



CITY OF FORT LAUDERDALE

**DRAFT  
MEETING MINUTES  
CITY OF FORT LAUDERDALE  
MARINE ADVISORY BOARD  
100 NORTH ANDREWS AVENUE  
CITY COMMISSION CHAMBERS  
8<sup>TH</sup> FLOOR CONFERENCE ROOM  
THURSDAY, APRIL 6, 2023 – 6:00 P.M.**

**Cumulative Attendance  
January-December 2023**

Ted Morley, Chair	P	4	0
Steve Witten, Vice Chair	P	4	0
Michael Boyer	P	3	1
Tyler Brunelle	P	2	0
Robyn Chiarelli	A	2	2
Barry Flanigan	P	4	0
Robert Franks	P	4	0
Elisabeth George	P	4	0
James Harrison	P	3	1
Brewster Knott	P	3	1
Norbert McLaughlin	P	4	0
Noelle Norvell	A	2	2
Ed Rebholz	P	1	0
Robert Washington	P	1	0

As of this date, there are 14 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, Fort Lauderdale Police Department
- Mayor Dean Trantalis, City of Fort Lauderdale
- Carla Blair, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

**Motion** made by Mr. [REDACTED] seconded by Mr. Franks, to make the following communication to the Commission [REDACTED]:

In light of several past, current, and potential waiver requests for mooring piles extending beyond Code distance to allow for perpendicular mooring of vessels into the New River, which have the potential to impede navigation of larger vessels transiting the New River, the Marine Advisory Board requests the

designated waterskiing areas. The waterway in this area is 381 ft. across at its widest point.

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.

It was noted that the subject vessel was no larger than other boats docked at the same site.

**Motion** made by Vice Chair Witten, seconded by Mr. McLaughlin, to approve. In a voice vote, the **motion** passed unanimously.

Vice Chair Witten requested clarification of the point at which the Board would have been unlikely to approve the request. Chair Morley stated that when reviewing waivers, the Board typically considers the intent of the property owner and the problem they are trying to solve, as well as how this problem has been solved by other nearby property owners in the past. If the request is consistent with the size of the boat that will be docked in a particular space, this is usually approved.

Chair Morley added that the Board cannot implement a blanket standard for an area. He pointed out that the request remains within the submerged land owned by the condominium; had the request been for a 65 ft. boat lift or a double boat lift, it would have extended beyond the property's submerged land rights and could interfere with navigation on the waterway.

**VII. Dock Waiver – 831 Solar Isle Drive / Philip G. Mayon Jr. & Oma Jean Mayon**

This Item was deferred to a later date.

**VIII. Dock Waiver – 777 SW 6<sup>th</sup> Street / Andrew J. Schein, esq. as agent for Edward Kirwin**

Chair Morley noted that this is the third time a request for the subject property has come before the Marine Advisory Board (MAB). He provided some background information for the new Board members, explaining that the waivers for 777 and 801 SW 6<sup>th</sup> Street are adjacent properties owned by members of the same family. Both previous requests for waivers for these properties were denied by the Board.

Chair Morley continued that the Applicant and his representative have worked with the Board, the City, and neighbors of the subject properties to determine what can be done to address their issues without interfering with their neighbors' properties or the safety of

navigation. Both properties are located on a portion of the New River that is often used by vessels to pass one another and to “lay up” while waiting for the bridge to open. The Board has discussed this particular area in detail at previous meetings.

Andrew Schein, representing the Applicant, showed a PowerPoint presentation to the Board, stating that the subject area of the New River is not a No Wake Zone and that speeding regularly occurs there, resulting in excessive wakes that can be damaging to boats docked nearby.

Mr. Schein recalled that the Board has discussed a potential moratorium on dock waivers on the New River, with the possibility of exceptions in extraordinary circumstances. He asserted that the conditions at the Applicants’ locations constitute extraordinary circumstances. The waterway width at the location would be 250 ft. to 290 ft. The Applicant’s proposed pilings would permit a navigable waterway of 165 ft., which Mr. Schein described as striking a balance between the accommodations of property owners and navigation.

Mr. Schein showed renderings of the property and the proposed plans, noting that the pilings would be located further south than the tip of the boat.

Mayor Trantalis asked what had changed since the previous iterations of the waiver requests. Mr. Schein replied that the request has been reduced by 10 ft. The first two requests were for 65 ft. and 60 ft. respectively. The current request would place the pilings at 50 ft., which he felt was more favorable to navigation than to accommodation of the property owner.

