



CITY OF FORT LAUDERDALE

**DRAFT
MEETING MINUTES
CITY OF FORT LAUDERDALE
MARINE ADVISORY BOARD
THURSDAY, JANUARY 6, 2022 – 6:00 P.M.**

Cumulative Attendance January-December 2022			
Grant Henderson, Chair	P	1	0
Ed Strobel, Vice Chair	P	1	0
Deirdre Boling-Lewis	A	0	1
Robyn Chiarelli	P	1	0
Bob Denison	P	1	0
Barry Flanigan	P	1	0
Richard Graves	P	1	0
James Harrison	P	1	0
Rose Ann Lovell	P	1	0
Kitty McGowan	A	0	1
Norbert McLaughlin	P	1	0
Ted Morley	A	0	1
Noelle Norvell	P	1	0
Christopher Rotella	A	0	1
Steve Witten	P	1	0

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 Tom Capano, Fort Lauderdale Police Department
Carla Blair, Recording Secretary, Prototype, Inc.

Communications to City Commission

Motion made by Mr. Harrison, seconded by Ms. Chiarelli, to send a communication to the Commission to support funding for an ongoing relationship with Clean Waterways LLC, the firm which uses protein skimmers to remove impurities from the City's waterways. In a voice vote, the **motion** passed unanimously.

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



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I. Call to Order / Roll Call

Chair Henderson called the meeting to order at 6:00 p.m. and roll was called.

II. Approval of Minutes – December 6, 2021

Motion made by Vice Chair Strobel, seconded by Mr. Witten, 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. Waterway Crime & Boating Safety Report

Sergeant Tom Capano of the Fort Lauderdale Police Department's Marine Unit reported the following activity from December 2021:

- 8 burglaries
- 35 citations/warnings

The Marine Unit also dealt with an abandoned vessel at George English Park, which has since been removed. They also addressed two abandoned vessels north of Las Olas Boulevard, one of which has sunk.

Sgt. Capano concluded that there were no issues related to the Winterfest Boat Parade.

Mr. Flanigan noted that there have been several boats on the Intracoastal Waterway at night, and requested clarification of the Marine Unit's staffing. Sgt. Capano replied that this Unit typically works from 7 a.m. to 5 p.m. seven days per week. Officers also work nighttime hours on occasion, funded by Enhanced Marine Law Enforcement Grant (EMLEG) dollars. The City uses 75%-80% of these grant funds in most years. The Marine Unit would spend more hours on the waterways if staffing were sufficient.

V. Presentation – Clean Waterways LLC / John Loos & Dr. Charles Gregory

Dr. Charles Gregory gave a PowerPoint presentation on Clean Waterways LLC, which is a technology-based company that removes waste from water. He emphasized the importance of preserving the coral reef environment in particular, as these reefs protect the coastline and are an important part of the marine ecosystem. At present, this environment in Florida is at approximately 2% of what it should be.

Dr. Gregory stated that one major threat to the coral reef environment is pollution in the water. Sewage breaks, fertilizer leaks, and other human-based activities prevent coral from protecting the coast. Pollution also contributes to manatee deaths due to the deforestation of seagrass.

A variety of pollutants are also present in the water around the coast, including human-derived chemicals such as pesticides, medicines, and hormones. Even in low concentrations, these pollutants can harm sea life.

John Loos, one of the founders of Clean Waterways LLC, assembled a team of experts to explore technological solutions to clean the City's waterways. This team included environmental engineers, coastal conservationists, and others to look into a technology known as foam fractionation, which uses protein skimmers to mechanically separate poisons, including excess nutrients, coliform bacteria, pesticides, and other pollutants, from the water. This technology is currently designed to serve aquarium environments.

The team has designed a pilot barge with three protein skimmers, which was deployed in the summer of 2021 on the Himmarshee Canal. This barge was capable of processing approximately 1000 gallons of water per minute through purification and oxygenation. This both removes garbage from the water and breaks down molecules for removal. This process also clears up turbidity, lowers coliform counts, and removes unwanted human and chemical molecules.

