

November 6, 2025

MEETING OF THE MARINE ADVISORY BOARD
CITY OF FORT LAUDERDALE

IN RE:

DOCK WAIVER - 1409 SW 17TH STREET

VIDEO RECORDING

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DATE TAKEN: NOVEMBER 6, 2025

Transcribed By: Sandi L. Kelley

1 APPEARANCES

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Steve Witten, Chair
4 Robert Washington, Vice Chair
Norm Bekoff
5 Tyler Brunelle
Jeffrey Coburn
6 Courtney Day
Jason Dunbar (via Zoom)
7 Barry Flanigan
Robert Franks
8 John Lynch
Sam Mitchell
9 Ted Morley
Dr. Bret Ribotsky (via Zoom)
10 Bob Swindell
LaRhonda Ware
11 Andrew Cuba
Bob Dunckel
12 Lisa McConnell

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1 CHAIR WITTEN: -- 09. So to the exciting part of the
2 evening, we are going to start with the dock waiver at 1409
3 Southwest 17th Street. I am -- who is going to lead that?

4 Lisa, are you somewhere?

5 MS. MCCONNELL: I am. I'm here.

6 CHAIR WITTEN: Okay. So take the floor. Let's just
7 get the right page.

8 Lisa, McConnell, representing the applicants and --
9 with that -- so let's -- please, guys, let's --

10 UNIDENTIFIED MALE SPEAKER: Sorry.

11 CHAIR WITTEN: Let's listen up please. Thank --

12 MS. MCCONNELL: Thank you.

13 Thank you, ladies and gentlemen. I am happy to have
14 this opportunity to see a face, and look forward to clearing up
15 what seems to be mass confusion on this project, being before
16 the Marine Advisory Board. We all scratched our heads a year
17 ago when the permit was issued by the building department, and
18 then prior to commencement of construction, it was required that
19 we get a formal waiver.

20 I'm going to share a few slides that I think will help
21 clarify my points there, but there are obviously a number of
22 concerned residents that, I think, share in the misunderstanding
23 of this particular extremely unique property in Fort Lauderdale
24 and the Citrus Isles area of south 17th Street.

25 The Applicant is looking to raise the seawall to the

1 5.0 standard and build -- replacing the marginal dock that runs
2 his 60 feet of waterfront, and install two new finger piers.
3 Existing today, are piers that are 39.5 and 39.8 feet in length,
4 from the marginal dock, into the water, and he wants to replace
5 them with a 50 and a 30, to accommodate his personal vessels --
6 private use.

7 Next slide, please. So on my next slide, I would like
8 to know that -- many of the neighbors that we've heard from
9 Vince and Rhiannon have not had an opportunity to meet.

10 CHAIR WITTEN: Please, sir, let me stop you for a
11 second. So you're inferring that anybody has -- any -- to the
12 prop -- Bob does, Andrew does, and I do, these are -- these guys
13 are hearing this for the first time, so they haven't been privy
14 to the emails and su --

15 MS. MCCONNELL: Oh.

16 CHAIR WITTEN: So walk them through -- would be much
17 more helpful --

18 MS. MCCONNELL: Okay.

19 CHAIR WITTEN: -- this. Thank you.

20 MS. MCCONNELL: I'll just state the facts.

21 So Vince Congine and Rhiannon Holcombe have a four
22 year old daughter, and they have residency here. Their property
23 is homesteaded. They live as residents. Rhiannon spend less
24 time here than Vince. She does have a private practice, still,
25 in Illinois, and they are a family owned and occupied.

1 There is no Airbnb or rental property here, as has
2 been expressed concern. There are no -- no live-aboards on the
3 berthed vessels. The Applicant is well aware, this is a
4 residentially zoned property, and intends to be able to put his
5 own boats there, once he can get the construction completed and
6 the improvements made in his boat slip area.

7 Next slide, please. The property is here, the arrow
8 at 1409 Southwest 17th Street. As you'll see, it is a few
9 parcels in from the South River -- the south fork of the New
10 River, and the very first parcel, as you come in the mouth of
11 the river, is exclusively submerged lands. It does not have a
12 primary upland structure. It is a block parcel. The entry
13 point to a boat slip basin, that exists for over a 100 years as
14 private property, prior to the dredging and creation of the
15 Citrus Isle area canals.

16 This private boat slip area will be shown more clearly
17 on a later slide, but it does abut and has been unified in
18 Parcel 2, the next four properties, that are all neighbors
19 immediate to the occupant.

20 Next slide, please. This shows you the Citrus
21 aerial -- area canals, as measured from Google Earth, using
22 their very rudimentary measurement tool, but you'll see that
23 these canals average, if you will, 60 feet in canal width.

24 So when people want to build their structures and
25 they're limited -- it's 25 percent or 25 feet, whichever is

1 less, which, obviously, with 60 foot canals, 25 percent would be
2 the max, at 15 feet into the waterway, on both sides,
3 restricting, then, 30 feet of a 60 foot canal to navigation by
4 marine structures, that's the code.

5 So you now have a 30 foot navigable center channel in
6 which to travel in all of these canals and Citrus Isles if you
7 have 60 feet to start, and no waivers or special 30 percent
8 rules have allowed any development beyond further encroaching
9 onto the canals.

10 The 60 foot canal -- Crevalle Canal that -- that runs
11 along the -- Orange Isle and Southwest 17th, where the Applicant
12 is, plus or minus 60 feet, at the Applicant site, City surveyor
13 and multiple others have confirmed it's between 62 and 67 feet
14 wide, that is the width of the Crevalle Canal, without regard
15 for the property owners' private area of boat slip.

16 The basin that is privately owned and has been titled,
17 deeded, and assessed with property taxes accordingly, property
18 tax assessment reads three, 70 foot long boat slips -- is the
19 waterway, which instead of 60 feet of water frontage, it's
20 assessed at 210 feet for his taxes, because he owns that much
21 submerged land, which again, is a boat slip by legal
22 description, and as you can see in slide.

23 Next slide, please. So here are the property
24 appraiser sites showing the Crevalle Canal outlined on the left,
25 plus or minus 60 feet. The only place where it narrows

1 drastically, as part of the City's parcel, is that first
2 section, which again, is exclusively a water submerged land
3 parcel, which would have plenty of other City codes prohibiting
4 development within that mouth of the Crevalle Canal because of
5 the lack of a primary upland structure associated with the
6 waterway.

7 The next four parcels, on the right side of these
8 slides, which include the one highlighted for the Applicant, all
9 have four property lines that surround their boundary -- to the
10 north, south, east, and west, and the north boundaries are the
11 outside edge of the boat slip basin.

12 Next slide, please. Here's a property survey --
13 licensed surveyor, reputable -- I've had five others verified
14 the survey to be correct. Every survey shows plats, unified
15 plats, partial plats. In this case, the property owner has part
16 of -- on the right hand slide, from 1919, and then modified in
17 1947, parts of Lots 3 and Lots 4, on the upland, and parts of
18 the boat slip basin, all unified into one parcel, one property
19 ID number, four property line boundaries. This is his boat slip
20 area, showing the existing structures at 240 foot finger piers
21 that exist already.

22 Next side, please. So here it is zoomed in -- talking
23 again about the 30 percent rule, and how being here this
24 evening -- present before the Board, to request consideration,
25 as is being required -- is not being measured from the property

1 line. The property line is at the edge of the highlighted
2 yellow. This parcel is 60 feet wide by 221 feet in length,
3 which includes the 71.8 feet of boat slip basin area.

4 Again, reiterating that this is how the property is
5 assessed, legally described, has been titled for many years --
6 since records go back to the '80s, the boat slip has been
7 private property and tied to this parcel.

8 The 30 percent rule should be the tolerance of the use
9 of the greater portion of the 60 foot wide navigable waterway
10 canal -- the Crevalle Canal, where the arrow points, which at
11 this point here, is 60 some feet wide, and there is no proposed
12 impact, at all, to any of the construction within that canal.
13 In fact, the marine structures proposed, and the vessels that
14 the owner has been willing to put into documentation, will be 15
15 feet still shy of the edge of this waterway.

16 So whether it's 65 feet, or it's 75 to 80 feet in
17 width, the waterway at this neighbor's property, for navigation,
18 is absolutely zero impact for barges, or for any of the
19 neighbors to the east that are limited by almost 30 feet of
20 navigable channel waterway, at this point, by the current
21 neighbors docks and berthed vessels. They get an open spanse
22 beyond the improvements after those -- been made.

23 Next side, please. Here is the construction
24 projection site plan portion of the boat slip, it shows you the
25 vessel proposed, that had been outlined. It shows you the

1 finger piers. The City of Fort Lauderdale, sometimes the
2 building department requires that we depict vessels, especially
3 when they're on boat lifts, because of side setback
4 encroachments, and the 33 percent rule that is also within the
5 code, as enforceable for the vessels that are berthed along the
6 docks. If you exceed the 33 percent, you're opening -- subject
7 to code violation and removal of your boats, as Marco confirmed
8 earlier this evening.

9 So the distances that are being depicted are as a
10 result of the common practice and understandably --
11 understandably required enforcement, often, that you look at
12 where the property's water starts. In every other -- I mean, I
13 do 100 permits a month -- 75 to a 100, from the Keys to Port
14 St. Lucie, we push them and process them for people to come into
15 compliance.

16 We are safety forward, compliance forward,
17 environmentally friendly and conscious, and mindful of all of
18 those considerations, and here, at this property in Fort
19 Lauderdale, that is no exception -- gentleman has to not only
20 maintain compliance with the structures, whether finger piers,
21 future boat lifts, or his vessels that he berths at these piers,
22 he is in no way encroaching the navigable water way adjacent to
23 his private property. Those distances are from the seawall, and
24 they were a requirement of this presentation and of the request.

25 The -- the concern is that -- my request was that

1 legal advised the building department that they should issue the
2 permit because it's private property and it's not the navigable
3 water way, so I'm not sure what the outcome will be, but I want
4 to just make sure that concerned neighbors, who got a very
5 limited exposure to these numbers, might have thought this was
6 encroaching the 65 foot canal that runs up and down, no part of
7 the 65 feet have any encroachment at all.

