



CITY OF FORT LAUDERDALE

**DRAFT
MEETING MINUTES
CITY OF FORT LAUDERDALE
MARINE ADVISORY BOARD
VIRTUAL MEETING**

THURSDAY, AUGUST 6, 2020 – 6:00 P.M.

| Cumulative Attendance May 2020 – April 2021 | | | |
|--|---|---|---|
| Grant Henderson, Chair | P | 1 | 0 |
| Ed Strobel, Vice Chair | P | 1 | 0 |
| Cliff Berry II | A | 0 | 1 |
| Dierdre Boling-Lewis | P | 1 | 0 |
| Robyn Chiarelli | 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 | P | 1 | 0 |
| Rossana Petreccia | A | 0 | 1 |
| Bill Walker | 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, Manager of Marine Facilities
Jonathan Luscomb, Marine Facilities Supervisor
Sergeant Todd Mills, Fort Lauderdale Police Department
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

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 – March 5, 2020

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

City Commission. Vice Chair Strobel explained that the wakes generated by boats with waterskiing can be massive, causing damage to nearby docked boats.

Mr. Witten asked if the Board is permitted to discuss multiple applications for the same address in total, as all three waivers would affect the subject property. Chair Henderson replied that individual applications must still go through the presentation process to ensure consistency in the Board's decisions. Mr. McLaughlin added that many of the boat slips at condominiums in the City are similarly configured, which makes it difficult to limit the number of waivers or variances for those properties.

There being no further questions from the Board at this time, Chair Henderson opened the public hearing. As there were no other individuals wishing to speak on this Item, the Chair closed the public hearing and brought the discussion back to the Board.

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

IX. Waiver of Limitations – Robert Wilson & Peter Zupkofska / 1180 N. Federal Hwy. #1106 Slip #19

Mr. Licht, representing the Applicants, showed a PowerPoint presentation on the request, stating that this Application is for a different boat slip on the same location as previously presented. The request is for a 5 ft. extension beyond the 25 ft. limitation for a 16,000 lb. boat lift. It is approximately 350 ft. from natural shoreline of the river to the back of the slip, 319 ft. from the natural shoreline to the sovereign submerged land lease boundary, and 330 ft. from the natural shoreline to the proposed lift.

Mr. Flanigan asked if the Riva Residences' condominium association has been made aware of appropriate practices for boats docked at their facility in the event of a hurricane. Mr. Licht stated that this association was only recently formed and may be working toward a hurricane plan, although he has not discussed such a plan with them.

It was determined that the anonymous letter did not need to be read into the record, as the Board members had received copies for their review.

There being no further questions from the Board at this time, Chair Henderson opened the public hearing. As there were no other individuals wishing to speak on this Item, the Chair closed the public hearing and brought the discussion back to the Board.

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

X. Waiver of Limitations – Scott Rappoport / 1180 N. Federal Hwy. #408 Slip #17

Mr. Licht, representing the Applicant, showed a PowerPoint presentation on the Application, which is for a boat lift at a different slip at the same location as the two previous requests. The width of the river is 360 ft. from the natural shoreline to the wet face of the seawall at Slip #17. The request is for an 8 ft. extension beyond the 25 ft. limit. The vessel currently docked at this 40.5 x 16 ft. slip is 34 ft. in length.

Vice Chair Strobel asked if this is the furthest extension the Board has approved for the subject property. Mr. Licht confirmed this, noting that the boat will be docked bow in. Mr. Strobel commented that he did not recommend extending further into the waterway than 30 ft. total. Mr. Morley agreed, stating that the request should be consistent with other waivers that have not exceeded a 5 ft. extension past the limit.

Mr. Licht explained that the Applicant has requested the 8 ft. extension at the recommendation of the contractor and manufacturer of the lift, who advised that they needed 8 ft. to accommodate the Applicant's boat. He has not discussed a 5 ft. extension with the Applicant, who owns both the rights to the slip and the sovereign submerged land lease.

