

City of Fort Lauderdale

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



Meeting Minutes - APPROVED

Tuesday, April 21, 2015

6:00 PM

City Commission Chambers

City Commission Regular Meeting

FORT LAUDERDALE CITY COMMISSION

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

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 6:03 p.m. by Mayor Seiler.

ATTENDANCE ROLL CALL

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

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

Invocation

Reverend Chris Reny, Church by the Sea

Pledge of Allegiance

Led by local youth

Approval of MINUTES and Agenda

A public comment was submitted by email for item OFR-3, which is attached to these minutes.

15-0573 Minutes for February 3, 2015 Conference Meeting and February 17, 2015 Regular Meeting

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

APPROVED

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

PRESENTATIONS

PRES-1 15-0536 Police Officer of the Month for April, 2015

Police Chief Frank Adderley recognized Detective Leann Swisher as Police Officer of the Month for April due to her role in apprehending three suspects committing a burglary in progress.

PRES-3 15-0576 C-SPAN Cities Tour Presentation

Coordinating Producer Deborah Lamb presented information about the C-SPAN Cities Tour.

PRES-2 15-0575 Proclamation declaring May 2, 2015 as Color Run Shine Tour Day in

the City of Fort Lauderdale

Commissioner Trantalis presented the proclamation to Cristina Hudson, representing Riverwalk Fort Lauderdale Inc. Hudson thanked the Commission and provided information about the event.

PRES-4 15-0577 Proclamation declaring April, 2015 as Landscape Architecture Month in the City of Fort Lauderdale

Vice-Mayor McKinzie presented the proclamation to Jose Alvarez, Broward representative for the Florida Chapter of American Society of Landscape Architects.

PRES-5 15-0428 Smart Growth Partnership Overall Excellence Award to City of Fort Lauderdale for its Connecting the Blocks Plan

Vice-Mayor McKinzie accepted the Smart Growth Partnership Overall Excellence Award from Nadia Locke of Smart Growth America.

PRES- 6 5-0539 Proclamation declaring April, 2015 as Water Conservation Month in the City of Fort Lauderdale

Commissioner Trantalis presented the proclamation to Laura Corry, intergovernmental representative for government and community affairs with the South Florida Water Management District. Corry thanked the Commission.

PRES-7 15-0424 Proclamation declaring Fort Lauderdale a Purple Heart City

Commissioner Roberts presented the proclamation to Sergeant Monica Ferrer and Park Ranger Lewis Colon. Colon thanked the Commission for its support of veterans.

Continued on Page 8.

PRES-8 15-0480 Proclamation declaring April 25, 2015 as Arbor Day in the City of Fort Lauderdale

Commissioner Rogers presented the proclamation to City Forester Gene Dempsey. Dempsey thanked the Commission and provided information on the Arbor Day program at Hardy Park. He recognized the late Dave McClayne. Penny McClayne accepted a painting and thanked the Commission on behalf of her late husband. Dempsey recognized tree advocate Tom Chancey, who thanked the Commission.

WALK-ON PROCLAMATION DECLARING APRIL 3015 AS PARLIAMENTARY LAW MONTH

Commissioner McKinzie presented the proclamation to Felicia Armstrong, parliamentarian for Delta Sigma Theta Sorority. Armstrong thanked the Commission and discussed the importance of parliamentary procedure.

CONSENT AGENDA

Mayor Seiler announced the procedure for consent items, noting that CR-10 was removed from the agenda.

Motion made by Commissioner Roberts and seconded by Vice-Mayor McKinzie that Consent Agenda items CM-2, CM-6 and CR-2 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda items be approved as recommended. The City Clerk announced revisions to CR-8.

APPROVED

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

CONSENT MOTION

CM-1 15-0450 Event Agreements: Jesus Block Party, Paddle Up on the Himmarshee Canal, Gale Fort Lauderdale Block Party, Kappa Alpha Psi 65th Southern Province Cookout, B.Y.O.B and Central Park Saturday Market

APPROVED

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

CM-2 15-0451 Event Agreements and Related Road Closings: Fort Lauderdale Mother's Day Run, Sixth Annual Covenant House Florida 5K on A1A, 5K for Voices for Children of Broward, Crawfish Fest, Indie Craft Bazaar, First Friday Block Party and City Wide Market

Katie Sherman, development coordinator for Covenant House, confirmed for Commissioner Trantalis that one northbound lane and one southbound lane of State Road A1A would be closed for the race. At least one lane will remain open for traffic.

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

APPROVED

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

CM-3 15-0312 Contract Renewals - July, August, September 2015, one from May 2015 and one from June 2015, contingent upon each respective vendor agreeing to the extension

APPROVED

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

CM-4 15-0420 Settlement of Workers' Compensation Claim of Bonnie Handsborough in the amount of \$55,750

APPROVED

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

- CM-5 15-0418** Revocable License with LOYCA, LLC, for Temporary Closure of the Public Right-of-Way for the Roadway along SE 5 Avenue and Installation of a Temporary Covered Pedestrian Canopy along Las Olas Boulevard in Association with Construction of ICON Las Olas Condominium

APPROVED

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

- CM-6 15-0507** Termination of Lease Agreement with D.H.S. Investments LLC - Parcel 8G - Executive Airport

Motion made by Commissioner Roberts and seconded by Commissioner Rogers to defer the item to May 5, 2015.

DEFERRED to May 5, 2015

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

CONSENT RESOLUTION

- CR-1 15-0531** Appointing Law Firm of Corbett, White, Davis and Ashton, P.A., as Special Counsel in Connection with Completion of the Right-of-Way Distributed Antenna System Ordinance

ADOPTED

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

- CR-2 15-0570** Accepting Conveyance of a Riverwalk Linear Park Easement Deed from LOYCA Property Owner, LLC to Extend Riverwalk Over and Across Property Commonly Known as the ICON Las Olas Condominium

In response to Commissioner Trantalis, Assistant City Attorney Bob Dunckel explained that easement rights are being granted to the City, not all of which is a strip of upland area. He referenced Exhibit E. Commissioner Trantalis noted that there is a seawall and an easement being granted to the City to extend the Riverwalk pathway onto the water. It was concerning because the waterway is being narrowed at a difficult point. He believed the plan had been shelved. Dunckel advised that this is an easement over the waterway-submerged bottomlands. That does not translate into where the bricks and mortar will go. The plans will fall under the purview of the U.S. Army Corps of Engineers and the U.S. Coast Guard.

There are arguments that it is an impediment to navigation.

Mayor Seiler commented that the Riverwalk still must be completed. They cannot complete it on the land behind Stranahan House. The goal is to try to complete the Riverwalk out over the submerged land. The issue has been analyzed by a working group that includes members of the City's Marine Advisory Board. Commissioner Trantalis said he has received some negative feedback from members of the Marine Advisory Board. Tonight's item is simply granting an easement to the City for submerged land. It is not for the purpose of authorizing a structure in that area.

Dunckel advised that the plans are being drafted by Tyler Chappell of the Chappell Group on behalf of the Downtown Development Authority. Permitting has been in process for nine months.

Commissioner Rogers said this was discussed during a conference meeting with Marine Advisory Board members and others. He understood there was some concern because they had not seen the plan and no one had requested exact measurements. As it went forward, there was some compromise on the size. It is now down to 20 feet at the east and 27 feet at the west. That is the largest section of New River. He did not want to delay it further. It has been vetted by all sides for more than a year. He felt that the Riverwalk must be completed and this is the best way to do it. Dunckel confirmed that he has not been made aware of major concerns. Mayor Seiler added that a vetting process will occur after this item is approved. If navigational concerns cannot be managed, the Army Corps will not go forward with it. An effort should be made to get it done.

Commissioner Trantalis recalled that originally the plan was to bring the Riverwalk to the dry side of Stranahan House. Dunckel said this plan was deemed to be superior to what was outlined in the development agreement. Commissioner Trantalis did not object to accepting the easements but wanted to tread lightly in the future with regard to bricks and mortar and the wood.

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

ADOPTED

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

CR-3 15-0401 **Dedicating Portions of City-Owned Properties as Public Right of Way for Purposes of the Complete Streets Program - Lot 19, Block B**

ADOPTED

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

CR-4 15-0510 **Dedicating Portions of City-Owned Properties as Public Right of Way for Purposes of the Complete Streets Program - Lot 17, Block B**

ADOPTED

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

CR-5 15-0330 **Imposition of Special Assessment Liens for Costs Associated with Lot**

Clearing and Cleaning for Multiple Properties in the City of Fort Lauderdale

ADOPTED

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

CR-6 15-0331 Imposition of Special Assessment Liens for Costs Associated with the Securing of Multiple Properties in the City of Fort Lauderdale

ADOPTED

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

CR-7 15-0495 Milton Jones Development Corporation Request to Amend Development Agreement and Authorize Conditional Site Control

ADOPTED

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

CR-8 15-0504 Waiver of Conflict of Interests - Beach Business Improvement District (BID) Committee Members/Alternates and Food and Beverage Service on Fort Lauderdale Beach

ADOPTED

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

CR-9 15-0390 Ninety Day Extension of a Temporary Moratorium on Applications for Vehicles for Hire

ADOPTED

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

CR-10 15-0403 Rename Avenue of the Arts / NW 7th Avenue to Carlton B. Moore / NW 7th Avenue

REMOVED FROM AGENDA

CR-11 15-0469 Extension of Lease Agreement with Aero Toy Store, LLC for Parcel 9 at Executive Airport

ADOPTED

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

CR-12 15-0578 Budget Amendment to Pay First Debt Service Payment for Community Redevelopment Agency Loan for Wave North Loop Project and Fund the Debt Service Sinking Fund Account in the amount of \$403,484.99

ADOPTED

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

PURCHASING AGENDA

PUR-1 15-0223 Emergency Equipment for Law Enforcement Vehicles - Strobes-R-U's, Inc. \$180,000 (one year cost)

APPROVED

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

PUR-2 15-0311 Emergency Asphalt Restoration - Southern Florida Paving Group, LLC d/b/a Charlie Frymyer Paving - \$ 124,900 (two-year cost)

APPROVED

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

PUR-3 15-0548 Prescription Drug Services for City Employees and Retirees

APPROVED

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

PUR-4 15-0370 Fleet Maintenance and Management Services - First Vehicle Services, Inc. - \$16,675,000 (three year estimated cost)

APPROVED

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

PRES-7 15-0424 Proclamation declaring Fort Lauderdale a Purple Heart City

Continued from Page 3.

Local veterans presented the Purple Heart flag to Commissioner Roberts and asked that it be flown on George Washington's birthday, Veterans Day and Memorial Day. Commissioner Roberts noted the Commission's support of veterans.

MOTIONS**M-1 15-0534 Quasi-Judicial Compliance Determination with Resolution 14-44
Providing a Dock Waiver at 704 NE 20 Avenue**

All individuals wishing to speak on this matter were sworn in. The City Clerk announced communications that were provided by Commissioner Roberts prior to the meeting and made a part of the record.

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

The City Attorney noted that there have been numerous emails issued from both sides. When the matter of the dock waiver was approved, the Commission determined that violations would be handled by Code Enforcement, which was included in the original motion. She did not believe any process or procedure tonight would be a determination on whether violations have occurred. A discussion ensued regarding the Commission's role in the code enforcement process.

The City Attorney advised that there could be a point at which a decision may come before the Commission, but the first hearing would be in front of a special master or a board. That would be considered the forum of original jurisdiction. Depending on what occurs, there could be a role for the Commission to play or a court review.

Mayor Seiler was concerned about what has taken place and wanted to address it in the most effective and efficient manner. The City Attorney suggested going through the Code Enforcement process that they determined they would follow.

Commissioner Trantalis felt that something was falling between the cracks. Code compliance is about ensuring a condition no longer exists, and if it does, ensuring it is corrected. There are allegations that things have occurred at this property over the last several months which would have violated one or more conditions imposed by the Commission. He did not believe the code process has been created for such a situation. The City Attorney advised that there are alternatives available if this becomes an ongoing problem. The code can be changed for greater effectiveness in the future. If there is an ongoing problem that seems to fall through the cracks of the Code Enforcement system, there are legal alternatives for systematic violations.

Commissioner Roberts agreed with Commissioner Trantalis that items can get missed in the Code Enforcement process. He questioned how much merit should be given to code violations that are not necessarily observed by Code Enforcement.

Mayor Seiler pointed out that based on the March 4 Commission approval, there are 10 conditions. Not all are City code conditions. They required that buildings must be in compliance with any building and zoning regulations as well as federal and state laws. The City Attorney advised there are Code issues and general land issues that come together. She believed it starts as a Code Enforcement matter. Mayor Seiler felt that even though 10 conditions were imposed, Code may only pick up on six of them. The City Attorney maintained that Code can make a determination of certain violations.

Commissioner Trantalis felt that something was missing. Conditions were attached to a dock waiver that may not fall under the typical purview of the Code Enforcement process. He questioned whether there is a vehicle to enforce the conditions by taking testimony from third parties who are not involved in the code

compliance process. The City Attorney advised that any allegation must be proven.

Attorney Brady Cobb of Cobb Eddy PLLC, representing the Juranitch family, said violations are not currently occurring. While large-scale marine work was being done, Code Enforcement visited the site and found no violations. This is a contract entered into by the Commission and the landowners. They were provided an entitlement to do something they were not previously allowed to do. Cobb believed all 10 of the conditions were violated. Thirty-four neighbors have signed a petition to revoke the waiver. He read from the code, noting that precedent exists and the Commission is empowered to revoke the license if conditions are violated. There appears to be a transformation on that street due to all the dock waivers that includes traffic problems. Marina uses should occur at marinas and locations where it is properly zoned. When a contract with landowners is violated, there is ample authority within the law to remedy the situation. In this case, the landowners violated a privilege.

Commissioner Rogers questioned whether there is precedent to reverse a procedure that already was adopted and set in motion.

Cobb stated that such language is not included in the resolution, which is the governing document. However, the City Manager has authority to call before the Commission any violations or breaches of contract. Even if Code Enforcement does not identify a violation, he believed the Commission could subsequently do so. A recommendation could then be made to a special magistrate. Commissioner Rogers noted that this Commission and those previous have taken a position of compliance before imposing a penalty. Cobb felt that they have the ability to review Code Enforcement's decision and call it up before the Commission for a decision on compliance.

Attorney Walter Morgan of Morgan, Olsen & Olsen, representing the Applicant, said the matter was discussed during a March 4 hearing and the City Attorney is in agreement with the opinions expressed by an assistant city attorney at that time. There was discussion at the Commission meeting that the matter would be subject to Code Enforcement, but those words were not added to the resolution. The purpose of the Unified Land Development Regulations (ULDR) and Code Enforcement procedures is to ensure that the property owner has the right to comply before fines are issued. There was an unsatisfactory tenant at this property whose lease was terminated March 2. Any existing problems were fully corrected. He did not believe they were limited to looking at violations of an expressed code section; all other conditions are added to enforceability under the ULDR and Code Enforcement.

Mayor Seiler noted that he would like occupancy limited to no more than six adults who are unrelated. Morgan felt that they may have violated a condition. If that had occurred, they would be given notice and allowed 30 days to bring it into compliance. Once in compliance, it is over.

Mayor Seiler noted that the district commissioner should remain vigilant and monitor issues at this particular property. It would be an additional mechanism of enforcement. He noted that several conditions were imposed on this property in order to prevent it from becoming a marina. If someone agrees to 10 conditions and is granted an expansion, they should comply.

Morgan advised that the ULDR and Code Enforcement regulations address recurring violations. He confirmed for Mayor Seiler that one case is pending before the County involving the property owner's contractor. Mayor Seiler said violations were alleged related to fill and activity. Morgan said both matters were done incorrectly by the contractor and are therefore being addressed by him. He is subject to a penalty and fines from the County. The other matter is from the State, in which the contractor must prove the site is not being used as a commercial facility. Mayor Seiler reviewed the particulars of the County case regarding fill. A second count involves dredging; a third count involves screens; and a fourth count is

a “catch-all.” He suggested the four violations may also be violations of the City’s conditions. Mayor Seiler pointed out that the violations are not alleged under the ULDR but rather under Broward County.

Commissioner Trantalis pointed out that Morgan is stating his client was not the perpetrator; it was a tenant. Commissioner Roberts pointed out that violations have continued.

Commissioner Trantalis suggested that staff could review the enforcement process created by the Commission. Mayor Seiler did not believe that compliance is mutually exclusive. Commissioner Roberts expressed concerns about the current process.

Mayor Seiler reiterated that the matter was approved March 4 with 10 conditions, not all of which are City code conditions. A Code Enforcement officer may determine that a property is in compliance with code. The resolution required compliance with code as well as federal and state laws and permitting requirements. A Code Enforcement officer may not investigate those items in addition to City code and is not likely to check to see if the City’s supervisor of marine facilities receives a copy of the drawings. The City Attorney advised that Code Enforcement may wish to weigh in on what they can and cannot do. It starts off as a Code Enforcement matter. Mechanisms are in place to deal with this; they should be followed and exercised.

Mayor Seiler emphasized that 10 conditions were imposed but Code may only pick up six. He felt that they should be careful in following their own procedures and also to give everyone – including the property owner – proper notice and due process.

Commissioner Trantalis felt that they have taken a hybrid situation and attached conditions to a dock waiver. He questioned whether there is a vehicle in place to enforce the conditions. He was uncertain whether the Commission could take testimony from third parties not involved in the code compliance process. The City Attorney advised that they could but not everything would require eyewitness testimony.

Commissioner Roberts pointed out that it seems violations have continued throughout the entire process. Mayor Seiler did not believe that compliance was mutually exclusive. Code is not necessarily the final authority. Morgan explained that if the County is satisfied with the conditions met and the permit remains valid, the Commission should be satisfied. He did not know whether his client had responded to the County within the allotted 30 days.

The City Manager suggested that if the City has evidence that the property is not in compliance, then they can indicate through whatever mechanism that there was a violation of condition. That can then be heard by the Code Enforcement Board. They could not produce testimony of who made the violation but rather state that they have been cited. There are other conditions that are more problematic to enforce. It is difficult to prove how many occupants live at a property. Staff cannot determine how many people live on the property because they do not have that right without an administrative search warrant. Staff’s ability to provide specific evidence will be somewhat limited. They would have to rely on evidence from neighbors for prosecution. Mayor Seiler confirmed that such evidence can be used in the Code Enforcement process.

Cobb stated that the triple-pile clusters were not built as they were supposed to be. Although a waiver was granted, the property still is not in compliance.

Commissioner Trantalis felt that they should defer to legal staff to come up with a definitive mechanism by which to enforce the conditions, whether through Code Enforcement or an alternative quasi-judicial

process. It would set a precedent for future Commissions that there would not just be compliance but respect for the imposed conditions. The City Attorney confirmed for Mayor Seiler that an assistant city attorney is assigned to Code Enforcement cases. The City Manager clarified that the Code Enforcement Board could make a determination on whether a violation has occurred. The Board can rule on whether a violation has occurred in the past and impose a fine if it reoccurs.

Commissioner Roberts felt there is an ongoing pattern of violations. Commissioner Rogers felt that compliance is important and that reinforces the argument that it should be considered by Code Enforcement. Unless the Commission intends to change its philosophy that the primary issue is compliance, they must take the Code route. If that does not work, it goes to the next step. The penalty is revocation but that is not the starting point. Mayor Seiler felt that the matter has to go before Code Enforcement for fact finding. He confirmed for Commissioner Trantalis that the item was on tonight's agenda to determine whether the owner failed to comply with the imposed conditions and if so, whether to revoke the permit. The Commission generally has that authority with respect to waivers. The City Attorney advised that because of the uniqueness of the situation, the City Manager found it appropriate to bring before the Commission. Discussions occurred about the evidence related to allegations. A revocation of the permit would ultimately be the Commission's decision.

In response to Commissioner McKinzie, Director of Sustainable and Economic Development Jenni Morejon said there is a series of 11 building permits that have been applied for. Mayor Seiler noted that the City Attorney has advised that if they changed plans and are not in compliance with their permit, it falls under the ULDR as they agreed to be in full compliance. Such matters went before Code Compliance. He believed they installed triple clusters that were not discovered as a violation by the City's Code office.

Building Official John Travers said the original dock permit for triple clusters followed the guideline in Table One of the resolution. The only permits relevant to this conversation are those for the dock and the dock electric. The other permits, which are active or closed, predated this matter. The drawing submitted with the permit application showed triple clusters. The resolution allows for a total of nine triple clusters, which is not what they have observed on the property. Some of the clusters were not installed at the time inspections on the permit were conducted. It is still an active permit; the last passing inspection was on March 6. The clusters are in the water and beyond the scope of what inspectors can review. Mayor Seiler believed that the City has authority over mooring structures.

The City Manager advised that the building inspectors operate under Florida Building Code. Code Enforcement and Marine Services look at such matters from a standpoint of zoning and ULDR. Staff is not responsible for inspecting the dock pile as it goes in, but through the zoning process they can determine how many piles are being installed and so forth. In this case, it has been represented that the Applicant believes there is a right to install, not a requirement. The City Manager believed the property owner does, in fact, have an obligation.

Commissioner McKinzie noted that 10 conditions were stipulated. The triple pile application was included. The City Manager confirmed that if the installed piles are not triple piles, the homeowner would be in violation.