Over the first week of the pilot project, an area immediately surrounding the barge was closed off to demonstrate the reduction of coliform bacteria in this environment. The results were corroborated by certified labs. The sewage problem in the surrounding area was reduced to below a count of 70, which is the point at which it becomes safe for humans to enter the water. The product of this cleaning is disposed of in the same way as sewage.

The pilot project occurred during a time of year when there are typically several rainstorms. In addition, unexpected waste spills also occurred from drains that empty from streets and other human environments into the canal. The results, however, demonstrated the efficacy of the system even in this environment. The system also removes decomposing algae and heavy metals. The result was cleaner, clearer, and more highly oxygenated water. These results were corroborated through outside testing performed by the Miami Waterkeepers, who conducted weekly tests.

Results of the pilot project included reduced turbidity, which allows sunlight to penetrate water and reach marine life, including seagrass. This trend continued throughout the entirety of the pilot period. Clearer water contributes to a natural recovery of the environment. The project also increased biodiversity, as a high-clarity, highly oxygenated environment attracts marine life. The presence of pollen, oils, and blue-green algae were mitigated in the areas of barge operation.

Potential applications for this technology are numerous. Pollutants can be intercepted in a bottleneck of the waterway, or if a disaster occurs, the technology can be positioned to mitigate the intrusion of nitrogen, phosphorus, and other garbage. It can be useful in coastal management prior to dredging or development to mitigate pollution, as well as providing an oasis when algae blooms occur.

At present, patents and prototypes have been secured and there is an opportunity to demonstrate more efficient and more powerful versions of foam fractionation technology. Protein skimmers can be designed for intracoastal work, operation in long-

term marinas, use in bottlenecks near sewage outfalls, and the open ocean. A second barge with major skimming capacity is being assembled for deployment. Small-scale units could also be widely deployed.

Vice Chair Strobel asked how the Marine Advisory Board (MAB) might be able to help Clean Waterways LLC. John Milledge, also representing the company, stated that a presentation to the City Commission is planned in one to two weeks, and encouraged the Board to take a favorable position on the presentation. Broward County's Marine Advisory Committee has issued a letter of support for the project.

John Loos, also representing Clean Waterways LLC, added that both inland waterways and coral reefs are trending in a catastrophic direction. He felt the community has a responsibility to clean the City's waterways and restore Fort Lauderdale for the safety of its citizens who use the waterways.

Chair Henderson asked if the City's major sewage spills over the past two years could result in long-term damage. Dr. Gregory confirmed that these spills, as well as other environmental insults, can create a blanket effect, as algae continue to grow and suffocate marine life. The intervention of fresh air and oxygenation stimulates the environment to take care of itself again.

Mr. McLaughlin asked if the company's equipment could be used to help the City determine where small sewage leaks occur in the river. Mr. Loos replied that the barge deployed on the Himmarshee Canal is equipped to operate as a science barge. They have identified source points for pollution within this canal that did not coincide with major rain events. He concluded that there is more going on than the City may currently understand: while the source of pollution in the canal may be identified, what leads to the storm drains is not always fully identifiable.

Mr. Harrison recalled that Clean Waterways has provided presentations at the Fort Lauderdale International Boat Show and to the Marine Industries Association of South Florida (MIASF). Mr. Harrison concluded that the City has an opportunity to support this technology and offer a solution to pollution in Fort Lauderdale. He suggested that the Board send a communication to the City Commission indicating their support for this technology going forward.

Motion made by Mr. Harrison to do a communication to the Commission that the Commission supports through funding an ongoing relationship with Clean Waterways LLC.

Ms. Chiarelli **seconded** the **motion**.

Ms. Chiarelli also requested additional information on the cost of the program, as well as the geographical extent that could be covered by one unit and how long a unit would need to be deployed to show results. Dr. Gregory replied that there is significant

variability and different types of pollution per environment. As different models are produced, they become more economical as well as more technologically advanced. The current barge costs roughly \$400/hour to remove 45 to 50 gallons of sludge per unit per hour; however, as science and technology improve, these costs are reduced. The system is also sufficiently versatile to be used in the open ocean as well as in canals.

