

City of Fort Lauderdale

City Hall
100 North Andrews Avenue
Fort Lauderdale, FL 33301
www.fortlauderdale.gov



Meeting Minutes

Wednesday, January 21, 2015

6:00 PM

City Commission Chambers

City Commission Regular Meeting

FORT LAUDERDALE CITY COMMISSION

JOHN P. "JACK" SEILER Mayor - Commissioner
ROMNEY ROGERS Vice Mayor - Commissioner - District IV
BRUCE G. ROBERTS Commissioner - District I
DEAN J. TRANTALIS Commissioner - District II
ROBERT L. McKINZIE Commissioner - District III

LEE R. FELDMAN, City Manager
JOHN HERBST, City Auditor
JONDA K. JOSEPH, City Clerk
CYNTHIA A. EVERETT, City Attorney

Meeting was called to order at 6:05 p.m. by Mayor Seiler.

ATTENDANCE ROLL CALL

Present: 5 - Mayor John P. "Jack" Seiler, Vice-Mayor Romney Rogers, Commissioner Bruce G. Roberts, Commissioner Dean J. Trantalis and Commissioner Robert L. McKinzie

Also Present: City Manager Lee R. Feldman, City Auditor John Herbst, City Clerk Jonda K. Joseph, City Attorney Cynthia A. Everett and Sergeant At Arms Sergeant Jaime Costas

Vote Roll Call Order for this Meeting

Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

Invocation

Pastor James C. Wills, First Christian Church

Pledge of Allegiance

Led by Roosevelt Walters

Approval of MINUTES and Agenda

APPROVAL OF MINUTES for November 4, 2014 Regular and Conference Meetings and November 4, 2014 Joint Workshop with Central City Community Redevelopment Advisory Board

No public comments were submitted by email for the January 21, 2015 regular meeting.

Motion made by Commissioner Roberts and seconded by Commissioner McKinzie to approve the noted minutes.

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

PRESENTATIONS

PRES-2 15-0103 PROCLAMATION RECOGNIZING DESIGNATION OF THE CITY AS A STORMREADY COMMUNITY

Commissioner Roberts presented the proclamation to Emergency Management Coordinator Freddy Zelaya and Battalion Chief Jermaine Frazier. Frazier provided details on the program and Zelaya shared information on an upcoming training session.

PRES-1 14-1619 POLICE OFFICER OF THE MONTH FOR JANUARY, 2015

Police Chief Frank Adderley recognized Jamal Rutledge for his efforts to seek help for Frank Foulks, an officer who was having a heart attack. Chief Adderley presented Police Officer of the Month awards to Todd Bunin, Robert Norvis and Ray Ketchmark for their roles in the effort. Foulks thanked the officers and Rutledge for helping to save his life.

CONSENT AGENDA

Mayor Seiler announced the procedure for consent items.

CONSENT MOTION

Raymond Cox, no address provided, asked to speak on all Consent items and was allotted four minutes. He felt it was a violation of the Sunshine law to not allow him more time. He questioned the City Manager’s affiliation with the International City Managers Association. He questioned why there are no female commissioners.

CM-1 15-0022 EVENT AGREEMENT: Super Bowl Sunday (Tilted Kilt)

Motion made by Commissioner Roberts and seconded by Commissioner McKinzie to approve the item as recommended.

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CM-2 15-0023 EVENT AGREEMENTS AND RELATED ROAD CLOSINGS: First Friday Block Party and C & I Studios & Exposed PR Music Festival

Motion made by Commissioner Roberts and seconded by Commissioner McKinzie to approve the item as recommended.

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CM-3 15-0049 ADDITION OF NEW CLASSIFICATION - UNIFIED NETWORK ADMINISTRATOR

Motion made by Commissioner Roberts and seconded by Commissioner McKinzie to approve the item as recommended.

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CM-4 14-1522 CITY-OWNED REAL ESTATE STRATEGIC PLAN

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, questioned if there is such a plan and went on to express concern about how the homeless are treated.

Jeff Weinberger, no address provided, noted that the plan refers to property referred to as the One Stop Shop at Andrews Avenue and 2 Street and that homeless people congregate there. The plan proposes a use of multi-family or senior residential development or construction of a new City Hall. He questioned if the plan proposes relief for the homeless.

Nadia Horst, 104 SE 1 Street, said she has rented property from the City for 11 years. City staff has been unresponsive to her request to renew the lease. The City Manager advised that he previously told Dr. Horst the City intends to renew the lease and that the City's real estate consultant, CBRE, will contact her about six months prior to its expiration. Horst expressed concern that if she could not agree to the terms, she needs advance notice to move and open in a new location. The City Manager referred her to a CBRE representative in attendance.

Commissioner Trantalis recalled he had several objections related to this subject. He questioned if this item is about declaring the City's surplus real estate in order to move forward with selling properties. The City Manager advised that it is the first step; a declaratory resolution is planned in February. Each individual step on specific properties will be brought to the Commission. It is not an endorsement of any specific action or program or recommendation. Commissioner Trantalis was concerned that properties such as Bryan Homes continue to deteriorate. CBRE is asking the City to designate a staff member to organize real estate sales, which he believed was why CBRE was hired. The City Manager clarified that is the recommended structure if the City does not continue with CBRE. Commissioner Trantalis thought it appears as though CBRE wants to function under the auspices of a manager yet the City essentially outsourced this job. The City Manager advised that Parks and Recreation Director Phil Thornburg is serving as the liaison. Commissioner Trantalis pointed out that it appears CBRE feels there should be a separate manager. The City Manager confirmed that nothing is being adopted at this time. He intends to bring forward resolutions on some of the initial properties, including the property on Sunrise Boulevard next to Pet Supermarket, One Stop Shop, Bryan Homes and Oasis Café in February. Infill properties will be presented to the Commission on February 3.

Motion made by Commissioner Roberts and seconded by Commissioner McKinzie to approve the item as recommended.