Morgan stated that his client was told by two different attorneys that there was no obligation. He was told later that others, including Jim Juranitch, had a different opinion and immediately attempted to install a center pile. The Applicant was stopped from completing what he agreed, due to the dispute over obligation. The City Manager believed that as a condition for the deferral in March it was agreed that no further work would be done in the backyard. The City did not stop him; it was a stipulation to the deferral. Morgan stated that prior to that, the permit application was delayed.

Mayor Seiler felt that the item should be referred to Code Enforcement for further review with the City Attorney's Office, specifically to determine whether they are in compliance with the 10 conditions, all of which go before Code.

Commissioner Trantalis suggested that if it is determined that the property is compliant, it can still be called up for further consideration by the Commission.

There being no one else wishing to speak, a motion was approved to close the public hearing.

Motion made by Commissioner Trantalis and seconded by Commissioner Roberts to defer the item with direction that the City Attorney pursue this as a Code case.

DEFERRED to the code enforcement process with a report to the Commission upon final consideration by either body with the opportunity for the Commission to make further determination

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

RESOLUTIONS

R-1 15-0417 Appointment of City Board and Committee Members

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

Board of Adjustment	Andrew Gordon (Consensus) E. Birch Willey (Consensus)
Central City Redevelopment Advisory Board	Chenara Anderson (Consensus)
Citizens Police Review Board	Christina Currie (Commissioner Rogers)
Education Advisory Board	Jonathan Schwartz (Commissioner Trantalis) Sam Mitchell (Commissioner Rogers)
Enterprise Zone Development Agency	Alfred Battle (Consensus) Blake Trueblood (Consensus)
Historic Preservation Board	Alexandria J. Scherer (Commissioner Roberts)
Northwest-Progresso-Flagler Heights Board	Steve Lucas (Mayor Seiler) Mark Mattern (Commissioner Roberts) Dylan M. Lagi (Commissioner Trantalis) John D. Hooper (Commissioner Rogers)
Planning and Zoning Board	Stephanie Jean (Commissioner McKinzie) Steve Glassman (Commissioner Trantalis)

Catherine Maus (Commissioner Trantalis)
Richard C. Heidelberger (Commissioner Rogers)

2014 Walk of Fame Committee

Gale Butler, representing Jack Drury (Consensus)
Louise Crocco (Consensus)
Marcia Pinder (Consensus)
Dan Santoro, representing the late Gregg
Newell (Consensus)
George Smith (Consensus)

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

ADOPTED

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

R-2 15-0528 Resolution of Intent to Transfer City Parcel at 1801 SW 1 Avenue to South Florida Regional Transportation Authority for Wave Streetcar Project

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

ADOPTED

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

ORDINANCE FIRST READING

OFR-1 15-0557 Ordinance Amending City Code, Sections 20-106, Plan Established, Purpose; Effective Date; 20-107, Definitions; 20-116, Additional Specific Provisions; and Creating a New Section 20-115, Maximum Pension - City's General Employees' Retirement System (Request to Defer to May 19, 2015)

Motion made by Commissioner Roberts and seconded by Vice-Mayor McKinzie to defer the item to May 19, 2015.

DEFERRED TO MAY 19, 2015

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

OFR-2 15-0558 Ordinance Amending City Code, Sections 20-129, Retirement Dates and Benefits and 20-135, Miscellaneous Provisions - Police and Firefighters' Retirement System Benefits (Request to Defer to May 19, 2015)

Motion made by Commissioner Roberts and seconded by Vice-Mayor McKinzie to defer the item to May 19, 2015.

DEFERRED TO MAY 19, 2015

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

OFR-3 15-0502 Ordinance Establishing a Program to Allow Food and Non-Alcoholic Beverage Service on the Beach

Dan Barnett, bid manager for the City of Fort Lauderdale, spoke on behalf of Wizard Entertainment. He supported the item.

There being no one else wishing to speak, a motion was approved to close the public hearing.

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

PASSED FIRST READING

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

OFR-4 15-0564 Ordinances Amending Beach Definitions to Delete Therefrom Bonnet House Private Beach: A) Section 5-3, Consumption, Possession in Beach Area; B) Section 8-52, Fort Lauderdale Beach Designation; and C) Section 8-71(A) Public Beaches Defined

There being no one wishing to speak, a motion was approved to close the public hearing.

Commissioner Trantalis questioned whether a restaurant would be a permitted use on the Bonnet House property. Assistant City Attorney Bob Dunckel said it would have to meet the land use plan.

Attorney Stephanie Toothaker of Tripp Scott, representing the Bonnet House, said that when Mrs. Bartlett deeded the property to the Florida Trust for Historic Preservation, she reserved an area for a restaurant. There also is an area in reserve for a condominium, which Bonnet House has no intention of pursuing. The zoning permits a concession as a conditional use, which could be a restaurant. There is no site plan pending. Commissioner Trantalis wished to know what is being abdicated to the Bonnet House trustees.

Dunckel advised that the Bonnet House can serve alcohol on a 700-foot swath of land that is not encumbered by a public beach easement. There is a public easement to the north and to the south of the 700 feet. Because they own it in fee simple, they want alcohol consumption to be permitted. He believed that any concession with a restaurant would have to be built on an existing footprint or areas west of the Bonnet House that are not pristine lands. He believed they were satisfied with progress made through negotiations with staff. They wanted the ordinances amended to allow them use of their fee-simple property which was unencumbered by the public beach easement. They wanted to take their easement out of the definition of "public beach."

Toothaker advised that the City code is incorrect by labeling Bonnet House private beach as public beach. They wish to amend the ordinances to properly reflect ownership status of that beach. Bonnet House intends to use that swath of the beach for things like weddings or fundraisers. Part of the delay was due to the special entertainment agreement. Commissioner Trantalis expressed concern that they wanted to define their rights because they were making plans for change. Toothaker noted there is no site plan.

Commissioner Trantalis pointed out that this issue never arose previously. Commissioner Roberts pointed out that negotiations have been going on for years.

The City Manager explained that as they were reviewing the food and beverage ordinance, they determined that the area north of the Bonnet House is part of the public easement. The issue needed to be cleaned up in order to afford non-alcoholic beverage and food service to other properties in the area.

Mayor Seiler opened the floor for public comment.

.F. Rosenthal, 1237 NW 4 Avenue, said there is no way to permit limited alcohol use on the beach.

There was no one else wishing to speak.

Commissioner Roberts introduced the ordinances, which were read by title only.

PASSED FIRST READING (Section 5-3)

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

PASSED FIRST READING (Section 8-52)

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

PASSED FIRST READING (Section 8-71(A))

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

ORDINANCE SECOND READING

OSR-1 15-0515 Ordinance Amending Schedule I of the Pay Plan of the City of Fort Lauderdale, Florida, by Modifying the Class Title of One Class, Modifying the Pay Range of Several Classes and Modifying the Management Category of Several Classes

There being no one wishing to speak, a motion was approved to close the public hearing.

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

ADOPTED ON SECOND READING

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

OSR-2 15-0386 Amendment to the Backflow Ordinance

There being no one wishing to speak, a motion was approved to close the public hearing.

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

ADOPTED ON SECOND READING

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

OSR-3 15-0527 Ordinance Amending the City Code to Provide Special Magistrates with the Authority to Settle Code Enforcement Fines, Penalties and Liens

There being no one wishing to speak, a motion was approved to close the public hearing.

Vice-Mayor McKinzie introduced the ordinance, which was read by title only.

ADOPTED ON SECOND READING

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

CITY MANAGER REPORTS

15-0144 Review of Beach Place Security Plan

The City Manager provided introductory remarks.

Mayor Seiler opened the floor for public comment.

Attorney Stephanie Toothaker of Tripp Scott, representing Thor Equities, said she was pleased with the new security plan and property manager. A detective assigned to Beach Place has advised that nuisance-related incidents have been reduced. They agree with the City Manager’s recommendation for one-year monitoring.

Commissioner Trantalis noted that the Commission received a report on incidents that have occurred since January. Toothaker advised that not all incidents in the report occurred at Beach Place; that was simply used as a reference point. From January through April, the assigned detective reported just two nuisance-related calls – which would involve beverage violations, narcotics or prostitution – at Beach Place. Commissioner Trantalis felt that the area has become a magnet for antisocial behavior and was concerned that Toothaker’s client finds that acceptable. The type of retail activity allowed there seems to create a permissive culture. He questioned what measures the owner has taken to mitigate problems such as noise and alcohol abuse. Toothaker advised that no one is suggesting the behavior is acceptable. They believed the security plan was well-executed and is working. She did not think it was realistic to expect zero incidents. There is room for improvement but the property manager is relatively new and has been reaching out to the Police Department.

In response to Commissioner Trantalis, Toothaker said each bar and restaurant at Beach Place has its own sound monitor. There have been two noise incidents since the last time they went before the Commission. She agreed that Beach Place and all its tenants should be in compliance with noise ordinances. They have tried to self-enforce.

Fred Carlson, representing the Central Beach Alliance, said issues began about two years ago and he

presented the matter to the Nuisance Abatement Board. He personally observed alcohol violations and noise. He felt that Navarro Securities' behavior and staffing was inadequate. The new security team appears to be doing a good job. Underage drinking is a problem. Additionally the area has the only public bathroom in the vicinity. There has not been outreach to the locals and the Central Beach Alliance. The Fort Lauderdale Police Department has done a good job but more work should be done.

L.F. Rosenthal, 1237 NW 4 Avenue, said Miami Beach is following Fort Lauderdale's policy to stop liquor sales at 2 a.m. He expressed interest in cleaning the area up if the issues continue.

Greg Cook, general manager of the Ritz Carlton of Fort Lauderdale, said the property has 28 full-time residents, guests and employees, many of whom have complained about Beach Place and are uncomfortable there late at night. He felt that the 4 a.m. license causes a problem. It draws people there late at night. People are intoxicated and loud.

Dan Texera, president of Harbor House Condo East, spoke in opposition to the item on behalf of Harbor House, Ritz Carlton and Castillo Grande. There have been complaints of loud noise. All three associations approved the reading of a quote from the Unified Land Development Regulations (ULDR) stating that "Planned Resort Development (PRD) zoning is used for planned development and redevelopment immediately to the north of Las Olas Boulevard, generally between the Atlantic Ocean and Intracoastal Waterway as a high-quality public and private mixed-use area. The district is intended to permit and facilitate the redevelopment of the world-class resort commensurate with the character and values of the Atlantic Ocean and the City's long-term reputation as a tourist destination."

Karen Turner, representing the Central Beach Alliance (CBA), stated that when the tattoo parlor opened, it had to go before the Commission. The City Manager advised there was a conditional use. Turner noted that the CBA would like the area to return to what it was when there was no crime.

Charles King, 105 North Victoria Park Road, felt that this should not be allowed in the city. The Commission should be more proactive. He anticipated there would be a riot on the beach on Memorial Day; the police presence does not deter such activity. There should be counter-programming.

There being no one else wishing to speak, a motion was approved to close the public hearing.

Mayor Seiler felt that progress was being made but more is needed. He did not want to wait a year for another review. It should be kept on a very short leash.

The City Manager stated that he maintains the authority to put Beach Place on notice at any time and suspend their entertainment license. Revocation is a Commission action. Commissioner Roberts requested quarterly updated reports. He believed they have made headway on crime statistics. Beach Place was created in order to be an economic stimulus for the beach. He wanted to further study drinking times and liquor licenses on the beach. If other jurisdictions alter the 4 a.m. license, Fort Lauderdale will be absorbing their patrons. He wanted to ensure that the situation is monitored and solutions are explored. The City Manager suggested adding a quarterly report to the Conference agenda.

Commissioner Rogers agreed with Commissioner Roberts, and questioned whether the entertainment license could be suspended to 2 a.m. rather than 4 a.m. The City Manager believed he had the ability to modify the restrictions but advised he would need to review the ordinance. Mayor Seiler suggested running numbers to determine which percentage of incidents that occur between 2 a.m. and 4 a.m.

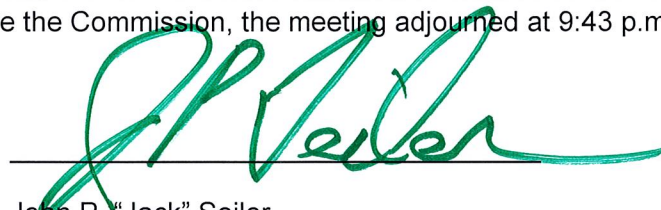
Toothaker requested that before a modification is made they be allowed to conduct a study to determine

whether Beach Place is the only location permitted to stay open until 4 a.m. Commissioner Roberts did not think the 4 a.m. license is appropriate for the beach. Mayor Seiler agreed.

The City Manager advised that the latest violation occurred at 1:54 a.m. Commissioner Trantalis explained that the issue does not so much involve noise complaints. He felt it would be beneficial to rethink the concept of an entertainment zone. They should not make changes abruptly but devise a plan to phase it out. A general discussion ensued about the evolution of the Beach Place area. Commissioner Trantalis suggested they be proactive in addressing the matter.

Mayor Seiler suggested there should be a summary of what occurred during particular time frames for discussion on a future conference agenda. Additionally he asked to see a history of the 4 a.m. license on this property.

There being no other matters to come before the Commission, the meeting adjourned at 9:43 p.m.



John P. "Jack" Seiler
Mayor

ATTEST:



Jeffrey A. Modarelli
City Clerk

APR 21, 2015
M-1

Law Offices
COKER & FEINER
1404 South Andrews Avenue
Fort Lauderdale, FL 33316-1840

CITY COMMISSION

2015 APR 17 PM 4:08

Telephone: (954) 761-3636
Facsimile: (954) 761-1818

Richard G. Coker, Jr., P.A.
Rod A. Feiner

ALL
COMMISSIONERS
RECEIVED

rgcoker@coker-feiner.com
rafeiner@coker-feiner.com
www.coker-feiner.com

April 17, 2015

Mayor John P. "Jack" Seiler
Vice Mayor Robert L. McKinzie
Commissioner Bruce G. Roberts
Commissioner Dean J. Trantalis
Commissioner Romney Rogers

Re: Hearing on Compliance Determination for Resolution 14-44 Relating Property at 704 NE
20th Avenue

Dear Mayor and Commissioners:

I am co-counsel for Shawn and Jennifer Benyo, the owners of the above referenced property. Please accept this letter as the owners' formal objection to the hearing scheduled for April 21, 2015 and to the entire process referenced in the agenda item as a "Compliance Determination". We request that this letter be made part of the record before the City Commission in this case.

The "Compliance Determination" hearing is inappropriate and any determination made by the Commission as a result of this hearing would be a violation of Mr. and Mrs. Benyo's due process rights. There are no provisions in the City code which would allow for a "compliance determination" by the City Commission in this case and there is certainly no foundation in the City code ("Code") that would allow for the recession of the waiver granted to the owners by the adoption of Resolution 14-44. The Code has many examples of various permits and licenses that can be revoked by the City Commission, City Manager and in some cases the City Engineer but the waiver granted by the City Commission to Mr. and Mrs. Benyo does not fall within any of those examples.

The Code does provide a mechanism for addressing code violations through the code enforcement process. This process ensures that proper charging documents are filed against a suspected violator who then has legal rights to respond and an opportunity for a complete and fair hearing under legally established standards. Alleged violations of conditions of any approval granted under the ULDR are prosecuted in the same manner as any other code violation. This is the process that should have been followed in this case if the City felt that conditions of approval have been violated.

Staff Memorandum of March 17, 2014

The proper code enforcement process was initially followed in this case as outlined in detail in the March 17, 2015 staff memorandum to the City Commission that was from the City Manager but authored by the

April 17, 2015
Page -2-

Code Compliance Manager. The memo goes into great detail about the code enforcement review of the property and the status of all of the permits and conditions. Code Enforcement opened two code enforcement cases and Mr. and Mrs. Benyo opened the property to a full team of code inspectors on January 14, 2015. The results of those inspections are detailed in the memorandum. The memorandum also details a meeting the Code Compliance Officer had with Mr. Benyo and the boat captain on January 16, 2015. It appears from the memorandum that the code enforcement division has done and continues to do exactly what it is supposed to do when complaints are received.

The staff memorandum is also evidence of how unusual this process is. The City's Code Compliance Manager goes into great detail regarding the department's actions and findings but it is not the City that is pursuing and prosecuting this matter. In fact the City specifically has not found sufficient evidence to pursue any actions at this time. The City, it appears, has delegated its prosecutorial authority to a complaining neighbor and his attorney. The City is providing a platform for a complaining neighbor to demand the rescission of an approval granted under the ULDR and to prosecute that demand before the City Commission. This is highly unusual to say the least and it sets a dangerous precedence for future neighborhood grievances.

The March 4, 2014 Hearing and Adoption of Resolution 14-44

Attached are the minutes of the March 4, 2014 waiver hearing obtained from the City's webpage. I have sent the actual video recording from the City's webpage to the City Attorney and I will forward that link to each of you. We are requesting that the full record of the March 4, 2014 hearing be made part of the record for the April 21, 2015 hearing.

At the March 4, 2014 hearing, the issue of how to treat violations of the conditions was fully discussed. A summary form of the discussion can be found starting on the second page of the attachment (page 18 of the full minutes). The actual discussion as evidenced by the video recording goes into much greater detail. At the beginning of the discussion, Mr. Dunckel, sitting as the City Attorney, was asked if the waiver could be rescinded if the conditions were violated. Mr. Dunckel responded that the right of rescission was not included in the Resolution but could be inserted if that was the Commission's wish. Mr. Dunckel informed the Commission that any violation of a condition of an approval granted under the ULDR would be a violation of the ULDR and prosecuted as a code enforcement violation. There was a complete discussion on whether the right to rescind the waiver should be included in the resolution with the determination finally being made that, for all of the reasons discussed by the Commission, it was not good policy to include the right of rescission in the resolution. The Commission felt that it was more appropriate to rely on the code enforcement process to enforce the conditions.

At the end of the discussion a motion was made to approve the waiver subject to the conditions suggested by the owner's attorney and the City Manager. The Mayor interjected that the approval would be, "...as Mr. Dunckel made clear...", subject to code enforcement for any violations. The exact language can be heard on the recording. The maker of the motion was heard to concur by saying "right" and then the vote was taken. The written resolution does not contain the last stipulation that violations would be subject to code enforcement. Accordingly, please accept this letter as a formal request of the City to correct the written resolution to properly reflect the code enforcement stipulation.

April 17, 2015
Page -3-

This letter will be hand delivered to the Commission and also sent by email with the link from the City webpage containing the video recording of the March 4, 2014 meeting so that each Commissioner may review the exact contents of the discussion without edits or summaries.

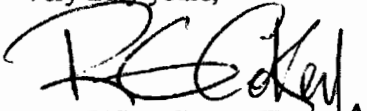
Equitable Estoppel in Reliance Upon Waiver Approval

Mr. and Mrs. Benyo have spent a great deal of money in reliance upon the City's approval of the waiver application including the part of the approval where it was confirmed that the waiver could not be rescinded. Mr. Benyo is preparing a list of the improvements made to the property and the costs of those improvements. The City is precluded under the doctrine of equitable estoppel to rescind the waiver and to modify its interpretation of the Code from the interpretation acknowledged by the Commission at the March 4, 2015 hearing relating to the code enforcement process as the remedy for any violation of the conditions.

If you follow the logic of argument for the rescission of this waiver, you would have to apply that logic to all approvals granted under the ULDR except for those approvals which specifically provide for rescission. A special exception or site plan approved subject to conditions would be subject to rescission under this logic. Could the approval be rescinded after the site work was completed, the pad was installed, the first floor built etc...? There is no difference in concept between the Benyo waiver and other approvals granted under the ULDR. This is one of the reasons why this process is flawed and must fail from a legal perspective.

As stated above, please include this letter along with the entire record of the proceedings before the Commission on March 4, 2014 as part of the record for the April 21, 2015 hearing. Thank you for your review and consideration of these matters.

Very truly yours,


RICHARD G. COKER, JR.
For the Firm

cc: Mr. Lee Feldman, City Manager
Ms. Cynthia Everett, Esquire
City Clerk's Office

Robert Dean (Commissioner Trantalis)
Jimmie Harrison (Commissioner Trantalis)
Jack Newton (Commissioner Trantalis)

Sustainability Advisory Board

Jim Wood (Commissioner Trantalis)

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

ADOPTED

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

PUBLIC HEARINGS

PH-1 14-0313 QUASI-JUDICIAL - RESOLUTION - WAIVER OF LIMITATIONS OF UNIFIED LAND DEVELOPMENT REGULATIONS, SECTION 47-19.3.D for construction of nine triple-pile clusters extending a maximum of 125 feet from property line into Middle River - 704 NE 20 Avenue

Applicant: Shawn and Jennifer Benyo

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

Attorney Tyler Chappell of The Chappell Group, representing the Applicant, advised that the Applicant went before the Marine Advisory Board in December 2013 and received unanimous approval for a 166-foot mooring pile cluster. At the request of the Commission, the Applicant returned to the Marine Advisory Board and received unanimous approval for a reduced 125-foot cluster. The item was deferred from the Commission's February 18 meeting because there was a need to clarify the minutes of the two board meetings. The residence will be occupied by a tenant or renter who will be the owner or owner's representative of the vessels moored behind the residence. All activity of the house must conform with the neighborhood as outlined in the City's Code of Ordinances. Parking will be confined to the property, not on the street or in the right-of-way. The Applicant has received 10 letters of support, including letters from adjacent property owners to the north and south and to the west across NE 20 Avenue. Additionally, he met with the City Manager and confirmed that the owner will ensure that the tenants conform with the code. Some revisions were made to provisions outlined in correspondence with Commissioner Trantalis to ensure that the house and activity would conform with Chapter 9 of the Code of Ordinances. Additionally all work that would be performed on the vessels at a shipyard would not be allowed.