8 And as shown here, with the blue lines, you've got an
9 extra 15 feet of canal width, until you would see the end of a
10 finger pier, which again, is only about 13 feet longer than the
11 current finger piers that have been there for decades, and the
12 other one is being made 10 feet shorter.

13 And this is for the Applicants' own personal interest
14 and, also, just because -- for construction, two 40 foot piers
15 is the same as a 50 and a 30 from a cost of construction
16 standpoint. So if we can move forward, I think I've beat this
17 one up enough.

18 Extraordinary circumstances as a requirement to this,
19 again, the proposed docks and piers are necessary for the safe
20 mooring of the upland property owners' personal vessels for
21 their personal use, especially during the high wind events and
22 severe weather -- neither the structures nor the berthed vessels
23 will encroach the canal.

24 The width of this navigable waterway, for safe
25 navigation, should be measured per the code, from the property

1 line -- in particular, in this circumstance, despite it being
2 interchangeably used with water's edge, wet face, shoreline, et
3 cetera, and other more appropriate and app -- applicable cases,
4 this private boat slip area is intended to be occupied by
5 berthed vessels -- does not reduce the average width of this
6 canal. Again, there is no impact to navigation.

7 And the other extraordinary circumstances -- again,
8 that this approval is being required for the specific waiver of
9 code compliance, despite this being a privately owned boat slip
10 area and not part of the public waterway, consideration should
11 be made for the intended use of a boat slip basin.

12 Next slide is -- if anybody might have any questions,
13 I would like to answer them -- and I do thank you again for your
14 time, and I hope that this does resolve some of the concerns and
15 the statements that I've -- that I've received from the Wit --
16 Group, thus far.

17 CHAIR WITTEN: So before we open it up to questions
18 with the Board, at least as inferred -- and the public,
19 obviously, want to -- in order to have folks there -- but Bob
20 Dunckel spent a fair amount of time on this.

21 And I appreciate the presentation. I think it was
22 well done -- just with a side -- and I appreciate it. Bob was
23 kind enough five share in his note -- on the -- the floor to
24 be -- so -- everybody else be -- questions from the Board.

25 UNIDENTIFIED MALE SPEAKER: Oh. All right.

1 CHAIR WITTEN: Questions from the public -- we have
2 folks that do -- are scheduled to speak, which are -- would you
3 like to come up and speak?

4 MR. RODRIGUEZ: Yeah, I do. Thank you.

5 CHAIR WITTEN: Please do.

6 MR. RODRIGUEZ: Okay.

7 CHAIR WITTEN: Mr. --

8 MR. RODRIGUEZ: I appreciate --

9 CHAIR WITTEN: Have you registered to --

10 MR. RODRIGUEZ: Oh.

11 CHAIR WITTEN: -- speak?

12 MR. RODRIGUEZ: No. I -- I don't know.

13 CHAIR WITTEN: All right. We'll get you afterwards,
14 if you -- what's -- your name, please?

15 MR. RODRIGUEZ: My name is Roy Rodriguez. I'm one of
16 the neighbors across from where they're -- where they're --

17 UNIDENTIFIED MALE SPEAKER: -- posed to suggest
18 this --

19 UNIDENTIFIED MALE SPEAKER: Yeah. Sure.

20 MR. RODRIGUEZ: So am I allowed to speak or no?

21 CHAIR WITTEN: Yes, please. Go on.

22 MR. RODRIGUEZ: So -- and by the way, I'm a little
23 nervous -- I'm not nervous, I'm shaking because it's like 55
24 below zero --

25 UNIDENTIFIED MALE SPEAKER: No. It's -- it's nice.

1 It's 40 here --

2 UNIDENTIFIED MALE SPEAKER: It's fine --

3 UNIDENTIFIED MALE SPEAKER: It's really -- some
4 nice things in here --

5 UNIDENTIFIED MALE SPEAKER: -- real --

6 MR. RODRIGUEZ: So I -- I loved the presentation, it
7 looks great on the slide -- really looks great, right -- but you
8 have to live there, and you have to see it for yourselves to --

9 UNIDENTIFIED FEMALE SPEAKER: Yes.

10 MR. RODRIGUEZ: -- figure -- to get a -- a real idea
11 of how wide that waterway really is, because I'm -- we live,
12 like, northwest of that property, and the -- they're
13 proposing -- she's saying that there's, like, a 40 foot dock
14 there now -- I don't think it's 40 feet, I think it's like 25
15 feet, but -- whatever.

16 Regardless, they're proposing to put a 57 foot dock
17 that is going to extend all the way out -- and now, I think that
18 almost every one of the people that have docks on that side,
19 have a boat that's almost double the size of that dock -- or --
20 or extends out, at least, you know, 10, 15 feet.

21 So if you have a 57 foot dock, the next thing you
22 know, there's going to be a 75 foot boat pa -- parking there,
23 and I'm telling you, there's nothing that can go by there. And
24 so -- and furthermore, the minute that they allow this, all of
25 the other neighbors are going to have the same right, so

1 basically, what you're -- not seeing is the amount of
2 congestion that's going to be taking up that whole area there,
3 limiting the amount of navigable water.

4 So -- and then, the other thing is -- that I have the
5 right to put stuff on my side, right? So what are we going to
6 do, we're going to limit the size of that canal to, like, you
7 know, 20 feet -- 25 feet, 30 feet.

8 I -- I personally think that, you know, you got -- the
9 Board should get a better view of that area and make a decision
10 once you see what really -- you know, what's really going on
11 there, because the -- what she's proposing -- or what she showed
12 there, is on graphs and little pictures and all that, but
13 there's really no -- you have to really see that area to get
14 a -- an impact of what that finger dock is going to do there, so
15 I'm just -- you know, for the record -- and so I -- I just --

16 MS. MCCONNELL: May I ask -- the questions?

17 CHAIR WITTEN: Certainly.

18 MS. MCCONNELL: So, sir, you appreciate -- when you
19 pull into the mouth of your canal, that the first neighbor with
20 the perpendicularly docked vessels has roughly 70 foot boats
21 that dock there --

22 MR. RODRIGUEZ: There's no 70 foot --

23 MS. MCCONNELL: 60 foot.

24 MR. RODRIGUEZ: -- boat there.

25 MS. MCCONNELL: 60 -- the -- the first neighbor on the

1 right.

2 MR. RODRIGUEZ: A 70 foot boat?

3 MS. MCCONNELL: 65.

4 MR. RODRIGUEZ: No, there's no 65 foot boat --

5 MS. MCCONNELL: So --

6 MR. RODRIGUEZ: -- there.

7 MS. MCCONNELL: -- Google Earth is not -- is not
8 accurate.

9 MR. RODRIGUEZ: There is absolutely no 65 foot boat
10 there, and these neighbors all live here, so they -- you know --
11 I mean --

12 MS. MCCONNELL: So --

13 MR. RODRIGUEZ: -- if there's a 65 foot boat is
14 Panther boat -- there's no 65 foot boat there.

15 UNIDENTIFIED FEMALE SPEAKER: Is there --

16 MR. RODRIGUEZ: The biggest boat --

17 UNIDENTIFIED FEMALE SPEAKER: So --

18 MR. RODRIGUEZ: The biggest boat that's there, right
19 now, is, like, a 50 something foot, and it was extending way out
20 there, so I'd love the Board to look at that boat and think a
21 pier dock is going to -- I mean, the finger pier is going to
22 extend past that boat.

23 MS. MCCONNELL: So -- so just to make one point of
24 clarification --

25 MR. RODRIGUEZ: Yeah.

1 MS. MCCONNELL: -- the 56 and a half feet, it's from
2 the gentleman's backyard, where the original plat was defined
3 for the land. It's not a property line, it was a platted line,
4 and what extends to the 56.5 is the seawall cap --

5 UNIDENTIFIED MALE SPEAKER: Right.

6 MS. MCCONNELL: -- the cap over pour, the marginal
7 dock, and then a finger pier --

8 MR. RODRIGUEZ: That's --

9 MS. MCCONNELL: -- comparable --

10 MR. RODRIGUEZ: -- 50 something --

11 MS. MCCONNELL: -- size --

12 MR. RODRIGUEZ: -- feet, right?

13 MS. MCCONNELL: -- the total, across 140 foot line --

14 UNIDENTIFIED MALE SPEAKER: Okay. So let's -- I -- I
15 don't want you guys to get in the physical --

16 UNIDENTIFIED MALE SPEAKER: No, he's --

17 CHAIR WITTEN: And I understand what you're saying --

18 MS. MCCONNELL: Here's --

19 CHAIR WITTEN: -- and I want to touch on that --

20 UNIDENTIFIED MALE SPEAKER: Okay.

21 CHAIR WITTEN: -- because -- so this Board -- hey,
22 guys, let's all be on the same page.

23 You touch on a very interesting point, and I've shared
24 with you guys, you have to go physically touch this real estate.

25 UNIDENTIFIED MALE SPEAKER: Right.

1 CHAIR WITTEN: So I spent a lot of time there, and you
2 are right -- if you're not there, in all due respect, you cannot
3 understand this from Google Earth.

4 UNIDENTIFIED MALE SPEAKER: Right.

5 CHAIR WITTEN: If you are there, you do understand --

6 UNIDENTIFIED FEMALE SPEAKER: I --

7 CHAIR WITTEN: No, I know you have, but with respect
8 to how tight this canal is and how sensitive it is, this has
9 nothing to do with the outcome, but let's be -- let's be honest
10 with each other, this chokes off to 50, 60 feet --

11 UNIDENTIFIED MALE SPEAKER: Yeah.

12 CHAIR WITTEN: -- it's an issue, and one of the issues
13 you touched upon is -- we need to be able to get a barge down to
14 service to seawall, because they all have to be raised. Now, if
15 we have this problem in other areas of Wilson (phonetic), but
16 we're not saying -- but when you're right, but the fact is, we
17 can't get a barge down there, and if it does anything further to
18 choke it off, and that's why when Counselor talks about keeping
19 40 percent clear in the middle, it's the hope that we can get
20 PD, FD, and a barge down there.

