



CITY OF FORT LAUDERDALE

**DRAFT**  
**MEETING MINUTES**  
**CITY OF FORT LAUDERDALE**  
**MARINE ADVISORY BOARD**  
**FORT LAUDERDALE FIRE RESCUE DEPARTMENT**  
**528 NW 2<sup>ND</sup> STREET, STATION #2**  
**FORT LAUDERDALE, FLORIDA 33311**  
**3<sup>RD</sup> FLOOR CONFERENCE ROOM**  
**THURSDAY, JUNE 6, 2024 – 5:00 P.M.**

**Cumulative Attendance**  
**January-December 2024**

Steve Witten, Chair	P	6	0
James Harrison, Vice Chair	A	3	3
Tyler Brunelle	A	5	1
Robyn Chiarelli	A	3	3
Jason Dunbar	P	3	0
Barry Flanigan	P	6	0
Robert Franks	A	4	2
Elisabeth George	P	6	0
Brewster Knott	A	3	3
John Lynch	P	5	1
Norbert McLaughlin	P	6	0
Noelle Norvell	A	3	3
Ed Rebholz	A	4	2
Bill Walker	P	4	2
Robert Washington	P	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  
Jonathan Luscomb, Marine Facilities Supervisor  
Sergeant Travis O’Neil, Marine Unit Supervisor

**Communications to City Commission**

None.

- I. Call to Order / Roll Call

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

- II. **Statement of Quorum**

Roll was called and it was noted a quorum was present at the meeting.

### **III. Approval of Minutes – May 2, 2024**

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

### **IV. Waterway Crime & Boating Safety Report / Code Enforcement Update**

Sergeant Travis O'Neil, Marine Unit Supervisor, reported the following activity from May 2024:

- 186 calls for service
- 8 vessel crashes with no significant injuries
- 1 vessel fire

Sgt. O'Neil added that there were no significant issues at the Air and Sea Show, although there were fewer Police boats in service than expected.

Sgt. O'Neil also advised that the Marine Unit, along with other Florida law enforcement entities, participated in a Memorial Day Weekend operation called Not This Weekend. This was a very productive effort, resulting in an arrest for Boating Under the Influence as well as several resource violations and the shutdown of three illegal charters. Over 200 stops were made and over 200 citations written, four of which were criminal.

Chair Witten advised that there have been several incidents witnessed of boaters sanding or painting their boats over the waterway. Sgt. O'Neil stated that this is typically a Code Enforcement issue rather than a Marine Unit issue, as the Marine Unit cannot enforce this violation. He added that the violation would have to be witnessed by an Officer before an individual can be charged, as it is a misdemeanor.

Mr. Flanigan recommended against Board members giving their names when reporting these types of violations. Ms. George noted, however, that this is a requirement for all violations reported to Code Enforcement.

Mr. McLaughlin asked if the Marine Unit enforces for Code violations. Sgt. O'Neil replied that this is not typically done; however, if Code Enforcement is unavailable, the Marine Unit can respond if necessary. He cautioned that enforcement of Ordinances is not the Marine Unit's purview,.

Chair Witten reported that at their May 7, 2024 meeting, the City Commission declined to move forward with the proposed moratorium on dock waivers on the New River. He noted that many supporters of the moratorium had not been present at the City Commission meeting, and had received communication from stakeholders expressing concern that the public perception of the moratorium was inaccurate. Chair Witten concluded that he did

not wish to invest further time in discussion of a moratorium, and requested feedback from the Board on where they should go from here.

It was noted that a bathymetric survey of the New River will continue in order to determine the waterway's center, which will assist the Board in future discussion of waivers.

John Kelly, member of the public, commented that it was clear misinformation had been disseminated about the proposed moratorium, and that politics may have played a role in the misinformation. He expressed concern that not enough residents fully appreciate the role of the marine economy in Fort Lauderdale, emphasizing the significance of marine services based on the New River.

Mr. Flanigan observed that if it becomes more difficult for boats to access businesses on the New River, their owners are likely to seek those services in other municipalities. He advised that boats are willing to be towed up the New River due to the quality of the work available there.

#### **V. Dock Waiver – 1947 NE 21<sup>st</sup> Street / Christopher Place**

Lisa McConnell, representing the Applicant, showed a PowerPoint presentation on the Application, which requests extension of a pier and boat lift past the 25 ft. limitation on the Middle River. The waiver is for approximately 14 ft. past the 25 ft. limitation, based on the Applicant's property line. She showed photographs of the property and surrounding area, pointing out that the waterway at the subject location is in excess of 200 ft. wide.

Ms. McConnell continued that the vessel the Applicant plans to place on the boat lift is 28 ft. The structural plans for the extension have been approved by the appropriate environmental agencies before submittal to the City for building review. The boat lift is requested for protection from severe weather events.