In response to the City Manager, Chappell said that the Applicant did not agree to limiting occupancy to four adults. With it being a three-bedroom home, such a limitation would not be in conformance with the Code of Ordinances or the housing code. It is understood there would not be numerous individuals residing at the property. Discussion ensued as to an occupancy limitation. The City Manager pointed out that the housing code would allow for an occupancy of 12 which he felt is excessive. Mayor Seiler wanted to limit occupancy to no more than six unrelated adults, which would allow two individuals per bedroom. There also are six parking spaces. The Applicant agreed to that condition.

Charles King, 105 North Victoria Park Road, said he is a real estate agent and lives in this neighborhood. He opposes the item. He discussed property values in this neighborhood. He would like the Commission to change the zoning and develop a plan to improve this area so that this does not continue. He questioned who decided that there are six parking spaces at this residence. This is a derelict home. No one would think this is a waterfront property, but because there is space for a massive boat, it has value. He questioned whether the two boats to be docked at this property would be owned by the same individual. He advocated for developing a plan for this area and changing the zoning to townhouses, for example.

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

Commissioner Trantalis raised the issue of enforcement. The City Manager said he is unsure about an enforcement mechanism. If staff believes there to be more than six adults in the house, a search warrant must be obtained, which would be a cumbersome task. Assistant City Attorney Bob Dunckel said this waiver is being granted under the Unified Land Development Regulations (ULDR) and therefore, attached conditions, if violated, can be prosecuted before the Code Enforcement Board. Commissioner Trantalis said it appears the City has a weakened stance in terms of enforcement. The survey shows a 60-foot-wide lot that may not accommodate more than four or five vehicles. The complexion of the street is changing, which is not necessarily a bad thing. They have discussed increasing opportunities for dock space. The concern is about impact in the neighborhood. He appreciates the Applicant's promise, but that may not be the case with a future owner of the property. The City Manager did not believe there is an easy answer if any. Commissioner Rogers agreed that the complexion of the street has changed and it is positive for the marine industry which is the city's largest industry. As long as it does not negatively impact the surrounding property, it will be OK. The restrictions lend themselves to responsible ownership and oversight. It is no different than when conditions are imposed on other uses. The decision should be based on the facts presented. The property is in terrible condition and this owner will improve it. He felt it will be a positive change. In response to Commissioner Trantalis, Dunckel said a clause outlining that a violation of conditions would result in forfeiture of the waiver could be added.

Vice-Mayor Roberts and Mayor Seiler commented that they have no concerns related to the current property owner. Discussion turned to protection for the future. Commissioner Rogers felt that adding the marine dimension to the property is positive. The imposition of removing the waiver would remove that positive aspect. Mayor Seiler pointed out that if the waiver is revoked and the property is converted back to its current condition because there is no dockside activity, then the purpose is defeated because the property could deteriorate again. Vice-Mayor Roberts was not aware of any issues with other waivers that were granted. Commissioner Trantalis said there have been complaints about a "party house" nearby on 20 NE Avenue.

Chappell added that there is an ongoing revitalization effort on this street. There have been numerous waivers issued and most of the homes are being renovated. There are other residents on the street that have spent hundreds of thousands of dollars and will not turn their properties into something detrimental to the neighborhood. An opportunity will be lost if the Applicant is not allowed to sell the property with its marine use. There is one problem property, but that owner's actions should not have an adverse impact on the other property owners on this street.

Mayor Seiler felt the district commissioner should remain vigilant as to what is occurring on this street and any violations. This Applicant has shown a willingness and ability to do the right thing.

Vice-Mayor Roberts introduced the resolution subject to provide if the residence is non-owner occupied, it shall be occupied by a tenant/renter who will be the owner or owner's representative of the vessels moored behind the residence. Tenant will be leasing a single-family residence and all activity must conform with the neighborhood and applicable to the code of ordinances. All parking will be confined to the property with occupancy limited to six adults over the age of 18. No work would be performed at the residence that would be performed at a shipyard or commercial facility. All conditions of the resolution were which was read by title only, were accepted by the Applicant.

ADOPTED AS AMENDED

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

PH-2 14-0271

QUASI-JUDICIAL -SECOND READING OF ORDINANCE - CONRAD FORT LAUDERDALE BEACH RESORT - application of prior zoning regulation to the calculation of gross floor area - Unified Land Development Regulations, Section 47-2.2C - Site Plan Level IV Development Permit - Case 75R13

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.

Art Seitz, 1905 North Atlantic Boulevard, said there are a lot of impediments on State Road A1A that need to be removed. He hopes that they add bicycle racks and palm trees on the east side of A1A. Widening A1A should be a goal of every new development or redevelopment. Ten feet should be the minimum for a sidewalk. There needs to be a safe way to get people attending events on the beach home. He supports impact fees. More palm trees are needed on the beach. Many have been washed away and they need to be replaced, especially north of Sunrise Boulevard.

There being no other individuals wishing to speak on this matter, a **motion** was made by Commissioner Trantalis and seconded by Commissioner Rogers to close the public hearing. Roll call showed: **AYES:** Commissioner Rogers, Commissioner Trantalis, Commissioner DuBose and Mayor Seiler. **NAYS:** None. **NOT PRESENT:** Vice-Mayor Roberts

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

In response to Commissioner Trantalis, Director of Transportation and Mobility Diana Alarcon said staff is working on a variance request through the Florida Department of Transportation that would allow for trees to line the east side of the roadway. There is not a designated project for this area. However the Beach Master Plan includes trees lining the entire A1A corridor in streetscape improvements and a variance has been submitted for this if the opportunity arises.

ADOPTED ON SECOND READING

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

4-21-15
M-1

Wendy Gonyea

From: Jonda Joseph
Sent: Tuesday, April 21, 2015 1:41 PM
To: Wendy Gonyea
Cc: April Saginor; Jeff Modarelli
Subject: Agenda Item M-1; CAM 15-0534; Apr 21 Request for information re: NOV15-0018 Lovell Marine Construction / Benyo property

Additional Info to
Exhibit N to
CAM

Wendy, Please make 9 hardcopies and label M-1 like the earlier one today. enter into the record

From: Jonda Joseph
Sent: Tuesday, April 21, 2015 1:37 PM
To: Bruce G. Roberts
Cc: Lee Feldman; Cynthia Everett; Robbi Uptegrove; John Herbst
Subject: RE: Request for information re: NOV15-0018 Lovell Marine Construction / Benyo property

ok

From: Bruce G. Roberts
Sent: Tuesday, April 21, 2015 11:51 AM
To: Jonda Joseph
Cc: Lee Feldman; Cynthia Everett; Robbi Uptegrove; John Herbst
Subject: FW: Request for information re: NOV15-0018 Lovell Marine Construction / Benyo property

Jonda,
Please disseminate to all commissioners re tonight's dock waiver agenda item. This is more detailed information for Exhibit N.
Thanks

Bruce G. Roberts
Commissioner District 1
Fort Lauderdale FL 33301
954-828-5033
broberts@fortlauderdale.gov

From: Cave, Kristy [KCAVE@broward.org]
Sent: Monday, April 20, 2015 12:01 PM
To: Bruce G. Roberts
Cc: Jones, Daphne; Stagnari, John; Vialpando, Lenny; Taylor, Elissa; Sunderland, Linda
Subject: Request for information re: NOV15-0018 Lovell Marine Construction / Benyo property

Fort Lauderdale Commissioner Roberts,

The Broward County Environmental Protection and Growth Management Department has received your request for public information. In response to your request, please be advised that some of the information you are seeking is available on-line. ENVIROS <http://dpep.broward.org/enviros/> is Broward County's environmental on-line search engine that searches records within the POSSE Licensing, Inspection and regulatory enforcement database. POSSE contains information from 2001 forward. Go to the website, select Enforcement Action from the list on the left and enter the enforcement action number. Information may be found on the Documents tab.

21-15-4

1-11

Also in furtherance of your request, attached please find additional documentation to support the above referenced enforcement matter.

If you have any questions, please feel free to contact me.

Thanks,
Kristy



KRISTY CAVE, NATURAL RESOURCE SPECIALIST II
Environmental Protection and Growth Management Department
ENVIRONMENTAL LICENSING AND BUILDING PERMITTING DIVISION
1 N University Dr, Mailbox 307 | Plantation, Florida 33324
954-519-1472 Office • 954-519-1493 Fax

www.broward.org



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4-21-15
m-1

Jonda Joseph

From: Jonda Joseph
Sent: Monday, April 20, 2015 4:51 PM
To: Bruce G. Roberts; Cynthia Everett
Subject: RE: 704 N.E. 20th Ave, Fort Lauderdale

Information
Provided by
Brady Cobb

ok

From: Bruce G. Roberts
Sent: Monday, April 20, 2015 4:21 PM
To: Jonda Joseph; Cynthia Everett
Subject: FW: 704 N.E. 20th Ave, Fort Lauderdale

Cynthia.....FYI

Jonda....for the record

Bruce G. Roberts
Commissioner - District 1
City of Fort Lauderdale
Fort Lauderdale, FL 33301 USA
954-828-5033
broberts@fortlauderdale.gov



CITY OF FORT LAUDERDALE

From: Brady Cobb [<mailto:bcobb@CobbEddy.com>]
Sent: Monday, April 20, 2015 4:01 PM
To: Bruce G. Roberts
Subject: RE: 704 N.E. 20th Ave, Fort Lauderdale

Commissioner Roberts

Attached for your review is a supplemental memorandum of law in support of my client's position. Have a good evening, and see you tomorrow night.

Brady J. Cobb
Attorney at Law
COBB • EDDY | PLLC
A Law Firm
642 NORTHEAST THIRD AVENUE

FORT LAUDERDALE, FLORIDA 33304

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From: Brady Cobb
Sent: Monday, April 20, 2015 11:08 AM
To: 'Bruce G. Roberts'
Subject: RE: 704 N.E. 20th Ave, Fort Lauderdale

Commissioner Roberts:

I hope all is well for you, and that you had a great weekend.

As you know, the compliance determination for the dock waiver at the property noted above is set for hearing tomorrow night's commission meeting. I know that the property owner's attorney has circulated a letter which contains his argument that the commission does not have jurisdiction to either make a compliance determination, and/or revoke the waiver or impose other penalties. I respectfully disagree with his position, and below is my client's response thereto with case law and citations to the City Code.

I look forward to tomorrow night's hearing. Have a good day.

From: Brady Cobb
Sent: Monday, April 20, 2015 10:41 AM
To: Bob Dunckel (BDunckel@fortlauderdale.gov)
Cc: Lee Feldman; Cynthia Everett
Subject: RE: City Commission Hearing - 704 NE 20th Avenue

Bob:

I hope you had a great weekend. In response to Mr. Coker's argument that the City Commission lacks jurisdiction to revoke the waiver at issue, below is my client's summary of relevant case law and sections of the City's code, all of which unequivocally establish that the Commission not only has jurisdiction to make a compliance determination, but also to revoke the waiver granted to Mr. and Mrs. Benyo due to their willful and flagrant non-compliance with the terms of the waiver and the law.

At the outset it must be noted that the granting of a license (waiver) by a governmental agency is a privilege, and with that privilege comes the responsibility to adhere to the terms of the license and all relevant laws. *Coventry First LLC v. McCarty*, 2009 WL 903277 (N.D. Fla 2009). In the matter at issue, when the Benyo's purchased the property, the zoning classification for the property prohibited the construction of the now existing docks, and the leasing of the docks to third parties inclusive of persons living in the residence other than the owners. Mr. and Mrs. Benyo therefore engaged counsel and sought to obtain the privilege of receiving a waiver of the City's Code and zoning ordinances that would allow them to install the new dock configuration, and to lease the slips to vessels. As the record delineates, the waiver was ultimately approved and contained express conditions that the Benyo's were bound and obligated to strictly comply with. I will not delineate all of their flagrant violations in this email and will instead make a full presentation tomorrow night, inclusive of videos and photographs, but respectfully submit that the Benyo's have violated each and every condition contained within the waiver and have thus forfeited the privilege they were afforded vis a vie the waiver. *Pratt v. The City of Hollywood*, 78 So.2d 697 (Fla. 1955).

To that end, section 2-61(4) of the City's code states that the City Manager shall be responsible to the city commission in regards to ensuring that all terms and conditions imposed in favor of the city or its inhabitants in all contracts are faithfully kept, and upon knowledge of any violation thereof, call the same to the attention of the city attorney and the city commission. In the case at bar, the city manager was notified by my client directly and through my letter dated January 27, 2015 of Mr. and Mrs. Benyo's violations of the terms and conditions of the waiver, and he obligated pursuant to section 2-61 to call the same before the City Commission. As the record delineates, the lion's share of the violations committed by the Benyo's pertain to unlawful refitting of yachts at the property, including major exterior alterations, rebuilding, refinishing and the removal of machinery, and such conduct expressly violates the plain language of section 8-149 of the City Code (as well as the express language of the waiver). Pursuant to section 8-137, any violations of section 8 of the code (including section 8-149) shall be punished according to the provisions of section 1-6 of the Code. Under section 1-6, "violation of this Code" is defined to mean (a) doing an act that is prohibited by ordinance, and the Benyo's failure to comply with the terms of the waiver and/or section 8-149 constitutes a violation of the Code. Under section 1-6(c), a violation of the code can be punished by certain monetary penalties, imprisonment, and assessment of costs, all of which the Benyo's are subject to receiving for their unlawful conduct. Most importantly however is section 1-6(d), which plainly states "[t]he imposition of a penalty does **not prevent revocation or suspension of a license, permit or franchise** or the imposition of civil fines, civil penalties or administrative sanctions. Thus, a simple reading of sections 8-149, 8-137 and 1-6(c) wholly obviates Mr. Coker's arguments that the Commission does not have jurisdiction in this matter, and to the contrary establishes that the City Commission has clear authorization from the Code to review and render a decision as to the Benyo's compliance with the waiver, and to ultimately revoke the waiver.

In regards to revocation of the waiver, attached for your review are some opinions in which a governmental agencies revocation of a license/permit/waiver was upheld as being lawful. As the *Locklear* opinion holds, the revocation of a license is deemed free of punitive criminal intent, and the purpose instead is the protection of the public welfare. In the case at bar, the violations by the Benyo's of the waiver have resulted in substantial environmental damage (which is currently being prosecuted by Broward County and the Florida Department of Environmental Protection), and some 34 neighbors have all signed a petition in support of the revocation of the waiver due the Benyo's actions in building and allowing such a nuisance to exist. The photographs and the videos I will present speak for themselves, and the revocation of this waiver would unquestionably be the definition of protecting the public's welfare.

I acknowledge that this matter is quasi-judicial in nature, and the record denotes that the Benyo's have been provided with the requisite due process of law, and have clearly been zealously represented by counsel. Bottom line, the case law and the provisions of the City's Code clearly establish the jurisdiction of the City Commission, and Mr. Coker's arguments must therefore be disregard in their entirety. Should you have any questions in the interim, please do not hesitate to contact me. I look forward to the hearing tomorrow night, and I hope you have a great day.

Brady J. Cobb
Attorney at Law
COBB • EDDY | PLLC

A Law Firm
642 NORTHEAST THIRD AVENUE
FORT LAUDERDALE, FLORIDA 33304
T 954.527.4111
F 954.900.5507
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Business Law & Litigation | Criminal Defense

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From: Bruce G. Roberts [<mailto:BRoberts@fortlauderdale.gov>]
Sent: Thursday, February 26, 2015 4:12 PM
To: Brady Cobb
Cc: Robbi Uptegrove
Subject: FW: 704 N.E. 20th Ave, Fort Lauderdale

Brady,
Congratulations on your new venture!

I certainly would like to meet with you to discuss this issue. Earlier this week, I met with the current owner of the property and would appreciate the complete story. My Assistant, Robbi, will be calling to schedule the meeting for next week.

Bruce

Bruce G. Roberts
Commissioner - District 1
City of Fort Lauderdale
Fort Lauderdale, FL 33301 USA
954-828-5033
broberts@fortlauderdale.gov



From: Brady Cobb [mailto:]
Sent: Wednesday, February 25, 2015 9:44 AM
To: Bruce G. Roberts
Subject: FW: 704 N.E. 20th Ave, Fort Lauderdale

Bruce:

I hope all is well for you! It's been a while, and I don't know if you remember but since I left the budget advisory board, I also amicably left Tripp Scott and started by my own firm. I am still of counsel to Tripp Scott and work with Ed, Jim and Norman on a daily basis, but I am enjoying the freedom that a smaller practice affords.

Do you have a few minutes to meet next week in regards to this address/issue? I represent one of the neighbors, and I submitted the attached letter a few weeks back and have been working with Lee Feldman and staff on this issue, and the matter will either be heard at the March 3, 2015 or the March 17, 2015 Commission meeting.

I would like to come by and get your thoughts on the matter, is there a day/time that is better for you next week? I am registered as a lobbyist per the City's ordinance on this matter. Looking forward to visiting with you.

Brady J. Cobb

Attorney at Law
COBB • EDDY | PLLC
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M E M O R A N D U M

TO: Bob Dunkel, City Attorney, City of Fort Lauderdale

FROM: Brady Cobb, Esq.

RE: 4/21/15 City Commission Regular Meeting Agenda - Item M-1
Legal Memorandum Supporting Revocation of Permit

DATE: 4/20/15

I represent James and Priscilla Juranitch, residing at 714 NE 20th Ave., Fort Lauderdale, FL 33304, who are next-door neighbors of Shawn and Jennifer Benyo, residing at 704 NE 20th Ave., Ft. Lauderdale, FL 33304, the permit/waiver holders at issue. Pursuant to Resolution number 14-44, which is Exhibit D this agenda item, the Benyo's were granted a dock waiver, and section 2 of the waiver contained ten (10) express conditions that the Benyo's were required to be in compliance with. More specifically, the first condition mandated that the Benyo's were required to comply with all applicable building and zoning regulations as well as any other Federal and State laws, and the sixth (6th) condition expressly references section 8-149 of the code and mandates that the Benyo's were to be in compliance with the provisions of section 8-149 at all times. As noted in my correspondence with City Manager Lee Feldman, Exhibit K to this agenda item, among numerous violations committed by the Benyos (including unlawful live aboards, noise violations, parking violations and other violations of the City's code), major refit work on a 145' luxury yacht occurred while the vessel was in the water and out in the open, docked at the Benyos' property. This activity is in clear contravention of Section 8-149(a) of the City Code and the express language of the waiver per the plain language of section 2(6).

Section 8-149 is found in Chapter 8, Article V, Division 1, of the City Code, comprising Sections 8-136 through 8-156 of the City Code. Section 8-137 of the City Code, entitled "Penalties," provides that "[a]ny person who shall violate, permit to be violated or cause to be violated any provision of this division shall, upon conviction, be punished as provided in section 1-6 of this Code." While Section 1-6(c) provides for monetary penalties and potential criminal sanctions, which this Commission could impose should it make the requisite evidentiary findings, section 1-6(d) clearly delineates that "[t]he imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise or the imposition of civil fines, civil penalties or administrative sanctions." Accordingly, my clients request that this Commission exercise its authority under section 2(6) of the resolution and Sections 8-149, 8-137 and Section 1-6(d) of the City Code to revoke the permit previously issued to the Benyos on account of the egregious violations of the permit.

In a quasi-judicial hearing such as this, the City Commission may revoke a license or permit so long as the proceedings are conducted consistent with due process. The due process required is not the same as that which is required in a judicial hearing, and the rules of evidence and procedure are relaxed. See Seminole Entertainment, Inc. v. City of Casselberry, 811 So.2d 693, 696 (Fla. 5th

DCA 2001). The revocation of a license or permit is generally not deemed punitive, the purpose being the protection of the public welfare. Locklear v. Florida Fish & Wildlife Conservation Commission, 886 So.2d 326, 328-329 (Fla. 5th DCA 2004) (upholding license suspension, where the purpose was to protect state waters from illegal fishing activities); see also Pratt v. City of Hollywood, 78 So.2d 697 (Fla. 1955) (city's police powers to protect the general welfare gave it authority to impose conditions on issuance of license or permit, and to revoke the license or permit when the conditions were violated).

Since the proceedings do not concern revocation of a professional license, the standard of proof applicable is the preponderance of the evidence standard. See Department of Environmental Protection v. South Palafox Properties, Inc., 2015 WL 999274 at **13-14, ¶¶ 71-73, Case No. 14-3674 (Fla. Div. Admin. Hearings, Recommended Order, Mar. 2, 2015) (construction and demolition debris disposal facility permit from DEP was not a professional license); Lamar Outdoor Advertising-Lakeland v. Department of Transportation, 2008 WL 809101 at *5, ¶ 22, Case No. 07-5457 (Fla. Div. Admin. Hearings, Recommended Order, Mar. 26, 2008) (proceeding to revoke sign permit).