21 So you are right, you are right, we're all right, but
22 you do need to physically go and understand this, guys. Thank
23 you --

24 UNIDENTIFIED MALE SPEAKER: Thank you very much.

25 UNIDENTIFIED MALE SPEAKER: Thank you.

1 CHAIR WITTEN: Go ahead -- go on.

2 MR. INSERRA: My name is Ted Inserra, resident in
3 River Oaks, and I am the president of the River Oaks Civic
4 Association --

5 UNIDENTIFIED FEMALE SPEAKER: Yes.

6 MR. INSERRA: -- and we agree with -- and we don't
7 want -- the precedent set, we don't know -- it's -- it's --
8 we're 100 percent against this. I've been contacted by
9 neighbor -- we've never been contacted by you to appear for our
10 monthly Civic Association meeting, which would have been nice.

11 UNIDENTIFIED MALE SPEAKER: Right.

12 MR. INSERRA: And so, we are -- as the neighborhood --
13 as the Civic Association, we are not in favor of this. It's --
14 like you said, we -- it's -- it's right at -- at the starting
15 point of it, and that's how we're going to get further down
16 east, down the canal -- but that is the official stance of the
17 River Oaks Civic Association.

18 CHAIR WITTEN: All right. Thank you.

19 Everybody else --

20 UNIDENTIFIED MALE SPEAKER: It's -- it -- it's been
21 a --

22 UNIDENTIFIED MALE SPEAKER: -- that messed up --
23 that's the most --

24 UNIDENTIFIED MALE SPEAKER: Yes.

25 UNIDENTIFIED FEMALE SPEAKER: It's for traffic --

1 UNIDENTIFIED MALE SPEAKER: These -- no --

2 UNIDENTIFIED FEMALE SPEAKER: -- there are no other in
3 all of Fort Lauderdale.

4 UNIDENTIFIED MALE SPEAKER: But in --

5 UNIDENTIFIED FEMALE SPEAKER: The dock --

6 UNIDENTIFIED MALE SPEAKER: -- retrospect -- the
7 gentleman who was -- ask your name, sir?

8 MR. CRIADO: Francisco Criado. I just put my name
9 there.

10 UNIDENTIFIED MALE SPEAKER: Thank you.

11 MR. CRIADO: I live in that -- the canal -- on all the
12 canals there, those are the most narrow canal of all of them. I
13 have my own boat, I have to wait sometime, going to reverse, and
14 the only place I could make a turn is over there, because
15 they -- canal get -- more, more, and more, and more narrow.

16 This is the only place that the barge make turns, that
17 the big boat could be a -- avoid that, and I -- I -- I don't --
18 I know that some of the -- the special circumstances -- that guy
19 has been there, I mean, he -- he came early on, when the time
20 here -- a couple of months -- didn't really have time to -- the
21 property is empty, the two boats -- I don't know if he owns or
22 not, I'm not going to get into that.

23 But my point is, there's no way they could have a
24 need, right now, to expand that -- for what reason? He has been
25 there for years and years, with the nice docks -- they have

1 boats coming in and out. There's another boats -- in the same
2 way -- why the special circumstances that they have to just --
3 get all of that amount of water, right now -- I couldn't
4 understand --

5 UNIDENTIFIED MALE SPEAKER: Thank you.

6 MR. CRIADO: -- but my --

7 UNIDENTIFIED MALE SPEAKER: So his -- his point is --

8 UNIDENTIFIED FEMALE SPEAKER: Right.

9 UNIDENTIFIED MALE SPEAKER: That -- his point is that
10 the -- as you enter the canal rel -- require -- his points, and
11 so what he and other neighbors is saying is that it's --

12 UNIDENTIFIED FEMALE SPEAKER: Yeah.

13 CHAIR WITTEN: -- been a boat -- if you do it right
14 there, so if that becomes an issue -- I do want to -- out of
15 respect to the Applicant, I did meet the -- oh, I'm sorry. I
16 have no issue. There was an accusation -- they're running a
17 Vrbo, but that's not a concern. We're really concerned about --

18 UNIDENTIFIED MALE SPEAKER: You're vote --

19 CHAIR WITTEN: -- to the waterway, so let's strike the
20 fact -- there are two old folks there, these peop -- people live
21 half the time in Chicago or -- or Illinois, and half the time
22 here, so I don't -- it's an issue -- that point.

23 UNIDENTIFIED MALE SPEAKER: Yeah.

24 CHAIR WITTEN: So other questions from the public --
25 anybody else would like to speak?

1 MR. BROWN: Yes. Yes, sir.

2 CHAIR WITTEN: Please state your name.

3 MR. BROWN: John Brown. I live just to the east of
4 that location, and I -- I don't have all the details on this.
5 I -- I got the word of this from -- and frankly, if there's a
6 rule that people 300 feet away are within a -- a radius of 300
7 feet are notify -- I just -- I happen to be 301 feet.

8 UNIDENTIFIED MALE SPEAKER: Okay.

9 MR. BROWN: I never knew about this, but he's --
10 I mean it kind of slack -- I didn't hear from him -- heard -- I
11 heard some folks across the canal -- I suggest that we -- that
12 you table this for further study, so that the -- the folks that
13 live east of me, and live -- I'm on prop -- 21, so it's all the
14 way to 9th now, so there's at least 10 to 15 house -- along
15 this -- step off, by 17th Street, and even more than that on
16 large, so I -- I don't think we really have enough information
17 to make the -- that justifiable -- taken at this point.

18 UNIDENTIFIED MALE SPEAKER: Okay.

19 MS. MCCONNELL: Can I have one more comment?

20 So again, I appreciate that the property has not had
21 as large of vessels, as those anchored on the other side, and
22 it's afforded you a nice turn about in the Applicants' private
23 property. This type of use is not to justify him from being
24 able to entertain his property rights, to develop his boat slip
25 area.

1 And furthermore, he would have the right -- and it's
2 been approved by the State of Florida, Broward County, and
3 others -- and he wanted to put his seawall and build his
4 backyard, an additional, large expansion into this current boat
5 slip area, at his privately owned land. He could make his
6 backyard 25 feet deep, wider, and longer, and then put 25 foot
7 piers onto that, and we would definitely not have a reason to be
8 here.

9 Again, the Applicant is a resident, does want to be in
10 compliance, does want to entertain the approval, and not upset
11 anybody. This is a 10 foot extension of the existing finger
12 piers, with the improvement of a new seawall and marginal dock.

13 UNIDENTIFIED MALE SPEAKER: Thank you.

14 CHAIR WITTEN: So I -- I want to address --

15 UNIDENTIFIED MALE SPEAKER: Mr. Chairman --

16 CHAIR WITTEN: -- just one question -- one -- one
17 second -- I want to address something that Mr. Brown just
18 brought up, because somebody else had mentioned as well, with
19 respect to the 300 foot notice. If we notice 600 feet, we're
20 going to miss the guy at 601 feet.

21 So this is the way the rule is, we're all playing
22 within the sandbox, et cetera. I discussed this with Bob. I've
23 discussed the Andrew, it's the same program we follow every
24 time, guys, so if we want to change that, that goes way beyond
25 this, but that's how it works, if I'm correct.

1 We had another question from somebody, please.

2 MS. BONTRASIN: My name is Brittany, I also live on
3 17th Street, and I don't need to add anything about the canal
4 space, but all of the proper -- 100 percent of our property is
5 not -- to build on. I just did a project at my house, I had a
6 setback that -- and I'm imagining it's the same on the water, we
7 have -- we have our property, and we have spaces that we're
8 allowed to build on, and whether it's on the water, it's on our
9 land, we can't just build the maximum of our property line,
10 so -- that's all I want to add.

11 UNIDENTIFIED MALE SPEAKER: Thank you -- I have
12 question that is --

13 UNIDENTIFIED MALE SPEAKER: Sir.

14 UNIDENTIFIED MALE SPEAKER: A question that's --

15 UNIDENTIFIED MALE SPEAKER: Doctor.

16 DR. RIBOTSKY: Oh, tha -- thank you. I just wanted to
17 know that, if the -- the body was to approve this, because
18 the -- the -- the tenant right -- or the owner, right now, says
19 he's going to keep his own boats -- should he sell the home?
20 Does it still have to be their own boats, or can they make this
21 commercial space or rent it out to overflow from the Marina?

22 UNIDENTIFIED MALE SPEAKER: No, that's not so --

23 UNIDENTIFIED MALE SPEAKER: -- zoned commercial.

24 UNIDENTIFIED MALE SPEAKER: I'm not sure that I fully
25 understand the question.

1 UNIDENTIFIED MALE SPEAKER: It speaks to your -- it
2 speaks to your memo that you put out today, about how that
3 property is zone --

4 MR. DUNCKEL: This property is sol --

5 DR. RIBOTSKY: Okay. So --

6 MR. DUNCKEL: -- and if the Board to -- if the City
7 Commission grants the waiver of limitations of allowing the 56
8 and a half foot dock to be there, it can be used by the next
9 owner.

10 Now, the -- the question here is there needs to be
11 nexus between the use of the upland residential structure and
12 what's being used in the waterway -- docks or the vessels are
13 accessory uses to a principal of upland use of an RS-8. If the
14 vessels are owned -- strike that.

15 If there is not a nexus between the people occupying
16 the upland structure and the people on the boats, then that
17 becomes not an accessory use, but a new principal use, which is
18 not permitted in an RS-8 zone. Did that answer your question,
19 Doctor?