The **motion** was restated as follows: to send a communication to the Commission to support funding for an ongoing relationship with Clean Waterways. In a voice vote, the **motion** passed unanimously.

VI. Dock Waiver – 625 SW 5th Place / Daniel Cole – Cole Properties & Land LLC

Jena Robbins of the Chappell Group, representing the Applicant, showed multiple views of the subject property, which is located on the New River. The Applicant currently has two wooden finger piers as well as mooring piles further into the waterway. Vessels have been moored at the property for the past 10 to 20 years. The property also has a 172 linear ft. concrete seawall.

The Applicant proposes to remove the existing finger piers and install a 164 linear ft. concrete panel seawall to be parallel with the property line. This will create a more uniform bulkhead along the New River to prevent accumulation of trash and debris. They also propose to install three floating docks, which would be approximately 7 ft. wide and 50 ft. long. Each dock will have a 12 ft. long by 4 ft. wide ramp. Two mooring piles will be located between each of the floating docks for a total of four mooring piles.

Both the floating docks and mooring piles would exceed the 25 ft. distance limit from the property line. The Applicant requests a waiver for each structure. The minimum distance is 28.1 ft. from the property line, while the maximum distance is 55.6 ft. from the property line. The requested waiver is for a minimum of 3.1 ft. to a maximum of 30.6 ft.

The floating docks are proposed to accommodate four 70 ft. vessels and one 60 ft. vessel. Because the property is located on submerged state land, a submerged land lease through the Florida Department of Environmental Protection (FDEP) will also be required. This lease is proposed for approximately 10,000 sq. ft. and will be enforced by FDEP. Structures and vessels will not be permitted to extend further into the waterway than the area proposed by this lease. Perpendicular mooring is typically used along this portion of the New River.

Extraordinary circumstances warranting the request of the waiver include:

- All structures, including pilings and floating docks, will not exceed 30% of the width of the waterway, nor will they impede navigation
- Vessels currently moored on the subject property extend 70 ft. into the waterway

- The proposed floating docks and mooring piles are necessary for the safe mooring of vessels during high wind or severe weather events, or in the event of high wave energy from excessive boat wakes

Environmental permits have been submitted to the U.S. Army Corps of Engineers, FDEP, and the Broward County Environmental Protection/Growth Management Department, and are currently being processed. The Applicant has received three letters of support, two of which are from adjacent neighbors. A number of other waivers have been granted in the surrounding area for structures that extend 38 ft. to 62 ft. waterward of property lines.

Mr. McLaughlin observed that while the proposed structures would not intrude into the waterway, allowing extension of vessels into the waterway on the opposite side of the New River could create an issue for barges and other marine traffic. There is not sufficient room in the subject area for vessels to pass one another on the waterway without moving over to do so. He expressed concern that the extension of 70 ft. boats into the waterway could create a navigation hazard.

Mr. Harrison asked if the subject property is zoned to be a marina, as five boats would be docked there. Ms. Robbins clarified that it is not, adding that FDEP would regulate this through the submerged land lease.

Gregory McAloon, attorney representing the Applicant, stated that the rental of boats is permitted within the subject neighborhood. Regarding the width of the waterway, he asserted that there are rules in place to govern navigability. He concluded that precedent has been set for the 70 ft. vessels to remain in the area.

Vice Chair Strobel pointed out that a waiver approved by the Marine Advisory Board for a nearby residence was overturned by the City Commission. This waiver would have permitted an extension of 13 ft. past the 25 ft. distance allowed into the waterway. He noted that this property is next door to the Applicant's property and is in a wider portion of the canal. Mr. McAloon observed that there were issues with the property cited by the Vice Chair that could not be conflated with the subject property.

Mr. Flanigan advised that the extraordinary circumstance cited by the Applicant's representative, which includes the existing location of 25 ft. pilings and boats 65 ft. or longer, does not reflect a safe situation at present. He did not consider the vessels to be safely moored under the conditions described by the Applicant's team. Mr. Flanigan submitted photographs into the record, adding that a letter by a tugboat operator opposing the Application was received earlier in the day. He concluded that he would prefer to see the Board encourage safe marine traffic rather than the extension of 70 ft. vessels into the waterway, and opposed the requested waiver.