M-1

DIVISION CHECKLIST FOR ISSUANCE OF A NOTICE OF VIOLATION/NOTICE OF INTENT TO FILE SUIT

Respondent(s): Bill Lovell, Lovell Marine Construction (Contractor), and Shawn Benyo (Owner)

Name of EPD Requestor: Ryan St. George

Are the following complete and included with the Package:

- 1. Corporate information including the most recent Annual Report. Yes
- 2. Occupational License information. N/A
- 3. Location of the Violation clearly identified. Yes
- 4. Property ownership information and a copy of the Deed. Yes
- 5. Complete copies of EPD Licenses, including General and Specific Conditions. Yes
- 6. Photographs, numbered and **labeled with the date, time, photographer's name, and a brief description of the photograph.** Yes
- 7. Case Summary (Narrative description of the violation(s) in a concise story format; including the identification of the Respondent(s), date and time the violation(s) occurred, inspection results, violation(s) observed, sampling results (if applicable), witness statements, and conclusions). The Case Summary should be signed by its author. Yes
- 8. Original laboratory reports, Chain of Custody, and table summarizing the results. N/A
- 9. Site sketch/diagram, which should include as applicable: North arrow, where the violation(s) occurred, hazardous materials storage areas, sample collection points and results, number and type of trees removed/abused, and surface water flow direction. N/A
- 10. Copies of relative correspondence, as-builts, applications, inspection reports, or other documentation. Yes
- 11. Is the Violation a Citationable offense (see 27-38)? No
- If Yes, does the Violation warrant an NOV/NIFS? Yes
- 13. Does the Violation warrant a Warning Notice according to the Department SOP (See SOP ENF-028)? No
- 14. Any other applicable information? Yes

By signing this form, I am certifying that I have reviewed the information included in this request and am satisfied with the level of preparation and submittal of evidence.

Ryan St. George
Witness/Requestor

3-16-15
Date

Linda Sunderland
Section Manager

3-16-15
Date

Shawn Benyo
Division Director

3-16-15
Date

REQUEST FOR NOTICE OF VIOLATION

Violation Date: March 5th and March 6th, 2015
Location: 704 NE 20th Avenue, Fort Lauderdale
Respondents: Bill Lovell - Lovell Marine Construction (*as contractor*)
Shawn Benyo (*as property owner at time of violation*)
CC: Jim Juranitch (complainant)
Greg Vasquez, FDEP Compliance/Enforcement
Jonathan Luscomb, City of Fort Lauderdale
Inspector: Ryan St. George

CASE SUMMARY

- 03/06/2015** Staff received email correspondence from the Jon Luscomb of the City of Fort Lauderdale which forwarded email coordination between Brady Cobb (Complainant's counsel) and Bob Dunkel of the City of Fort Lauderdale referencing unpermitted dredging operations.
- 03/06/2015** In response to the informal complaint and the video footage which appeared to show non-compliant activity, I visited the Complainant (Mr. Juranitch) to discuss his observations. Mr. Juranitch showed clips from extensive security video footage showing dredging activities occurring waterward of his neighbor's property at 704 NE 20th Avenue as well as numerous still-photographs showing different stages of work and various workers associated with the project. Date stamped video also shows that the unauthorized activities occurred over two separate days (3/5-3/6). While discussing complainant observations, the contractor began installation of a new wood dock pile at approximately 4:30 pm.
- 03/13/2015** Staff received email correspondence from the FDEP compliance/enforcement officer (Greg Vasquez) regarding a County General License (GL-FTL1410-006 attached) which was provided by the contractor when requested by the City Police Department. The license was issued on 10/2/2014 and provided County authorization to maintenance dredge less than 20 cubic yards of material immediately adjacent to the existing marginal dock (underneath the floating dock), and required spoils to be disposed of temporarily in custom containers on the barge and permanently on-site, and required complete containment of the work area with turbidity curtains. A review of the video evidence appears to show that dredging activities occurred outside and waterward of the authorized work area, without proper curtains, and improper disposal of the dredge material by dumping each bucket directly into the adjacent waterbody to the south of the dredge area.

NOV Request for Shawn Benyo and Lovell Marine Construction.

VIOLATION

General License No. GL-FTL1410-006 provided County authorization to maintenance dredge <20 cubic yards of material from an area directly beneath the existing floating dock and within 8 feet of the waterward edge of the existing marginal dock, the authorized dredge area and activities were to be completely enclosed with turbidity curtains, and the removed material was to be disposed of in accordance with regulations in on-site uplands.

However, work occurred outside the turbidity curtains, curtains were not properly deployed during the majority of the dredging activities, work occurred outside of the authorized 8' X 60' area, and the dredged spoil material was repeatedly disposed-of in the adjacent waterway rather than temporarily in custom containers and permanently in on-site uplands as per the license exhibits provided by the contractor. For these reasons, staff believes the project was not conducted in accordance with the issued license. This is a Violation of Section 27-27(a)(2) of the Broward County Code, which states "It shall be a violation of this chapter for any person to...fail to comply with any rule, regulation, order, license, or certification adopted or issued by the EPD pursuant to its lawful authority." As well as 27-27(b) which states "General discharges or releases: It shall be unlawful for any person to discharge or release any substance into the air, water or soil or onto impervious ground which has the potential to discharge into the soil or water or which will cause a nuisance as herein defined." Staff will require benthic and bathymetric surveys as part of the corrective action to determine the horizontal and vertical extent of work that has occurred in case licensed depth restrictions were also violated. A warning notice alleging unauthorized use of sovereign submerged lands has also been issued by the Florida Dept. of Environmental Protection as of 3-16-15 (see attached).

LORI PARRISH
BROWARD COUNTY
PROPERTY APPRAISER



[Click Here to Return to our Homepage](#)

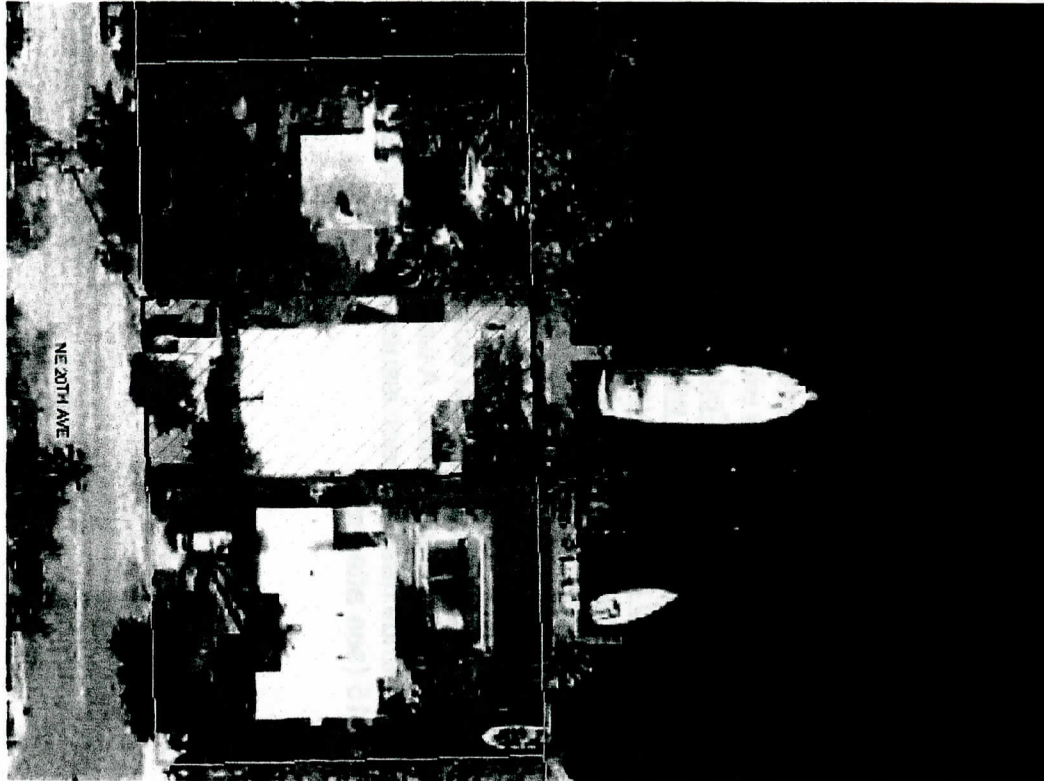
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OWNER
 ADDRESS
 FOLIO
 ? HELP

MAP SIZE

Layers

- Highways
- Major Roads
- Twn-Rng-Sec
- Municipalities
- City Limits
- Zip Codes
- CRA Boundaries
- Census Tracts
- City Zoning Codes
- County Land Use
- Comm Appraisal Districts
- Resid Appraisal Districts
- Subdiv. Number
- Subdiv. Name
- No Sales ▾
- Streets
- Parcels
- Aerials (2014) ▾
- County Boundary



SELECTED PROPERTY-FOLIO: 504202130080

Source: Broward County Property Appraiser

[Pictometry](#)

Details

FOLIO: 504202130080
 OWNER: BENYO, SHAWN & JENNIFER
 SITU ADDRESS: 704 NE 20 AVE FORT LAUDERDALE 33304-3414
 LEGAL: VICTORIA HIGHLANDS AMD PLAT 15-9 B PT BLK 1 F/P/A LOT 11,12 N 10 BLK 1 VICTORIA HIGHLANDS PB
 MILLAGE CODE: 0312
 USE CODE: 01
 LAND VALUE: \$389,430
 BUILDING VALUE: \$358,670
 OTHER VALUE: \$0
 TOTAL VALUE: \$748,100
 SOH CAPPED VALUE: \$748,100
 HOMESTEAD EXEMPTION AMOUNT: \$0
 WVD EXEMPTION AMOUNT: \$0
 OTHER EXEMPTION AMOUNT: \$0
 TAXABLE VALUE: \$748,100
 SALE DATE 1: 10/14/2013
 SALE PRICE 1: \$100
 DEED TYPE 1: QCD
 SALE DATE 2: 10/14/2013
 SALE PRICE 2: \$100



Site Address	704 NE 20 AVENUE, FORT LAUDERDALE	ID #	5042 02 13 0080
Property Owner	BENYO, SHAWN & JENNIFER	Millage	0312
Mailing Address	2612 NE 3 ST POMPANO BEACH FL 33062	Use	01

Abbreviated Legal Description	VICTORIA HIGHLANDS AMD PLAT 15-9 B PT BLK 1 F/P/A LOT 11,12 N 10 BLK 1 VICTORIA HIGHLANDS PB 9/47 B
-------------------------------	--

The just values displayed below were set in compliance with Sec. 193.011, Fla. Stat., and include a reduction for costs of sale and other adjustments required by Sec. 193.011(8).

Property Assessment Values					
Click here to see 2014 Exemptions and Taxable Values as reflected on the Nov. 1, 2014 tax bill.					
Year	Land	Building	Just / Market Value	Assessed / SOH Value	Tax
2015	\$389,430	\$358,670	\$748,100	\$748,100	
2014	\$389,430	\$358,770	\$748,200	\$748,200	\$15,171.71
2013	\$389,430	\$270,520	\$659,950	\$244,450	\$4,333.37

IMPORTANT: The 2015 values currently shown are "roll over" values from 2014. These numbers will change frequently online as we make various adjustments until they are finalized on June 1. Please check back here AFTER June 1, 2015, to see the actual proposed 2015 assessments and portability values.

2015 Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
Just Value	\$748,100	\$748,100	\$748,100	\$748,100
Portability	0	0	0	0
Assessed/SOH	\$748,100	\$748,100	\$748,100	\$748,100
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$748,100	\$748,100	\$748,100	\$748,100

Sales History			
Date	Type	Price	Book/Page or CIN
10/14/2013	QCD-T	\$100	111880436
10/14/2013	QCD-T	\$100	111880435
10/14/2013	TD-Q	\$850,000	111880434
9/1/1992	QCD	\$100	19968 / 733
10/1/1977	WD	\$87,000	

Land Calculations		
Price	Factor	Type
\$52.00	7,489	SF
Adj. Bldg. S.F. (Card, Sketch)		2214
Units/Beds/Baths		1/3/2

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03								
R								
1								

4
This instrument prepared by and return to:
Robert I. MacLaren II
Attorney at Law
Osborne & Osborne, P.A.
798 South Federal Highway, Suite 100
Post Office Drawer 40
Boca Raton, Florida 33429-9974
File No.: 13-26010
Tax Folio Number: 5042 02 13 0080

QUIT CLAIM DEED

THIS QUIT CLAIM DEED, executed as of the 16th day of October, 2013, by JOANNE M. ECKLER, a married woman, first party, to SHAWN BENYO and JENNIFER BENYO, husband and wife, as tenants-by-the-entireties, second party, of 2612 N.E. 3rd Street, Pompano Beach, Florida 33062.

WITNESSETH, That the said first party, for and in consideration of the sum of Ten Dollars (\$10.00), in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Broward, State of Florida, to-wit:

Lot 11 and the North 10 feet of Lot 12, Block 1, VICTORIA HIGHLANDS, according to the Plat thereof recorded in Plat Book 9, Page 47, of the Public Records of Broward County, Florida, also known as the North 60 feet of the South 150 feet of the East 125.8 feet of Tract 1 of AMENDED PLAT OF VICTORIA HIGHLANDS, according to the Plat thereof, recorded in Plat Book 15, Page 9, of the Public Records of Broward County, Florida

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behalf of the said second party forever.

THE ABOVE-DESCRIBED PROPERTY IS NOT THE HOMESTEAD OF THE GRANTOR HEREIN, AS DEFINED BY THE CONSTITUTION OF THE STATE OF FLORIDA, NOR IS IT CONTIGUOUS THERETO AND SAID GRANTOR'S PERMANENT DOMICILE IS STATED BELOW HER RESPECTIVE SIGNATURE HEREUNDER.

IN WITNESS WHEREOF, the said first party has signed and sealed these presents as of the day and year first above written.

Signed, sealed and delivered in our presence:

Christina M. Rowell
Witness Signature

Joanne M. Eckler
JOANNE M. ECKLER

CHRISTINA M. ROWELL
Witness Printed Name:

Robert I. McLaren II
Witness Signature
ROBERT I. MACLAREN II
Witness Printed Name:

Address:
5328 N.W. 79th Way
Parkland, FL 33067-1161

THIS IS NOT AN OFFICIAL COPY

STATE OF FLORIDA
COUNTY OF PALM BEACH

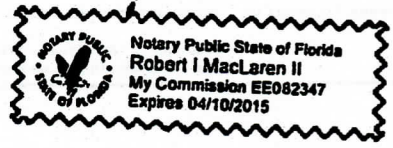
The foregoing instrument was acknowledged before me by JOANNE M. ECKLER, as indicated below:

- who is personally known to me;
- who produced _____ as identification;

on the 17th day of October, 2013.

Robert I. McLaren II
Notary Public

H:\LIBRARY\13\26010\Docst\QCD..JME.wpd



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DIVISION OF CORPORATIONS

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Fictitious Name Detail

Fictitious Name
LOVELL MARINE CONSTRUCTION

Filing Information

Registration Number	G08014900576
Status	ACTIVE
Filed Date	01/14/2008
Expiration Date	12/31/2018
Current Owners	1
County	MULTIPLE
Total Pages	2
Events Filed	1
FEI/EIN Number	NONE

Mailing Address
840 NE 20TH AVENUE
FORT LAUDERDALE, FL 33304

Owner Information
WA LOVELL LLC
840 N.E. 20TH AVENUE
FORT LAUDERDALE, FL 33304
FEI/EIN Number: 20-0867174
Document Number: L02000008746

Document Images

01/14/2008 -- Fictitious Name Filing	<input type="button" value="View image in PDF format"/>
12/06/2013 -- Fictitious Name Renewal Filing	<input type="button" value="View image in PDF format"/>

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FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS**Detail by Entity Name****Florida Limited Liability Company**

WA LOVELL, LLC

Filing Information

Document Number	L02000008746
FEI/EIN Number	200867174
Date Filed	04/12/2002
State	FL
Status	ACTIVE
Last Event	CANCEL ADM DISS/REV
Event Date Filed	06/28/2006
Event Effective Date	NONE

Principal Address3601 NW 10TH AVENUE
OAKLAND PARK, FL 33309

Changed: 04/11/2012

Mailing Address3601 NW 10TH AVENUE
OAKLAND PARK, FL 33309

Changed: 03/21/2013

Registered Agent Name & AddressLOVELL ESQ., ROSE ANN
840 NE 20TH AVENUE
FORT LAUDERDALE, FL 33304

Name Changed: 01/14/2008

Address Changed: 06/28/2006

Authorized Person(s) Detail**Name & Address**

Title MGR

LOVELL, WILLIAM AMR.
840 NE 20TH AVENUE
FT LAUDERDALE, FL 33304

Title VP

STUDT, HARRIET E
840 NE 20TH AVENUE
FT LAUDERDALE, FL 33304

Title Manager

Castro, Maria D
3601 NW 10TH AVENUE
OAKLAND PARK, FL 33309

Annual Reports

Report Year	Filed Date
2012	04/11/2012
2013	03/21/2013
2014	04/21/2014

Document Images

04/21/2014 -- ANNUAL REPORT

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11/20/2003 -- REINSTATEMENT

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04/12/2002 -- Florida Limited Liabilites

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State of Florida, Department of State

APPLICATION FOR RENEWAL OF FICTITIOUS NAME

REGISTRATION# G08014900576

Fictitious Name: LOVELL MARINE CONSTRUCTION

**FILED
Dec 06, 2013
Secretary of State
G13000119414**

Current Mailing Address:

840 NE 20TH AVENUE
FORT LAUDERDALE, FL 33304

New Mailing Address:

Current County of Principal Place of Business:

MULTIPLE

New County of Principal Place of Business:

Current FEI Number:

New FEI Number:

Current Owner(s):

Document #: L02000008746 () Delete
FEI #: 20-0867174
Name: WA LOVELL LLC
Address: 840 N.E. 20TH AVENUE
City-St-Zip: FORT LAUDERDALE, FL 33304

Additions/Changes to Owner(s):

Document #: () Change () Addition
FEI #:
Name:
Address:
City-St-Zip:

I the undersigned, being an owner in the above fictitious name, certify that the information indicated on this form is true and accurate. I understand that the electronic signature below shall have the same legal effect as if made under oath. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s. 817.155, Florida Statutes.

WILLIAM A LOVELL

12/06/2013

Electronic Signature(s)

Date

Certificate of Status Requested ()

Certified Copy Requested ()

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS

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Fictitious Name Detail

Fictitious Name
LOVELL MARINE CONSTRUCTION

Filing Information

Registration Number	G08008900438
Status	ACTIVE
Filed Date	01/08/2008
Expiration Date	12/31/2018
Current Owners	1
County	BROWARD
Total Pages	2
Events Filed	1
FEI/EIN Number	NONE

Mailing Address
840 N.E. 20TH AVENUE
FORT LAUDERDALE, FL 33304

Owner Information
LOVELL BUILT, INC.
840 N.E. 20TH AVENUE
FORT LAUDERDALE, FL 33304
FEI/EIN Number: 65-0490259
Document Number: P94000035763

Document Images

01/08/2008 -- Fictitious Name Filing	<input type="button" value="View image in PDF format"/>
12/06/2013 -- Fictitious Name Renewal Filing	<input type="button" value="View image in PDF format"/>

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State of Florida, Department of State

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS**Detail by Entity Name****Florida Profit Corporation**

LOVELL BUILT, INC.

Filing Information

Document Number	P94000035763
FEI/EIN Number	650490259
Date Filed	05/09/1994
State	FL
Status	ACTIVE

Principal Address840 N.E. 20TH AVENUE
FORT LAUDERDALE, FL 33304

Changed: 02/02/2004

Mailing Address840 N.E. 20TH AVENUE
FORT LAUDERDALE, FL 33304

Changed: 02/02/2004

Registered Agent Name & AddressLOVELL, ROSE ANN
840 N. E. 20TH AVENUE
FORT LAUDERDALE,, FL 33304

Name Changed: 03/29/2011

Address Changed: 02/02/2004

Officer/Director Detail**Name & Address**

Title DP

LOVELL, ROSE ANN
840 N. E. 20TH AVENUE
FORT LAUDERDALE, FL 33304**Annual Reports**

Report Year	Filed Date
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2013	04/10/2013
2014	02/19/2014
2015	01/23/2015

Document Images

01/23/2015 -- ANNUAL REPORT	View image in PDF format
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04/10/2013 -- ANNUAL REPORT	View image in PDF format
02/17/2012 -- ANNUAL REPORT	View image in PDF format
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01/08/2010 -- ANNUAL REPORT	View image in PDF format
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04/28/1998 -- ANNUAL REPORT	View image in PDF format
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02/27/1995 -- ANNUAL REPORT	View image in PDF format

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State of Florida, Department of State

APPLICATION FOR RENEWAL OF FICTITIOUS NAME

REGISTRATION# G08008900438

Fictitious Name: LOVELL MARINE CONSTRUCTION

**FILED
Dec 06, 2013
Secretary of State
G13000119408**

Current Mailing Address:

840 N.E. 20TH AVENUE
FORT LAUDERDALE, FL 33304

New Mailing Address:

Current County of Principal Place of Business:

BROWARD

New County of Principal Place of Business:

Current FEI Number:

New FEI Number:

Current Owner(s):

Document #: P94000035763 () Delete
FEI #: 05-0490259
Name: LOVELL BUILT, INC.
Address: 840 N.E. 20TH AVENUE
City-St-Zip: FORT LAUDERDALE, FL 33304

Additions/Changes to Owner(s):

Document #: () Change () Addition
FEI #:
Name:
Address:
City-St-Zip:

I the undersigned, being an owner in the above fictitious name, certify that the information indicated on this form is true and accurate. I understand that the electronic signature below shall have the same legal effect as if made under oath. I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s. 817.155, Florida Statutes.