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CM-5 14-1503 TASK ORDER TO KEITH AND SCHNARS P.A. FOR ENGINEERING SERVICES RELATED TO REPLACEMENT OF 10-INCH GRAVITY SEWER MAIN - \$43,100

Motion made by Commissioner Roberts and seconded by Commissioner McKinzie to approve the item as recommended.

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CM-6 14-1638 TASK ORDER TO MILLER, LEGG & ASSOCIATES, INC. FOR FORT LAUDERDALE EXECUTIVE AIRPORT/MILLS POND PARK MITIGATION MONITORING - \$37,620

Motion made by Commissioner Roberts and seconded by Vice-Mayor Rogers to approve the item as recommended.

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CM-7 14-1639 TASK ORDER TO HDR ENGINEERING, INC. FOR ENGINEERING SERVICES RELATED TO PAVEMENT REHABILITATION OF TAXIWAY SIERRA AT EXECUTIVE AIRPORT - \$98,583.50

Motion made by Commissioner Roberts and seconded by Commissioner McKinzie to approve the item as recommended.

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CM-8 15-0018 TERMINATION OF LEASE AGREEMENT WITH PERFORMANCE MARINE TRADING AND MOTORSPORTS, INC.- PARCEL 8D - EXECUTIVE AIRPORT

Motion made by Commissioner Roberts and seconded by Vice-Mayor Rogers to approve the item as recommended.

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CONSENT RESOLUTION

CR-1 14-1589 IMPOSITION OF SPECIAL ASSESSMENT LIENS FOR COSTS ASSOCIATED WITH SECURING PROPERTIES

Commissioner Roberts introduced the resolution, which was read by title only.

ADOPTED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CR-2 14-1590 IMPOSITION OF SPECIAL ASSESSMENT LIENS FOR COSTS ASSOCIATED WITH LOT CLEARING AND CLEANING

Commissioner Trantalis introduced the resolution, which was read by title only.

ADOPTED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CR-3 15-0015 GRANT APPLICATION - TRANSPORTATION ALTERNATIVES PROGRAM - BAYVIEW DRIVE AND CORDOVA ROAD - Broward Metropolitan Planning Organization

Commissioner Roberts introduced the resolution, which was read by title only.

ADOPTED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

PURCHASING AGENDA

PUR-1 14-1459 CONTRACT EXTENSION FOR CREDIT CARD PROCESSING SERVICES - \$753,071 - Elavon, Inc.

Motion made by Commissioner Roberts and seconded by Vice-Mayor Rogers to approve the item as recommended.

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

PUR-2 14-1622 REJECT ALL BIDS FOR PURCHASE OF LOAD BANK EQUIPMENT

Motion made by Commissioner Roberts and seconded by Commissioner Trantalis to approve the item as recommended.

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

PUR-3 14-1624 PURCHASE, INSTALLATION AND TRADE-IN OF BOAT ENGINES -

\$38,971.59 - Parker Yacht Management, LLC

Motion made by Commissioner Roberts and seconded by Commissioner McKinzie to approve the item as recommended.

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

PUR-4 14-1635 PURCHASE AND INSTALLATION OF SHADE STRUCTURE AT RIVERLAND PARK - \$62,736 - PlayCore Wisconsin, Inc.

Motion made by Commissioner Roberts and seconded by Commissioner McKinzie to approve the item as recommended.

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

PUR-5 15-0060 PROPRIETARY PURCHASE OF SOFTWARE FOR ANNUAL SUPPORT AND MAINTENANCE OF POLICE RECORDS AND FIELD REPORTING - SunGard Public Sector Inc. - \$144,509

Motion made by Commissioner Roberts and seconded by Commissioner Trantalis to approve the item as recommended.

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

PUR-6 15-0029 INCREASE TO EXISTING PIGGY-BACK CONTRACT FOR WASTEWATER COLLECTION SYSTEM REHABILITATION - Miller Pipeline, LLC - \$3,600,000

Motion made by Commissioner Roberts and seconded by Commissioner McKinzie to approve the item as recommended.

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

RESOLUTIONS

WALK-ON RESOLUTION URGING THE SCHOOL BOARD OF BROWARD

COUNTY, FLORIDA TO AMEND THE BOUNDARY OF HARBORDALE ELEMENTARY SCHOOL TO INCLUDE THE NEIGHBORHOODS OF VICTORIA PARK, COLEE HAMMOCK, BEVERLY HEIGHTS AND SUNRISE KEY ISLES

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, said school boundaries are personal to the affected students. He did not think the Commission has full public discussion on topics. He questioned the City Manager's affiliation with the International City County Managers Association.

There was no one else wishing to speak.

Commissioner Roberts introduced the resolution, which was read by title only.

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

RESOLUTIONS

R-1 15-0014

QUASI-JUDICIAL - RESOLUTION - WAIVER OF UNIFIED LAND DEVELOPMENT REGULATIONS - construct and maintain one single-mooring pile and two triple-mooring pile clusters extending 60 feet from property line into Middle River - 773 Middle River Drive

Applicant: Steven M. Chess and Karen Chess

All individuals wishing to speak on this matter were sworn in.

Mayor Seiler reviewed the procedure for the public hearing and opened the floor for public comment.

Raymond Cox, no address provided, felt this is essentially giving away a part of the city's waterways. He opposed this encroachment. He questioned whether the property owner would be assessed for use of the waterway.

Jim Concannon, representing Sunrise Intracoastal Homeowners Association, expressed opposition to this item. Their board voted unanimously against this waiver. They have concerns of safety, density and anchoring in the Middle River.

Steven Chess, 773 Middle River Drive, submitted an unsigned letter dated March 1, 2013 to the Marine Advisory Board and an email dated January 21, 2015, to Mayor Seiler, that are attached to these minutes. Another waiver for a neighbor in a much more narrow area was granted approval. It was an after-the-fact waiver. Chess stated that his request is less distance proportionately. He felt he is being treated differently than his neighbor. The homeowners association did not object to his neighbor's request but objects to this request. It was confirmed for Mayor Seiler that his neighbor, Sean Tanner, lives two doors to the north, 785 Middle River Drive.

In response to Commissioner Trantalis, Marine Facilities Manager Andrew Cuba said the Marine Advisory Board had navigational concerns. The dock would not be used for commercial purposes.

