

**MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE
THURSDAY, JANUARY 3, 2008 – 7:00 p.m.**

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance</u> <u>5/07-4/08</u>	
		<u>Present</u>	<u>Absent</u>
John Terrill, Chair	P	7	0
Barry Flanigan, Vice Chair	A	6	1
Rick Schulze	P	6	1
Eugene Zorovich	P	6	1
Michael Widoff	A	5	2
Ryan Campbell	A	4	3
Alec Anderson	P	4	3
Norbert McLaughlin	P	6	1
Stephen Tilbrook	P	5	2
John Custer	P	6	1
Randolph Adams	A	6	1
John Baker	P	5	2
Bob Ross	P	6	1

Staff Present

Jamie Hart, Supervisor of Marine Facilities
Andrew Cuba, Manager of Marine Facilities
Cate McCaffrey, Director of Business Enterprises
Sgt. Andy Pallen, Fort Lauderdale Marine Police Unit
Brigitte Chiappetta, Recording Clerk, Prototype, Inc.

Guests

Tammi Molinet, Homeowner	Ted Fling, Victoria Park Civic Assn.
Toby Smith	Nectaria Chakas, Middle River Properties
Doris Miller, Homeowner	Tyler Chappell, The Chappell Group
Cathy Hargrow, Resident	Matt Mitchell, The Chappell Group
Jim Juranith, Homeowner	Frank Herhold, Executive Director, MIASF
Cheryl Gorman, Homeowner	Patience Cohn, MIASF
John Gorman, Homeowner	Hurshy & Bill Beamer, Homeowners
Dan Clark, Resident	Terence Waldren, Homeowner
Stephanie Clark, Resident	Harold Lovell, Homeowner
Lon & Nancy Gentry, Docklocators	Alan Leigh, Homeowner
Bob Brantmeyer, Sun Dream Yachts	

I. Call to Order/Roll Call

Chair Terrill called the meeting to order at 7:10 p.m. It was determined that a quorum was present.

II. Approval of Minutes – November 1, 2007

With no changes, the minutes were approved as distributed.

III. Waterway Crime & Boating Safety Report

Sgt. Pallen reported that they had been busy with the boat parade in December which had gone off well with no injuries or accidents.

November and December had little activity. One boat had been stolen off a trailer in Riverbend Marine, which has subsequently been recovered. During that two month time frame, there had been one vessel broken into with a television stolen, as well as an outboard motor stolen from Bahia Mar.

One boat accident with minor damage was reported.

Concern had been expressed regarding the route change for the Boat Parade, although ultimately the parade had been conducted safely. Sgt. Pallen was commended for his hard work.

IV. Presentation - 2008 Fort Lauderdale Billfish Tournament
• **Mark Constantino**

Mr. Baker abstained from the discussion and vote due to a conflict of interest.

Mr. Constantino, Event Coordinator, reported two events are being added; an entertainment venue and a food venue. An event brochure was given to the Board, which provided a rundown of the schedule of events and venues.

Mr. Hart stated Mr. Constantino is looking for support from the Board for use and rental of the docks, as well as the planned festival-type activities to be held in the parking area. An agreement, for liability purposes, will have to be obtained and a deposit will probably be required along with approximately four weeks advance notification regarding the number of slips expected to be utilized.

Mr. Anderson agreed with conceptually approving use of the docks, with this matter brought back to the Board for "official" approval. Mr. Hart advised he would return in

February with a report on the content of any proposed agreement. It was confirmed the tournament would be "catch and release."

Several members expressed their support of the event.

Mr. Tilbrook felt the central beach area needed more events and activities. He asked for more information regarding the length of time the festival has been held, the plans for the seafood portion of the festival, and added details on the overall event.