The Board discussed retaining a 30 ft. extension as a consistent limitation. Vice Chair Strobel asked if the Applicant would be required to submit a new Application for a 5 ft. extension, or if he could amend the current Application. Mr. Cuba clarified that the Board may make a motion restricting the extension to 5 ft.

There being no further questions from the Board at this time, Chair Henderson opened the public hearing. As there were no other individuals wishing to speak on this Item, the Chair closed the public hearing and brought the discussion back to the Board.

Scott Rappoport, Applicant, explained that his vessel requires a 24,000 lb. boat lift. The condominium association's dockage rules require bow-in docking. He needs the additional 3 ft. waiver in order to meet these requirements. He also noted that the waterway is nearly 400 ft. wide at the subject location. He added that the water is very shallow at the location of his slip, making it difficult or impossible to dock his boat stern-in. He concluded that an additional 3 ft. extension seemed inconsequential.

Mr. Harrison commented that unless all boats on the subject property were removed from their lifts and placed in the water, he felt the 3 ft. difference would not be noticeable. While he acknowledged the need for consistency, he pointed out that the Board is asked to approve lifts where boats are already docked, rather than permitting a larger vessel to be docked there.

Chair Henderson observed that part of the Board's charge is to review safety in navigation, and that placing pilings 3 ft. further east would not impede this safety in the waterway. Mr. Morley asked if the pilings would be located at a stepped-down location in the submerged land lease. Mr. Licht further clarified that the Applicant's boat is docked at the largest slip available at the condominium.

Mr. McLaughlin advised that whether a boat is in the water or on a lift, it will extend further into the waterway than the lift mechanism itself. He noted that many developments require boats to be docked bow-in as a way to prevent erosion of their seawalls. He noted that a 3 ft. difference in the location of the pilings was not likely to be affected by whether or not the vessel is in the water or on a lift.

Mr. Morley asked if the PowerPoint showed a better view of the entirety of the property so the Board may see the full stepped-down area, not only the area at Slip #17. It was confirmed that the vessel would still be within the limits of the submerged land lease.

Mr. Graves expressed concern that granting an additional 3 ft. could establish an unwanted precedent for the future. Mr. Witten stated that the reason the waiver has been requested at 8 ft. rather than 5 ft. is the size of the Applicant's boat, which means a subsequent applicant could conceivably ask for an even larger vessel to be accommodated in the future, and for pilings that extend further into the waterway.

Mr. Rappoport clarified that the beam of his vessel is 11.9 ft. and the slip allows roughly 4 to 5 in. on either side. He added that due to the size of his boat, he has to time the tides in order to move under the nearby bridge, and had not witnessed any boats larger than his coming from the north since he has lived at the Riva Residences.

Motion made by Ms. Lovell, seconded by Mr. Harrison, to approve at the 8 ft [requested]. In a roll call vote, the **motion** passed 9-1 (Mr. Graves dissenting). (Ms. Chiarelli did not vote.)

XI. Old / New Business

Mr. Luscomb reported that Suntex is close to an appearance on the state's agenda to finalize the revenue sharing agreement for the Las Olas Marina. If they are approved in September 2020, they will then go before the City Commission to request taking possession of the facility. No changes may be made to the project once approval has been issued.

Mr. Flanigan asked if the project will include commercial dockage. Mr. Luscomb replied that the City has been restricted to allow commercial vessels in the marina as conditions of Environmental Protection Agency (EPA) agreements issued in the 1990s. He noted that when the City dredged this site, seagrass was found, however, once the water reaches a certain depth, seagrass is less likely to survive. If there are no potential impacts to seagrass after the site is dredged, environmental issues no longer apply and the submerged land lease may be renegotiated if that is Suntex's desire.

Mr. Graves asked if Suntex has also taken over the lease for the Bahia Mar property. Mr. Luscomb advised that Suntex bought into the Bahia Mar project and has a significant position within that facility's lease. Any conflict of interest regarding the