In response to Mayor Seiler, Cuba advised that Mr. Tanner's waiver was for a distance of 40 feet.

Commissioner Trantalis pointed out that the Marine Advisory Board has asked the same questions of other applicants in similar situations and approved those applications. He understood the concern of a recreational area and the potential danger to water skiers. However, there is almost 600 feet. Chess said he did not intend to have a boat greater than 55 feet. A boat is currently permissible, however, he would like to have dolphin poles for safety during a storm. There is 680 feet of space. The City currently has a concrete no wake sign at 60 feet or greater. Mayor Seiler did not want a boat blocking the no wake sign.

Commissioner Trantalis asked about information in the Marine Advisory Board minutes that Chess rents part of his home and those occupants use space for their boats. In further response, Chess advised he leaves his home for up to eight months at a time and during those times he has people living there to prevent robberies. He does not lease the house. He has owned this property for 38 years. There are friends and family members who visit with larger boats. They dock perpendicular to his dock. He gave assurance that he has not and will not rent out dock space.

In response to Commissioner Roberts, Cuba said no agency has identified any safety issues. He spoke with the City's Marine Unit whose only concern is if the signage was blocked. Mayor Seiler wanted to ensure the sign is not blocked. Cuba confirmed there were no concerns identified by the Department of Environmental Protection or U.S. Army Corps of Engineers. Commissioner Roberts noted that the City is currently addressing mooring issues in this area which will take some time. It is a water recreation area. There is no indication that the recreational area cannot co-exist with extension of this dock. Similar waivers have already been granted in this area. He felt there are conflicts with the neighbors, which is driving this to some degree. He was concerned about the ability to restrict the application based on legal concepts and past practices. Mayor Seiler supported a distance of 40 feet. It is a recreational area and he does not want the no wake sign to be blocked. In good faith Chess should be allowed the same distance the neighbor received. He along with other members of the Commission noted that waivers come before the Commission month after month without controversy. They questioned the difficulty with this application. Chess said when he moved onto the property the area was designated recreational. He described a controversy with former Commissioner Teel and the homeowners association about making the entire area a no-wake zone. He was successful in opposing it. The Marine Advisory Board was influenced by Mrs. Teel and others who joined her. He was accused of renting the dock, having too many boats, etc. He was not present to defend himself. He also was accused of not meeting all requirements. He believed he has followed the process. He was told that his docks were out of compliance, which required a waiver before applying for the dolphin pole waiver. The navigable waterway, as it is charted, is far from 60 feet. It is 680 feet in the middle. He previously had a safety report prepared showing there is no safety issue. It was all about the no-wake zone issue.

Commissioner Roberts empathized with the neighborhood but did not feel it could be denied. In response to further question, Cuba advised that the no wake sign is at 75 feet. He felt that as it relates to rentals, the Commission should follow up with enforcement actions.

Chess pointed out that providing such waivers increase the property value and raise the individual's taxes. He felt his request is in the best interests of all concerned with respect to safety and economics.

There being no other individuals wishing to speak on this matter, a **motion** was made by Commissioner Roberts and seconded by Commissioner Trantalis to close the public hearing. Roll call showed: AYES: Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler. NAYS: None.

Mayor Seiler supported only 40 feet which was granted to the neighbor.

Commissioner Roberts introduced the resolution, which was read by title only.

Members of the Commission announced with whom they had spoken and/or site visits made concerning this matter.

ADOPTED

Aye: 4 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers and Commissioner Roberts

Nay: 1 – Mayor Seiler

R-2 15-0050

QUASI-JUDICIAL - 3110 PLAT - 3110 SW 8 AVENUE - Case PL15002

Applicant: City of Fort Lauderdale
Zoning: Parks, Recreation and Open Space (P)
Future Land Use: Park-Open Space

All individuals wishing to speak on this matter were sworn in.

Members of the Commission announced with whom they had spoken and/or site visits made concerning this matter.

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, advocated for the homeless. He asked about plans for the property. He felt there should be public discussion.

There being no other individuals wishing to speak on this matter, a **motion** was made by Commissioner Trantalis and seconded by Commissioner Roberts to close the public hearing. Roll call showed: AYES: Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler. NAYS: None.

Commissioner McKinzie introduced the resolution, which was read by title only.

ADOPTED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

R-3 15-0057

APPOINTMENT OF CITY BOARD AND COMMITTEE MEMBERS - vacancy information provided under Conference Item BD-2

The City Clerk announced the appointees/re-appointees who were the subjects of this resolution:

Beach Redevelopment Board	Anthony Abbate (Vice-Mayor Rogers) Marvin Andrew Mitchell Jr. (Vice-Mayor Rogers) A.J. Yaari (Commissioner McKinzie)
Board of Adjustment	Eugenia Ellis (Consensus)
Charter Revision Board	Judy Stern (Vice-Mayor Rogers)
Code Enforcement Board	Patrick McGee (Consensus)
Community Appearance Board	Tom Catalino (Mayor Seiler)
Parks, Recreation and Beaches Board	James B. Jordan (Mayor Seiler)

Mayor Seiler noted legislation will be forthcoming to cap membership of the Parks, Recreation and Beaches Board at 15 and the overage will be addressed through attrition.

Commissioner McKinzie introduced the resolution, which was read by title only.

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, felt the homeless should be allowed to serve on City boards. Some boards do not allow public comment.

There was no one else wishing to speak.

ADOPTED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

PUBLIC HEARINGS

PH-1 15-0028 RESOLUTION - SALE OF CITY-OWNED PROPERTY TO HOUSING AUTHORITY - 726 NW 12 Avenue

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, questioned the sale and potential influences. He went on to speak about ethics training for members of the Commission and advocate for the homeless.

There being no other individuals wishing to speak on this matter, a motion was made by Commissioner Roberts and seconded by Commissioner Trantalis to close the public hearing. Roll call showed: AYES: Vice-Mayor Roberts, Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers and Mayor Seiler. NAYS: None.

Commissioner Trantalis introduced the resolution, which was read by title only.