ROSE ANN LOVELL

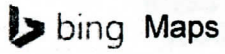
Electronic Signature(s)

12/06/2013

Date

Certificate of Status Requested ()

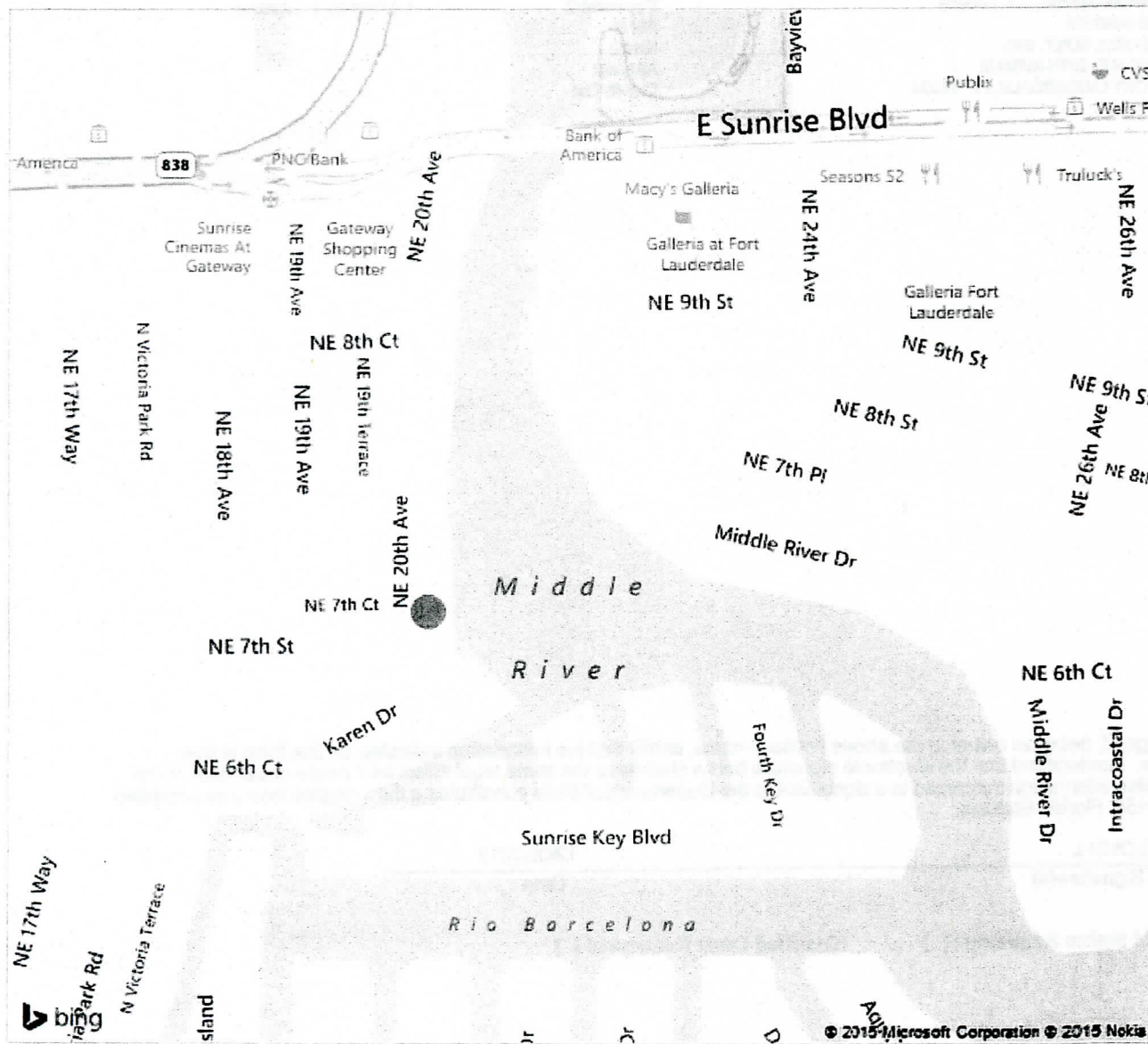
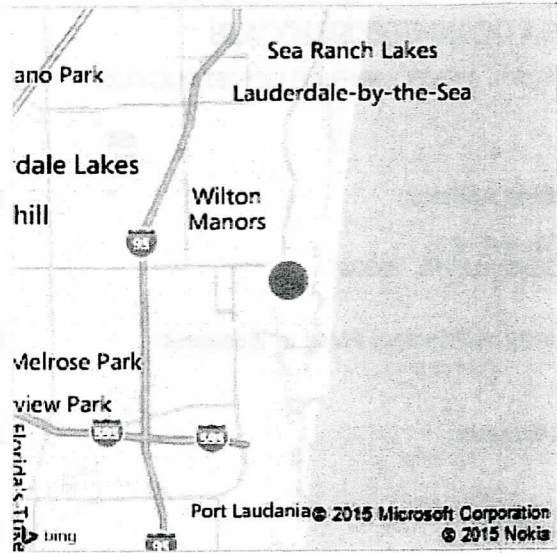
Certified Copy Requested ()

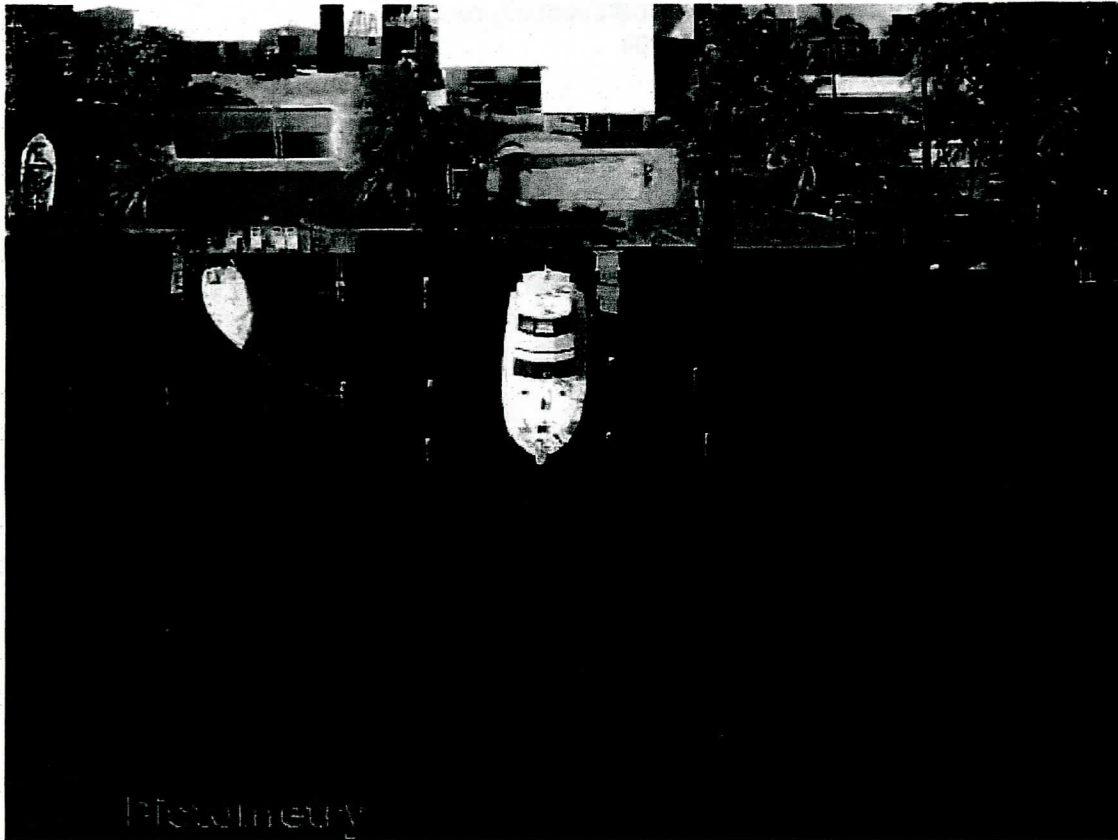


704 NE 20th Ave, Fort Lauderdale, FL 33304

My Notes

On the go? Use m.bing.com to find maps, directions, businesses, and more





St. George, Ryan

From: Jim Juranitch <jjuranitch@plasmapowerllc.com>
Sent: Saturday, March 07, 2015 11:42 AM
To: St. George, Ryan
Cc: Sunderland, Linda; bcobb@CobbEddy.com
Subject: Dredging on Friday @ 704

Hello Ryan and Linda,

As requested there are 2 higher res pictures of the dredge barge attached and a link to the UTube activities <http://youtu.be/nV8H5gBDBYk> where dredging continued on Friday.

Linda could you please call me when you get a chance at the number in my title block below.

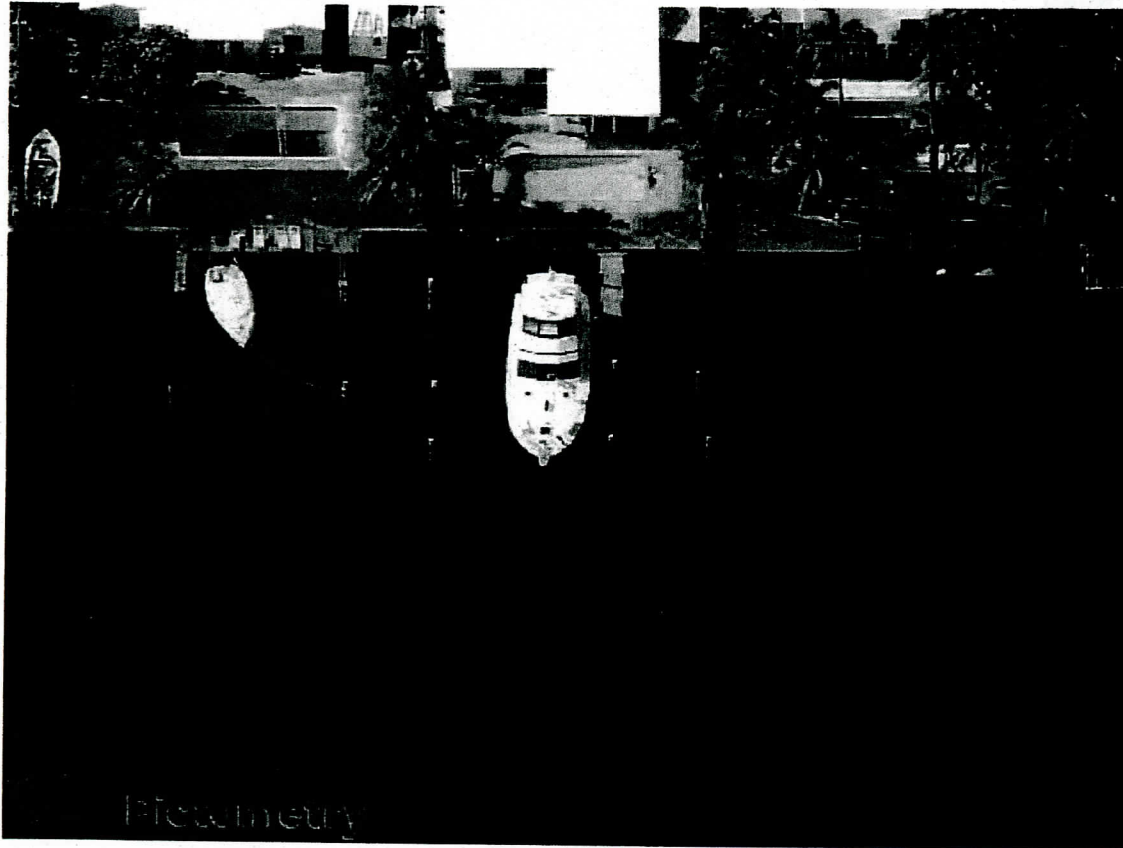


Jim Juranitch
CEO

PLASMA
/POWER

P 262.443.9100
F 954.756.7558
730 W McNab Road
Ft Lauderdale, FL 33309

JJuranitch@plasmapowerllc.com
www.plasmapowerllc.com



St. George, Ryan

From: Priscilla Boehme <priscillaboehme@yahoo.com>
Sent: Friday, March 06, 2015 1:26 PM
To: St. George, Ryan
Subject: RE: 704 Dredging

Spoke with Jim. He's on it.

From: St. George, Ryan [mailto:rstgeorge@broward.org]
Sent: Friday, March 6, 2015 1:10 PM
To: 'Priscilla Boehme'
Subject: RE: 704 Dredging

That's what I suspected, but I would need a photo of the name on some of the barge equipment in order to prevent you from having to testify.



Ryan St. George, PWS, CLI
Natural Resource Specialist II
Aquatic & Wetland Resource Program
Environmental Licensing and Building Permitting Division
Broward County Env. Protection and Growth Mgmt. Department
One North University Drive, Suite 201, Plantation, Fl. 33324
Office: (954) 519-1228
Fax: (954) 519-1412
www.broward.org

Other Helpful Links:

[Broward County Property Appraiser's Website](#)
[Broward County License and Applications Webpage](#)
[E-Permits Webpage](#)
[Enviros Database](#)



From: Priscilla Boehme [mailto:priscillaboehme@yahoo.com]
Sent: Friday, March 06, 2015 1:07 PM
To: St. George, Ryan
Subject: RE: 704 Dredging

It's Lovell Marine, Bill Lovell. We in fact know him. He is also the uncle of Shawn Benyo's wife. Shawn is the owner of 704.

From: St. George, Ryan [mailto:rstgeorge@broward.org]
Sent: Friday, March 6, 2015 1:05 PM
To: 'Priscilla Boehme'
Subject: RE: 704 Dredging

Any photo ID on the contractor?



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From: Priscilla Boehme [mailto:priscillaboehme@yahoo.com]
Sent: Friday, March 06, 2015 1:03 PM
To: St. George, Ryan
Subject: 704 Dredging

Ryan,

I am Jim Juranitch's wife. You may be interested in this from yesterday's activities at 704,
<https://www.youtube.com/watch?v=bEVR14KTXRw>. It gets interesting 32 seconds into it.

Regards,

Priscilla

Under Florida law, most e-mail messages to or from Broward County employees or officials are public records, available to any person upon request, absent an exemption. Therefore, any e-mail message to or from the County, inclusive of e-mail addresses contained therein, may be subject to public disclosure.

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Regards,

Priscilla

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Environmental Protection and Growth Management Department
PLANNING AND ENVIRONMENTAL REGULATION DIVISION
1 North University Drive, Suite 102-A • Plantation, Florida 33324 • 954-357-6666 • FAX 954-357-6521 • 954-519-1412

**BROWARD COUNTY
PLANNING & ENVIRONMENTAL REGULATION
ENVIRONMENTAL RESOURCE GENERAL LICENSE**

No: FTL1410-006

Broward County Code 27-336(a) (1) (i)

Applicant: Shawn Benyo

Description: Maintenance dredging </= 20 cubic yards

Issued Date: 10/02/14

Expiration Date: 10/02/16

The above project has been reviewed and has been verified to meet the criteria outlined in Chapter 27-336(a) (1) of the Broward County Natural Resource Protection Code for the issuance of this Environmental Resource General License (GL). This approval is specific for the plans and description described on this verification. Any change to project footprint, design or size must be reviewed by this Department and may require additional licensing.

Construction shall be in accordance with the submitted Application, the approved plans and the attached General Conditions. **This approval does not authorize impacts to natural resources (mangroves, sea grasses, etc.).** Failure to comply with the license conditions may result in suspension or revocation of the license and/or enforcement actions.

Issuance of this license does not relieve the licensee from obtaining any other required federal, state or local permits or authorizations required for this project prior to commencement.

Per Section 27-58(b)(9), "The licensee, by acceptance of this license, specifically agrees to allow access and shall allow access to the licensed source, activity, or facility at times to the COUNTY personnel for the purposes of inspection and testing to determine compliance with this license and this chapter."

Aquatic & Wetland Resources Reviewer: Linda Sunderland 

Telephone: 954-519-1454

email: lsunderland@broward.org

GENERAL CONDITIONS:

GL # FTL1410-006

1. The terms, conditions, requirements, limitations and restrictions set forth herein are accepted by the licensee and enforceable by EPGMD pursuant to this chapter. EPGMD will review this license periodically and may revoke the license, initiate administrative and/or judicial action for any violation of the conditions by the licensee, its agents, employees, servants or representatives or principals.
2. This license is valid only for the specific uses set forth in the license application, and any deviation from the approved uses may constitute grounds for revocation and enforcement action by EPGMD.
3. In the event the licensee is temporarily unable to comply with any of the conditions of the license, the licensee shall notify EPGMD within twelve (12) hours. Within five (5) working days of the event, the licensee shall submit a written report to EPGMD that describes the incident, its cause, the measures being taken to correct the problem and prevent its reoccurrence, the owner's intention toward repair, replacement, and reconstruction of destroyed facilities, and a schedule of action leading toward operation within the license conditions.
4. The issuance of this license does not convey any vested rights or exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights, or any violations of federal, state or local laws or regulations.
5. This license must be available for inspection on the licensee's premises during the entire life of the license.
6. By accepting this license, the licensee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, that are submitted to EPGMD, may be used by EPGMD as evidence in any enforcement proceeding arising under Chapter 27, except where such use is prohibited by § 403.111, F.S.
7. The licensee agrees to comply with Chapter 27, as amended.
8. Any new owner of a licensed facility shall apply by letter for a transfer of license within thirty (30) days after sale or legal transfer. The transferor shall remain liable for performance in accordance with the license until the transferee applies for, and is granted the transfer of license. The transferee shall also be liable for performance in accordance with the license.
9. The licensee, by acceptance of this license, specifically agrees to allow access to the licensed source at reasonable times by EPGMD personnel for the purposes of inspection and testing to determine compliance with this license and this Chapter 27.
10. This license does not constitute a waiver or approval of any other license that may be required for other aspects of the total project.
11. If the licensee wishes to renew a license or extend its term, the licensee shall make application sixty (60) days prior to its expiration. Expired licenses are not renewable.
12. In addition to the general conditions set forth above, each license issued by EPGMD shall contain specific conditions determined by site conditions and requirements pursuant to the regulations as determined by the director of EPGMD. The licensee agrees that specific conditions are enforceable by EPGMD for any violation thereof.
13. Enforcement of the terms and provisions of this license shall be at the reasonable discretion of EPD, and any forbearance on behalf of EPD to exercise its rights hereunder in the event of any breach by the licensee shall not be deemed or construed to be a waiver of EPD's rights hereunder.

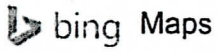
STANDARD SPECIFIC CONDITIONS:
(Required for all licenses)

GL # FTL1410-006

1. Notify EPD in writing a minimum of forty-eight (48) hours prior to project commencement and a maximum of forty-eight (48) hours after project completion.
2. Notify the Department immediately in the event of any project-caused environmental problem(s).
3. **All project generated solid waste and/or spoil material must be disposed of in a suitable approved manner at an upland location and shall not be placed or left in the water.**
4. Turbidity screens or equivalent shall be properly deployed and maintained as necessary during construction activities so that turbidity levels do not exceed twenty-nine (29) NTU's above natural background fifty (50) feet downstream of project.
5. Only clean fill and clean demolition materials shall be placed in the water bodies being filled. Clean demolition materials include things such as brick, stone, ceramic and concrete rubble which are uncontaminated by other materials. Any fill material used shall be free of garbage, rubbish, refuse, asphalt, hazardous materials, organic matter such (as) wood, lumber, tree or tree trimmings, or other contaminants. The disposal of any putrescible or deleterious debris in any water body is prohibited.

