



**DRAFT
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, NOVEMBER 2, 2023 – 6:00 P.M.**

**Cumulative Attendance
January-December 2023**

Steve Witten, Chair	P	9	0
James Harrison, Vice Chair	P	7	2
Michael Boyer	A	5	3
Tyler Brunelle	A	6	1
Robyn Chiarelli	A	5	4
Barry Flanigan	A	8	1
Robert Franks	P	4	0
Elisabeth George	P	8	0
Brewster Knott	P	6	2
John Lynch	A	2	1
Norbert McLaughlin	P	9	0
Noelle Norvell	P	5	2
Ed Rebholz	P	5	0
Bill Walker	A	2	1
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
Bob Dunckel, Assistant City Attorney
Stephanie Bass, Code Compliance Supervisor
Marco Aguilera, Code Compliance Officer
Carla Blair, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. Call to Order / Roll Call

Ms. Cohn emphasized the importance of agreement on the need for a waiver from multiple parties, including the Marine Advisory Board (MAB).

Assistant City Attorney Bob Dunckel addressed the current "zoning in progress" status on the New River, explaining that once a moratorium ordinance has been proposed, it will need to go before the City's Planning and Zoning Board for a recommendation. If that board finds that the proposal is consistent with the City's Comprehensive Plan, the moratorium would then go to the City Commission for two readings before it can be adopted as an Ordinance.

Attorney Dunckel continued that zoning in progress is a legal concept by which waiver projects are frozen prior to the formal adoption of an Ordinance. This is the current status of waiver requests on the western New River.

VI. Dock Permit – 1415 SE 11th Court / John R. & Staci L. Swadener

Chair Witten introduced Gex "Jay" Richardson, representing the Applicants. He explained that the Applicants are requesting a permit to replace a dock which was removed during the Cordova Road seawall project.

Mr. Richardson explained that the Applicants' request would be for the last dock on the south portion of Cordova Road, where the seawall curves to the east. This curve makes the proposed configuration of the dock more unusual, with greater setbacks than typically required for a 50 ft. dock. The setbacks would be 12.5 ft. on the south side and 6 ft. on the north side.

The Applicants have worked closely with Mr. Cuba's office as well as with Attorney Dunckel to determine the provisions of the Application. Mr. Richardson concluded that the Application does not violate any riparian rights in the area. While the Applicants had used the existing dock in place when they purchased the property, they had not had a license for that dock, which is why the Application requests a new structure.

Chair Witten commented that Mr. Cuba's office has vetted the Application, and that the Applicants are aware they may not penetrate the existing seawall at the property.

Mr. Rebholz asked where the Applicants plan to dock their boat. Mr. Richardson replied that the Applicants do not currently have a boat; however, they would be able to dock a vessel that could extend to the end of the proposed dock, which would be 23 ft.

Vice Chair Harrison observed that it could be possible for a boat docked at the subject property to block in a neighbor's access. Mr. Richardson pointed out that the seawall curves approximately 10 ft., which means a neighbor's riparian rights would not begin until that distance is passed.

Vice Chair Harrison also addressed enforcement, pointing out that it would be legal for the property owner to dock a 70 ft. long vessel at the site due to its configuration on the canal. He asked if the Applicants had a letter of support from their neighbor to the south. Mr. Richardson stated that he could request a letter from that neighbor.

Attorney Dunckel advised that he was in favor of the suggestion that the Applicants' vessel cannot extend any further into the waterway than the farthest mooring pile. He noted that the Applicants are allowed to have their finger pier extend as far as 25 ft., and that conditions are not typically attached to requests unless a waiver has been requested.

Mr. Richardson commented that while the Applicants had considered including a piling, it was determined that a piling could constitute potential navigational interference with a neighboring property. He advised that the Applicants' team has spoken with both neighboring properties, who did not take issue with the proposed dock configuration.

Mr. Rebholz asked if the Applicants had memorialized their discussion with the neighbors through some type of agreement. Mr. Richardson pointed out that there had been no issue of potential violation: the Applicants had reached out to the neighbors to inform them of their plans for the site and ensure there would be no issue. The proposed dock complies with existing law.

Mr. McLaughlin asked if the City Attorney's Office has jurisdiction over disputes regarding the private use of City property. Attorney Dunckel replied that if there is a potential conflict regarding riparian rights, he encourages the two parties to reach a boundary agreement. If the parties cannot come to agreement, only a Circuit Court judge may adjudicate riparian rights: the City does not have this ability.

Mr. McLaughlin asked if the City would intercede if a private owner is in violation of their agreement regarding use of City property. Attorney Dunckel advised that a case of this nature could go before the City's Code Enforcement Board. Another option is that the Resolution granting private use could include language stating that Code violation would result in revocation of the permit.

Attorney Dunckel stated that there are multiple options in this case: the Board could recommend approval, denial, or approval with the contingency that a vessel greater than a certain length would not be permitted. He pointed out, however, that this has never before been done for a request on Cordova Road.

Mr. Cuba advised that historically, the Board has considered the width of the canal to the north and south of the subject location. Vice Chair Harrison explained that he felt there should be an agreement with the property's adjacent neighbor, as there is the potential that that neighbor could be blocked by a large vessel at the subject property.

Mr. Richardson stated that there is no issue with the neighbor in question. He pointed out that the City Commission has put a Resolution into place regarding the lease of dock space on Cordova Road, which requires the vessel owner to abide by Code provisions. He felt what the Vice Chair had suggested would be an alteration of those Code provisions.

Mr. McLaughlin commented that the City has an interest in the resolution of this issue, and could refuse to renew the dock permit if it finds the Applicant is not in compliance with its policies.

Vice Chair Harrison concluded that he had heard enough evidence that he was in favor of approving the Application.

Motion made by Vice Chair Harrison, seconded by Mr. Rebholz, to approve. In a roll call vote, the **motion** passed unanimously (9-0).

VII. Industry Expert – Barnacle Doctor

Rutger Langley, representing Barnacle Doctor, explained that this is a cleaning company which services just under 200 boats on a monthly or biweekly basis. They provide maintenance and cleaning of all underwater structures, including wooden pilings. He showed a PowerPoint presentation on this maintenance, including the wrapping of pilings with reinforced materials, which can double the life of pilings if done properly.

Mr. Langley continued that most seawalls are either composite or concrete walls, or, on very old properties, are port seawalls with rock. He recommended that homeowners inspect the condition of their seawall every two to five years and have them resealed every five years. Barnacle Doctor also installs weep hole drains, which can slow sediment loss from a property.

Mr. Washington asked if there are any environmental concerns related to cutting through underwater concrete. Mr. Langley replied that this process is similar to pouring the original concrete, and makes very small holes. He clarified that the business does not build seawalls or caps.

Mr. Langley described the process used by Barnacle Doctor, which is a cavitation cleaning system. Instead of using a pressure washer, the company's machines work at 1500 psi and use low pressure which will not damage bottom paint, gel, or fiberglass. The bubbles generated by the machinery remove growth in a manner similar to sandblasting, although with less pressure. The machinery is also safe for top speed, particularly for large yachts, and only works underwater. It can be used to clean growth from seawalls and floating docks as well as vessels. He strongly emphasized the importance of regular inspection and cleaning of any structures or vessels left in the water.