ADOPTED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

PH-2 14-1653

SECOND READING OF ORDINANCE CREATING NEW ZONING DISTRICTS SPECIFIED AS NORTHWEST REGIONAL ACTIVITY CENTER MIXED USE NORTHEAST, MIXED USE EAST AND MIXED USE WEST - amending Unified Land Development Regulations, Section 47-13 - Case T14012

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, suggested that the new zoning districts are related to the gentrification of Sistrunk Boulevard. The complexion of the neighborhood will change once its residents are driven away. He felt the license plate reader program is discriminating. He expressed concern about the bicycle registration program and treatment of the homeless by the police.

Attorney George Platt of LSN Partners, representing Flagler Property, indicated at the December 17 public hearing Flagler Property requested that the property abutting the railroad tracks at Sistrunk and NW 2 Avenue be designated for a 120-foot height as of right. The Commission appeared to support more intense development on that corner and that more height as of right made sense. They agreed that this property and the junkyard to the north should be aggregated. Mayor Seiler believed that the Commission had agreed to amend the ordinance to allow a 120-foot height in this area. Assistant City Attorney D'Wayne Spence noted that when deciding to amend the ordinance, the Commission should consider 1) whether the proposed zoning is in accordance with the Comprehensive Plan; 2) articulating justification for treating this property different than the rest of the zoning district; and 3) whether the height bonus would be a detriment to the city as a whole. There is a concern that the proposed change to this section of that zoning district, just east of NW 2 Avenue, is treated differently than the remaining properties within the same zoning district. Mayor Seiler indicated that Commissioners McKinzie and Trantalis have articulated the reasons. The Commission does not want adverse effect west on Sistrunk. They want to encourage people to make an investment along the tracks by allowing greater height. The City Attorney added that the matter of right versus conditional should also be articulated. Platt said the tenor of the discussion was to allow 120 foot height as of right for all of the properties to the northeast that abut (the tracks). He referenced Exhibit 1 of Commission Agenda Memorandum 14-1653, which appears to show that their property would be moved into the northeast district (orange) but the City Attorney's comment is that other properties to the north along that corridor would be included collectively. Mayor Seiler agreed and noted that Ron Centamore, president of Progresso Village Civic Association, requested that change as well. Spence went on to say that the current ordinance allows 65 feet as of right with the ability to seek a bonus of up to 110 feet if one meets certain performance requirements, such as affordable housing. When referring to as of right, he wanted to clarify whether developments must still meet performance standards set forth in the code, or whether all properties in the Northwest Regional Activity Center Mixed Use and Northwest Regional Activity Center Northeast are being treated as 120 feet as of right rather than seeking a bonus through performance standards. Commissioner Trantalis believed the latter is correct.

Director of Sustainable and Economic Development Jenni Morejon noted that the amended ordinance includes those areas identified in red still being required to meet performance standards and go through the Commission process. Mayor Seiler supported 120 feet as a matter of right. He added that the neighborhood association is also supportive. Vice-Mayor Rogers agreed. If so, Morejon clarified that the orange boundary stops at NW 2 Avenue. Anything to the east will be addressed in the ordinance as of right up to 120 feet. The City Manager pointed out that there are two zoning districts – northeast and east – along the railroad tracks. The Commission is requesting that the northeast and eastern half of the east,

that is east of NW 2 Avenue, be allowed 120 feet height by right. Mayor Seiler confirmed that is the Commission's intention. Spence concluded that the western side of MU East and MU West would still be subject to performance standards if one is seeking a greater height.

Ron Centamore, president of Progresso Village Civic Association, agreed with the discussion thus far. He noted the small indentation in the orange area on Andrews Avenue and requested property on the west side of Andrews Avenue be included in the orange area. They propose that the zoning from NW 2 Avenue west to 7 Terrace be modified to allow for height of 75 feet by right and 120 feet with approval. For height greater than 75 feet, the fire code imposes additional requirements which equate to additional cost. As to the 7 Terrace request, Mayor Seiler did not think there is Commission consensus based on the previous hearing. He felt 7 Avenue west was resolved at the previous hearing. There was no Commission object to the orange area request. Spence said altering boundaries would be in Agenda Item O-6 which should be moved to public hearings. The advertised title included district boundaries therefore a change would require re-advertising and another public hearing. It could be brought back at a future date. Morejon explained why that property was carved out. It is zoned planned unit development (PUD) which provides for more flexibility. It was tied to a specific site plan approval with that rezoning. Centamore pointed out that the developer is no longer pursuing the PUD site plan approval. Mayor Seiler suggested the orange carve-out 7 Terrace area be addressed at a future hearing so that the remainder of the ordinance could move forward tonight. There was consensus agreement on the Association's request and the Mayor's suggestion as to when it would be addressed. Morejon advised that once these new zoning districts are established, property owners can apply for a rezoning to one of the new districts. There is a formal process to amend a PUD.

Commissioner Trantalis pointed out that there was a previous discussion about height and zoning regulations on the east side of 7 Avenue south of Sistrunk. He believed the Commission concluded that they can live with the variation between the east and west sides. The Progresso neighborhood is attempting to balance the look. In order to get consistency in the architecture on 7 Avenue, the zoning needs to be changed as far as 7 Terrace. They are not trying to interfere with the design scheme that the neighborhood to the west has contemplated. Centamore agreed and explained his presentation showed that there is no residential in the area but rather warehouses. Commissioner Trantalis explained that Progresso Village Civic Association is looking at one block between 7 Avenue and 7 Terrace, which is basically all industrial uses. Centamore added it would set the tone for future development northward. Mayor Seiler pointed out that there was consensus that 7th would be the transitional zone. He noted that Commissioner McKinzie has been very flexible. He did not want to disrupt the consensus in the transitional area. He could not support a change in the boundary lines at this stage. Commissioner McKinzie noted that the subject areas have been studied for years; what is being proposed now has not. He did not favor any amendments at this time. Vice-Mayor Rogers noted it would have to be re-advertised in any event. He felt there should be buffers. He viewed 7 Terrace as the correct demarcation as opposed to 7 Avenue north of Sistrunk. It is a very important corner. Commissioner Roberts said he initially felt that Centamore's proposal should be entertained. He felt it might merit further consideration in the future but not this evening. Commissioner Trantalis did not disagree with Commissioner Roberts that a change presented tonight should not be added when this proposal has been studied for some time and consensus already reached on it.