PROJECT SPECIFIC CONDITIONS:

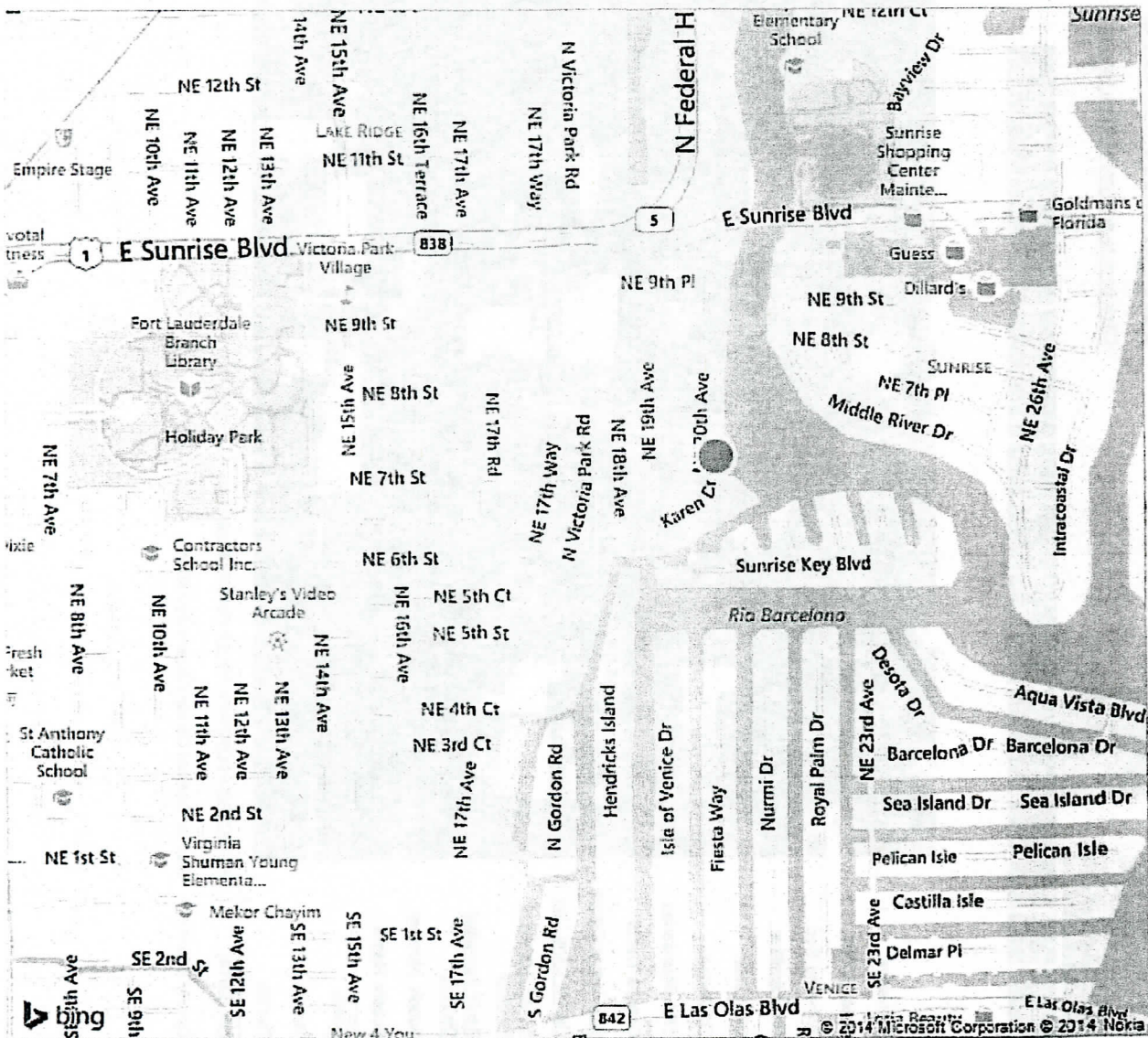
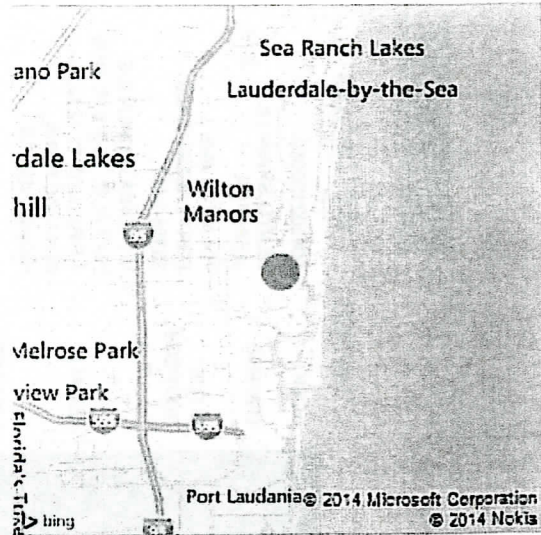
6. All watercraft associated with the construction and use of the permitted structure shall only operate within waters of sufficient depth so as to preclude bottom scouring or prop dredging. **Specifically, there shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the top of any submerged resources or canal bottom at mean low water.**
7. Turbidity screens, silt fences, or equivalent shall be properly employed and maintained as necessary to effectively contain suspended sediments and/or runoff during construction activities. **Dredging, filling, excavation, seawall removal, seawall construction, and other projects which result in similar degrees of disturbance to wet sediments shall in all cases employ turbidity control measures designed to effectively enclose the entire work area.**
8. Turbidity levels shall be monitored and recorded if a visible turbidity plume is observed leaving the site during construction activities. If monitoring reveals that turbidity levels exceed 29 NTU's above natural background 50 feet downstream of the point of discharge, project activities shall immediately cease, and work shall not resume until turbidity levels drop to within these limits [62-302.530(69) FAC].



704 NE 20th Ave, Fort Lauderdale, FL 33304

My Notes

On the go? Use m.bing.com to find maps, directions, businesses, and more



LOVELL MARINE CONSTRUCTION

Dredging – Docks – Seawalls – Pilings – Barge Rentals

Memorandum

To: DPEP
For: 704 NE 20 Ave, Fort Lauderdale Florida 33304

Below is the procedure we will follow for the dredging project at the above referenced address:

- **The material will be dredged with a track hoe on a barge**
- **Custom containers will be used for temporary storage**
- **Weighted turbidity curtain will surround the entire work area including the work barge**
- **The dredged material will be re-used in house**

I look forward to your approval of this permit application

Sincerely,

William A Lovell

840 NE 20th Avenue – Fort Lauderdale FL 33304
T: (954) 467-5055 F: (954) 467-8221
www.lovellmarine.com

GRAPHIC SCALE

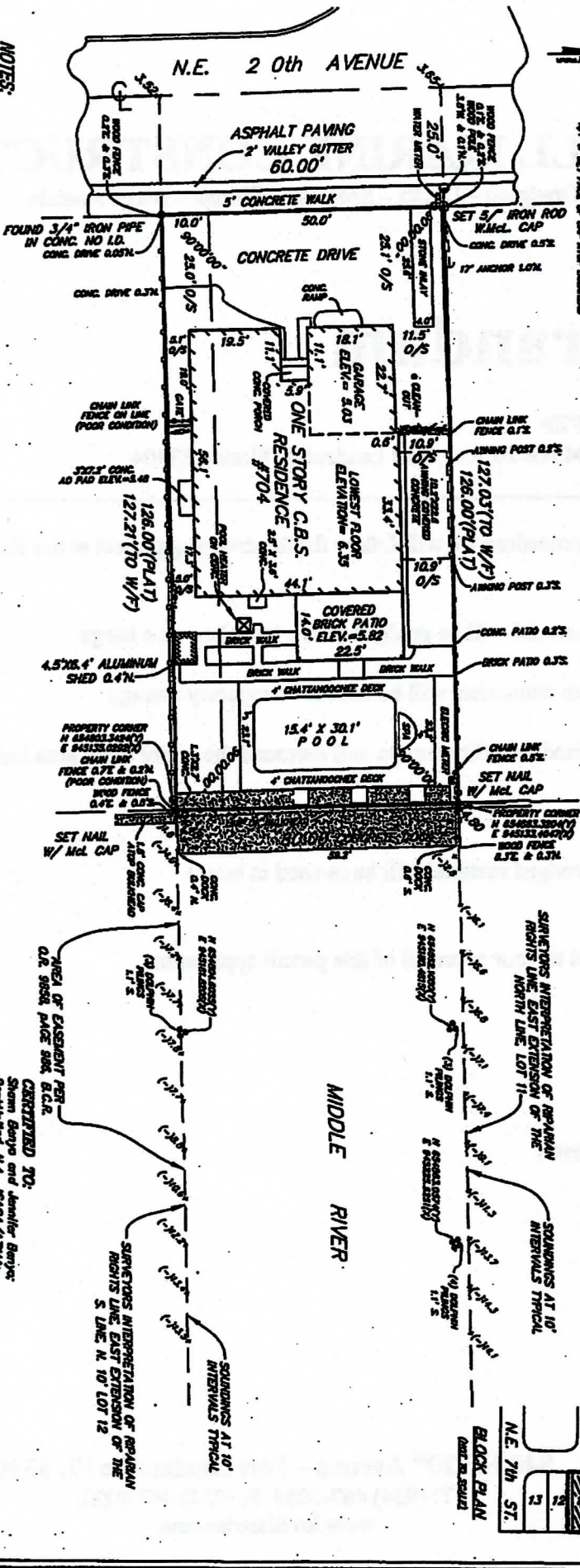
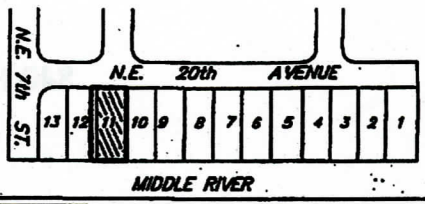
1 inch = 20 ft.

LEGEND

- 1. GENERAL ANGLE (DASH)
- 2. CONCRETE
- 3. ASPHALT
- 4. GRAVEL
- 5. SAND
- 6. GRAVEL
- 7. SAND
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- 86. GRAVEL
- 87. SAND
- 88. GRAVEL
- 89. SAND
- 90. GRAVEL
- 91. SAND
- 92. GRAVEL
- 93. SAND
- 94. GRAVEL
- 95. SAND
- 96. GRAVEL
- 97. SAND
- 98. GRAVEL
- 99. SAND
- 100. GRAVEL

BAYLOR UNIVERSITY & RECORD LAND SURVEY
LOT 11 & THE NORTH 10' OF LOT 12,
BLOCK 1, VICTORIA HIGHLANDS
(PLAT BOOK 9, PAGE 47, B.C.R.)

TITLE NOTES:
 There are no other Easements, Eed Reservations or Rights-of-Way of record affecting this property per Florida National Title Insurance Company Commitment No. 4483297, dated September 28, 2013 at 11:00 P.M.
 Revised October 2, 2013
 1) Matters per Plat Book 9, Page 47, B.C.R. affect this property as shown.
 2) Matters per Plat Book 15, Page 9, B.C.R. affect this property as shown.
 3) Easement per O.R. 9922, Page 992, B.C.R. affect this property.
 Placement of poles along the South property line in Middle River.
 See attached Certification.



- NOTES:**
- 1) This survey reflects all easements and rights-of-way or shown on above referenced record plat(s). The subject property was not disturbed for other easements, eed reservations or rights-of-way or record by Acknowledged Engineering Company.
 - 2) Underpament improvements if any not located.
 - 3) This drawing is not valid unless sealed with an embossed surveyor seal.
 - 4) Boundary survey information does not show the "Ownership".

LEGAL DESCRIPTION:
 Lot 11 and the North 10.00 feet of Lot 12, Block 1, VICTORIA HIGHLANDS, according to the plat thereof, as recorded in Plat Book 9, Page 47, of the Public Records of Broward County, Florida, also known as the North 80 feet of the South 150 feet of the East 125.8 feet of Tract 1 of amended Plat of Victoria Highlands, according to the plat thereof, as recorded in Plat Book 15, Page 9, of the Public Records of Broward

CERTIFIED TO:
 Steven Gargo and Jennifer Berge
 Esquire, N.E. 15th Ave./A1111111
 Shirley & Steven LLC
 Florida National Title Insurance Company

CERTIFICATION:
 We hereby certify that this survey meets the minimum technical standards as set forth by the Florida Board of Professional Surveyors and Mapmakers in Chapter 34-1208 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Dated at Fort Lauderdale, Florida, this 9th day of September, 2013.

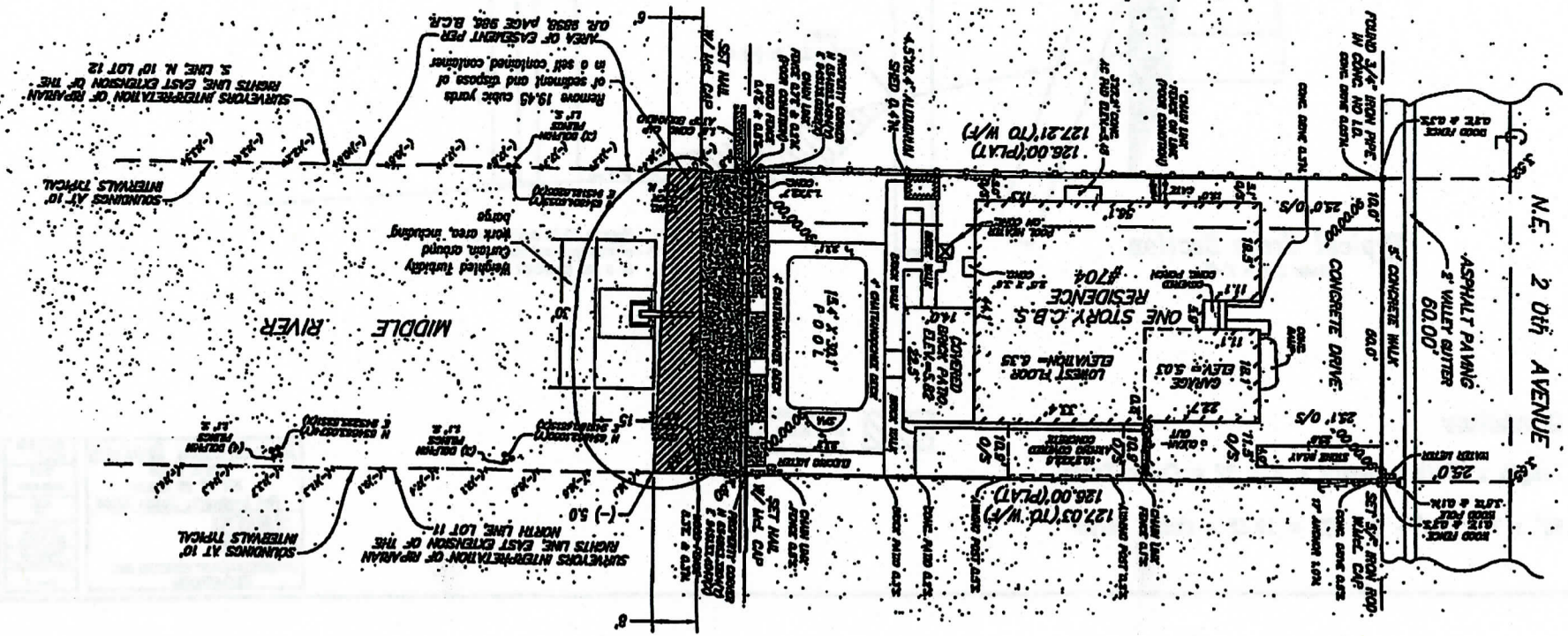
DATE	1/27/04
TIME	10:00 AM
BY	Shawn Benge
PROJECT	Maintenance Dredging
LOCATION	704 NE 20 Avenue Ft Lauderdale, Florida 33304
CLIENT	UNLIMITED PERMIT SERVICES, INC. (954) 423-8168

See attached survey supplied by owner for exact property information.

Calculations:
 Length x Width x Height + 2 + 27 = Cubic Yards
 $60' \times 7' \times 2.5' + 2 + 27 = 19.45 \text{ Cubic Yards}$



Site Plan
 Scale: 1" = 20'



SPAWNINGS AT 10' INTERVALS TYPICAL
 SURVEYORS INTERPRETATION OF REPARAN RIGHTS LINE, EAST EXTENSION OF THE NORTH LINE, LOT 11
 SPAWNINGS AT 10' INTERVALS TYPICAL
 SURVEYORS INTERPRETATION OF REPARAN RIGHTS LINE, EAST EXTENSION OF THE S. LINE, N. 10' LOT 12
 SPAWNINGS AT 10' INTERVALS TYPICAL

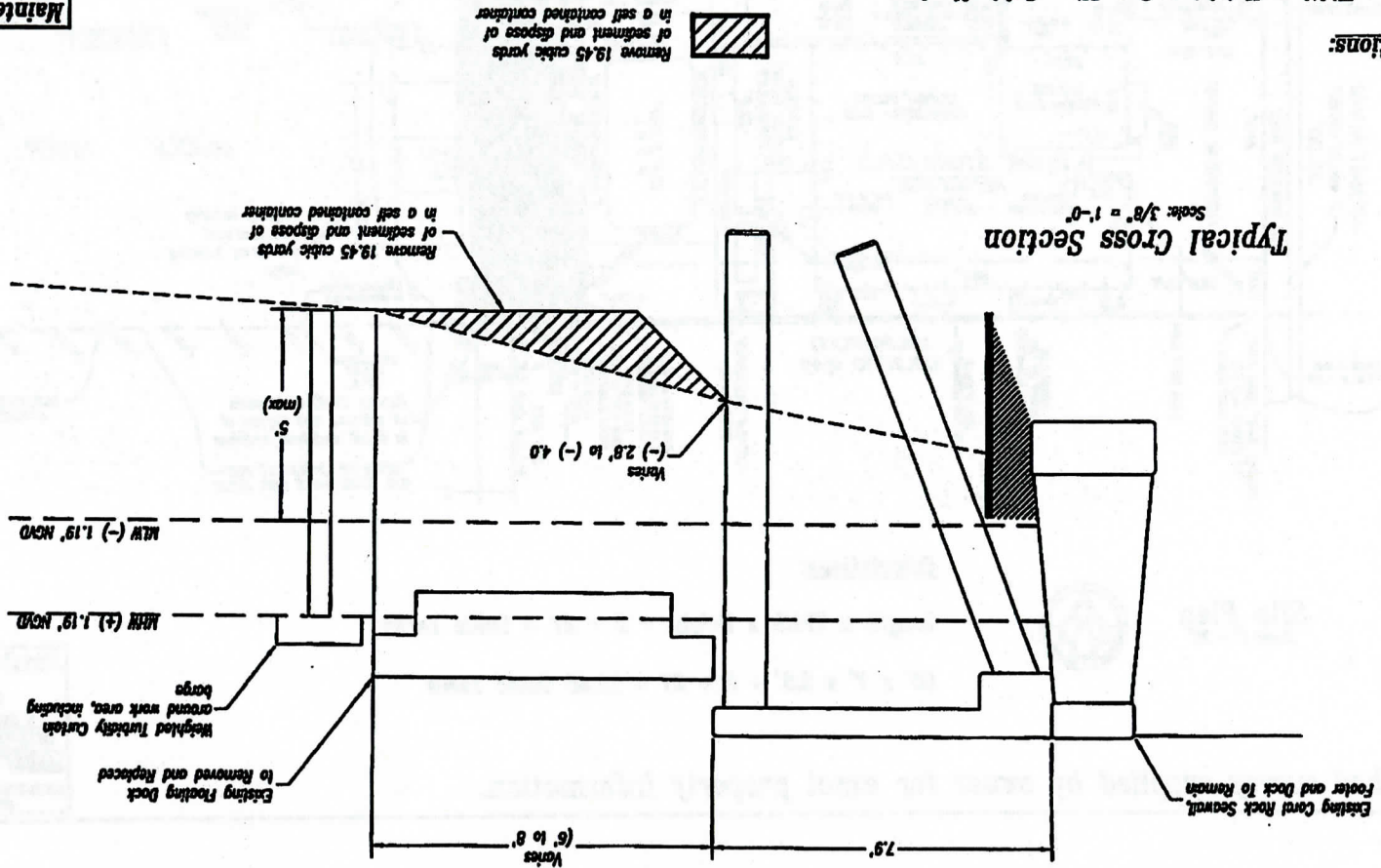
Sheet #	001
Project	UNLIMITED SERVICE SERVICES, INC.
Scale	(AS SHOWN)
DATE	7/11/01
DESIGNED BY	SHAWN BERG
CHECKED BY	SHAWN BERG
DATE	7/11/01
PROJECT	701 NE 20 AVENUE FORT LAUDERDALE, FLORIDA 33304
CONTRACT NO.	
DESCRIPTION	Maintenance Dredging



$$60' \times 7' \times 2.5' \div 2 \div 27 = 19.45 = \text{Cubic Yards}$$

$$\text{Length} \times \text{Width} \times \text{Height} \div 2 \div 27 = \text{Cubic Yards}$$

Calculations:



Typical Cross Section



**FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION**
SOUTHEAST DISTRICT OFFICE
3301 GUN CLUB ROAD, MSC 7210-1
WEST PALM BEACH, FL 33406
561-681-6600

RICK SCOTT
GOVERNOR

CARLOS LOPEZ-CANTERA
LT. GOVERNOR

JONATHAN P. STEVERSON
SECRETARY

March 16, 2015
Mr. and Mrs. Shawn Benyo
2612 NE 3rd Street
Pompano Beach, FL 33062
Via email: SBenyo@BankUnited.com

Lovell Built Inc.
c/o Ms. Rose Ann Lovell
840 N.E. 20th Avenue
Ft. Lauderdale, FL 33304
Via email: ralovell@lovellinc.com

Re: Warning Letter # WL15-00011DF06SED
Project Name: Benyo, Shawn & Jennifer / Lovell Built Inc.
Site No.: 296789, Project No.: 345657
Broward County

Dear Mr. & Mrs. Benyo and Ms. Lovell:

Based on information from a March 6, 2015, Broward County inspection of 704 NE 20th Avenue in Ft. Lauderdale, possible violations of Chapter 403, Florida Statutes (F.S.); 373, F.S.; and 253, F.S.; Chapter 62-330, Florida Administrative Code (F.A.C.); and Chapter 18-21, F.A.C. may have occurred.

Department personnel have noted the following:

Dredging, filling, and use of sovereign submerged lands may have occurred without benefit of a permit and easement.