20 DR. RIBOTSKY: Yeah.

21 MR. DUNCKEL: Thank you. Okay.

22 CHAIR WITTEN: Yeah. Where are -- yes, sir.

23 UNIDENTIFIED MALE SPEAKER: Yeah. This -- this
24 gentleman here --

25 UNIDENTIFIED MALE SPEAKER: Yes.

1 UNIDENTIFIED MALE SPEAKER: -- live across, on the
2 other side --

3 UNIDENTIFIED MALE SPEAKER: Yes, I do.

4 UNIDENTIFIED MALE SPEAKER: All right.

5 UNIDENTIFIED MALE SPEAKER: I live -- northwest of --

6 UNIDENTIFIED MALE SPEAKER: -- from the same
7 discussion -- let's say the property owner puts a 60 foot boat,
8 came down the canal --

9 UNIDENTIFIED MALE SPEAKER: Yeah.

10 UNIDENTIFIED MALE SPEAKER: -- is our -- well, at
11 the -- it's okay -- the 30 percent rule. What if you put a 60
12 foot --

13 UNIDENTIFIED MALE SPEAKER: That --

14 UNIDENTIFIED MALE SPEAKER: -- boat --

15 UNIDENTIFIED MALE SPEAKER: -- that's what --

16 UNIDENTIFIED MALE SPEAKER: -- I want to --

17 UNIDENTIFIED MALE SPEAKER: -- that's what I want to
18 know, how --

19 UNIDENTIFIED MALE SPEAKER: So if you got a 60 foot
20 boat on your side, a 60 foot on that boat, does that effect the
21 navigation on the water --

22 UNIDENTIFIED MALE SPEAKER: -- if the boat --

23 UNIDENTIFIED MALE SPEAKER: -- there is no navigation.

24 UNIDENTIFIED FEMALE SPEAKER: It's from the
25 property --

1 UNIDENTIFIED MALE SPEAKER: There would be no --

2 UNIDENTIFIED FEMALE SPEAKER: -- owner --

3 UNIDENTIFIED MALE SPEAKER: -- navigation.

4 UNIDENTIFIED MALE SPEAKER: No.

5 UNIDENTIFIED MALE SPEAKER: -- and -- so on the
6 property is seawall -- what would stay in the waterway --

7 UNIDENTIFIED FEMALE SPEAKER: No, it's --

8 UNIDENTIFIED MALE SPEAKER: -- if the seawall -- to
9 seawall --

10 UNIDENTIFIED FEMALE SPEAKER: The canals --

11 UNIDENTIFIED MALE SPEAKER: -- how --

12 UNIDENTIFIED FEMALE SPEAKER: -- now, is the
13 waterway --

14 UNIDENTIFIED MALE SPEAKER: If they do --

15 UNIDENTIFIED FEMALE SPEAKER: -- and from his property
16 line, he as 25 feet or 25 percent.

17 UNIDENTIFIED MALE SPEAKER: Well --

18 UNIDENTIFIED MALE SPEAKER: Can I say something? I --
19 I --

20 UNIDENTIFIED FEMALE SPEAKER: He can --

21 UNIDENTIFIED MALE SPEAKER: -- honestly, it doesn't --
22 it's not going to even affect me. My house is all the way at
23 the beginning, so it doesn't affect me. I'm actually here
24 because of my neighbors. I -- I'm -- I'm thinking of what it's
25 going to do -- for that waterway. I -- I -- it really doesn't

1 affect me.

2 Like you said, I can put -- I have the right to put a
3 boat there too. We're going to have just one big congestion
4 there, that's a -- a big parking lot --

5 UNIDENTIFIED FEMALE SPEAKER: It's only 25 feet of --

6 UNIDENTIFIED MALE SPEAKER: And I don't --

7 UNIDENTIFIED FEMALE SPEAKER: -- seawall --

8 UNIDENTIFIED MALE SPEAKER: -- understand, if
9 everybody else is -- ha -- has no -- side to go to -- why is
10 someone wanting to put a 57 foot -- so I -- it just --

11 UNIDENTIFIED MALE SPEAKER: Can't --

12 UNIDENTIFIED MALE SPEAKER: -- blows my mind --

13 UNIDENTIFIED MALE SPEAKER: -- put a boat there.

14 UNIDENTIFIED MALE SPEAKER: -- and she's saying that
15 they can build out 20 -- I -- I don't think that you're going to
16 be able to go to the City and have the City approve him taking
17 25 feet out into the waterway -- and building his house out, you
18 know --

19 UNIDENTIFIED FEMALE SPEAKER: -- answer the --

20 UNIDENTIFIED MALE SPEAKER: -- and taking over the --

21 UNIDENTIFIED FEMALE SPEAKER: -- question --

22 CHAIR WITTEN: -- let's not argue that -- that's not
23 going to affect the -- purpose of not -- cause we to afford --
24 so I -- I really appreciate you -- standing here and helping --
25 with your pre -- con -- conversation --

1 UNIDENTIFIED MALE SPEAKER: Yeah.

2 CHAIR WITTEN: -- so thank you --

3 UNIDENTIFIED MALE SPEAKER: I just wish the Board
4 would go there and see it, and then -- side with --
5 understand --

6 UNIDENTIFIED MALE SPEAKER: I spent hours --

7 UNIDENTIFIED MALE SPEAKER: -- a pier --

8 UNIDENTIFIED MALE SPEAKER: -- hours there, yes, sir.

9 UNIDENTIFIED MALE SPEAKER: Oh, so you understand?
10 Okay.

11 UNIDENTIFIED MALE SPEAKER: We have --

12 UNIDENTIFIED MALE SPEAKER: Thank you --

13 UNIDENTIFIED MALE SPEAKER: -- understands better --

14 UNIDENTIFIED MALE SPEAKER: Thank you.

15 CHAIR WITTEN: Okay. So -- we all set with the
16 public -- any further questions.

17 UNIDENTIFIED MALE SPEAKER: Yeah.

18 CHAIR WITTEN: Let's open up to the Board.

19 MR. MORLEY: Two points, one, I, too, went out there
20 and shov --

21 UNIDENTIFIED MALE SPEAKER: You -- yeah.

22 MR. MORLEY: -- so went down there now to the canal --

23 UNIDENTIFIED MALE SPEAKER: Go and take look at it.

24 MR. MORLEY: As -- as you said, Google Earth sometimes
25 doesn't give a great view, so --

1 UNIDENTIFIED MALE SPEAKER: Yeah.

2 MR. MORLEY: There's a lot of confusion --

3 UNIDENTIFIED MALE SPEAKER: Yeah.

4 MR. MORLEY: -- about property line versus wet land --
5 submerged land versus upland land --

6 UNIDENTIFIED MALE SPEAKER: Thank you.

7 MR. MORLEY: -- it'd be helpful, I think, to the
8 conversation if we heard from Counsel on what's -- the City
9 Attorney's office really feels -- appropriate -- legal -- on
10 that submerge -- because as -- as we all know, submerged land --
11 one thing, the water from above it is something else -- but I'd
12 like to hear from -- from City Counsel, on some point on that --

13 UNIDENTIFIED MALE SPEAKER: -- going to wait until we
14 get the rest of the issues --

15 MR. MORLEY: Oh, okay.

16 UNIDENTIFIED MALE SPEAKER: So we're going to wind
17 them up in a second --

18 UNIDENTIFIED FEMALE SPEAKER: Okay.

19 UNIDENTIFIED MALE SPEAKER: -- give them some
20 evidence.

21 MR. BEKOFF: As I -- I pass by that canal multiple
22 times a week, it is very narrow, as a -- as a boat's captain --

23 UNIDENTIFIED MALE SPEAKER: That could have been --

24 MR. BEKOFF: -- one thing about a 50 -- what was it --
25 its proposed 50 feet?

1 UNIDENTIFIED MALE SPEAKER: 50 -- 50.5 feet --

2 UNIDENTIFIED MALE SPEAKER: 50 --

3 UNIDENTIFIED MALE SPEAKER: -- finger pier.

4 UNIDENTIFIED MALE SPEAKER: Okay.

5 UNIDENTIFIED MALE SPEAKER: -- 6.6 --

6 UNIDENTIFIED MALE SPEAKER: 56.6.

7 UNIDENTIFIED MALE SPEAKER: Yes.

8 UNIDENTIFIED FEMALE SPEAKER: There are things that --

9 UNIDENTIFIED MALE SPEAKER: Okay.

10 UNIDENTIFIED MALE SPEAKER: -- that's subject to
11 interest.

12 MR. BEKOFF: My concern with that is, any time you're
13 going build a pier, a finger pier of that length --

14 UNIDENTIFIED MALE SPEAKER: I --

15 MR. BEKOFF: -- it means you have the intention to put
16 a bigger boat there.

17 UNIDENTIFIED MALE SPEAKER: That's right.

18 MR. BEKOFF: And the problem with that is, in
19 practical terms of running boats, when you take a big boat like
20 that, you have to pull it out that much further in order to --
21 fit in --

22 UNIDENTIFIED MALE SPEAKER: No --

23 MR. BEKOFF: -- in that very narrow canal, okay -- and
24 you got wind and anything else that might be affecting it, I
25 fink that 56.6 foot finger pier ends up being a problem in that

1 canal, and I think there's -- I think there's a considerable
2 safety factor when you consider the length of the canal -- the
3 Crevalle Canal, in relationship to other moored vessels that are
4 in the area, so I think this is -- I think 56.6 is -- I -- I got
5 to be honest with you, I -- I think -- I don't think that's --
6 that's a good deal there.

7 CHAIR WITTEN: So I appreciate that --

8 MR. BEKOFF: -- those permit --

9 CHAIR WITTEN: So for the record, both Norm Bakroff
10 (phonetic) and Ted Morley are licensed captains, and safe to say
11 they understand the water.

12 Sam, do you question, sir?

13 MR. MITCHELL: -- having to stand -- I visited the
14 site myself, and I noticed the narrow waterway, it is absolutely
15 impossible for them build out -- out to where they want to --
16 then they want to put the -- 60 foot --

17 CHAIR WITTEN: So one of the things you do not notice
18 from the street -- and I see Lisa going like this -- is that
19 there is a -- and we can go back and show you the slide, but
20 this -- while the rest of the canal is quite narrow, this
21 particular one does have a basin that was cut out, some time
22 ago, that you cannot see from the street.

23 So if Ted went there by boat, and Norm did, you see
24 that, but -- so that's part of the argument is -- that basin
25 occupies a wa -- and -- and Bob is going to get to that in a

1 second as well, so thank you for that.