Ronald Reed, representing Seventh Day Adventist Church, said he supports this item but has some concerns. He felt it is a mistake to assume that because many people from the northwest corridor are not in attendance at tonight's meeting, it represents a lack of interest. Reed discussed the northwest corridor and that more money set aside for it would be helpful. He questioned whether people will be phased out in the northwest corridor if property values increase. Mayor Seiler did not believe that would happen. Reed raised the potential for loopholes and legal defaults that could be unconstitutional and racially biased. He wanted the City to be transparent, fair and totally honest with citizens who have helped to

make Fort Lauderdale what it is today. Mayor Seiler noted that the district commissioner fought very hard on this issue which is also the case with the new district commissioner. He elaborated upon the inclusive approach of Fort Lauderdale government. This government is very transparent and open.

Doug Coolman, representing Broward Workshop Urban Core Committee, commended the City for its work on this matter. There are concerns about 7 Avenue. He will coming back with Mr. Centamore to make some tweaks.

There being no other individuals wishing to speak on this matter, a motion was made by Commissioner Trantalis and seconded by Commissioner Roberts to close the public hearing. Roll call showed: AYES: Vice-Mayor Roberts, Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers and Mayor Seiler. NAYS: None.

Mayor Seiler summarized that the item was amended for the area identified as abutting the tracks east of NW 2 Avenue for a height of 120 feet as a matter of right. The Commission will revisit the orange area if the PUD has lapsed. Staff is directed to present an ordinance amending the orange area. The individual district commissioners will discuss the area involving 7 Avenue and 7 Terrace.

Commissioner Trantalis introduced the ordinance as amended, which was read by title only.

ADOPTED ON SECOND READING

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

ORDINANCES

O-6 14-1654

SECOND READING OF ORDINANCE REZONING PROPERTIES WITHIN NORTHWEST REGIONAL ACTIVITY CENTER (NWRAC) FUTURE LAND USE CATEGORY TO NEW NORTHWEST REGIONAL ACTIVITY CENTER MIXED USED NORTHEAST (NWRAC-MU_{ne}), NORTHWEST REGIONAL ACTIVITY CENTER MIXED USE EAST (NWRAC-MU_e) AND NORTHWEST REGIONAL ACTIVITY CENTER - MIXED USE WEST (NWRAC-MU_w) ZONING DISTRICTS - from Residential Low Rise Multifamily/Medium Density (RM-15), Community Business (CB), General Business (B-2), Heavy - Case 3Z13

Applicant: City of Fort Lauderdale

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, criticized amendments being made on one reading and not announced on the previous reading. He felt the City’s plan is to usher out the African American residents in the Sistrunk area. He also did not think that the Sistrunk corridor is being properly maintained.

There was no one else wishing to speak.

Commissioner Trantalis introduced the ordinance, which was read by title only.

ADOPTED ON SECOND READING

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

PUBLIC HEARINGS

PH-3 14-1465 MOTION - APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR SIGHTSEEING VEHICLES - Fort Lauderdale Foodie Tours, LLC

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, thought it was determined at the last meeting that the applicants on that agenda were approved. He questioned if this business is being grandfathered in and transparency.

There being no other individuals wishing to speak on this matter, a motion was made by Commissioner Trantalis and seconded by Commissioner McKinzie to close the public hearing. Roll call showed: AYES: Vice-Mayor Roberts, Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers and Mayor Seiler. NAYS: None.

Motion made by Commissioner Trantalis and seconded by Commissioner Roberts to approve the item as recommended.

Mayor Seiler announced that first reading of an ordinance amending Chapter 11 of the Municipal Code concerning code enforcement liens was advertised for this meeting and is being deferred, with no date certain at this time.

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

PH-4 15-0008 MOTION - APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR RENTAL CAR WITH CHAUFFEUR SERVICE - Teldrhein, LLC

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, felt items of this nature invites corruption. He was concerned about the way the City is conducting its business.

There being no other individuals wishing to speak on this matter, a motion was made by Commissioner Trantalis and seconded by Commissioner McKinzie to close the public hearing. Roll call showed: AYES: Vice-Mayor Roberts, Commissioner Trantalis, Commissioner McKinzie, Commissioner Rogers and Mayor Seiler. NAYS: None.

Motion made by Commissioner Trantalis and seconded by Commissioner Roberts to approve the item as recommended.

APPROVED

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

ORDINANCES

O-1 14-1301 FIRST READING OF ORDINANCE CREATING NEW ARTICLE IN CODE OF ORDINANCES - FILM PERMIT CRITERIA AND REGULATIONS

Mayor Seiler said he told the Convention and Visitors Bureau (CVB) that the Commission would hold a workshop on this matter prior to voting on this. He may have misspoken in that Commissioner Roberts has been requesting the matter come forward. There is a lot of objection to the ordinance from the film bureau, hoteliers and the CVB. Commissioner Roberts respected Mayor Seiler's request for deferral but wanted to choose a date certain and invite some of the affected neighborhoods. The film industry and incentives to support sporting stadiums do not seem to have a return on investment whereas other industries do. He objects to the negative impact on neighborhoods for long periods, i.e. three months.

Mayor Seiler suggested holding a workshop at noon on March 3. Commissioner Roberts felt that some residents would not be able to attend during the day. He asked that it be set tentatively. There was consensus agreement.

Motion made by Commissioner Roberts and seconded by Commissioner McKinzie to defer the item to March 17, 2015.