Mr. Constantino stated this is the 43rd year for the fishing tournament, but it is the first year they will be adding music and food. An executive chef will run the food operations; several Fort Lauderdale restaurants have been invited to attend. It is hoped, in 2009, a food competition will be added. Entertainment will include an event/concert stage with lighting; headliners will include Rick Derringer and Pat Travers; there will be a blues act, and there will be a designated area for a children's venue.

Mr. Hart stated the City's primary concerns are liability and insurance.

Motion made by Mr. Tilbrook, seconded by Mr. McLaughlin, that the Board recommend to the City Commission that the City supports the Fort Lauderdale Billfish Tournament through an event agreement and an agreement for leasing docks at the Las Olas Marina. In a voice vote, the motion passed unanimously (with Mr. Baker abstaining).

V. Application – Dock Permit/Use of Dock On Public Property - 915 Cordova Road

- **Tammi Molinet**

Mr. Schulze abstained from the discussion and vote due to a conflict of interest.

Mr. Toby Smith, speaking on behalf of himself and Ms. Molinet, requested a permit on their application to add pilings and repair their dock. He stated there were Code issues he had not initially been aware of, and provided photographs of dock as it is currently. A site survey, engineered seawall drawings, and an aerial survey were provided. There are currently three vessels parked at the dock. Permits have been applied for and inspections made; however, there appears to be a conflict between Code Enforcement and the contractor, Broward Piling, with the dolphin pilings which had been previously installed.

Mr. Smith stated the pilings are 25 feet from the seawall, nearby docks have dolphin pilings, and he did not see a reason why he should not be allowed to do the same.

Mr. McLaughlin asked regarding the exact locations of the pilings, confirming that the problem is the one piling which is "six feet from the inside of the seawall, give or take a few inches" (as stated by Mr. Smith) and is in violation of Code. Per Code, it should be 25 feet from wet face of the seawall, not the property line. It was noted that the platted line was confirmed by the City surveyor.

Mr. Hart confirmed that the approval is not for a waiver, but for dock usage, renewable every five years, under Section 8-144. He added that the homeowners do have the benefit of a wider opening in the canal allowing for a better turn radius, although they are parking their vessels perpendicular due to their small size.

In response to Mr. McLaughlin's question, Mr. Hart assumed that Broward Piling had not been aware of the requirement to obtain approval to use the piling. As the owners have been cited for the pilings, they are unable to move forward to use the dock until approval is given. There is no existing agreement with the City for the dock itself which existed prior to the purchase of the property. The repair work had been done to make the dock safer. The dock, as well as the pilings, will need to be approved by the Board.

To clarify the circumstances, Mr. Smith explained that five years ago pilings in front of the dock had been damaged and rotted. Broward Piling was hired to replace the damaged pilings, and at that time, Mr. Smith had asked if it would be possible to put in dolphin pilings. Broward Piling advised he could, but they had to be within certain parameters. Subsequently, the pilings were provided by Broward Piling, with Mr. Smith assuming that a permit had been pulled. In 2007, Mr. Smith was advised that the dock was in violation of Code due to repairs having been done without a permit, and would need to be corrected to Code specifications. Mr. Smith then moved forward with obtaining a permit for the dock to be properly repaired.

Mr. Hart confirmed Mr. Smith's sequence of events, having spoken with Mr. Strawn in Code Enforcement, and determining there has been a stipulated agreement entered into for time to obtain permits for the pilings; however, piling permits cannot be obtained until approval is obtained for use of the property.

It was pointed out that the Code addresses the responsibilities of property owners, not the contractor; however, if the same contractor subsequently attempts to rectify the problem, they will be required to pay a double permit fee.

To Mr. Hart's knowledge, there are no other licenses or permits on public property along Cordova Road where the boats are perpendicular to the dock.

Chair Terrill clarified that it is legal to have a boat perpendicular to the dock, although, there are limits for extending into the channel. It was pointed out, however, that vessel size does have a bearing from an access standpoint.

Mr. Tilbrook emphasized that they are discussing City-owned property and possibly making a policy decision about whether or not they want to use the City's property to encourage or allow perpendicular dockage.