Mr. McLaughlin commented that docking five or more boats at a location constitutes a marina, which would require the installation of fire lines. He was not certain as to

whether or not this classification would apply to a residence. Mr. McAloon stated that the Applicant plans to comply with all applicable laws; however, the issue at hand is the extension past the 25 ft. limit rather than the location's classification.

Ms. Robbins advised that a property is considered a marina when there are 10 or more vessels rather than five or more. She noted that the subject property is a multi-family residence, and that nearby condominiums have 10 or more vessels moored on their properties. She reiterated that the Applicant planned to have the vessels remain within the submerged land lease for which they will apply. Mr. McAloon continued that the boat slips will be deeded once the final Site Plan has been submitted for the property.

Mr. Flanigan stated that the Board is once again being asked to approve a project for which there is no corresponding Site Plan. Mr. McAloon explained that the client purchased the property due to its waterfront location and wishes to improve the condition of the seawall and existing docks, which had not been well-maintained.

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

Janet Scraper, private citizen, stated that she had submitted photographs to the Board showing the subject area from the waterway, the opposite side of the New River, and the Marshall Bridge. She pointed out that the river is very narrow at the subject location, and that boats are also docked on its opposite side. She did not see any extraordinary circumstance for the Application, as the issue is boats which are too large to be safely moored at the existing site. There has been interest in adding a Water Trolley stop in the subject area, which would be impeded by the construction of a third dock.

John Piotrowski, private citizen, stated that he has expertise in the area of infrastructure along the river. He felt the greatest issue is one of safety, noting that the Applicant's desire to improve the seawall and other infrastructure along the waterway should be taken into consideration: if the existing piers are not upgraded in order to support the Applicant's vessels, the result could be damage to homes and utility infrastructure along the waterway if boats or structures break free.

Mr. Piotrowski continued that the public should recognize the significant improvements that would be made to existing structures on the Applicant's property, and characterized these structures as more harmful to the environment or other properties than the proposed improvements. He recommended developing a compromise that would work for all.

Ms. Robbins asked if the Board wished to suggest another dock configuration or a different length for the finger piers. Chair Henderson stated that this could be discussed once public comment has concluded.

Jay Shechtman, president of the Tarpon River Civic Association, advised that while all can agree that the City's infrastructure should be improved, this is a separate issue from allowing "more than double" the permitted extension of boats into the waterway at the subject location. He expressed concern that the section of the New River on which the Applicant is applying for a waiver is already a narrow passage, and that the proposed changes would result in a navigation hazard affecting upriver businesses as well as individual residents. He read excerpts of communications from businesses and residents who were also concerned for navigation in the area.

Mr. Shechtman echoed an earlier comment that the subject neighborhood has envisioned a future Water Trolley stop in the area. The proposed waiver would affect the Water Trolley's ability to access the remaining portion of 7th Avenue. He also asked if the Applicant owns all the vessels that would be docked at the property, and at what point the property would be considered an active marina.

Mr. McAloon asserted that the subject neighborhood is "trying to do anything possible" to secure a Water Trolley stop. He noted that there are property rights at issue and hoped the Board would be able to "see what's really going on." He added that some of the concerns raised did not fall within the Board's purview.

Ms. Robbins added that waivers within the vicinity of the subject property have been approved for 50 ft. to 55 ft. Regarding the width of the waterway, vessels are allowed to encroach within 30% of this width, although structures are limited to a distance of 25 ft. from the property line.

Mr. Piotrowski declared that existing rules allow for structures to be located at the subject property and for boats of the proposed size to be moored there. He added that the five boats would remain at the property whether or not the Board voted to approve the proposed floating dock structures.

There being no other individuals wishing to speak on the Item, Chair Henderson closed the public hearing and brought the discussion back to the Board.

Ms. Chiarelli advised that as the Executive Director of the Downtown Fort Lauderdale Transportation Management Association (DFLTMA), she has had recent experience with the operation of the Water Trolley. She suggested reaching out to the City's Department of Transportation and Mobility for an update on the potential extension of the Water Trolley route into the subject area, recalling that at an earlier time, this route could not be extended because the intent of Water Trolley service was to activate the Riverwalk. If this has not changed, there would be no intention to extend the Water Trolley route into the subject neighborhood.