DEFERRED TO WORKSHOP ON MARCH 3, 2015 AND FIRST READING OF THE ORDINANCE ON MARCH 17

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

O-2 15-0036 FIRST READING OF ORDINANCE AMENDING CODE OF ORDINANCES RELATING TO WASTEWATER SERVICE ADJUSTMENTS FOR EXCESSIVE CONSUMPTION AND FOR WATER AND WASTEWATER SERVICE ADJUSTMENTS FOR UNEXPLAINED EXCESSIVE CONSUMPTION

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, had concerns about sanitation service. He advocated for public restrooms. He will advocate for a tourism boycott if the Commission continues to deny basic municipal services.

There was no one else wishing to speak.

Commissioner Roberts introduced the ordinance, which was read by title only.

Commissioner Roberts would like to entertain discussion in the future about providing the same type of authority to the City Manager with respect to alarm violations. Mayor Seiler and Commissioner Trantalis agreed.

PASSED FIRST READING

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

O-3 14-1422 FIRST READING OF ORDINANCE CREATING NEW ARTICLE IN CODE OF ORDINANCES - REGULATING AND PERMITTING STREET PERFORMERS AND STREET ARTISTS (Riverwalk/Central Beach)

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, felt that street performers add a human element to a city. He supported street performers. He felt there are too many regulations in the city. He went on to express concern about the gentrification of Sistrunk Boulevard.

Genia Ellis, representing Riverwalk Trust, supported the concept. It is another step in activating the downtown. The Trust however has concerns that they would like addressed before the next reading. She believed the boundary line should stop at Laura Ward Park. The Las Olas corridor is not wide enough to accommodate buskers and allow for safe passage for residents or visitors. It also conflicts with the nature of the businesses there. She suggested possibly prohibiting buskers in areas permitted for a given special event. She also suggested that buskers take their trash away when they leave the area. They would like more clarification on language relating to specific sites and distances. Sometimes facilitating the grouping of people will help with activation. The Trust would like to be held harmless along with the City. She suggested possibly requiring insurance when licensing and permitting buskers. In response to Mayor Seiler, Ellis indicated that the Trust has not taken a position on the ordinance.

Amber Van Buren, representing Las Olas Boulevard Association, agreed with Ellis' comments in support of activating the Riverwalk area. However there are some concerns about some of the language in the ordinance. There is concern about encroachment into the merchants' corridor. The majority of the merchants are not aware of this ordinance. She first heard about this proposal last night.

April Kirk, representing Stranahan House Museum, wanted an opportunity to further discuss this ordinance. She received it this morning and has not had an opportunity to share it with the Stranahan House Board. Much of the language, including boundaries and activation of Laura Ward Plaza, is concerning. The ordinance only specifies City-permitted events but Stranahan House typically activates, cleans and monitors Laura Ward Plaza in coordination with the City Parks and Recreation Department. They are concerned about a Mallory Square type of situation occurring. The ordinance makes clear that people cannot interfere with the entrance and exit of a building but part of the museum experience is the outdoor area along the river. Although she appreciated the City's vision to activate the downtown, she wanted to work with staff on the language.

Vann Padgett, representing Las Olas Company, felt that this could have an adverse impact on Las Olas businesses, many of which already offer entertainment. It could become dueling entertainment. In many cases panhandlers are masquerading as street performers. They support permitted, regulated street performers in the Riverwalk area but asked that Las Olas be eliminated from the boundaries.

There was no one else wishing to speak.

Mayor Seiler wanted to refer the ordinance to the Riverwalk Trust, the Las Olas Boulevard Association and the Downtown Civic Association. Vice-Mayor Rogers agreed that the boundaries should be revised. He questioned how to distinguish between panhandling and entertainment. He agreed with Mayor Seiler's suggestion. Commissioner Trantalis suggested going forward and seeing how it works. Mayor

Seiler also wanted the Central Beach Alliance to weigh in. Commissioner Roberts wished to clarify the term length for a permit and adding prohibition of animals. Commissioner Trantalis suggested including in the boundary area the edge of Las Olas Boulevard on the beach, which has typically been used as a staging area for performers.

Motion made by Commissioner Trantalis and seconded by Vice-Mayor Rogers to defer the item to March 17, 2015.

DEFERRED TO MARCH 17, 2015

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

O-4 15-0085 SECOND READING OF ORDINANCE AMENDING CODE OF ORDINANCES - INCREASING LIEN SEARCH SERVICE FEES

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, questioned the expense. He pointed out that panhandling is a form of free speech. He advocated for the homeless. He commented on Mayor Seiler's previous service at mayor of Wilton Manors. He did not believe people will want to visit Fort Lauderdale if it is a sterile city.

There was no one else wishing to speak.

Commissioner Trantalis introduced the ordinance, which was read by title only.

ADOPTED ON SECOND READING

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

O-5 14-1538 SECOND READING OF ORDINANCE - PUBLIC PARTICIPATION NOTICE IN DEVELOPMENT REVIEW PROCESS FOR SITE PLAN LEVEL III AND IV - Case T14010

Mayor Seiler opened the floor for public comment.

Raymond Cox, no address provided, supported public participation. He believed the Commission wants to turn Fort Lauderdale into a Palm Springs with no homeless or minorities.

There was no one else wishing to speak.

Commissioner Trantalis referenced concern he expressed on first reading. Concerning the affidavit required to be submitted to the Department of Sustainable Development by the developer, indicating that public participation took place, he wanted to add that the application could not proceed to Planning and Zoning unless and until the public participation report is submitted. Economic and Sustainable Development Director Jenni Morejon agreed to add such language. If the report is not submitted, it will not be placed on a Planning and Zoning Board agenda.

Commissioner Trantalis introduced the ordinance as amended above, which was read by title only.

ADOPTED ON SECOND READING AS AMENDED TO PROVIDE FOR THE APPLICATION NOT PROCEEDING TO PLANNING AND ZONING UNTIL A

REPORT LETTER IS SUBMITTED BY THE APPLICANT SUMMARIZING THE PUBLIC PARTICIPATION MEETING(S) THAT HAVE TAKEN PLACE

Aye: 5 – Commissioner Trantalis, Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

CITY MANAGER REPORTS**15-0066 BEACH PLACE SECURITY PLAN**

The City Manager provided background information on the item relating to Beach Place security plan as set forth in Exhibit 2 of Commission Agenda Memorandum 15-0066. The Police Department has reviewed the proposal and submitted the following modifications: 1) Fort Lauderdale Police Department should have full access to recordings from installed TV system and 2) bi-directional antenna system, which permits the City's police and fire radio system to operate on the property, must be repaired and fully operational no later than February 28, 2015. Staff has reviewed their plan to repair the system and is satisfied that the proposed repairs will work.