2 Who else has a question?

3 UNIDENTIFIED MALE SPEAKER: That would be -- for
4 someone in -- it was -- is 2010 --

5 MR. DUNCKEL: -- we're here today --

6 UNIDENTIFIED MALE SPEAKER: Yes.

7 MR. DUNCKEL: -- on a waiver of limitations with
8 regard to finger piers or if there had moved -- the mooring
9 ves -- we are not here today on the length of the vessel, but I
10 understand your -- your comment, but we're just weighing it on
11 the basis of the -- of the --

12 UNIDENTIFIED MALE SPEAKER: -- I -- I know --

13 MR. DUNCKEL: -- but I understand --

14 UNIDENTIFIED MALE SPEAKER: That's --

15 MR. DUNCKEL: -- exactly what you're --

16 UNIDENTIFIED MALE SPEAKER: -- happening --

17 MR. DUNCKEL: -- saying about this doctrine of
18 unintended consequences.

19 UNIDENTIFIED MALE SPEAKER: That would be the point,
20 sir.

21 UNIDENTIFIED MALE SPEAKER: Okay.

22 UNIDENTIFIED MALE SPEAKER: Yes -- yes, sir.

23 UNIDENTIFIED MALE SPEAKER: Mr. Flanigan --

24 MR. FLANIGAN: Yes, sir.

25 UNIDENTIFIED FEMALE SPEAKER: It's not the --

1 MR. FLANIGAN: -- the more extraordinary circumstances
2 are -- created to be app -- for -- we have -- repeating for --

3 UNIDENTIFIED MALE SPEAKER: But first, Bob, before you
4 get to -- to your --

5 UNIDENTIFIED MALE SPEAKER: -- questions --

6 UNIDENTIFIED MALE SPEAKER: -- let me --

7 UNIDENTIFIED MALE SPEAKER: -- and all -- yeah.

8 MR. BRUNELLE: The way I'm taking this is that, they
9 own out to the 71 -- the 71.8 --

10 UNIDENTIFIED MALE SPEAKER: Submerged land.

11 MR. BRUNELLE: Submerged land, does that -- it
12 state -- to where they could -- that would be where they could
13 start a dock, because --

14 UNIDENTIFIED MALE SPEAKER: No.

15 MR. BRUNELLE: -- if you're over here, you have to
16 find lines, but if you're on the east side of it -- right, you
17 have to find lines, you know is -- you can only put 20 feet out,
18 because you got 60 feet -- canal, you got 20 feet on that side,
19 you know, per the 30 -- 30 percent rule, on both sides, and then
20 we have a ser -- canal, so I want to make sure I'm understanding
21 the right way. They -- can they dock a 71 foot boat right now?

22 MR. DUNCKEL: Let me stay away from that and answer
23 this -- first part of your question.

24 Andrew, are you around?

25 MR. CUBA: Yes.

1 UNIDENTIFIED MALE SPEAKER: I do.

2 UNIDENTIFIED MALE SPEAKER: Bob.

3 MR. DUNCKEL: In measuring --

4 UNIDENTIFIED MALE SPEAKER: Okay.

5 MR. DUNCKEL: -- with the waterway for the purpose
6 of a -- a waiver limitations, have we ever started at the
7 outward boundary of the submerged lanes?

8 MR. CUBA: Not -- not in my 20 years.

9 MR. DUNCKEL: But -- what now?

10 UNIDENTIFIED MALE SPEAKER: I think I'm -- so --
11 sorry.

12 MR. CUBA: We have not started --

13 MR. DUNCKEL: -- we have never started at the outward
14 bound --

15 UNIDENTIFIED MALE SPEAKER: Right.

16 MR. DUNCKEL -- at the 77 -- 71.8 foot part.

17 UNIDENTIFIED MALE SPEAKER: Right.

18 MR. DUNCKEL: We start at the platted at the property
19 line.

20 UNIDENTIFIED MALE SPEAKER: Okay.

21 MR. DUNCKEL: Okay. So for --

22 MR. BRUNELLE: Again, I want to rein -- re --
23 reiterate, the north part of this, where did they -- are they a
24 las -- where does their -- because there -- there -- there is a
25 line, and we -- the north person who has a dock, that has the

1 sale boats here --

2 UNIDENTIFIED MALE SPEAKER: Across --

3 MR. BRUNELLE: -- and they -- across the canal, they
4 have a limitation on what they can put on their boat -- this is
5 one of the reasons why we all talked about putting this on
6 our -- on our surveys that -- this is your limitation -- were on
7 your survey, and this should be something we champion to get
8 done --

9 UNIDENTIFIED MALE SPEAKER: Yes.

10 MR. BRUNELLE: -- because that nobody has an issue
11 when you buy your property, you know what you got, period -- but
12 these sale boats that are --

13 UNIDENTIFIED MALE SPEAKER: Thank you.

14 MR. BRUNELLE: -- on the other side of the canal, what
15 is their limitation?

16 UNIDENTIFIED MALE SPEAKER: Do they --

17 MR. BRUNELLE: -- bec -- and because -- I mean, if you
18 look at this as an overhead, right now, that's a 140 foot canal,
19 not a 30 foot canal or a 60 foot canal, and both sides would get
20 30 percent of that, but the way I'm taking it is that both sides
21 don't get 30 percent of that, this side owns more of it, and
22 this side does -- am I wrong?

23 MR. DUNCKEL: Let's not confuse ownership of submerged
24 lands --

25 MR. BRUNELLE: In order --

1 MR. DUNCKEL: -- and ownership of a --

2 MR. BRUNELLE: -- to use --

3 MR. DUNCKEL: -- water column above it, okay?

4 MR. BRUNELLE: Right.

5 MR. DUNCKEL: Your starting point is 47-19.3 sub C,
6 where we're talking about -- you can't -- no more than 25
7 percent -- or 25 feet or -- shall not extend into the
8 waterway -- into the -- waterway, as measured from the property.
9 So let's take that in two parts --

10 UNIDENTIFIED FEMALE SPEAKER: It's measured from --

11 MR. DUNCKEL: -- please. Let's take that in two
12 part -- part number one, we measure this from the platted
13 property line, not from the submerged lands --

14 MR. BRUNELLE: Right.

15 MR. DUNCKEL: -- they do not have ownership of that
16 water column. It has been referred to, on a number of
17 occasions, that this is their private --

18 UNIDENTIFIED MALE SPEAKER: No --

19 MR. DUNCKEL: -- it's not private, it's on -- and
20 we'll get to this in a few moments. It's on the 1947 revised
21 plat of Yellowstone (phonetic), and it shows up for the first
22 time as a boat slip. There's no water body to the north of that
23 in 1947.

24 The water body to the north of it doesn't come into
25 existence until 1958. It was dredged -- oh gosh, I'm Tally

1 Vinik (phonetic) or something like that -- I -- I -- I can't
2 re -- quite remember the names.

3 Do you remember, Ted?

4 MR. MORLEY: No, I -- you're right.

5 MR. DUNCKEL: Okay.

6 UNIDENTIFIED MALE SPEAKER: -- 160 south -- yeah.

7 UNIDENTIFIED MALE SPEAKER: Yeah.

8 MR. DUNCKEL: -- and dredged -- 1958 -- went to the
9 City commissioner -- said, we would like to dig to you -- the
10 Crevalle Canal. The minutes of the meeting, in 1958, refer to
11 him as being, newly created.

12 We went back through -- through the City -- in the
13 City maps, showing City -- City -- the limits, 1957, no water
14 body.

15 UNIDENTIFIED MALE SPEAKER: Yeah.

16 MR. DUNCKEL: 1959, a water body to the north of this
17 boat slip. It's our position that, when we talk water body or
18 waterway, you talk both boat slip and the portion of it to the
19 north, the Crevalle Canal, that's it. Now, some might argue --
20 okay, we could go ahead and fill that boat slip and -- I don't
21 think that that's going to happen.

22 Now, let's -- let's look at it from a perspective of
23 the way -- by the way, the zoning administrator and the
24 department head both agree with me that you measure the width of
25 the water body from the waterway, from the platted property

1 line.

2 If you were to advocate anything other than that -- if
3 you were to advocate that it could be measured from the property
4 line out on the water --

5 UNIDENTIFIED MALE SPEAKER: Yes.

6 MR. DUNCKEL: -- when you go to develop your piece of
7 property, would -- and you go to -- you -- you have a rear yard
8 set back, would you take your rear yard setback to the upland
9 parcel and measure it from the submerged lands --

10 UNIDENTIFIED MALE SPEAKER: Right.

11 MR. DUNCKEL: -- no, you'd measure it from the platted
12 property line.

13 UNIDENTIFIED MALE SPEAKER: Yeah.

14 MR. DUNCKEL: That's consistent throughout the way we
15 treat all of our zoning matters. Some might -- some might
16 argue, well, it just says measured from the property line -- and
17 that's our property line. The problem with that argument is
18 that you've got to apply the letter of the law in a manner that
19 doesn't lead to absurd or unreasonable results. If you read it
20 that way, it ends up leaving you with an absurd or unreasonable
21 result.

22 Let me kind of walk you through -- can you queue up
23 the -- the items? Item Number 1.

24 UNIDENTIFIED MALE SPEAKER: Going past this --

25 UNIDENTIFIED MALE SPEAKER: Of course.

1 MR. DUNCKEL: Okay. Can that be in enlarged?

2 UNIDENTIFIED MALE SPEAKER: This way.

3 UNIDENTIFIED MALE SPEAKER: Yes.

4 MR. DUNCKEL: That's very small compared to what I've
5 provided you.

6 UNIDENTIFIED MALE SPEAKER: Can understand what the
7 problem --

8 MR. DUNCKEL: Okay. That's a little bit better. If
9 you all look at the -- the --

10 UNIDENTIFIED FEMALE SPEAKER: It's on right now.

11 MR. DUNCKEL: You all look at the north end of that,
12 you'll see in the northwest corner, you'll see New River, and
13 then you'll see what's designated as a boat basin on the 1947
14 plat, that boat basin does not appear on any of the prior
15 plats of -- green wall and stu -- the properties there were
16 platted -- it's 50 foot lots. They were re-subdivided into 60
17 foot lots.

18 Somewhere along the line, from the -- owner's gain
19 title to the submerged lands -- I don't question that, but at
20 one point, I found it curious -- but I'm not questioning that
21 any longer.