Chair Terrill expressed concern regarding: 1) the legality of changing the rules from what Code allows for City property on which there is already an agreement with property owners in other locations of the City; and 2) the practicality of legally docking the vessels as proposed by the property owner. He stated if that approval is practical or reasonable, he did not believe it would be appropriate to suggest that the homeowner would "run out to buy a mega yacht to put it there and break the rules."

Sgt. Pallen indicated if there is a safety issue regarding dockage, they will attempt to contact the owner to obtain compliance; if not, complaints go to Code Enforcement.

Discussion continued regarding the parameters of what would be considered a safety hazard, with Sgt. Pallen stating safety hazards would depend on each specific instance.

Chair Terrill voiced concern regarding setting a precedent which will cause further congestion on the canals. He also stated that if the application is approved, the homeowner will be responsible for the repairs; if not, the responsibility for seawall repair will fall on the City which could take many years.

Mr. Tilbrook contended his concern was with a dock having dolphin pilings that are off of an eight foot dock, 25 feet into the waterway, in a configuration that suggests boats will be docked there which are greater than 30 feet into the waterway. He also suggested they do have the option to recommend approval of the dock without the dolphin pilings.

It was Mr. Anderson's opinion that he could not approve "something that's already being used in violation of Code."

Chair Terrill then opened the meeting for public comment.

Mr. Tilbrook asked if the Board could recommend approval of the permit with the condition that if the Code is violated, the permit will be withdrawn, and was advised by Mr. Hart that they could require that condition.

As no one from the public wished to speak, Chair Terrill then closed the public hearing.

Motion made by Mr. Ross, seconded by Mr. Tilbrook, to approve the dock and pilings as submitted with the proviso that there are no Code violations and, if there is a Code violation, within 30 days of notice of violation, the permit can be rescinded by the City. In a roll call vote, the motion passed 7-1 (with Mr. Schulze abstaining and Mr. Zorovich dissenting).

VI. Application – Waiver of Dock Distance Limitations - 852 N.E. 20th Avenue

- **William Brantmeyer**

Mr. Baker abstained from discussion and voting on this item due to a conflict of interest.

Mr. Chappell gave a presentation as a consultant on behalf of Mr. Brantmeyer, the property owner. There is currently one slip at the dock; the request is for a second slip. The project will consist of removing the existing dock and constructing a 50' x 4' dock including seven sets of mooring pile clusters. Of the seven pile clusters, six qualify for a waiver; one is within Code (mooring pile #5).

- #1 is located 29 feet from the property line which requires a waiver of 4 feet
- #2 is 58 feet from the property line
- #3 (the finger pier) is 49 feet from the property line
- #3 (mooring pile) is 86 feet from the property line
- #4 is 75 feet from the property line
- #6 is 35 feet from the property line
- #7 is 64 feet from the property line

All are requesting waivers of the overage from the 25 foot requirement from the property line.

The property is in a limited residential office district which permits a dock facility as an accessory to use. The property has been historically a family-owned and operated commercial facility. There will be no loading or unloading of commercial passengers at this location. Photographs, aerials, and surveys were provided. Mr. Chappell noted that the dock itself is 45 feet from the 30% line and 92 feet from the center of the channel; there will be no impact to sea grasses. The residents within 300 feet have been notified; there are no objections at this time. All adjacent and nearby properties are zoned ROA.

Mr. Zorovich asked, due to the number of waiver requests, if there was a way to evaluate the entire area, in lieu of reviewing each property individually.

Chair Terrill then opened the meeting for public comment.

Ms. Chakas, Ruden McCloskey, was present on behalf of three property owners located on 20th Avenue - all of whom support the application.

