

City of Fort Lauderdale

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Meeting Minutes

Tuesday, May 16, 2023

11:30 AM

Joint Workshop with Marine Advisory Board

Broward Center for the Performing Arts - Mary N Porter Riverview
Ballroom

201 SW 5th Avenue, Fort Lauderdale, Florida 33312

CITY COMMISSION WORKSHOP

FORT LAUDERDALE CITY COMMISSION

DEAN J. TRANTALIS Mayor

PAM BEASLEY-PITTMAN Vice Mayor - Commissioner - District III

JOHN C. HERBST Commissioner - District I

STEVEN GLASSMAN Commissioner - District II

WARREN STURMAN Commissioner - District IV

GREG CHAVARRIA, City Manager

DAVID R. SOLOMAN, City Clerk

D'WAYNE M. SPENCE, Interim City Attorney

PATRICK REILLY, City Auditor

CALL TO ORDER

Mayor Trantalis called the meeting to order at 11:53 a.m.

ROLL CALL

Commission Members Present: Commissioner John Herbst, Commissioner Steven Glassman, Commissioner Warren Sturman, and Mayor Dean J. Trantalis

Commission Members Not Present: Vice Mayor Pamela Beasley-Pittman

Marine Advisory Board Members Present: Tyler Brunelle, Robyn Chiarelli, Barry Flanigan, James Harrison, Brewster Knott, Norbert McLaughlin, Noelle Norvell, Robert Washington, and Steve Witten

Marine Advisory Board Members Not Present: Michael Boyer, Elisabeth George, Brewster Knott, and Edward Rebolz

QUORUM ESTABLISHED

Also Present: Assistant City Manager Susan Grant, City Clerk David R. Soloman, Interim City Attorney D'Wayne M. Spence, and City Auditor Patrick Reilly

OLD/NEW BUSINESS**BUS-1** [23-0514](#)

Joint Workshop with the Marine Advisory Board Regarding New River Navigational Concerns - (Commission Districts 1, 2, 3 and 4)

Steve Witten, Marine Advisory Board (MAB) Vice Chair, provided an overview of the MAB request that the Commission impose a one (1) year moratorium on dock waivers along the New River to allow strategic planning as outlined in the April 6, 2023, MAB Communication to the City Commission (Exhibit 1) and discussed at the May 2, 2023, Commission Conference Meeting. MAB is concerned about the impact of dock waivers on residents and the marine industry, and the goal is to preserve the New River for residents and Marine Industry Vessel Operations (MIVO).

James Harrison, MAB Member, narrated a presentation illustrating MAB's concerns regarding the issuance of dock waivers in the vessel passing areas of the New River.

A copy of the presentation has been made part of the backup to this Agenda item.

Mr. Harrison commented on the abundance of dock waiver requests approved by the Commission and precedent set. He expounded on concerns related to dock waiver dimensions and pilings that reduce the width of the New River. Mr. Harrison expounded on the favorable economics of the Marine Industry. He clarified this request would not impact dock permits or boat lift permits along the New River currently allowed under the existing Ordinance. Mr. Harris cited the specific areas of concern.

Mayor Trantalis remarked on the need to review whether granting waivers under the Code is appropriate and if the distances included in the Code remain appropriate. He cited the example of the area known as *Little Florida*. Mayor Trantalis confirmed the Commission recognizes the importance of the Marine Industry and the need to address these concerns. Further comment and discussion ensued.

In response to Commissioner Sturman's question, Mr. Harrison reiterated permitted dock dimension measurements under the Code.

Mayor Trantalis remarked on an area illustrated in the presentation where a twenty-five-foot (25') dock permit could be issued under the existing Code that would present navigational safety challenges. Mr. Harrison explained that navigational safety issues involve the United States Coast Guard and remarked on related information, including the ability of the U.S. Coast Guard to impose additional impediments to the issuance of dock permits.

In response to Mayor Trantalis' question, Mr. Harrison said that the MAB request to pause dock waivers would not impact a property owner's riparian rights.

In response to Commissioner Sturman's question regarding areas along the New River that should not be allowed a dock permit under the existing Code, Interim City Attorney D'Wayne Spence confirmed current regulations are applied across the board based on the conditions. Modifying them would require planning and evaluating existing conditions and identifying specific areas and situations that need a different restriction for the benefit of the public interest. Mr. Harrison noted another issue concerning the width of vessels and cited examples.

In response to Mayor Trantalis' question, Mr. Harrison confirmed the MAB is recommending that the Commission put a moratorium on dock

waivers until a public workshop is held to obtain resident feedback and MAB recommendations.

Commissioner Herbst commented on his understanding that a pause only relates to dock permit waivers and does not impact the property rights of those owning property along the New River.

Commissioner Glassman concurred with holding a public workshop on this topic and noted aspects included in the backup information that would be useful.

In response to Commissioner Glassman's questions regarding the process for instituting a moratorium, Interim City Attorney Spence said the process would be similar to the Commission passing an ordinance and explained related details. Further comment and discussion ensued. Interim City Attorney Spence said a dock waiver is not a property right and the requirement for a dock waiver involves an extraordinary circumstance. Commissioner Glassman noted that this is a crucial issue for the marine industry and confirmed his support to move forward.

Commissioner Sturman remarked on using the terminology *moratorium*. Interim City Attorney Spence confirmed that the marketing of this issue could use different terminology, i.e., *pause*. The Ordinance would have to be adopted as a moratorium, must be temporary, and requires proactive action for making changes to the existing Ordinance.

Mayor Trantalis confirmed direction to the Office of the City Attorney to draft an Ordinance. He commented on the process associated with receiving input from the public and suggested the MAB notice this topic at an upcoming MAB meeting, informing the public about this issue and allowing for a public forum and feedback. Further comment and discussion ensued.

Commissioner Sturman remarked on his perspective, the need to follow MAB's recommendation, and discussed his viewpoint regarding the use of the term moratorium.

In response to Commissioner Glassman's question, Andrew Cuba, Parks & Recreation Department Marine Facilities Manager, said there are no existing dock waiver requests on the New River, only on the Middle River and other areas. Mr. Cuba expounded on related details.

In response to Interim City Attorney Spence's request for clarity regarding the areas where the moratorium applies, Mayor Trantalis confirmed the moratorium would apply to the entirety of the New River, from the

Intracoastal to the head of the New River, including the North and South Fork.

Assistant City Attorney Robert Dunckel remarked on his viewpoint opposing a moratorium on the section of New River west of the Intracoastal up to First Presbyterian Church as it is a wide stretch of water, explaining dock waivers become an issue along the New River in the downtown area and west of there. Mr. Witten concurred and recommended that determining the locations be part of the MAB's information submitted to the Commission. Mayor Trantalis agreed. Mr. Harrison defined the corridor area for the moratorium as Cooley Park at the beginning of New River up to Bradford Marine.

ADJOURNMENT

Mayor Trantalis adjourned the meeting at 12:26 p.m.