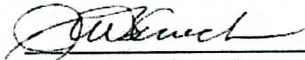
Violations of Florida Statutes or administrative rules may result in liability for damages and restoration, and the judicial imposition of civil penalties, pursuant to Sections 403.121, F.S.; 253.04, F.S.; and Chapter 18-14, F.A.C.

Please contact Gregory Vazquez, at (561) 681-6620, within **15 days** of receipt of this Warning Letter to arrange a meeting to discuss this matter. The Department is interested in receiving any facts you may have that will assist in determining whether any violations have occurred. You may bring anyone with you to the meeting that you feel could help resolve this matter.

Project Name: Benyo, Shawn & Jennifer / Lovell Marine Construction
Site No.: 296789, Project No.: 345657
Warning Letter
Page 2 of 2

Please be advised that this Warning Letter is part of an agency investigation, preliminary to agency action in accordance with Section 120.57(5), F.S. We look forward to your cooperation in completing the investigation and resolving this matter.

Sincerely,



Jill S. Creech, P.E.
District Director
Southeast District

JC/JS/gv

cc: Ryan St. George, Broward County Environmental Protection and Growth Management Department, via email: rstgeorge@broward.org

William A. Lovell, Lovell Marine Construction, via email: walovell@lovellinc.com

Jonda Joseph

From: Bruce G. Roberts
Sent: Tuesday, April 21, 2015 11:51 AM
To: Jonda Joseph
Cc: Lee Feldman; Cynthia Everett; Robbi Uptegrove; John Herbst
Subject: FW: Request for information re: NOV15-0018 Lovell Marine Construction / Benyo property
Attachments: NOV Request Lovell Marine - Benyo property.pdf

Jonda,
Please disseminate to all commissioners re tonight's dock waiver agenda item. This is more detailed information for Exhibit N.
Thanks

Bruce G. Roberts
Commissioner District 1
Fort Lauderdale FL 33301
954-828-5033
broberts@fortlauderdale.gov

From: Cave, Kristy [KCAVE@broward.org]
Sent: Monday, April 20, 2015 12:01 PM
To: Bruce G. Roberts
Cc: Jones, Daphne; Stagnari, John; Vialpando, Lenny; Taylor, Elissa; Sunderland, Linda
Subject: Request for information re: NOV15-0018 Lovell Marine Construction / Benyo property

Fort Lauderdale Commissioner Roberts,

The Broward County Environmental Protection and Growth Management Department has received your request for public information. In response to your request, please be advised that some of the information you are seeking is available on-line. ENVIROS <http://dpep.broward.org/enviros/> is Broward County's environmental on-line search engine that searches records within the POSSE Licensing, Inspection and regulatory enforcement database. POSSE contains information from 2001 forward. Go to the website, select Enforcement Action from the list on the left and enter the enforcement action number. Information may be found on the Documents tab.

Also in furtherance of your request, attached please find additional documentation to support the above referenced enforcement matter.

If you have any questions feel free to contact me.

Thanks,
Kristy



KRISTY CAVE, NATURAL RESOURCE SPECIALIST II
Environmental Protection and Growth Management Department
ENVIRONMENTAL LICENSING AND BUILDING PERMITTING DIVISION
1 N University Dr, Mailbox 307 | Plantation, Florida 33324
954-519-1472 Office • 954-519-1493 Fax



Under Florida law, most e-mail messages to or from Broward County employees or officials are public records, available to any person upon request, absent an exemption. Therefore, any e-mail message to or from the County, inclusive of e-mail addresses contained therein, may be subject to public disclosure.



GREEN YOUR ROUTINE WEBSITE

April, 2015

The Project

- September 2012 to April 2015
- Resource Recovery Board Grant Funded
- Cross-departmental focus
- 70+ Community Builders contributed ideas
- Evolution from a few recycling and forestry pages → interim section on City's main site → over 450 pages of original content

The Website

- Sits on same CMS as other City sites
- Design builds on penetration of GYR brand
- Unique wireframe/structure addresses all six sustainability topics and speaks to four distinct audiences
- Operates as a destination *and* portal
- Informative, engaging, useful
- Sustainability as people, planet and profit
- Supports Strategic Goals



Let's take a look...

WELCOME! Explore our new Green your Routine website, share your feedback and your own green success stories. We hope you will visit often and tell your neighbors. Please note that some of our features are still under construction. We appreciate your patience while we load all of the wonderful content about sustainable Fort Lauderdale.



CITY OF FORT LAUDERDALE



Search...



GREEN YOUR ROUTINE

AT HOME AT WORK AT SCHOOL AROUND TOWN GREENER GOVERNMENT

- CLIMATE RESILIENCY
- CONSERVATION & EFFICIENCY
- RESPONSIBLE DEVELOPMENT & LAND USE
- NATURAL RESOURCES PRESERVATION
- TRANSPORTATION & CONNECTIVITY
- RECYCLING & WASTE REDUCTION



CLIMATE RESILIENCY MITIGATING RISK AND ADAPTING TO CHANGE

EVENTS

NEWS

LINKS

There are no Events.

[View All Events >](#)

GREEN YOUR ROUTINE IN ACTION
CITY OF FORT LAUDERDALE

Discover, explore and create a sustainable Fort Lauderdale.
[Start Here >>](#)

SUSTAINABILITY ACTION PLAN
CITY OF FORT LAUDERDALE



RECYCLING & WASTE REDUCTION



Being mindful of what we consume and how we dispose of things is one of the easiest ways to Green Your Routine and has a positive impact on all three aspects of sustainability. Thoughtful purchasing, careful use and appropriate disposal protects our environment, contributes to our local economy, and keeps our neighborhoods clean and safe. This section of our website has information about reducing waste at its source, the services that we offer curbside, in public spaces and for the commercial sector, and how to dispose of most anything at home, at work and all around the City of Fort Lauderdale.

YOUR SOLID WASTE SERVICES



A to Z DISPOSAL DIRECTORY



NEED A CART? MISSED PICKUP? QUESTIONS?



RECYCLING IN FORT LAUDERDALE



GETTING TO ZERO WASTE



 **HOW TO RECYCLE**

Hi Kids! **VOLUNTEER**

OUR WASTE STREAM



DISPOSAL & CLEAN-UP EVENTS





GREEN YOUR ROUTINE

AT HOME AT WORK AT SCHOOL AROUND TOWN GREENER GOVERNMENT

Greener Government » Recycling & Waste Reduction » Recycling in Fort Lauderdale

RECYCLING & WASTE REDUCTION

- SOLID WASTE & RECYCLING SERVICES
- OUR WASTE STREAM
- GETTING TO ZERO WASTE

RECYCLING IN FORT LAUDERDALE

WHY RECYCLING MATTERS

WHAT AND HOW TO RECYCLE

- GENERAL RECYCLING GUIDELINES
- RECYCLING PLASTICS
- RECYCLING PAPER, PAPERBOARD & CARDBOARD
- RECYCLING GLASS
- RECYCLING METALS
- RECYCLING QUICK REFERENCE GUIDE
- RECYCLING MYTHS
- 5 WAYS TO INCREASE RECYCLING
- DONT RECYCLE THESE!
- STAGING YOUR

WHAT AND HOW TO RECYCLE IN FORT LAUDERDALE

Font Size: + - + Share & Bookmark [+ Feedback] Print

The object of recycling is to turn our trash into raw materials for manufacturers. Doing this requires that we pull the right kinds of waste out of our community's waste stream and send it through the recycling process. Almost half of all waste produced in the United States is the "right kind", including up to 85% of typical household waste.

Yet, what is "right" to recycle is still very much a local issue, and we understand that can be confusing. As the recycling industry matures we will see more consistency. For now, it is not uncommon to be able to put one type of material into recycling in one City, only to have the same material rejected in another. It is important for you to know the recycling guidelines for Fort Lauderdale.

We are continually working with our processor to expand the number of items that can be recycled here, and we are lucky to be part of a metropolitan region that offers many options for recycling the items that cannot go into our City's carts or containers. We ask that all neighbors familiarize themselves with our guidelines.

This section teaches you how to recycle cleanly in Fort Lauderdale, and introduces the recycling services provided by the City. Please refer to our [GYR Waste Directory](#) for options beyond local recycling.

GENERAL RECYCLING GUIDELINES

RECYCLING PLASTIC

RECYCLING PAPER & CARDBOARD

RECYCLING GLASS

RECYCLING METALS

DO NOT RECYCLE



GREEN YOUR ROUTINE

AT HOME AT WORK AT SCHOOL AROUND TOWN GREENER GOVERNMENT

Greener Government » Recycling & Waste Reduction » Recycling in Fort Lauderdale » What and How to Recycle

- ▼ RECYCLING & WASTE REDUCTION
 - ▶ SOLID WASTE & RECYCLING SERVICES
 - ▶ OUR WASTE STREAM
 - ▶ GETTING TO ZERO WASTE
- ▼ RECYCLING IN FORT LAUDERDALE
 - WHY RECYCLING MATTERS
- ▼ WHAT AND HOW TO RECYCLE
 - GENERAL RECYCLING GUIDELINES
 - ▶ RECYCLING PLASTICS
 - RECYCLING PAPER, PAPERBOARD & CARDBOARD
 - RECYCLING GLASS
 - RECYCLING METALS
 - RECYCLING QUICK REFERENCE GUIDE
 - RECYCLING MYTHS
 - 5 WAYS TO INCREASE RECYCLING
 - ▶ DONT RECYCLE THESE!
 - STAGING YOUR

PLEASE DON'T RECYCLE THESE!

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The City of Fort Lauderdale earns income for each load of **clean recyclables** delivered to our processing plant. This income offsets the cost of providing sanitation services in our City. We earn less for contaminated loads. The following are the top contaminants.



1. **Food.** Whole, part or just the stuff that sticks. Keep it all away from your recyclables please. That includes liquids. Especially greasy liquids. For more on food waste, click [here](#).
2. **Plastic bags** or anything that looks or feels like a **plastic bag**, such as dry cleaning covers and disposal gloves.
3. **Polystyrene foam** or similar products, such as packing peanuts and foam drink cups. Learn more about foam [here](#).
4. **Unrecyclable glass**, such as mirrors, windows, china and other dishware, and knick-knacks. Learn more about glass [here](#).
5. **Hazardous Waste.** For information on proper disposal of hazardous waste (everything from batteries to medication), click [here](#).

- SOLID WASTE & RECYCLING SERVICES
- OUR WASTE STREAM
- GETTING TO ZERO WASTE
- RECYCLING IN FORT LAUDERDALE
- GREEN YOUR ROUTINE WASTE DISPOSAL DIRECTORY**
- A TO Z WASTE DISPOSAL INDEX
- HOUSEHOLD HAZARDOUS WASTE**
- HHW STORAGE & DISPOSAL GUIDELINES
- FERTILIZERS, HERBICIDES & PESTICIDES
- PAINT
- SOLVENTS & CLEANING PRODUCTS
- PROPANE, LIGHTER FLUID & FLAMMABLES
- FIRE EXTINGUISHERS
- LIGHTING & LIGHT BULBS
- GARDENING, LAWN CARE, HOLIDAY TREES
- OVERSIZED ITEMS
- ELECTRONIC WASTE
- MEDICATIONS & MEDICAL WASTE
- AUTOMOTIVE WASTE
- PET WASTE
- HOUSEHOLD GREASE (FOGS)
- CLOTHING
- BOOKS

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According to the Environmental Protection Agency (EPA), hazardous waste is "waste that is dangerous or potentially harmful to our health or the environment. Hazardous wastes can be liquids, solids, gases, or sludges. They can be discarded commercial products, like cleaning fluids or pesticides, or the by-products of manufacturing processes." **Household hazardous waste (HHW) includes common household items that contain toxic chemicals and therefore need proper handling during disposal.**

HHW typically includes items used to clean, lubricate, paint, fuel and exterminate. The average household will have a number of items that qualify as HHW in kitchens, bathrooms, garages and sheds, home offices, storage spaces and even bedrooms. Hazardous waste is often highly regulated material, meaning that the Environmental Protection Agency (EPA) licenses certain waste disposal facilities to accept and process the waste safely.



The City of Fort Lauderdale offers a number of opportunities for you to dispose of HHW so that it does not harm humans, wildlife or the environment. We have partnered with neighboring communities to provide free, frequent and convenient drop-off events for HHW disposal and electronics recycling. All that is required to participate is proof of residency, such as a drivers license or utility bill.

To learn more about disposing of specific types of HHW, visit our pages on fertilizers and pesticides, paint, solvents and cleaning products, propane and other flammables, fire extinguishers, and lighting.

HHW STORAGE & DISPOSAL GUIDELINES

HHW & ELECTRONICS DROP-OFF EVENTS

- ▼ RECYCLING & WASTE REDUCTION
 - ▶ SOLID WASTE & RECYCLING SERVICES
 - ▶ OUR WASTE STREAM
 - ▶ GETTING TO ZERO WASTE
 - ▶ RECYCLING IN FORT LAUDERDALE
 - ▶ GREEN YOUR ROUTINE WASTE DISPOSAL DIRECTORY
- ▼ SOLID WASTE EVENTS
 - ▼ HOUSEHOLD HAZARDOUS WASTE DROP-OFF
 - ▶ HHW DROP-OFF LOCATIONS
 - ▶ ADOPT-A-STREET
 - ▶ WATERWAY, PARK & BEACH CLEAN-UPS

HHW DROP-OFF EVENT LOCATIONS

Font Size: [+](#) [-](#) [+](#) [Share & Bookmark](#) [\[+\]](#) [Feedback](#) [Print](#)

Household Hazardous Waste Drop-off Events are held throughout the year. City of Fort Lauderdale residents may participate in events taking place in Fort Lauderdale, Coconut Creek, Coral Springs, Pompano Beach and Tamarac. [City of Fort Lauderdale HHW Drop-off Guidelines](#) apply at all events.

For 2015, the following HHW Drop-Off Events are being offered. All events take place on a Saturday, except where noted.

Fort Lauderdale	Coconut Creek	Coral Springs	Pompano Beach	Tamarac
- January 24	- March 7	- February 7	- June 6	- May 2
- April 11	- September 12	- October 4 (Sunday)	- November 7	- December 5
- August 1				

Effective October 1, 2013, Fort Lauderdale's neighbors are no longer able to dispose of household hazardous waste, electronics, or yard waste at any of Broward County's drop-off locations. This service change reflects a decision to streamline fiscal spending for the City's neighbors. Residents should continue to dispose of yard waste through the City's curbside [Yard Waste](#) or [Bulk Trash](#) Collection Programs.

Please refer to the map below for event addresses. You may need to zoom out to see all locations. Click on the green HHW symbol for each location to get links to directions and additional event details.

The map displays the location of an HHW Drop-off Event at Fort Lauderdale. A popup window provides the following details:

- Event Name:** HHW Drop-off Event @ Fort Lauderdale
- Directions:** Get directions (3.32 miles)
- Address:** 2201 NW 9th Avenue Mills Pond Park, Fort Lauderdale, FL 33311
- Phone:** (954) 828-8000

The map also shows surrounding areas including Tamarac, Sunrise, Lauderdale Lakes, Oakland Park, and Pompano Beach.

GREEN YOUR ROUTINE WASTE DISPOSAL DIRECTORY

The very best way to handle waste in our community is not create it in the first place. Buying just what you need, favoring items with less packaging, and bringing re-usable shopping bags with you makes a huge difference in how much trash we collect and process. Eventually though, things will be used up or worn out or no longer useful to you. **Use this directory to determine how to dispose of the things you no longer need. Please keep in mind that many of the things we throw away in a modern society are specialized waste.** This includes items that cannot be sent through the traditional recycling or disposal streams because the waste is either hard-to-handle, toxic or hazardous, oversized, dangerous to the public, or regulated in some way. Find detailed instructions for disposal here, or contact [City of Fort Lauderdale 24-hour Customer Service](#) for additional assistance.

DIRECTORY INDEX		HOUSEHOLD HAZARDOUS WASTE		OVERSIZED WASTE	
ELECTRONICS: SCREENS, BATTERIES, CELL PHONES & MORE		MEDICATIONS & MEDICAL WASTE		GARDENING: PLANTS, POTS & EVEN PUMPKINS	
PET WASTE		FOGS: FATS, OILS, GREASE		CLOTHING	
GLASS		AUTOMOTIVE: TIRES, OIL, FUEL, BATTERIES		CONSTRUCTION & DEMOLITION DEBRIS	

A

- Aerosol cans (empty) **R**
- Aerosol cans (not empty) **GHE**
- Aluminum Foil (clean) **R**
- Asceptic boxes (empty) **R**
- Automotive Batteries **HSE**
- Automotive Waste **HSE**

B

- Bags (cloth, leather, etc.) **D**
- Bags (paper) **R**
- Bags (plastic) **S**
- Batteries **HSE**
- Bery containers (plastic) **R**
- Beverage cans **R**
- Beverage cups (foam) **G**
- Biohazards **HE**
- Books **DR**
- Bottlecaps (metal) **R**
- Bottlecaps (plastic) **R**
- Bottles (glass) **R**

I

- Ink and Printer Cartridges **SHE**

J

- Jack-o-Lanterns **YD**
- Jars **R**
- Jewelry **D**
- Juice boxes **R**
- Juice pouches
- Junk mail **R**

K

- Kitchen Oil and Grease

L

- Lawncare Chemicals **HE**
- Lighting & Light Bulbs **DHEG**
- Lighter Fluid **HE**

M

- Magazines **R**
- Medication **HES**
- Medical Waste **H**
- Mercury-based Light Bulbs **HE**

S

- Secure Collection Boxes (for Medicine & Needles) **H**
- Shoes **D**
- Shredded Paper **R**
- Solvents **HE**
- Stickers & decals **DG**
- Straws (plastic) **R**
- Styrofoam **SG**

T

- Televisions **DHE**
- Thermometers **HE**
- Tiles (Roofing) **DG**
- Tires **SB**
- Toothpaste tubes **G**
- Trees (Holiday) **YBE**
- Tree Trimmings (Branches & Leaves) **Y**
- Tree Trimmings (Holiday Decorations) **DRGH**
- Tree Trunks **YB**
- Tubs (plastic) **R**



greener-government/recycling-waste-reduction/gyr-waste-disposal-directory/gardening-lawncare-holiday-trees/tree-trimmings-and-tree-trunks

CITY OF FORT LAUDERDALE

GREEN YOUR ROUTINE

AT HOME AT WORK AT SCHOOL AROUND TOWN GREENER GOVERNMENT

Greener Government » Recycling & Waste Reduction » Green Your Routine » Waste Disposal Directory » Gardening, Lawncare, Holiday Trees

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TREE TRIMMING

Tree trimmings should be disposed of in your green yard waste cart. Cut large pieces down to fit in the green cart so that the lid

Tree trimming

greener-government/natural-resources-preservation/growing-our-green-canopy/tree-planting

CITY OF FORT LAUDERDALE

GREEN YOUR ROUTINE

AT HOME AT WORK AT SCHOOL AROUND TOWN GREENER GOVERNMENT

Greener Government » Natural Resources Preservation » Growing Our Green Canopy » Tree Planting

Planting is best done from winter to early spring (before new growth quickly as growth starts in the spring and insect and disease infestation

Trimming as little of the tree as possible should be the objective of a tree.

There are certain tools needed to prune if taking on the task yourself. Tools you may need when pruning young trees or pruning the lower part of a tree.

Remember not to "top" your trees, and don't let landscaping companies otherwise known as stubbing or heading, is harmful to the health of a tree when they grow too large or into utility wires. There are several alternatives on your property:

- Start out right by planting trees that will fit your available space
- Begin proper pruning early in the life of a tree
- To slow the growth of a tree- avoid the use of nitrogen fertilizer
- Prune properly and regularly. A light pruning every three years condition

Working with w Professional Tree Trimmer

When working with a professional, be sure to check that the company is licensed in Broward County, and that all staff has been trained in proper tree trimming. When a tree in Fort Lauderdale, tree pruning must be done according to accepted standards. Commercial tree trimmers must have Broward County Tree Trimmer License. Additional information can be found using these links:

- Broward County Tree Trimmer Licensing Investigation & Enforcement
- Broward County Tree Trimmer Cards

For more information, see Working with a Tree Service Company.

More Information

UF | IFAS UNIVERSITY of FLORIDA

University of Florida IFAS Extension Shade Trees and the Proper Way to Prune Them

The first document is a two-page document by UF-IFAS regarding shade trees in the landscape differently in the landscape than they do in the forest because of more shade. The second link takes you to information on pruning Indian Date Palm, Queen Palm, Sabal Palms and more.

Tree City USA Bulletin No. 8: D

This is a summary of the Arbor Day Foundation's

greener-government/natural-resources-preservation/wildlife-habitats

CITY OF FORT LAUDERDALE

GREEN YOUR ROUTINE

AT HOME AT WORK AT SCHOOL AROUND TOWN GREENER GOVERNMENT

Greener Government » Natural Resources Preservation

WILDLIFE & HABITATS

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WE ARE WILDLIFE

Look at any photograph of Fort Lauderdale and you will notice our gleaming office towers, our bustling airports, our planned network of neighborhoods and streets. You will see an impressive amount of green and blue, places where nature is able to preserve the unique ecosystem that brought us here to settle long ago.

The early settlers were impressed with the bounty of wildlife. From the beginning, the animal diversity of wildlife. From the beginning, the animal diversity of wildlife. From the beginning, the animal diversity of wildlife. From the beginning, the animal diversity of wildlife.