Mr. Fling commented that he had just received information that the application had been made. He added that prior applications had been scrutinized closely by the Victoria Park Civic Association, and their problem at this time is they "don't have the foggiest idea what this is all about." It is also the opinion of the homeowners that this is "some sort of a subterfuge undertaken by the applicants in process of preparing and installing a commercial marina in this location." Mr. Fling requested that this matter be deferred until they have had a chance to review the application within the Civic Association by their aesthetics and traffic committees, as well as their planning and zoning board. He indicated this same position as to Item VII and the application made by the Dixieland Corporation.

Mr. Hart confirmed that the meeting had been publicly noticed, all parties within 300 feet had been properly notified, and there is no requirement to notify civic associations, although all associations are sent notification of permits, etc., within their borders.

Mr. Fling added that one of their homeowners had received notice from the City on December 28, 2007, allowing for less than two days for a complete review of any materials had the materials been provided. He did not believe proper public notice had been given.

In response, Mr. Chappell stated the applicant had planned to make a future presentation to the Victoria Park Civic Association.

Several other residents expressed their support of the application.

With no further persons wishing to speak, Chair Terrill then closed the public hearing.

Mr. Zorovich reiterated his desire to have the area declared "zoning in progress" for review and evaluation by the City Commission in its entirety allowing for a better controlled process and/or standards due to the number of waivers requested on that one street.

Mr. Ross felt each application should continue to be presented individually to the Board.

It was pointed out by Mr. Anderson that he has not voted for any of the waiver requests due to the lack of "extraordinary circumstances" being presented. He felt, from his perspective, that the Board generally "rubberstamped" the requests, and did not provide

enough scrutiny "throwing long-term planning out of the window." He added that the Board has created these "special circumstances" by their approval of previous waivers.

Chair Terrill disagreed that the Board "rubberstamped" any requests before them, expressing the hope that each Board member has "voted their conscience each and every time."

The problem of a lack of Code enforcement in the waterways by the City was brought up by Mr. McLaughlin. He suggested that the Board look into the Code enforcement process.

Ms. McCaffrey, in response to Chair Terrill's question, stated that, as a rule, Code enforcement is a reactive response to a complaint; however, she indicated they have tried to become more aggressive in conjunction with the police department to look at the violations from the water side. She did admit that more could be done.

Motion made by Mr. Schulze, seconded by Mr. McLaughlin, to approve the application.

Mr. Zorovich asked if there was a reason the entire area could not have an amendment to the zoning Code which would allow for such exceptions.

It was Mr. Tilbrook's opinion that the applicant is a "good corporate citizen" in the community, adding that this area of the City has improved since marine-related businesses have moved into the neighborhood.

Mr. Anderson thought the proposed dock would be an improvement over the existing one and, although philosophically opposed, he does see an extraordinary circumstance in this case.

Mr. Schulze commented that the objections set forth by the Board could be discussed as an agenda item at a future meeting to make a possible recommendation to the City Commission, but have no bearing on the application before them at this time.

Mr. McLaughlin expressed his desire to see the applicant appear before the Victoria Park Civic Association prior to the application being presented to the City Commission.

In a roll call vote, the motion passed 9-0.

VII. Application – Waiver of Dock Distance Limitations – 714 N.E. 20th Avenue

- James Juranitch

Handouts of the presentation, a letter from the Broward County Environmental Protection Department recommending approval of the waiver, additional pictures not previously provided, and revised plans updating survey distances to all structures were given to the Board members.

Mr. Juranitch gave a visual presentation to the Board and requested approval for replacement of the existing four slips with two slips, at a length of 132 feet. Two hundred forty square feet of dock will be removed and only 10% of the mooring pile will be utilized; it was his opinion there will be no navigational risk.

Mr. Juranitch reported he worked eight months with the Broward County EPD and has obtained their approval. An extraordinary use requirement has also been met, with the dock being ADA compliant and wheelchair accessible. Mr. Juranitch stated letters of support have been received from "virtually everyone" on the nearby waterway.