22 Next one, Number 2. Now, this is the western portion
23 of the boat basin, where it intersects with the New River, and
24 the northern part of that is the Crevalle Canal. Now, I heard
25 somebody say something along the line that -- that -- that the

1 property at the extreme west end did not have any upland
2 structures, when you can plainly see that it does. This is on
3 the south side of the boat basin, you see a marginal dock.

4 Years ago, when they built that marginal dock, there
5 was a gentleman by the name of Gaylord Wood -- Gaylord Wood was
6 the property appraiser -- strike that.

7 Property appraiser's attorney of record -- Broward for
8 County property appraiser. He was knowledgeable about
9 properties that became available for failure to pay tax, and he
10 ended up inquiring submerged lands for that -- marginal dock is.

11 He came to the City and said, wait a minute -- or I'm
12 sorry. He came to the property owner and said, wait a minute,
13 you guys are trespassing where those pilings -- on my submerged
14 lands, you owe me rent. He then came to the City and said, you
15 shouldn't have -- have given this permit in the first instance.
16 Woodland turned around and said, that happened years ago, we're
17 not going to revoke that permit --

18 UNIDENTIFIED MALE SPEAKER: Yeah.

19 MR. DUNCKEL: -- you're on your own trying to
20 collect -- but you'll notice that they did what should more
21 reasonable been done, a marginal dock along there, that means --
22 now, when you're looking at this in today's terms, you'll see
23 water body -- the waterway has a width that goes from the south
24 end of the boat basin, all the way up to Orange Isle, that is
25 where the City is saying -- this is the way you measure the

1 waterway.

2 It's a navigable waterway. What's a navigable
3 waterway? A navigable water way is something that is subject to
4 the ebb and flow and tides, and it's capable of being an
5 instrumentality of interstate com -- of interstate commerce. I
6 can get in my boat and I can go out there, and go up to the Gulf
7 of Mexico, and go all the way up the Mississippi river -- it is
8 a navigable waterway -- both sides, navigable waterway. You've
9 got to look at two of them together, you can't separate one from
10 the other.

11 Now -- and you also notice -- let's take the extreme
12 west end over there, on the Orange Isle -- that side, if you buy
13 into the Applicants' argument, the only water way that exists is
14 the Crevalle Canal. Well, at that point, I believe my --
15 according to my measurements, is 34 feet.

16 Now, stop and think about that -- 34 feet. What's 30
17 percent? How far out can you go? 30 percent of 34 feet -- is
18 10.2 feet --

19 UNIDENTIFIED MALE SPEAKER: So five feet --

20 MR. DUNCKEL: Now --

21 UNIDENTIFIED MALE SPEAKER: -- after your dock --

22 MR. DUNCKEL: -- five foot from a marginal dock would
23 leave you with a vessel that's only five foot beam.

24 UNIDENTIFIED MALE SPEAKER: Okay.

25 MR. DUNCKEL: I -- I -- I think a 30 -- a 13 whaler

1 (phonetic) probably has a beam larger than that. So it's --
2 applying it the way they're advocating -- leads to extremely
3 unreasonable and absurd results.

4 UNIDENTIFIED MALE SPEAKER: That's kind of what I was
5 getting at.

6 UNIDENTIFIED MALE SPEAKER: Yeah.

7 UNIDENTIFIED MALE SPEAKER: Is that your north side --
8 a catamaran -- that fit right there, would be in code violation,
9 if we're applying it that way.

10 MR. DUNCKEL: Yes. Exact --

11 UNIDENTIFIED MALE SPEAKER: That pretty much --

12 MR. DUNCKEL: -- every --

13 UNIDENTIFIED MALE SPEAKER: -- almost everything
14 because even those sailboats are about 28 feet, when you measure
15 the dock and everything, and that -- and they only get --

16 UNIDENTIFIED MALE SPEAKER: Okay.

17 UNIDENTIFIED MALE SPEAKER: -- 20, or, like, right at
18 27 or something like -- I don't know -- 28 -- because it's like
19 60 feet --

20 MR. DUNCKEL: Yeah.

21 UNIDENTIFIED MALE SPEAKER: -- so -- yes.

22 MR. DUNCKEL: Okay. The next slide.

23 MS. MCCONNELL: Can -- can I make a comment about that
24 for the sail -- so that first parcel to the westernmost end, you
25 said, had the uplift structure development, it doesn't, it has a

1 dock, that's an over-water structure. There is no --

2 UNIDENTIFIED MALE SPEAKER: It's --

3 MS. MCCONNELL: -- residents or property, ands -- Fort
4 Lauderdale code states that you may not build a dock for the
5 berthing of vessels if you do not have a primary upland
6 occupiable structure associated to the parcel, so the
7 development -- of that is very different, and that is a separate
8 owner that owns that submerged land, from the resident that
9 lives on the corner.

10 UNIDENTIFIED MALE SPEAKER: Who -- property -- do you
11 have --

12 MR. DUNCKEL: This is the property that I was
13 referring to, this is the upland structure. At one time, there
14 was also a dock built right there, at the end -- end of a pub --
15 public right of way, I would agree with you as to that the --
16 the -- there needs to be an upland structure. This dock is an
17 accessory use, and the vessel there is accessory to the
18 principal use of an upland structure.

19 MS. MCCONNELL: Because that property owner there,
20 allowed permission, not the City of Fort Lauderdale --

21 UNIDENTIFIED MALE SPEAKER: You're missing --

22 MS. MCCONNELL: -- the County --

23 UNIDENTIFIED MALE SPEAKER: -- my point entirely.

24 MS. MCCONNELL: Oh. I -- I think that you -- yeah --

25 UNIDENTIFIED MALE SPEAKER: You're --

1 MS. MCCONNELL: -- are implying that the Crevalle
2 Canal is 35 feet and that any --

3 UNIDENTIFIED MALE SPEAKER: But that's -- at that
4 point -- yes, it is 34 feet --

5 UNIDENTIFIED MALE SPEAKER: -- seawall --

6 UNIDENTIFIED MALE SPEAKER: -- and the -- and the --

7 UNIDENTIFIED MALE SPEAKER: -- question --

8 UNIDENTIFIED MALE SPEAKER: -- and the waterway is
9 wider than just that 34 feet --

10 MS. MCCONNELL: But --

11 UNIDENTIFIED MALE SPEAKER: -- the waterway --

12 UNIDENTIFIED MALE SPEAKER: Yeah.

13 MS. MCCONNELL: The code would allow that -- built
14 there, to be the 30 percent rule --

15 UNIDENTIFIED MALE SPEAKER: -- please -- no --
16 objection, ma'am -- what the code would allow, I've been dealing
17 with it since 1988.

18 MS. MCCONNELL: But -- but you haven't answered their
19 question, when they've asked, why did they build, it's 30
20 percent.

21 UNIDENTIFIED MALE SPEAKER: I think I did an -- did I
22 answer your question?

23 MR. BRUNELLE: I'm getting more lost. I thought we --

24 UNIDENTIFIED MALE SPEAKER: He forgot --

25 MR. BRUNELLE: -- we were --

1 UNIDENTIFIED MALE SPEAKER: -- we're going back and
2 forth.

3 MR. BRUNELLE: Yeah. I guess it's -- I don't know.
4 There's the legality of it -- right, but what --

5 UNIDENTIFIED MALE SPEAKER: We have --

6 MR. BRUNELLE: -- as they are now --

7 MR. DUNCKEL: -- to look at -- the Crevalle Canal is
8 only a 35 foot width -- if you buy into the Applicants'
9 arguments --

10 UNIDENTIFIED FEMALE SPEAKER: --

11 MR. DUNCKEL: -- you would be limited to a vessel with
12 only five foot beam -- if you have a five -- dock. The essence
13 of the matter is, what is the width of the waterway, not what is
14 the -- what -- what is the width of the --

15 UNIDENTIFIED MALE SPEAKER: But --

16 MR. DUNCKEL: -- Crevalle Canal.

17 MR. BRUNELLE: Right.

18 MR. DUNCKEL: What is the width of the entire
19 waterway -- boat basin is part of that entire waterway.

20 Okay. Next slide, please.

21 UNIDENTIFIED MALE SPEAKER: That makes sense.

22 MR. DUNCKEL: Okay.

23 MS. MCCONNELL: And then, everybody used to --

24 UNIDENTIFIED MALE SPEAKER: Okay.

25 MS. MCCONNELL: -- their finger --

1 MR. DUNCKEL: Please, wait -- I did not interrupt your
2 presentation, I would appreciate the same.

3 UNIDENTIFIED MALE SPEAKER: Right.

4 MR. DUNCKEL: If you could focus in on this. We asked
5 the -- we asked the City surveyor, please provide me with the
6 width of the waterway as measured from the proposed 56 and a
7 half foot finger pier. The reason why we asked that is because
8 if you look at the -- the extreme west end of their property,
9 you'll get one measurement, and at the extreme east end, you
10 would get another.

11 So let's be fair about it, let's not just divide it in
12 two, let's take that measurement from the point -- from the
13 midpoint of the 56 and a half foot, and you'll see that it
14 measures 63.8 feet from the submerged lands, and another 71.8
15 feet.

16 In my memo to you, I did some mathematical errors, I
17 think -- I think I recite a -- a distance of 140, it was brought
18 to my attention that, apparently, my stubby fingers on my PC --
19 12C -- I must have hit the wrong -- the wrong digits, it's
20 actually 135.6 feet -- 30 percent of that did work out to be
21 40.6 feet.

22 UNIDENTIFIED MALE SPEAKER: Okay.

23 MR. DUNCKEL: Next slide, please. This is a
24 picture --

25 UNIDENTIFIED FEMALE SPEAKER: -- may be broad --

1 MR. DUNCKEL: -- and -- do have Mrs. --

2 UNIDENTIFIED MALE SPEAKER: -- do have all that.

3 MR. DUNCKEL: okay. This is a picture taken from New
4 River facing eastward. Now, if I follow the Applicants'
5 argument on -- only the stuff on the left is the water -- to my
6 lyin' eyes -- quoting from the Eagles, I see the whole thing is
7 the waterway, and that's what the City's position is, that's
8 backed up by the zoning administrator, and that's backed up by
9 the Department of -- of Sustainable Development.