Mayor Seiler opened the floor for public comment.

Attorney Stephanie Toothaker of Tripp Scott, representing Thor Gallery at Beach Place, advised that the plan submitted this evening by Beach Place exceeds current practices and industry standards. Beach Place does not object to the Police Department's additional requirements. They do not object to the Police Department having access to the TV system by request rather than it being openly available at all times which Beach Place believes could create liability issues.

Fred Carlson, representing Central Beach Alliance (CBA), said this property has been a problem for a long time. He believes the management is either not aware or willfully not aware. The Beach Place manager has refused to meet with CBA representatives. There have been numerous complaints from residents at Las Olas Beach Club about safety. The previous security company was not doing the job. He suggested that management be replaced.

There was no one else wishing to speak.

Commissioner Roberts addressed Security Consultant Jon Grossman's report. Trespass after warning citations were identified as minor. They are minor under severity of punishment by law but are a good tool to offset more serious issues. There were 22 such warnings and 25 fights. He thought it is a step in the right direction but warrants review in six months or a year. Grossman appreciated the clarification.

Commissioner Trantalis felt that they have reached a watershed moment with regard to the future of Beach Place. He questioned whether this is to be a beach family-friendly environment or San Quentin. There are dogs, uniformed police officers and security cameras. It has gotten out of hand. There are open container violations, disorderly conduct, and yet the report implies that the 19 citations that occurred were only identified because there were officers present. Next door is the Ritz Carlton Hotel. There is not one disorderly conduct incident at the hotel, even though there are security officers. Additionally there are no fights or drug arrests at the Hilton Hotel up the road. The climate and culture at Beach Place has completely deteriorated. He was concerned that the report concludes that existing security program is reasonable and adequate in size and scope and exceeds industry standards. There should not have to be a legion of security measures in order for people to feel safe. Even so, people still do not feel safe. There is incessant, late-night noise and disturbances. It is a failure. The City Manager confirmed that their entertainment license is suspended as of January 28, 2015, pending action this evening. If the security plan is acceptable, the suspension would be null and void.

Commissioner Trantalis wanted to support the City Manager's recommendation to continue suspension of the entertainment license and move forward with terminating the license. He reviewed some of the citations that have frequently occurred. Beach Place is a black eye on what the City is trying to create on the beach.

Vice-Mayor Rogers pointed out that Beach Place is currently involved in a nuisance abatement process. Toothaker concurred. She reviewed the positive feedback provided by the detective at the Nuisance Abatement Board hearing. The security plan presented tonight is an increase from what had been done when the detective made his comments. Vice-Mayor Rogers understood Commissioner Trantalis' frustration but was concerned that another Riverfront situation would occur, that is, a vacant development. He believed something should be done, but did not think the plug should be pulled now. Perhaps this should be the last chance. Commissioner Trantalis did not think this has any comparison to the Riverfront. It is a different culture and environment with a different type of people. People are already coming to the area which was not the case when the Riverfront was going downhill. Vice-Mayor Rogers disagreed. He believed what caused Riverfront to go downhill was the presence of the wrong element. Commissioner Roberts agreed. Vice-Mayor Rogers said he has not heard of a resurgence of incidents at Beach Place other than what happened over the holidays. He visited the area recently on a weekend and it appeared to be functioning, restaurants were busy and there was appropriate security in place. He favored giving Beach Place one more chance because of the consequences of shutting it down. Commissioner Trantalis said he was reporting the results of his meetings with the Las Olas Beach Club, Ritz Carlton and other businesses along A1A. The businesses have come to him as the district commissioner and indicated they will not go to Beach Place and feel threatened by it. Keeping the entertainment license in place will only continue to perpetuate that type of environment. They have been given numerous chances. The City Manager now agrees the license should be suspended. Commissioner Roberts said he shares the frustration. He viewed the City Manager's memorandum as support of the plan with the caveat that the police recommendations be included. He suggested that Beach Place be given six more months. With the busy season approaching, the City will be able to tell very soon whether the plan has an impact. He believed the City has the ability to control the outcome based on this security plan. However, he would rather see a vacant building than one that is negatively impacting the others. But, the Riverfront declined due to the wrong clientele, which is what is being addressed with Beach Place.

Discussion ensued about provisions of the entertainment district license. Commissioner Trantalis did not think the situation will change. Mayor Seiler said if the license is suspended, the businesses are gone. The question is about having a vacancy in the middle of the tourist season. He would like to proceed with the security plan but re-evaluate it at the end of the season. If there is an incident between now and the end of the season, he felt the City will have to pull the plug. Commissioner Roberts believed it should go through spring break. Mayor Seiler suggested scheduling the matter for the second meeting in April. Commissioner Trantalis believed it is a mistake. Mayor Seiler felt the customer base needs to be cleaned up. He was disappointed in the track record of Beach Place, but their representation at this time has a credible track record with the City. He hoped there will be a focused effort to make Beach Place an enhancement to the beach and not a detraction.

In response to the City Manager, Toothaker advised that currently slightly more than 300 hours of security per week is being provided which will continue for the next 30 days and adjust to the security plan presented. The reports provided for the past few weeks are not accurate. They will do a better job as to accurate reports.

Motion made by Commissioner Roberts and seconded by Commissioner McKinzie approve the security plan provided as Exhibit 2 including two recommendations added by the Police Department detailed in the commission agenda memorandum with review of the matter set for April 21, 2015.