Current zoning is RS8, residential. Mr. Juranitch confirmed that he was in the process of relocating his family residence to Fort Lauderdale. He has use of one of the vessels proposed to be docked at the facility four times a year through a sales use agreement which will not be there full time; the other vessel is in the process of being purchased and will be docked at the location full time.

Mr. Schulze felt the dock is a "poster child for what should be in Fort Lauderdale." He highly recommended approval of the application.

Sgt. Pallen stated he was neither for nor against the application; however, he had several comments as follows:

- ✓ There is no channel in this area; the entire waterway is navigable.
- ✓ The area is currently for zoned watersports activity including water-skiing.
- ✓ There is mooring of sailboats overnight.
- ✓ During the day this is a high traffic location for boating.

Sgt. Pallen expressed concern regarding the length of the dock at 132 feet being a significant possible safety hazard to the skiers. He also pointed out that the picture showing the measurements appears deceiving as it does not reflect the requirement of navigating 400 feet horizontally around the proposed dock.

There are currently three locations in the City's saltwater Intracoastal area permitting water-skiing.

Chair Terrill then opened the meeting for public comment.

Mr. Fling requested that the Board incorporate his previous comments in reference to this application also, as he had received no notice until two days prior to the meeting. He confirmed that no documentation regarding any pending requests has been given to the Victoria Park Civic Association.

Ms. Doris Miller stated she "resented the fact" that she had received no notice from the City until December 29th. She also objected to the docking of such large vessels due to the necessity of on-site diesel refueling and the possibility of a spill, as well as food deliveries and repair vehicles creating additional traffic. Ms. Miller clarified that she had signed the petition agreeing to the dock, but had been unaware at the time of its intended size.

Ms. Cathy Hargrove spoke in support of the application.

Mr. Daniel Clark spoke in opposition to the application. He noted that subsequent to surveys being conducted, it was determined that seagrass and oyster beds were in the area, although the initial application had denied same.

Mr. Bill Beamer and Mr. Terrence Waldren both spoke in support of the application.

Sgt. Pallen reiterated that the entire area is a navigable waterway, adding that several boats in the area are being looked at by Code Enforcement.

Mr. Alan Leigh felt that this was one of the best ski areas and if this type of structure could not be built in the other ski zones, it should not be built in this one.

Ms. Chakas, representing three nearby property owners, stated they concurred with approval of the application.

Mr. John Gorman spoke regarding the nearby residential properties and the importance of maintaining their quality of life.

Mr. Juranitch then readdressed the Board regarding his neighbors' concerns, as well as voicing his disagreement that the dock would be a hazard to water-skiers.

With no further persons wishing to speak, Chair Terrill then closed the public hearing.

Mr. Anderson contended that several waivers had been granted previously due to precedence and he questioned the parameters for finding "exceptional circumstances" or "hardship" in allowing the waivers, noting each case and each property is different. He did not think personal family situations should affect waiver requests and should be considered solely on the physical property characteristics, location, description, riparian

rights, etc. He questioned the contention that the dock could be more beneficial to the seagrass than no dock at all, cautioning that "as much space needs to be provided as possible" due to the number of vessels which use the waterway.

Mr. Zorovich commented on the extensive amount of time spent during the meeting to discuss waivers. He reiterated his desire to see standardization. He added he would not vote on this matter based upon the disability issue as it has no bearing upon the waiver request. Mr. Zorovich felt this was an exception which needed serious consideration and whichever way this matter is voted upon, it will set a precedence one way or the other in the future.

Chair Terrill mirrored the comments of several other Board members regarding the amount of time spent addressing the waivers, as well as increased public interest - acknowledging it was time well spent in allowing the residents to express themselves.

It was Mr. Baker's opinion that prior to purchasing the property, Mr. Juranitch should have checked into the zoning requirements and it was not the Board's duty to retroactively satisfy the homeowner's needs.

Mr. Schulze suggested amending the City ordinance be discussed under new business as a separate issue.