10 Number the -- or next slide, please. There had been
11 some previous discussions of -- about -- there is no by platted
12 property line. Well, if you look at the -- please --

13 UNIDENTIFIED MALE SPEAKER: I'm --

14 MR. DUNCKEL: If you look at this, it clearly show --
15 that the north side of the upland property is measured from the
16 north line of block -- of -- of Block 5 of the platted prop --
17 and that's the platted property line. You then go 71.8 feet
18 from that, out into the water, as the submerged lands.

19 Next slide. Okay. This is -- submerged lands that
20 are owned by CRYC, LLC. You're probably going to think, are
21 we --

22 UNIDENTIFIED MALE SPEAKER: -- them?

23 MR. DUNCKEL: No, it's a different entity.

24 UNIDENTIFIED MALE SPEAKER: The guy --

25 MR. DUNCKEL: -- and it is Sunrise Bay --

1 UNIDENTIFIED MALE SPEAKER: Yeah.

2 MR. DUNCKEL: -- north of -- this --

3 UNIDENTIFIED MALE SPEAKER: -- compared to --

4 MR. DUNCKEL: The podium (phonetic) number is
5 494236040740 -- anybody -- or that'd like to take a look at
6 it -- think it's very interesting, it has a value -- the
7 submerged lands -- it has a value of \$61,360. They pay
8 \$11,332.79 taxes on that.

9 At one point in time -- and I'm going to take a
10 boat -- the piece of property at 1208 Seminole Drive. At one
11 point in time, ownership of the submerged lands was in the same
12 entity that also owned one of the upland parcels, and at that
13 time, the -- the vision was -- we're going to create a bridge
14 and we're going to create a subdivision out there in Sunrise
15 Bay --

16 UNIDENTIFIED MALE SPEAKER: -- or -- or -- right --

17 MR. DUNCKEL: -- Army Corps came along and said, no, I
18 think so. I would -- I would suggest that the same result would
19 be -- if they tried to fill in those submerged lands, that --
20 that this piece of property -- Army Corps is probably going to
21 say, I don't think so.

22 Next slide. Now, I'm being presented with an argument
23 that says, pass over the submerged lands, we go to the outer
24 side -- if you took from 1208 Seminole Drive, which is the --

25 UNIDENTIFIED MALE SPEAKER: Yes.

1 MR. DUNCKEL: -- you see the house with the brown
2 roof? Okay. The first house south of that is that 1208
3 Seminole Drive, which may or may not have been the property that
4 these people once owned -- or -- or a predecessor in time.

5 If you measure from the property line of 1208, out to
6 the red line there, in the intercoastal -- 954 feet, if you buy
7 into the Applicants' argument, 1208 could build a finger pier
8 954 feet long, and then go out another 25 feet, or 25 percent,
9 into the intercoastal waterway.

10 Again, you've got to apply the language in the code,
11 you can't just go by strict, rematical (phonetic) construction.
12 You've got to look at it from, how does this apply to the real
13 world, and if it ends up with absurd results -- no, you don't
14 look into that interpretation.

15 Yes?

16 UNIDENTIFIED MALE SPEAKER: Yeah. Okay. Can we go
17 back to that photo of the canal, looking east?

18 MR. DUNCKEL: That would be number --

19 UNIDENTIFIED MALE SPEAKER: Four, that is a Hatteras
20 48 foot long range --

21 UNIDENTIFIED MALE SPEAKER: True.

22 UNIDENTIFIED MALE SPEAKER: -- okay? Just to give you
23 some perspective on what we're looking at here, okay, the bow of
24 that boat is probably up against the seawall and very close to
25 it, okay? They're talking about building a 56.6 foot finger

1 pier there.

2 UNIDENTIFIED MALE SPEAKER: -- that's not --

3 UNIDENTIFIED MALE SPEAKER: -- okay?

4 UNIDENTIFIED MALE SPEAKER: I don't know -- you --

5 UNIDENTIFIED FEMALE SPEAKER: -- that's a

6 argument that's --

7 UNIDENTIFIED MALE SPEAKER: -- but it's not really a

8 question, I'm just trying to give -- I'm just --

9 UNIDENTIFIED MALE SPEAKER: That's --

10 UNIDENTIFIED MALE SPEAKER: -- add some realistic --

11 UNIDENTIFIED MALE SPEAKER: Perspect --

12 UNIDENTIFIED MALE SPEAKER: -- perspective to this, on

13 how this impacts that waterway.

14 MR. DUNCKEL: So --

15 UNIDENTIFIED MALE SPEAKER: Motion to agree?

16 UNIDENTIFIED MALE SPEAKER: No.

17 UNIDENTIFIED FEMALE SPEAKER: -- you have my --

18 UNIDENTIFIED MALE SPEAKER: Oh, yes, and it's --

19 MR. DUNCKEL: So --

20 UNIDENTIFIED MALE SPEAKER: -- the other part about

21 that too, is -- again, across the canal, you could have a 40

22 foot wide boat there, if -- if we're measuring this in -- in

23 the -- in that -- in the canal part, that section, you could

24 have a 40 foot wide boat there, and then you lock off the whole

25 pier, the whole --

1 UNIDENTIFIED MALE SPEAKER: Right.

2 UNIDENTIFIED MALE SPEAKER: -- bank -- so that -- that
3 would not --

4 UNIDENTIFIED MALE SPEAKER: Yeah.

5 UNIDENTIFIED MALE SPEAKER: -- that would -- that is
6 the biggest --

7 UNIDENTIFIED MALE SPEAKER: -- that lead to --

8 UNIDENTIFIED MALE SPEAKER: -- deal with.

9 UNIDENTIFIED MALE SPEAKER: -- that needs -- to
10 unreasonable --

11 UNIDENTIFIED MALE SPEAKER: Yes. Yes.

12 UNIDENTIFIED MALE SPEAKER: So -- so again --

13 UNIDENTIFIED MALE SPEAKER: That's what I was really
14 trying to get at.

15 MR. DUNCKEL: Yup. Yup. There's no reason for me to
16 show the -- let -- yeah. Let's show --

17 UNIDENTIFIED MALE SPEAKER: -- with that pier.

18 MR. DUNCKEL: Let's show Number 8 -- kind of hard to
19 see, but Number 8 is a -- is a map that was given to me, showing
20 the City limits. It shows the boat basin, it does not show what
21 we now call Crevalle -- the ca -- canal, to the north. Next
22 slide. Next slide shows the boat basin to the south, and it now
23 shows Crevalle Canal -- that's the 1959 map of the City limits.

24 So my -- if the Board is inclined to recommend
25 approval, it would be my recommendation that the -- that the --

1 it would be my recommendation that you recommend to the City
2 Commission -- approval of the waiver of limitations, limiting
3 the finger pier to 40 feet, which is just slightly under the 3
4 per -- 30 percent mark -- that's in light of looking at the
5 wat -- of the waterway -- entire width of the waterway, not just
6 the Crevalle Canal.

7 UNIDENTIFIED MALE SPEAKER: Okay.

8 UNIDENTIFIED MALE SPEAKER: Question --

9 CHAIR WITTEN: Now, it's back to the Board.

10 Questions --

11 UNIDENTIFIED MALE SPEAKER: Yeah.

12 CHAIR WITTEN: -- so -- just in a curiosity, Bob,
13 did -- and I respect everybody's time, opinions, et cetera. The
14 fact is, am I correct in saying that we cannot approve a waiver
15 that exceeds 40.6 percent --

16 MR. DUNCKEL: No, no, no --

17 CHAIR WITTEN: -- of 30?

18 MR. DUNCKEL: No, because the -- the proper statement
19 there is -- the City Commission is prohibited from approving a
20 waiver --

21 UNIDENTIFIED MALE SPEAKER: Right.

22 MR. DUNCKEL: -- that would exceed 30 percent of the
23 width of the waterway, as measured from the property line --
24 property line being the platted property line, not -- merged
25 lands.

1 UNIDENTIFIED MALE SPEAKER: Correct.

2 CHAIR WITTEN: So the point, though, is if we sat here
3 and we said, the hell with Bob Dunckel, we want to approve this
4 as is, the fact is, it is technically illegal because we can't
5 change that 30 percent rule, correct?

6 MR. DUNCKEL: Not only --

7 CHAIR WITTEN: Is it --

8 MR. DUNCKEL: Not only that, at -- at one point, there
9 was an opportunity for the Applicant to go to the Board of
10 Adjustment, to -- when -- when the -- when the building
11 department turned around and said, wait a minute, but we --
12 we're going to pause this thing, we're going to -- we're going
13 to rescind it -- or whenever the retracted -- because you don't
14 have a waiver.

15 At that point, the building department is saying the
16 width of the waterway is predicated on the argument that I'm --
17 that I'm propound -- at that point, they had an opportunity to
18 go to the Board of Adjustment and seek a -- a -- an appeal --
19 interpretation from the Board of Adjustment, they did not do
20 that.

21 Furthermore, the way this is structured, the fact that
22 they're applying for a waiver from the finger pier is basically
23 an admission that you measure it from the property line.

24 UNIDENTIFIED MALE SPEAKER: Sounds like they have a --
25 duty --

1 UNIDENTIFIED MALE SPEAKER: Yeah. It sounds -- battle
2 lines -- if they -- they would --

3 CHAIR WITTEN: So -- so, Lisa -- right --

4 MS. MCCONNELL: Yes.

5 CHAIR WITTEN: -- I -- I -- I know you're shaking your
6 head, but the -- you're paying to shake your head -- so that's
7 okay.

8 MS. MCCONNELL: No --

9 CHAIR WITTEN: So the question is, we only have so
10 much flexibility.

11 UNIDENTIFIED MALE SPEAKER: Yeah.

12 CHAIR WITTEN: If I'm listening to -- to our
13 counselor -- tell us, the only thing we can approve is 40 --
14 or -- 40 -- 46 feet -- however you want to look at it -- is your
15 Applicant -- is your client willing to accept that?