Chair Morley recalled that during the first presentation of the Application, there had been some discussion of reducing the request to 50 ft. The vessel proposed to be docked at the site is the same 45 ft. vessel that is currently docked there.

Mr. Schein continued that the Applicant would not be able to stipulate to a request that the boat not extend beyond the pilings, as the boat currently docked on the property extends beyond the pilings. He stated that the Applicant may be able to stipulate to “some other reasonable restriction.”

Mr. McLaughlin recalled that one of the Board’s objections to the previous Applications was that the pilings would not prevent wakes from moving the boat docked at the subject site. Another concern was for commercial vessels in the “Little Florida” area of the New River, which have to lay over on the side of the waterway to allow other vessels to pass them. He felt a larger vessel was docked at the Applicant’s property, it could block commercial traffic. He concluded that the only way to prevent wakes in the area would be to implement a No Wake Zone.

Mr. Schein reiterated that the new proposal would keep the pilings further south than the Applicant's boat. He added that commercial vessels already could not lay over in the subject area because boats are docked there.

Mr. Harrison asked if the Applicant would have been willing to stipulate that his boat would not exceed the pilings if they were installed at 60 ft. into the waterway. Mr. Schein recalled that the Applicant had previously agreed to this suggestion. Mr. Harrison pointed out that the key issue is one of enforcement of both wake restrictions and the size of the vessel that could be docked at the subject property in the future.

Mr. Harrison also observed that placing a larger boat at the subject location would serve the same purpose as the narrowing of a roadway for traffic calming purposes, as traffic on the waterway would need to slow down to navigate through a smaller area. He noted that if the Board entertained a waiver request for the opposite side of the waterway as well, this would leave a significantly narrower navigable channel.

Mr. Harrison continued that marine businesses are in favor of greater enforcement in certain areas along the New River, as the waterway's width varies significantly. He again cited the Little Florida area as a particular concern.

Mr. Schein agreed that, if the City limited the size of boats that could be docked in certain parts of the New River, this could be a potential solution. He emphasized, however, that while that may be part of the discussion of overall navigational issues on the New River, it was not consistent with the waiver request before the Board. He added that there was little difference in navigability with regard to the requested waiver, but a significant difference with respect to the owner's ability to tie up the bow of his boat to an additional mooring pile and prevent damage.

Mr. Knott asked why the Applicant would not turn his boat parallel rather than perpendicular. Mr. Schein replied that the owner is a member of a boating family which owns multiple vessels and may wish to dock them on the property.

Mr. Washington requested clarification of how the proposed pilings would be installed. Mr. Schein replied that they would be installed from a barge.

Chair Morley asked Sgt. O'Neil what the Board and the City Commission could do to help the Marine Unit enforce speed regulations on the New River. Sgt. O'Neil replied that the primary issue is the train bridge. If there are not multiple Officers west of this bridge, enforcement can be difficult. He advised that he is working on a traffic calming action plan for the New River.

Sgt. O'Neil continued that another concern is the difficulty of making a stop on the New River. This typically involves tying off to the stopped boat, which is very difficult given the current on the waterway. He is planning to speak to the owners of empty docks on either side of the bridge so stopped boats can be instructed to dock there.

Mr. McLaughlin stated that a major issue on the New River is when a property owner receives a variance and indicates they will not dock a boat larger than a certain size on their property, but does so anyway, allowing larger vessels to create an obstruction. Because the size restriction to which the property owner agreed is not included in Code, this is not regulated. He advised that variances should limit the maximum length to which either a structure or a boat may protrude into the navigable waterway.

Mr. Schein noted that the Applicant does not need a waiver for a larger vessel, but to secure the 45 ft. vessel that is already docked on the property.

Mr. Harrison requested that the Board view a video produced by Steel Towing before they vote on the Application. Chair Morley replied that he did not object to this.

Ms. George asked what could be done to change a waterway speed limit to a No Wake Zone. It was clarified that this would have to be done at the state level and can be a difficult process.

Mr. Brunelle commented that the Applicant had mentioned the Board suggested he reduce the distance of the pilings to a particular length. Chair Morley recalled that when the Application came before the Board for the first time, the Board had asked if the Applicant was open to reducing the proposed length of the westernmost piling to 50 ft. The Applicant's representative had indicated they would not be amenable to this suggestion.

Patience Cohn, representing the Marine Industries Association of South Florida (MIASF), showed a video taken by a towing vessel and a drone on the New River, including the area near the Applicant's property.