Mr. McLaughlin noted that the Board's only concern with the Application is with navigation rights and safety, including commercial traffic, on the New River. He asserted

that he believed the Application to present a navigation issue, and that granting the waiver would double the permitted 25 ft. extension into the waterway.

Vice Chair Strobel noted the individuals and entities that have provided letters regarding the Application. Mr. Cuba confirmed that he has distributed all the letters he has received since the Application was first placed on the Agenda, noting that most were received prior to the previous date when this Item was scheduled to be heard. He had also notified the individuals who sent letters that the Item had been rescheduled to tonight's meeting.

Mr. Graves requested clarification that the Application was for a commercial enterprise that would rent boat slips. Ms. Robbins replied that the subject property is a multi-family residence. Mr. McAloon added that the property is zoned RD-15, which permits the activities taking place at the location. Once the property has been developed, the slips will be deeded.

Mr. Witten requested more information on the property as well. Mr. McAloon replied that the property permits the development of five units by right, based on its acreage and zoning. Mr. Witten recalled that Mr. McAloon's earlier description of the property had referred to construction of a pool for family use. Mr. McAloon stated that the owner planned to retain one of the units for personal use, with plans to construct a duplex on one half of the property. One unit of the duplex would own one of the five slips. No final decision has been made thus far regarding how the rest of the property would be developed.

Mr. Witten pointed out that the Applicant's team had described a hardship on the property for residents who do not live there or have boats docked there. He described the proposed development as commercial rather than single-family residential. Ms. Robbins advised that the property is not zoned for commercial use, but for multi-family residential use, which requires a 5 ft. setback for the vessels. No Site Plan was provided during the presentation because the request affected structures on the water rather than upland development.

Mr. Witten pointed out that the Application did not represent a family home for which a family had a need, but was instead a property for which the owner planned to sell condominium units. Mr. McAloon explained that the units would be individually deeded, including the boat slips, and that the property's zoning permits the proposed use. Docks would be sold in conjunction with the upland units.

Mr. Graves asked if the marina aspect of the property would be built before the upland units are constructed. He also asked if the property owner planned to rent the boat slips. Mr. McAloon replied that RD-15 zoning permits this rental by right; however, the owner's intent is to build upland units as well. He added that the property will go before the City Commission at their January 18, 2021 meeting to discuss historic preservation aspects of the property. He reiterated that this would not constitute commercial use, as the

parcel is zoned RD-15. Mr. Graves pointed out that the rental of boat slips would be commercial enterprise.

Mr. Graves also asked why it was necessary to construct a 70 ft. boat slip. Mr. McAloon stated that this size described a boat to be docked at the property rather than the slip. He continued that in terms of navigation, the Applicant's team includes experts who have provided testimony on his behalf, and that navigability is defined by a set of rules and regulations which are met by the Applicant.

Mr. Harrison commented that in addition to his concern for marine businesses located upriver from the subject property, including tow boat operators, he was also concerned for navigability and the possibility of allowing larger boats at the site. With regard to enforcement of navigability, he pointed out that the size of boats docked at the property is currently limited because the dock is only 25 ft. in length and larger vessels cannot be moored there safely. He added that while he did not oppose the docking of a 70 ft. boat at the subject location, he would oppose docking an 80 or 90 ft. boat there.

Mr. Harrison continued that while boats may extend into up to 30% of the waterway, there are areas along the river at which a 30% extension would eliminate the ability of businesses to tow boats through that area. He concluded that the potential for placing boats larger than 70 ft. on the proposed docks is a real concern, and he was not in favor of granting the Application.

Ms. Robbins asked if the Board felt there is a more appropriate length for the proposed docks to accommodate a 70 ft. vessel but not larger vessels. Chair Henderson advised that the Board could not speculate on this, and that if the Applicant wished to make changes to his plans, the Application could be resubmitted at a later time. Ms. Robbins requested deferral of the Application at this time.

VII. Old / New Business

None.

VIII. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:45 p.m.

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.]