16 MS. MCCONNELL: No.

17 CHAIR WITTEN: Okay. So then we are --

18 MS. MCCONNELL: -- have a question because -- does
19 that mean that the Devers (phonetic) that are on Orange Isle, on
20 the other side, can -- also build out 40 feet because of the
21 private submerged land on the other side being the waterway?

22 MR. DUNCKEL: I'm here -- only on this application,
23 not on others.

24 MS. MCCONNELL: I know. And then -- so you tell the
25 client it's okay if you build a 40 foot finger pier off of your

1 dock, but as soon as you put a vessel there, you're out of code
2 compliance, as soon as somebody has difficulty -- I mean, you
3 can't enforce code to be safety minded, in the interest of the
4 City, and ask the property owners to be out of compliance
5 knowingly. It is no such thing as a platted property line --

6 UNIDENTIFIED MALE SPEAKER: No.

7 MS. MCCONNELL: -- but plat lines all --

8 UNIDENTIFIED MALE SPEAKER: -- so the --

9 UNIDENTIFIED MALE SPEAKER: -- shop --

10 MS. MCCONNELL: -- the property line is a property
11 boundary line.

12 UNIDENTIFIED MALE SPEAKER: Sir, what --

13 UNIDENTIFIED MALE SPEAKER: -- what -- if I'm
14 looking --

15 MR. MORLEY: Motion to --

16 UNIDENTIFIED MALE SPEAKER: -- at the --

17 MR. MORLEY: -- call --

18 UNIDENTIFIED MALE SPEAKER: -- let -- let -- let's --

19 MR. LYNCH: Second.

20 MR. MORLEY: Motion to call the vote.

21 CHAIR WITTEN: So -- hang on a second, Mor -- let's
22 take a second.

23 We have a motion on the table.

24 MS. MCCONNELL: It's not my property, the -- I'll just
25 say --

1 CHAIR WITTEN: No --

2 MS. MCCONNELL: -- this is --

3 CHAIR WITTEN: -- I understand that, but I mean --

4 MS. MCCONNELL: -- I respect all of you --

5 CHAIR WITTEN: And --

6 MS. MCCONNELL: -- tremendously.

7 UNIDENTIFIED MALE SPEAKER: Motion to --

8 MS. MCCONNELL: -- the homeowner is do -- is
9 litigation, and we'll just be done. I want to move on. I want
10 to put my -- cases that this controversial and not have any more
11 issue with it.

12 MR. MORLEY: A motion to call --

13 CHAIR WITTEN: So I get what you're saying, I respect
14 what you've done, we have to vote on what's in front of us --
15 and we have a motion.

16 What is the mot -- what is --

17 UNIDENTIFIED MALE SPEAKER: The motion is to call the
18 vote.

19 CHAIR WITTEN: Motion is to call the vote. Do we have
20 a second? Everybody in agreement?

21 UNIDENTIFIED MALE SPEAKER: Yeah.

22 UNIDENTIFIED MALE SPEAKER: Yes.

23 CHAIR WITTEN: So the first -- follow up motion --

24 UNIDENTIFIED MALE SPEAKER: Yup.

25 UNIDENTIFIED MALE SPEAKER: Motion to deny the app --

1 CHAIR WITTEN: So we have a motion on the table to
2 deny the application. Do we have a second on that?

3 UNIDENTIFIED MALE SPEAKER: Second.

4 MR. FRANKS: Second.

5 CHAIR WITTEN: We have a second from -- Mr. Franks,
6 will call it. Let's bring it to roll call vote, please.

7 UNIDENTIFIED FEMALE SPEAKER: First motion was --

8 UNIDENTIFIED MALE SPEAKER: Was me. Just -- do it
9 again -- go back --

10 UNIDENTIFIED FEMALE SPEAKER: The second.

11 MR. FRANKS: That was me again.

12 UNIDENTIFIED FEMALE SPEAKER: Oh. Oh. Sorry.

13 UNIDENTIFIED MALE SPEAKER: -- feel like -- Robert --

14 UNIDENTIFIED FEMALE SPEAKER: So I just have --

15 UNIDENTIFIED MALE SPEAKER: -- may -- I just have a
16 quick question, if we're voting to deny and we say yes, does
17 that mean yes to deny?

18 UNIDENTIFIED MALE SPEAKER: Okay.

19 CHAIR WITTEN: So we are voting to deny, a yes vote
20 would be -- you are voting to deny is -- that's correct.

21 UNIDENTIFIED MALE SPEAKER: You had your hand raised.

22 UNIDENTIFIED MALE SPEAKER: Yes.

23 UNIDENTIFIED MALE SPEAKER: Go ahead, Bob.

24 MR. DUNCKEL: I would point out that, if the motion
25 passes, this still ends up going to the City Commission --

1 UNIDENTIFIED MALE SPEAKER: Yes, sir.

2 UNIDENTIFIED MALE SPEAKER: Correct.

3 UNIDENTIFIED MALE SPEAKER: -- that question --

4 MR. DUNCKEL: -- for their recommendation.

5 UNIDENTIFIED FEMALE SPEAKER: Are we ready for a roll
6 call --

7 CHAIR WITTEN: Yep.

8 UNIDENTIFIED FEMALE SPEAKER: -- vote? Okay.

9 CHAIR WITTEN: Now, yes is a vote in opposition to
10 denied --

11 UNIDENTIFIED MALE SPEAKER: No, it's --

12 UNIDENTIFIED MALE SPEAKER: Not --

13 UNIDENTIFIED MALE SPEAKER: -- no -- is -- favor of
14 the --

15 UNIDENTIFIED MALE SPEAKER: Would you talk to
16 Anthony --

17 UNIDENTIFIED MALE SPEAKER: -- do deny.

18 UNIDENTIFIED MALE SPEAKER: Ready.

19 CHAIR WITTEN: In favor of the denial?

20 UNIDENTIFIED MALE SPEAKER: There you go.

21 UNIDENTIFIED MALE SPEAKER: Yeah.

22 UNIDENTIFIED FEMALE SPEAKER: Mr. Washington?

23 MR. WASHINGTON: Denied.

24 UNIDENTIFIED MALE SPEAKER: Did --

25 UNIDENTIFIED FEMALE SPEAKER: -- that vote -- a no

1 would --

2 UNIDENTIFIED MALE SPEAKER: Said yes. I'm just --

3 UNIDENTIFIED MALE SPEAKER: Yes, is that --

4 UNIDENTIFIED FEMALE SPEAKER: -- going to --

5 UNIDENTIFIED FEMALE SPEAKER: Said yes or no?

6 UNIDENTIFIED MALE SPEAKER: He said yes.

7 UNIDENTIFIED MALE SPEAKER: Yes, I do --

8 UNIDENTIFIED FEMALE SPEAKER: You're saying --

9 UNIDENTIFIED FEMALE SPEAKER: Yes.

10 UNIDENTIFIED FEMALE SPEAKER: Okay. Yes or a no?

11 Mr. Bekoff?

12 MR. BEKOFF: Yes.

13 UNIDENTIFIED FEMALE SPEAKER: Mr. Brunelle?

14 MR. BRUNELLE: Yes.

15 UNIDENTIFIED FEMALE SPEAKER: For Coburn?

16 MR. COBURN: Yes.

17 UNIDENTIFIED FEMALE SPEAKER: For Dunbar?

18 MR. DUNBAR: Yes.

19 UNIDENTIFIED FEMALE SPEAKER: For Flanigan? For

20 Flan --

21 MR. FLANIGAN: Yes.

22 UNIDENTIFIED FEMALE SPEAKER: For Lynch?

23 MR. LYNCH: Yes.

24 UNIDENTIFIED FEMALE SPEAKER: For Ribotsky?

25 DR. RIBOTSKY: Yes.

1 UNIDENTIFIED FEMALE SPEAKER: Mr. Swindell?

2 MR. SWINDELL: Yes.

3 UNIDENTIFIED FEMALE SPEAKER: For Ware? For Morley?

4 MR. MORLEY: Yeah.

5 UNIDENTIFIED FEMALE SPEAKER: For Mitchell?

6 MR. MITCHELL: Yes.

7 UNIDENTIFIED FEMALE SPEAKER: And Chair Witten?

8 CHAIR WITTEN: Yes. Thank you very much.

9 UNIDENTIFIED MALE SPEAKER: Courtney -- write this
10 down. Courtney --

11 UNIDENTIFIED MALE SPEAKER: -- the rest of this --

12 UNIDENTIFIED FEMALE SPEAKER: I don't know --

13 UNIDENTIFIED MALE SPEAKER: Yes.

14 UNIDENTIFIED FEMALE SPEAKER: -- if mister --

15 UNIDENTIFIED MALE SPEAKER: Vote again?

16 CHAIR WITTEN: So, miss -- I thank you very much --

17 UNIDENTIFIED FEMALE SPEAKER: Deny.

18 UNIDENTIFIED FEMALE SPEAKER: Thank you.

19 CHAIR WITTEN: The motion has been denied.

20 UNIDENTIFIED MALE SPEAKER: Thank you.

21 CHAIR WITTEN: Thank you very much.

22 UNIDENTIFIED FEMALE SPEAKER: Yeah, I --

23 UNIDENTIFIED MALE SPEAKER: Thank you very much,
24 everyone.

25 CHAIR WITTEN: Thank you, all.

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UNIDENTIFIED MALE SPEAKER: Thank you.

CHAIR WITTEN: I think -- let's move on.

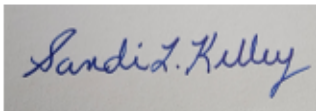
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CERTIFICATE OF TRANSCRIBER

I, Sandi L. Kelley, do hereby certify that I was authorized to transcribe the foregoing recorded proceeding; and that the transcript is a true and accurate transcription, to the best of my ability, taken while listening to the provide recording.

I FURTHER CERTIFY that I am not of counsel or attorney for either or any of the parties to said proceedings, nor in any way interested in the events of this cause, and that I am not related to any of the parties thereto.

Dated this 2nd day of March, 2026.



Sandi L. Kelley

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