some vessels extend more than 30% into the channel, also pointing out that boat slips are rented at some locations along the New River. He characterized these as "low-hanging fruit" in terms of enforcement, as both issues can be addressed by Code Compliance.

Mr. Franks continued that while the City may provide a permit for construction along the New River, the U.S. Coast Guard or FWC may identify hazards that could affect navigation, including extension of vessels into the waterway. He recalled that the Board had previously discussed a proposal to designate a vessel navigation fairway at some locations on the river, which would define the waterway and determine what could be reasonably set aside for navigation. This would help inform residents along the river of how far their vessels or structures may extend into the waterway without intruding into the navigational channel.

Chair Witten asked how much room would be necessary on the waterway when towing a vessel. Mr. Day advised that this depends on the size of the barge, which is determined in part by the load to be towed.

Mr. Morley asked if the City of Fort Lauderdale or SFWMD can create a navigation fairway, or if federal entities must be involved in this process. Chief Waterways Officer Marco Aguilera replied that to his understanding, the City could designate special navigation districts for which, at least in theory, no further dock waivers could be entertained. This designation would not be retroactive and could include locations such as Little Florida, "the Wiggles," and other specific locations that may pose an enhanced navigational risk.

Mr. Aguilera continued that he would recommend against proposing a reduction to the existing 30% rule, as he felt this change could affect property values and was therefore unlikely to be passed.

Mr. Morley asserted that Code exists for a reason, and that homeowners should understand that when they request a waiver, they are asking for something outside the Code that applied when their home was purchased and which should be due to an extraordinary circumstance. He emphasized that purchasing a larger boat does not constitute such a circumstance.

Mr. Aguilera reiterated that the first step toward the possibility of limiting intrusions into the navigable waterway would be to identify proposed special navigation districts or areas. Attorney Dunckel suggested that it would be appropriate to say that these locations would be one factor considered if those owners chose to apply for dock waivers.

Mr. Brunell cautioned that this could lead to litigation, as it could be seen as selective enforcement of the law. He emphasized that individuals not following Code should be cited, as this would give a clearer picture of the City's canals and waterways.

The Board members discussed the waterway width necessary to move a barge along the New River, the entities that own specific waterways, and measurements from property lines. Mr. Franks advised that while the issue is too large to be fully discussed at tonight's meeting, his intent was to suggest that navigable fairways be defined. He concluded that the information in his presentation was also available online.

Mr. Morley asked what might happen if a vessel encroaching beyond 30% of the waterway was a contributing factor to a collision involving fatality. He asked if the City would bear any liability for having permitted the vessel to be docked at its location and extending beyond the limit provided by Code. Attorney Dunckel replied that this would not be the case. It was suggested that captains who see boats intruding into the waterway call Code Compliance, which would allow the City to take action or determine if a violation exists.

Mr. Franks showed additional locations of concern on the New River. Mr. Aguilera further clarified that while boats in Fort Lauderdale may be in compliance, boats at some locations lie within other jurisdictions, which may or may not have any Ordinances which regulate their extensions into the waterway. Mr. Franks reiterated that this was why he had referred earlier to enforcement of State Statutes.

Shelley Hunt, member of the public, described incidents which had occurred at her dock and involved trespassing from a neighboring property, as well as the conditions occurring when live-aboard vessels were docked in her neighborhood. Chair Witten advised that these types of incidents were separate from the MAB's discussion of navigational issues and could not be addressed by the Board, as their jurisdiction was outside Fort Lauderdale.

Mr. Aguilera pointed out that Code Compliance does not have unlimited access to boats or waterways. He suggested that establishing a full-time Marine Code Compliance Officer could be a potential solution to this and other compliance issues on the waterways.

Mr. Aguilera continued that if complaints are made regarding waterway activity and Code Compliance cannot access the area by boat, it may be impossible to witness the violation. Code Compliance is not allowed to enter an individual's property unless that property owner grants them access.

It was suggested that the Board members consider making a recommendation in favor of creating a full-time Marine Code Compliance Officer position, and to reach out to their respective City Commissioners to advocate for that change.

It was also proposed that the Board consider making discussions of New River navigational concerns a regular recurring Agenda Item. Chair Witten stated that the Board would continue to focus on this issue going forward into the next calendar year.

Mr. Franks advised that while the City may reach out to the Coast Guard with respect to establishing a navigational fairway, the Coast Guard is also likely to ask the City what action they would like to see taken. He recommended further consideration of this issue, including applicable laws and Codes.

Mr. Cuba suggested that if the Board wished to make a recommendation addressing the City's budget, they may wish to send a communication to the City Commission, either now or at a later date.

XI. Communication from the Bridge – Marco Aguilera / Chief Waterways Officer

Mr. Aguilera reported that bidding is complete for the City's sewage pump-out boat and a vendor has been selected.

Mr. Aguilera continued that he will present a Living Seawall rebate program at the City Commission Conference Agenda meeting on December 16, 2025. If a residential property chooses to install a living seawall, the rebate program would cover 100% of the base permit fee and installation. Commercial properties may also apply for the rebate program at a reimbursement rate of 75%.

FDEP is currently seeking to install four tide stations at different locations throughout the City. These stations will be identified on a map and updated every 15 minutes. The City will help choose locations but will bear none of the costs.

Mr. Aguilera continued that SFWMD is undertaking a project at the C-9 canal in Miami which will test three different filtration methods for water in the canal before it is pumped out into Biscayne Bay. He reviewed the proposed methods to be tested, which would remove materials such as phosphorus, nitrogen, and fuel or oil from the water. If the project is successful, individuals may advocate for a similar project in Broward County, possibly on the North Fork River. He emphasized that the City does not have jurisdiction of that body of water, which belongs to SFWMD.

XII. Old / New Business

- **1409 SW 17th Street – Motion to Reconsider or in the alternative a Motion to Amend as to previous action by the Board. Public hearing has been concluded. This is being returned to the Board only for consideration of the Motion to Reconsider or Motion to Amend.**

Chair Witten advised that this Item was pulled from the Agenda. Mr. Cuba stated that it will be placed on the Board's January 2026 Agenda as a discussion Item.

- **Preparing for a “Fresh” Whiteboard at the January 7 Meeting**

Chair Witten stated that the Board will discuss priorities at their January 2026 meeting, and requested that the Board members think about topics they would like the Board to revisit or address.

Mr. Mitchell encouraged all the Board members to visit the North Fork River so they can see the condition of that waterway, which is vital to the City.

XIII. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 9:12 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

Marine Advisory Board
December 4, 2025
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[Minutes prepared by K. McGuire, Prototype, Inc.]