The Applicant has reached out to his neighbors to ensure they are aware of his waiver request. Ms. McConnell added that she has submitted several voluntary letters of consent by these neighbors along with the Application.

Chair Witten asked if there were any letters of objection to the requested waiver. Mr. Cuba replied that all properties within 300 ft. of the subject property were notified, and none responded in objection.

**Motion** made by Mr. Lynch, seconded by Mr. Dunbar, to approve. In a roll call vote, the **motion** passed unanimously (8-0).

#### **VI. Dock Permit – 601 Cordova Road / JFB Assets Mgmt. Ltd. Partnership, Jean Francois Boisvert**

This Item was pulled from the Agenda.

## **VII. Dock Waiver – 700 SW 4<sup>th</sup> Place / Scott Eric Jordan and Erin Mary Myers**

Tyler Chappell, representing the Applicants, showed photographs of the site, pointing out that the existing dock is dilapidated and falling apart. The property lines of most properties on the north side of the river are interior of existing seawalls. The Applicants plan to raise their seawall height to 5 ft., as their back yard is subject to flooding during king tides.

Mr. Chappell reviewed the dimensions of the requested structures, noting that a waiver of 1.5 ft. is requested for the 26.5 ft. floating dock. Extraordinary circumstances include the fact that all structures would fall within the 30% limitation of the waterway. The section of the New River in the subject area is roughly 225 ft. to 230 ft. wide as measured from wet face to wet face of the seawalls. This section of the waterway has significant boat traffic.

The subject property has been vacant for some time, and the Applicants propose a boat lift at the site. They also plan to dock a 60 ft. boat at the outside slip. Mr. Chappell provided letters of support from neighboring property owners and reviewed the distances associated with other waivers that have been granted in the area.

Mr. McLaughlin requested clarification of the size of the vessel to be placed on the boat lift. Mr. Chappell replied that the interior vessel is approximately 24 ft., with the outside vessel will be 60 ft.

It was asked whether there is a waiver associated with the existing piles at the property. Mr. Chappell replied that he had not seen any waiver associated with the piles. It was further clarified that the piles had been properly permitted, but were incorrectly installed and not recorded thereafter.

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. Walker, seconded by Mr. Flanigan, to approve. In a roll call vote, the **motion** passed unanimously (8-0).

## **VIII. Old / New Business**

Chair Witten stated that the Board's meeting in July is scheduled for Tuesday, July 9, 2024 due to the Independence Day holiday the previous week. No meeting is scheduled in August.

Chair Witten also noted that Board members Robert Franks, Brewster Knott, John Lynch, and Ed Rebholz have been reappointed for another term.

Mr. McLaughlin addressed measurements from property lines or the wet faces of seawalls, pointing out that property lines may extend some distance into the waterway. This would mean a variance measured from the property line would extend significantly further into the waterway. He advised that measurements are traditionally taken from the wet face of the seawall for this reason.

Chair Witten recalled that one issue related to using the wet face of the seawall as a measurement was that seawalls may be in disrepair. Mr. Cuba explained that while Code may indicate a distance from the property line, if the property line is waterward then the measurement will be taken “from the property line that is landward.” Chair Witten concluded that this can be discussed further at a subsequent meeting when Assistant City Attorney Bob Dunckel is present to provide additional clarification.

It was asked if the City has any appetite for adding docks that can be used by small boaters, with the suggestion of a location off Sebastian Road where public parking is available. Dinghy docks could be installed there for beach access. Mr. Cuba advised that this could be discussed further.

It was also noted that due to the City’s anchoring Ordinances, a new dock at this location could be filled by cruisers who want to briefly go ashore, which can lead to issues with trash, noise, and other concerns for neighbors. Mr. Cuba also pointed out that a public dock would also need to meet the requirements of the Americans with Disabilities Act (ADA).

Chair Witten recognized Mr. Cuba and Mr. Luscomb for their years of work with the Marine Advisory Board and dedication to the marine community. Mr. Luscomb has worked with the Board for 15 years, while Mr. Cuba has worked with them for 18 years.

Mr. Luscomb clarified that the bathymetric survey is not yet complete because the City is waiting to secure insurance from the vendor that will perform the survey. It is expected to begin next week and take approximately three days.

Mr. Luscomb also reported that the City has met with a design/permitting consultant to discuss the seawalls in front of the wharf. The City originally approached the consultant regarding a walkway at that location; however, the price for this structure would have been prohibitive, so plans are now for a seawall that will provide continuity with the rest of the New River. Plans include two floating docks with a living seawall behind each of them. The Public Works Department is seeking financial assistance from the Florida Inland Navigational District (FIND) for this project.

## **IX. Adjournment**

There being no further business to come before the Board at this time, the meeting was adjourned at 7:08 p.m.

Marine Advisory Board

June 6, 2024

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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.]