It is still the same today. While Fort Lauderdale is a bustling urban epicenter, we are still a little wild and are doing everything we can to stay that way. You can help. This section introduces the many animals which you will see around our beautiful City, and provides information you need to welcome them safely into your neighborhood.

OUR WILD NEIGHBORS

Meet the wondrous inhabitants of our air, land and water. They are, how they help us, and what we can do to help them. The manatees and turtles who are the Stars of our Florida. The butterflies and hummingbirds who are our Productive Florida. Our Natural Pest Controllers like frogs, bats and owls. The Snowbirds who migrate through each year, you will

greener-government/natural-resources-preservation/wildlife-habitats

CITY OF FORT LAUDERDALE

GREEN YOUR ROUTINE

AT HOME AT WORK AT SCHOOL AROUND TOWN GREENER GOVERNMENT

Greener Government » Natural Resources Preservation

WILDLIFE & HABITATS

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WE ARE WILDLIFE

Look at any photograph of Fort Lauderdale and you will notice our gleaming office towers, our bustling airports, our planned network of neighborhoods and streets. You will see an impressive amount of green and blue, places where nature is able to preserve the unique ecosystem that brought us here to settle long ago.

The early settlers were impressed with the bounty of wildlife. From the beginning, the animal diversity of wildlife. From the beginning, the animal diversity of wildlife. From the beginning, the animal diversity of wildlife. From the beginning, the animal diversity of wildlife.

It is still the same today. While Fort Lauderdale is a bustling urban epicenter, we are still a little wild and are doing everything we can to stay that way. You can help. This section introduces the many animals which you will see around our beautiful City, and provides information you need to welcome them safely into your neighborhood.

OUR WILD NEIGHBORS

Meet the wondrous inhabitants of our air, land and water. They are, how they help us, and what we can do to help them. The manatees and turtles who are the Stars of our Florida. The butterflies and hummingbirds who are our Productive Florida. Our Natural Pest Controllers like frogs, bats and owls. The Snowbirds who migrate through each year, you will

- ▼ NATURAL RESOURCES PRESERVATION
 - ▼ CLEAN AIR
 - REDUCING GHG EMISSIONS
 - CLEAN WATER
 - GROWING OUR GREEN CANOPY
 - BEACH PRESERVATION AND OCEAN WILDLIFE
 - FLORIDA-FRIENDLY LANDSCAPING
 - WILDLIFE & HABITATS

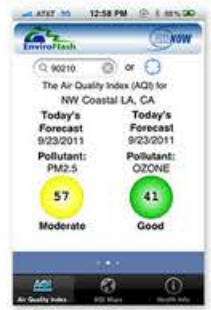
CLEAN AIR

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Clean air is essential to our health, the environment, and agriculture. Fort Lauderdale and the South Florida region have generally good air quality. Yet, there are ways to make the air we breathe even healthier, and in doing so we can also help to alleviate symptoms experienced by our neighbors with lung disease, improve the growing environment for trees and plants, and reduce the emissions which are thought to affect climate in the long term.

The American Lung Association's *State of the Air 2014* report used the U.S. Environmental Protection Agency's Air Quality System (AQS) database to collect data from 2010 to 2012 to produce county-by-county ratings of air quality. On a scale from A to F, Broward County scored a "B" for its ozone quality and a "B" for its short-term particle pollution (which measures hours-long spikes in the particle pollution).

Through EnviroFlash, you can [subscribe to notifications](#) or [download the AirNow app](#) to your phone and always have the AQI at your fingertips.



Today's Forecast...

Ft. Lauderdale, FL

Air Quality Forecast

Apr 7	Good
OZONE	
Apr 8	Good
OZONE	

By: STI Source: Broward Co. Air

To get even more forecast information, go to Air Now's [Air Quality Index Forecast](#).



What's in our air?

Well, plenty of fresh air with all the things we need. Nevertheless, the air we breathe can be contaminated in small percentages that do make a difference. Some pollutants are natural, such as too much pollen or smoke from a wildfire. However, the majority of pollutants (or air

What is the Air Quality Index (AQI)?

Good 0-50	Air quality is considered satisfactory, and air pollution poses little or no risk.
Moderate 51-100	Air quality is acceptable; however, for some pollutants there may be a moderate health concern for a very small number of people who are unusually sensitive to air pollution.
Unhealthy for Sensitive Groups 101-150	Members of sensitive groups may experience health effects. The general public is not likely to be affected.
Unhealthy 151-200	Everyone may begin to experience health effects; members of sensitive groups may experience more serious health effects.
Very Unhealthy 201-300	Health alert: everyone may experience more serious health effects.



AT HOME

AT WORK

AT SCHOOL

AROUND TOWN

GREENER GOVERNMENT

[Greener Government](#)

GYR DICTIONARY AND SITE INDEX

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Greening your routine should be a personal adventure. There is no right or wrong way to start. We have structured this website to encourage you to explore topics in any order you like. If you are looking for specific information, try this alphabetized index. Listings are linked to pages where you can get started with various topics, and each is defined to help you learn more about sustainability! If you don't see what you need here, then try the [City of Fort Lauderdale A to Z Guide](#).

A Special Note to Students: Feel free to use our dictionary for homework help. If you and your teacher think that we should add a few words, make a list and send it to us by clicking the [Feedback](#) button on the top right part of this page.

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

A

Adaptation - Areas that experience coastal flooding and that are vulnerable to the related impacts of rising sea levels

Adaptation Action Areas - An optional comprehensive plan designation for areas that experience coastal flooding and that are vulnerable to the related impacts of rising sea levels for the purpose of prioritizing funding for infrastructure and adaptation planning

G

Garbage - More commonly known as trash or garbage, consists of everyday items we use and then throw away, such as product packaging, grass clippings, furniture, clothing, bottles, food scraps, newspapers, appliances, paint, and batteries. This comes from our homes, schools, hospitals, and businesses.

Global Warming - A pervasive increase in the average atmospheric temperature of

S

Saltwater intrusion - The movement of saltwater into freshwater aquifers. Saltwater is able to push inland beneath freshwater because it is denser and has a higher water pressure due to its high mineral content. Human activities that can contribute to saltwater intrusion are: groundwater pumping from coastal freshwater wells, navigation channels, and agricultural drainage channels. Saltwater intrusion can also be worsened by naturally



GREEN YOUR ROUTINE

- AT HOME
- AT WORK
- AT SCHOOL
- AROUND TOWN
- GREENER GOVERNMENT

[Greener Government](#)

JOIN IN!

Green Your Routine is not just a program, a slogan, or a brand. It is a call to action. Thanks to you, our neighbors, it is also a way of life in our community. **The first and most important way you can join in is to look at how you live, work and enjoy our fine city, and make small changes at your own pace based on the information you find on this website, those we link to, and other sources that teach about sustainability.**

For those who want to hear or do more, we offer many convenient and fun options. Click on the links below, or contact our [Neighbor Support Volunteer Office](#). We're always adding new opportunities, so watch this page for updates and additions, and check our [calendar](#) for specialized volunteer events.

<p>BE A GREEN YOUR ROUTINE VOLUNTEER</p>		<p>SHARE YOUR SUCCESS STORY</p>		<p>CHECK OUT OUR ACTION MAP</p>	
<p>FOLLOW US</p>		<p>WATCH FLTV</p>		<p>BOOKMARK & SHARE THIS WEBSITE</p>	
<p>SIGN UP FOR</p>		<p>PUT WASTE</p>			

EDIT BACK

GREEN YOUR ROUTINE

AT HOME AT WORK AT SCHOOL AROUND TOWN GREENER GOVERNMENT

NATURAL RESOURCES PRESERVATION

- CLEAN AIR
- CLEAN WATER
- GROWING OUR GREEN CANOPY

BEACH PRESERVATION AND OCEAN WILDLIFE

- OFFSHORE REEF PROJECTS
- PRESERVATION CHALLENGES, PLANS AND TACTICS

KEEPING OUR BEACHES CLEAN

- GREEN YOUR BEACH ROUTINE
- SEAWEED COMPOSTING
- NO BUTTS ON THE BEACH, PLEASE!
- SEA TURTLES
- FLORIDA-FRIENDLY LANDSCAPING
- WILDLIFE & HABITATS

Greener Government » Natural Resources Preservation » Beach Preservation and Ocean Wildlife » Keeping our Beaches Clean

NO BUTTS ON THE BEACH, PLEASE!

Font Size: + - + Share & Bookmark [+] Feedback Print

Small litter such as gum wrappers, bottle caps, straws, and cigarette butts may seem harmless, but in reality they accumulate over time and pose a threat to the environment and our economy. Fort Lauderdale sees all these types of trash and more on our beaches but the litter that requires the most attention is cigarette butts.



Cigarette butts are the number one littered item found on beaches and waterways worldwide. The Ocean Conservancy's annual International Coastal Cleanup (ICC) reports that "cigarette butts have been the single most recovered item since collections began." Data from the annual ICC shows that in 2010, over one million cigarettes or cigarette filters were removed from American beaches and inland waterways. The small pieces of trash are not only unattractive but are also harmful to the environment and marine life. The filter in a cigarette butt is made of a plastic called cellulose acetate which can take up to twenty-

five years to break down and during this time it can be ingested by marine life. If an animal eats cigarette butts, they can block the digestive tract or fill its stomach, causing malnutrition or starvation. The toxic chemicals and carcinogens found in the butts' filters and any remnant tobacco are quickly leached from the butts by water. These chemicals contaminate waterways and poison wildlife.

Discarded cigarette butts in the streets can be carried as runoff from streets into storm drains which lead to the ocean and can end up on our beaches. Every two weeks the City of Fort Lauderdale collects 8,000 to 10,000 cigarette butts from a section along Las Olas beach that is only one third of a mile long. The cleanup costs the City



GREEN YOUR ROUTINE

AT HOME AT WORK AT SCHOOL AROUND TOWN GREENER GOVERNMENT

Greener Government » Climate Resiliency » Innovative Pilot Projects

CLIMATE RESILIENCY

CLIMATE AND WEATHER IN FORT LAUDERDALE

VISION 2035: WE ARE READY

INNOVATIVE PILOT PROJECTS

ADAPTATION ACTION AREAS

STORMWATER PRESERVES

PAVEDRAIN SYSTEMS

FLOODPLAIN MANAGEMENT

HIGH TEMPERATURE LIVING: HEAT, FIRE & DROUGHT

MORE ABOUT CLIMATE RESILIENCY

PAVEDRAIN SYSTEMS

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This is a pilot project of the City's Transportation and Mobility Department, and is the first application of its kind in South Florida. Installed at City Hall's Orchid Parking Lot, which is also a demonstration area for other sustainable technologies, the Pave Drain System is designed to mitigate the danger and effects of major stormwater flow over paved surfaces. It looks like any other tiled surface, but functions dramatically differently.



PaveDrain fire truck drainage test
Fort Lauderdale, FL

In order to evaluate the product's performance, the City performed a test in November, 2013. To simulate a major stormwater event, a City of Fort Lauderdale firetruck was loaded with 700 gallons of water which was then released onto the PaveDrain surface. In less than 60 seconds the water dispersed and was drained completely keeping the parking lot safe for pedestrians and vehicles, as well as demonstrating a

TRANSPORTATION & CONNECTIVITY

- BETTER STREETS FOR EVERYONE
- TRANSIT OPTIONS: LEAVING YOUR CAR AT HOME
- GREENER DRIVING AND PARKING

CYCLING OUR CITY

- BIKE PATH AND LANES
- BIKE SHARING
- OUT ON THE WATER
- GYR AT FXE

BIKE SHARING

Font Size: + - Share & Bookmark Feedback Print

Broward B-Cycle is a bike sharing program for residents, workers, and visitors. Bike sharing allows you to have a bicycle when you need it, and to give it back when you don't. There are sharing programs offered by private businesses throughout our region. It is an economical and convenient way to make trips that are too far to walk but too short to drive, and it leaves the bicycle maintenance and storage to someone else!

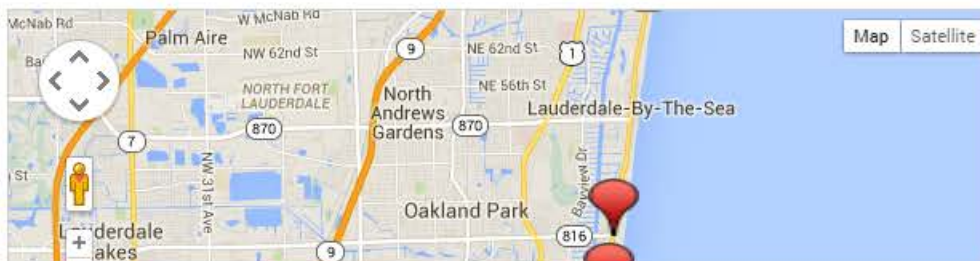
BROWARD B cycle

- Find a station near you.
- Start your membership.
- See a demo.



B-Cycle is different in that it allows you to pick up a bicycle from one many convenient station locations throughout the County, use the bicycle for as long as you need, and then return it to the same or any other station in the County. B-Cycles can be rented on a single use basis, and also through membership. As a member, you have added conveniences.

Broward B-Cycle opened in December, 2011. In the first year of operation, it helped us burn 3.4 million calories and kept 88,000 pounds of carbon dioxide from entering our atmosphere. There are now 15 stations in Fort Lauderdale.

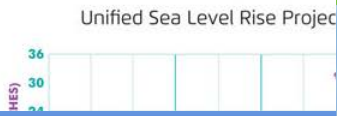




Greener Government » Climate Resiliency » Climate and Weather in Fort Lauderdale » The Story of Sea Level Rise in Fort Lauderdale

HOW MUCH AND HOW FAST WILL THE SEA RISE?

A unified projection by the Southeast Florida Regional Climate Change Compact shows a three to seven inch increase in sea level in



- CLIMATE RESILIENCY
 - WHY RESILIENCY NOW?
- CLIMATE AND WEATHER IN FORT LAUDERDALE
- THE STORY OF SEA LEVEL RISE IN FORT LAUDERDALE
 - HOW MUCH AND HOW FAST WILL THE SEA RISE?
 - WHY DOES SEA LEVEL MATTER?
 - HOW DO WE PREPARE FOR RISING SEAS?
- TEMPERATURES OVER IN FORT LAUDERDALE
- LEARN MORE ABOUT CLIMATE CHANGE IN OUR REGION
- VISION 2035: WE ARE READY
- INNOVATIVE PILOT PROGRAMS
- FLOODPLAIN MANAGEMENT
- HIGH TEMPERATURE LIVING: HEAT, FIRE & DROUGHT

Fort Lauderdale, FL x
fortlauderdale.gov/at-school



Quick! Look out the window. Go ahead, do it now. What do you see? Buildings? distance? Whatever it is, whatever you see, take in for a minute the fact that it **is here, go to school here, have friends here, or just come here for fun, this is our future. We'd like your help taking care of it. You, our youngest citizens, have found here you can make your home a little greener, teach your family a few earth and important changes at your school and other activities.**

CLIMATE BASICS & BIG QUESTIONS

Is the sea really rising?

IS YOUR ROUTINE GREEN?

GYR DICTIONARY

Earth Day April 22, a day on

TEACH GREEN

THE GREAT OUTDOORS

GETTING WHERE YOU NEED TO GO

VOLUNTEER

CELEBRATE OUR EARTH

Fort Lauderdale, FL x
at-home/sustainability-at-home

- GET STARTED WITH GYR
- CLIMATE CHANGE AND YOUR HOME
- REBATES & INCENTIVES
- GYR INSIDE YOUR HOME
- GYR OUTSIDE YOUR HOME
- GYR IN YOUR NEIGHBORHOOD
- HELPFUL LINKS
- JOIN IN

CLIMATE CHANGE AND YOUR HOME

If you read the popular press lately you might think that Floridians are doomed. In an effort to raise awareness of the very real climate issues our region is facing, everyone from news reporters to bloggers are sounding the alarm.

In the City of Fort Lauderdale, we believe it is important to gather as much information as possible and to focus on data coming out of universities and scientific institutions as well as the public agencies and private organizations that work with them. With good information you can make good decisions.

What does the current data mean for you and the home you own or rent?

GREEN YOUR COOLING ROUTINE

Our hot season is getting longer and may increase in temperature slightly. Check that your HVAC system is maintained properly, drink plenty of water, wear sunscreen, and know what to do in case of a heat emergency. Take a look at our [High Temperature Living](#) pages and our tips for [Greening Your Cooling Routine](#). It's a guide to the steps you can take room by room to cool your home or apartment in ways that don't harm the planet. To cool our city, sign up for

utility e-billing and [get a free tree](#) to plant in your yard or to donate to someone else.

Storms may increase in frequency and intensity. While we all work towards a greener future, we cannot ignore the risks associated with climate, especially rising seas. Being prepared is more important than ever. Be sure to review all of the [preparedness information](#) provided by our [Emergency Management Department](#), develop an evacuation plan and check your insurance coverage. Also make sure to do your pre-hurricane season [hazardous waste drop off](#) and [yard clean-up](#).

BE READY

Flooding in Fort Lauderdale will continue to be a



Benefits to Neighbors

- Locally relevant
- Multiple perspectives:
 - Challenges and goals
 - What's happening: Our work, news, results
 - Available services and programs
 - How to get involved
- Practical tips and instructions
- Directories, Apps, Maps, Incentives
- Direct link to Customer Service
- Better information... faster



fortlauderdale.gov/gyr

City of Fort Lauderdale, FL ... x +

gyr.fortlauderdale.gov/gyr-home-page

Most Visited Getting Started Customize Links Free Hotmail Suggested Sites Symantec Enterprise V... Web Slice Gallery Windows Marketplace Windows Media Windows

WELCOME! Explore our new Green your Routine website, share your feedback and your own green success stories. We hope you will visit often and tell your neighbors. Please note that some of our features are still under construction. We appreciate your patience while we load all of the wonderful content about sustainable Fort Lauderdale.

CITY OF FORT LAUDERDALE Search...

GREEN YOUR ROUTINE

AT HOME AT WORK AT SCHOOL AROUND TOWN GREENER GOVERNMENT

- CLIMATE RESILIENCY
- CONSERVATION & EFFICIENCY
- RESPONSIBLE DEVELOPMENT & LAND USE
- NATURAL RESOURCES PRESERVATION
- TRANSPORTATION & CONNECTIVITY
- RECYCLING & WASTE REDUCTION

GREEN YOUR ROUTINE TAKE THE FIRST STEPS

Learn More >>

JOIN IN

EVENTS NEWS LINKS

- APR 22** EARTH DAY Earth Day is an annual celebration of the planet. Join READ MORE » an event in our
- APR 25** FORT LAUDERDALE CARES DAY READ MORE »

View All Events >>

GREEN YOUR ROUTINE IN ACTION
CITY OF FORT LAUDERDALE
Discover, explore and create a sustainable Fort Lauderdale.
Start Here >>

SEE ALL THE GOING GREEN APPS

SUSTAINABILITY ACTION PLAN
CITY OF FORT LAUDERDALE

12:37 PM
4/22/2015



Clean Team In Action

A few pictures of things we do



Currently...

We have 9 Custodians scheduled and working.
There are 3 Custodians being processed through HR.
Our schedule has given us 7 day coverage.
Our pressure washing team is being trained and going through the first run of each area.

Clean Team Personnel Assignments

	Su	M	T	W	Th	F	Sa
Riverwalk/2 St	1	1	1	1	1	1	1
Las Olas	1	1	1	1	1	1	1
A1A South	2	1	1	1	1	1	1
A1A North	1	1	1	1	1	1	1
17th St	1	1	1	1	1	1	1
Andrews/3rd		1	1	1	1	1	1
Broward	1	1	1	1	1	1	1
Galt Ocean Dr		1					

Hard at Work







Before and After





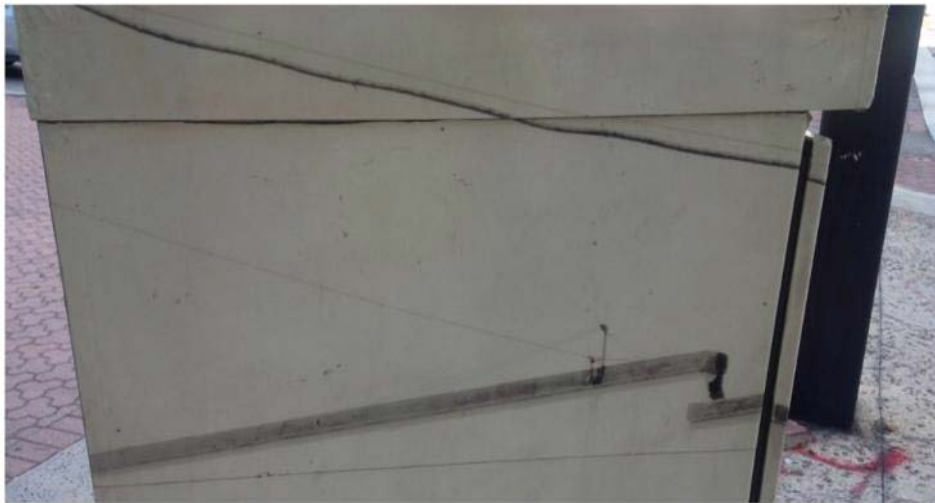
















and a few examples of the things we find and report back to others...





Thanks!!!



-The Clean Team