



CITY OF FORT LAUDERDALE

**MEETING MINUTES
CITY OF FORT LAUDERDALE
MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
CITY COMMISSION CHAMBERS
8TH FLOOR CONFERENCE ROOM
THURSDAY, OCTOBER 6, 2022 – 6:00 P.M.**

**Cumulative Attendance
January-December 2022**

Ted Morley, Chair	P	6	2
Steve Witten, Vice Chair	P	6	2
Michael Boyer (arr. 6:01)	P	2	0
Robyn Chiarelli (arr. 6:09)	P	5	3
Bob Denison	A	5	3
Barry Flanigan	P	8	0
Robert Franks	P	5	0
Elisabeth George	P	1	0
James Harrison	P	8	0
Brewster Knott	A	1	1
Norbert McLaughlin	P	7	1
Noelle Norvell	P	6	2

As of this date, there are 11 appointed members to the Board, which means 6 would constitute a quorum.

Staff

Andrew Cuba, Marine Facilities Manager
Jonathan Luscomb, Marine Facilities Supervisor
Sergeant Travis O'Neil, Fort Lauderdale Police Department
Carla Blair, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. Call to Order / Roll Call

The meeting was called to order at 6:00 p.m. and roll was taken.

II. Approval of Minutes – September 1, 2022

Motion made by Vice Chair Witten, seconded by Ms. Norvell, 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 – Elizabeth George

New Board member Elizabeth George introduced herself at this time.

V. Waterway Crime & Boating Safety Report

Sergeant Travis O'Neil of the Fort Lauderdale Police Department's Marine Unit reported the following activity from September 2022:

- 2 boat burglaries
- 2 minor boating accidents
- 66 citations

Sgt. O'Neil confirmed that Code Compliance has secured its own vessel so they no longer need the Marine Unit to take Code Compliance Officers onto the water when necessary.

Mr. Harrison requested an update on preparations for the upcoming Fort Lauderdale International Boat Show. Sgt. O'Neil advised that the only significant change appears to be the loss of a former staging area near the new Las Olas Marina. Staging is occurring in a mooring field instead, with no issues. Ms. George advised that land on the south side of the Las Olas Bridge is also being used for staging, as the Boat Show will not extend past that bridge.

VI. Dock Waiver – 2150 SW 23rd Avenue / Michael & Helen Scalisi

Andrew Schein, representing the Applicants, stated that the subject property is in a unique area to which extraordinary circumstances apply. It is near the juncture of three marinas and subject to large boat traffic with significant wakes. The Applicants propose two dolphin piles at approximately 45 ft. from the property. He noted that there are different ways in which the waterway may be measured, as it ranges from 171 ft. to 212 ft. in width. The mooring piles would be between 21.2% and 26.3% of the width of the waterway.

Mr. Schein provided letters of support for the project, adding that one such letter from a nearby commercial business was included in the Board members' backup materials.

Mr. McLaughlin asked what size boat will be docked at the subject property. Mr. Schein replied there is no set size for a boat at present, although he noted that a boat shown in an aerial photo of the property is approximately 65 ft. He pointed out that this boat is not kept on the property.

Mr. McLaughlin explained that variances are related to the structures on a property: if a variance is requested with the intent of docking a vessel of a certain size, an owner may instead decide to dock a larger vessel there, which could protrude into the navigable waterway. Mr. Schein confirmed that the owner currently has a 30 to 40 ft. vessel on the property, although he could not speak to the Applicants' future plans. He noted that the proposed mooring piles are single structures.

Chair Morley observed that while the Application refers to the safe mooring of one vessel, the proposed structures provide room for the potential mooring of four to five vessels. He asked if the owners plan to rent dock slips or if all vessels on the property would be their own. Mr. Schein replied that the owners do not plan to rent slips, but may allow visiting relatives to dock their boats on the property. It was noted that the property is zoned RS-8, which prohibits rental of slips. He reiterated that there is room for four vessels on the property, although this may depend upon the time of year.

Chair Morley asked if the property is occupied by its owner, noting that the owner has a different mailing address. Mike Scalisi Jr., the owners' son, stated that members of the family regularly use the house.

Mr. McLaughlin asked if there is a boat lift on the property. Mr. Scalisi Jr. replied that there is a 12,000 lb. capacity boat lift. Mr. McLaughlin commented that the letter of support from a business was helpful in making his decision, as it showed the proposal would not impede commercial activity.

There being no further questions from the Board at this time, Chair Morley 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.

Mr. Cuba advised that he had provided notice of tonight's meeting to all buildings within 300 ft. of the subject property, all of which were residences. There were no objections.

Chair Morley commented that the U.S. Coast Guard has designated the New River as a commercial waterway, which means its primary purpose is commercial activity. This must be taken into consideration by the Board. He echoed Mr. McLaughlin's comments regarding the letter of support from a commercial operator who uses the waterway in the subject area.

Vice Chair Witten noted that an applicant's denial of intent to rent docks has little meaning once an application has been either approved or denied by the City Commission. Sgt. O'Neil advised that although dock rental is illegal in RS-8 zoning, there is little enforcement unless there is a complaint. If a complaint is lodged, Code Enforcement may investigate further. It can be difficult to prove that a rental transaction has taken place.

Vice Chair Witten explained that although the Board may recommend restrictions on approvals, there are no deed restrictions or other activities to ensure an owner will comply with these restrictions. Chair Morley confirmed that all the Board may do is vote on the proposed structures themselves, as the use of those structures and the boats that may be docked there are beyond the Board's purview.

Mr. McLaughlin recalled that he had looked at properties for which the Board had recommended vessels no larger than a certain size, and had noted no such size restrictions were being observed. There is no restriction included on the permit to build the structure(s). Chair Morley agreed that this should be an issue for future discussion.

Mr. Harrison reiterated the significance of the letter of support from a commercial tow operator near the property. He expressed concern that if more properties near the subject area extended vessels or structures into the waterway, it could create a gauntlet on the New River. He requested that the possibility of a moratorium on permits extending into the New River be discussed at a future Board meeting.

Mike Resta, member of the public, stated that he lives across the canal from the Applicants. He advised that the Applicants' requested extension is only 20 ft. into a river that is nearly 300 ft. wide, which would not make a significant difference. Mr. Resta concluded commercial vessels should comply with waterway regulations just like personal watercraft.

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

VII. Dock Waiver – 1215 Seminole Drive / James & Darlene Barron

Frank Mamando, representing the Applicants, stated that the proposed project consists of a 5 ft. seawall, which is consistent with the City's most recent seawall height requirements. The Applicant also plans to include two 39 ft. concrete piers, which will be 14 ft. longer than what is allowed by Code from the wet face of the seawall, and a 30,000 lb. four-post boat lift inside the required 10 ft. setback. The structures would provide safe mooring during high wind and king tide events, and will protect the Applicants' vessels from waves generated in the area.

Mr. Mamando concluded that the project has received approval from the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection, and Broward County.

Mr. McLaughlin observed that the property lines of the subject parcel are not "squared off," which could create issues with adjacent properties. Mr. Mamando advised that the proposed dock will run from property line to property line, with the pier running 15 ft. from the north side and 22 ft. from the south side. This will result in a 5 ft. setback from the outer edge of the boat lift and a 10 ft. setback from the pier on the same side.