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

Justin Heuer, private citizen, requested clarification of the reason the Applicant was seeking an extension of the pilings. Mr. Schein explained once more that the intent is to secure the bow of the vessel. Mr. Heuer commented that the Applicant's video had showed damage caused by a wake, which would not be alleviated by the structures. Mr. Schein reiterated that the proposal would allow additional points of contact at the bow.

Mr. Heuer asserted that the Applicant's boat appeared to be too large for its pier, and that the proposed pilings would hinder traffic on the river. Mr. Schein pointed out that the structures would not hinder traffic when a boat is already docked at the subject location.

Mr. Heuer continued that the Applicant may want to dock a larger vessel on his property in the future. Mr. Schein stated again that the Applicant did not object to the City

Commission restricting the size of a vessel docked at the site. Mr. Heuer stated he did not believe that type of restriction was enforceable.

Chair Morley clarified that he has addressed this issue with an Assistant City Attorney and was informed that if the size limitation is tied to a deed restriction on the property, it can be enforced by Code Enforcement.

Mr. Schein stated again that the Applicant's boat itself is an obstruction on the waterway, and the proposal would only make it safer at its location.

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

Mr. McLaughlin asked if the City Attorney's Office was responsible for enforcing the deed restriction. Chair Morley explained that if a complaint is made about a deed-restricted property, Code Enforcement can measure the vessel and the property to determine if there is a violation of that deed restriction.

Vice Chair Witten observed that securing a deed restriction can be a lengthy process which cannot be undertaken at the MAB level. He did not feel any waivers could be deemed acceptable at the Board level even if a deed restriction is attached. Chair Morley stated that the language of a deed restriction would be up to the City Attorney's Office, outside the Board's purview of advising the City Commission on maritime issues.

Mr. Flanigan observed that wake damage to the Applicant's vessel would be to its stern. He also addressed the concerns of marine businesses in general, stating that obstructing the waterway would make it more difficult for boats to access these businesses on the New River and could divert marine business to other cities. He felt action should be taken to protect the marine industry.

Chair Morley commented that the Board has an equal responsibility to residents, recreational boaters, and the marine industry on the New River.

**Motion** made by Ms. George, seconded by Mr. Brunelle, to approve.

It was suggested that the **motion** be amended to approve subject to a deed restriction. Mr. Cuba advised that the Board may offer a condition Resolution incorporating any legal tools that may be required for the deed restriction.

Ms. George **restated** the **amended motion** as follows: **motion** to approve with a deed restriction based on the legal requirements as defined by the Commission.

It was asked how a stipulation of this nature would be received by the Commission. Chair Morley stated that the City Attorney's Office would be instrumental in preparing the necessary language.

In a roll call vote, the **motion** failed 5-6 (Mr. Flanigan, Mr. Franks, Mr. Harrison, Mr. Knott, Mr. McLaughlin, and Mr. Washington dissenting).

**IX. Dock Waiver – 801 SW 6<sup>th</sup> Street / Andrew J. Schein, esq. as agent for Christina Kirwin**

Mr. Schein, again representing the Applicant, advised that the same presentation would apply to this waiver request as applied to Item VIII.

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

Sgt. O'Neil requested clarification of whether or not the property owner in this case owned two sailboats docked on a canal near the subject property. Mr. Schein replied that he did not believe these vessels were owned by his client. Sgt. O'Neil explained that his concern was that the sailboats were at risk or derelict.

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 Vice Chair Patten, seconded by Mr. Boyer, to approve. In a roll call vote, the **motion** failed 5-6 (Mr. Flanigan, Mr. Franks, Mr. Harrison, Mr. Knott, Mr. McLaughlin, and Mr. Washington dissenting).

**X. Discussion – Code Enforcement Marine Issues**

Chair Morley stated that in the absence of Code Enforcement, the Item would not be discussed.

**XI. Old / New Business**

Mr. Franks distributed pages addressing Code and regulated navigation on the Miami River, pointing out that Code on that waterway requires the 65 ft. middle of the channel to be maintained at all times. He felt a channel should be similarly designated on the New River, although he acknowledged that this could be difficult due to the widening and narrowing of the waterway.

Mr. Franks continued that he would recommend the City Commission appoint a committee to review issues related to safe navigation on the New River, and that the Commission suspend dock waivers on the New River for one year in order to review current dockage ordinances. He also proposed that the City pursue having the New River designated as a regulated navigation area by the United States Coast Guard, which would include the establishment of a minimum channel width and vessel passing zones.