APPROVED PENDING REVIEW ON APRIL 21, 2015

Aye: 4 – Commissioner McKinzie, Vice-Mayor Rogers, Commissioner Roberts and Mayor Seiler

Nay: 1 – Commissioner Trantalis

REQUEST FOR CLOSED DOOR

The City Attorney requested a closed door session for February 3, 2015 to discuss matters pertaining to the following cases:

- *Gluck v. John Hospodavis and City of Fort Lauderdale, Case No.: 14-61385*
- *City of Fort Lauderdale v. Arnold Abbott, et al., 4th DCA, Case No.: 4D14-4928*
- *Debra Spengler and Arthur Spengler, Jr. v. City of Fort Lauderdale et al, Case No. 12-035645*
- *Thelma Barrett Hoffman v. City of Fort Lauderdale, Case No.: 13-16723*
- *State Farm Mutual Automobile Insurance Company a/s/o Alexander Cherba v. City of Fort Lauderdale, Case No.: 13-009020*
- *Debra Larue v. City of Fort Lauderdale and State Farm Mutual, Automobile Insurance Company, Case No.: 13-020574*
- *Harold Chambers V. B & L Service, Inc., d/b/a Yellow Cab, et al v. City of Fort Lauderdale, Case No.: 13-004307*

There being no other matters to come before the Commission, the meeting was adjourned at 10:18 p.m.



John P. "Jack" Seiler
Mayor

ATTEST:



Jonda K. Joseph
City Clerk

JAN 21, 2015 R-1
PROVIDED BY
STEVEN CHESS

3/1/13

To: Marine Advisory Board,

I presently am in the Bahamas where I have a home and therefore will not be able to attend the upcoming meeting on this issue slated to be heard on March 7, 2013. Therefore I have authored this note to make you aware of my feelings regarding this request.

I have owned my property on the middle river for the past thirty plus years so I am no new comer. I moved there so as not to have a homeowner's gang running the neighborhood. As you should be aware the homeowner association is not mandatory and they do not speak for all the residents of the neighborhood and should have no more impact than a single homeowner/voter concerning this issue.

I live 2 houses South of 785 Middle River Dr. at 773 Middle River Dr. and I am for the approval of the 2 (double -pile) mooring clusters that needs approval for the "after fact approval" at that address. There is no logical or safety reason to deny their request.

The placement does not present any waterway hazard as the Middle River is wide where the poles are located 40' from the seawall. The approval will only make this property and the surrounding properties more valuable. It has no adverse effect on the adjacent properties other than to improve their value as mentioned prior. The structure also allows for the vessel that may be moored there to be better secured in a windstorm or Hurricane situation. That in itself is reason that this request should be approved.

It should also be noted that on the other side of the river there are mooring pilings that in fact are farther out than what this property owner is requesting. To my knowledge securing the vessel as envisioned has never been cited for any safety issues on the other side of the river. Rather than that, with approval the mooring will create a safe dockage.

It is my understanding that the Marine Advisory Board primary duty is to determine if there are any safety issues related to any waiver of limitation. I am not aware of any safety issues that have been provided concerning this property and therefore this request should be granted.

All other issues that the homeowners association might have are based on the basis of prejudice/envy and have no value relative to the duty of the Marine Advisory board of this request.

Please allow this property owner to utilize his water rights and enjoyment of his new home and grant his after the fact approval.

Dr. Chess/Karen Chess/Zachary/Adam

JAN 21, 2015

R-1

Steven Chess

From: steve chess [steve@punchclock.com]
Sent: Wednesday, January 21, 2015 4:40 PM
To: steve@punchclock.com
Subject: FW: 773 Middle River Dr. dolphin pole waiver
Attachments: 785 dolphin poles cluster approval.docx; 030713mab_minutes.pdf

PROVIDED BY
STEVEN CHESS

From: steve chess [mailto:steve@punchclock.com]
Sent: Wednesday, January 21, 2015 4:22 PM
To: 'jack.seiler@fortlauderdale.gov'
Subject: FW: 773 Middle River Dr. dolphin pole waiver

Dear Mr. Cuba and Commissioners,

As you are aware I will be appearing at the commissioner meeting tonight to answer any question the board may have concerning our waiver request for the dolphin poles at our home. Your expected approval will end more than 20 years of my request for the dolphin pole waiver.

I would hope the commissioner's grants my request without further proceedings as it is the only fair and just outcome of these proceedings.

I want to bring additional information I related to the commission at the last hearing. As you are aware there were time limitations imposed on my presentation at that meeting and therefore I could not present all the information requested.

Therefore I would like to have this information read by all involved and entered into my file prior to the meeting tonight. It concerns the recent unanimous approval of my neighbor's variance for his /her after the fact waiver request.

With that in mind I want to present two new items that have direct bearing on my request. One is my letter in support of the after the fact waiver request sent to the marine advisory board when the new homeowner (785 Middle River Dr.) requested an after the fact waiver and my reason for that endorsement. That letter is attached.

The second is the proceedings that took place at the marine advisory board meeting where his request was granted with full approval based on the minutes of that meeting. That meeting is attached in this email as well as the prior one.

The location of the after the fact waiver approval is only a few houses away from my home and is zoned exactly as my home is. It is in a location that is much narrower from the opposite shore. It should be noted that the existing piling where placed unlawfully and that was why the new owner of the property requested an "after the fact waiver". One should also know that it appears from the proceedings that the voluntary home owners association did not object to the granting of the waiver from that property owner. There was no unfounded claims that he wanted them for a commercial marina. There was no talk that he was going to rent them out. There was no talk about it being unsafe. There was no talk about it causing a traffic issue as there has been over my request. It also appears that there were no extensive requests for safety study concerns and reports that were required be brought to the attention of the marine advisory board prior to the approval by the city commission.

As everyone that is involved in this process should be are aware the accusations that have been leveled against me have been found to be untrue and I believe that they are also libelous. I have always endeavored to follow the law. I have never been judged guilty for any code violation that has not been corrected once I was made aware of any infraction. I have been a law-abiding citizen and resident at 773 Middle River Dr., Ft. Lauderdale for more than 25 years and a resident of Florida for 68 years.

With all the facts we have provided and my exhibited character in mind there should be no hesitation for the commission to grant my request for the waiver we are requesting. Please do the right thing and approve our request.

Sincerely,

Dr. and Mrs. Chess