Chair Terrill pointed out this application is extraordinary to the other applications brought before the Board, expressing the hope that all have been dealt with individually as opposed to previous decisions regarding waivers having set any kind of precedence. He stated the proposed dock is farther out by a large margin than any other approved, adding that this is a residential area and should be considered differently.

It was noted that there is a current waiver on the property allowing for an additional 47 feet.

The applicant then requested deferral to a later date.

Motion made by Mr. Schulze, seconded by Mr. Ross, to **deny** the application. In a roll call vote, the motion passed unanimously (with Mr. Schulze dissenting).

VIII. Old/New Business

Mr. Zorovich requested further discussion at the next meeting regarding the 20th Avenue issue in order to come up with ideas and recommendations to the City Commission for standardizing or amending the zoning as there are unusual circumstances on 20th Avenue which should be addressed.

Mr. Tilbrook agreed, adding there appears to be a wide standard and no criteria for measuring "extraordinary circumstances," supporting having the discussion in general for all waivers.

Chair Terrill agreed to place this matter on the next agenda.

IX. Status Report

- **Las Olas Marina –Clean Marina Designation**
- **Broward County Marine Advisory Committee**

Mr. Cuba confirmed Las Olas Marina has been designated a "clean marina."

A grant had been awarded for the Coolie Landing program.

X. City Commission Items – November 6, 2007 Meeting (Approved)

- **Application Deferral - Dockage Waiver – Dixie Southland Corp./808 & 810 N.E. 20th Ave.**
- **Funding Transfer – Floating Dock Project – Phase II Design and Permitting**
- **BBIP Grant Application – Cooley's Landing Boat Ramp Replacement**
- **Water Taxi License Application – River Taxi, LLC**

City Commission Items – November 20, 2007 (Approved)

- **FIND Interlocal Grant Agreement – New River Dredging Feasibility Study**
- **2007 Winterfest Boat Parade Facility Use Agreement for Riverwalk Docks**

City Commission Items – December 18, 2007 Meeting (Approved)

- **New River Submerged Land Lease Renewal with DEP**
- **Phase I Floating Dock Project– FIND Grant Extension/Antique Boat Museum Site**
- **Marine Facilities Cable TV Service –Extension to Agreement**

Mr. Hart stated there had been brief discussion by the City Commission regarding zoning issues relative to the Middle River area. He suggested a representative from the City's Zoning Department attend a Marine Board meeting.

XI. Adjournment

There being no further business before the Board, the meeting was adjourned at 10:00 p.m.

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, RICHARD P. SCHULZE, hereby disclose that on JANUARY 3RD, 20 08:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, TAMMI ADRIENET (DAUGHTER) _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

01/03/08
Date Filed

Richard P. Schulze
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME BAYER JOHN.	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE MARINE ADV. BOARD.
MAILING ADDRESS 1631 SE 14 ST.	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY FT LAUD. FL 33316	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

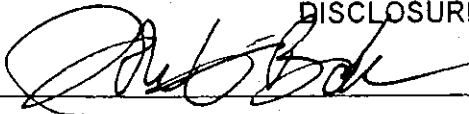
APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, , hereby disclose that on JAN, 3, 20 08.

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

1-3-08

Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

APPOINTED OFFICERS (continued)

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Stephen K. Tilbrook, hereby disclose that on January 3, 2008:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or

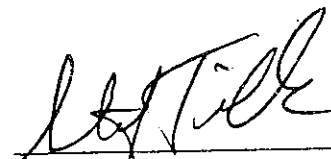
inured to the special gain or loss of John Gorman, which is the parent organization or subsidiary of a principal which has retained ~~me~~ our firm.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

The applicant, James Juranitch is seeking a dock waiver for a parcel located adjacent to a parcel owned by John Gorman, a client of Shutts & Bowen LLP (a firm with which I am a partner). Mr. Gorman has expressed opposition to the application.

January 3, 2008

Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

POWERPOINT PRESENTATION
TYLER CHAPPELL, THE CHAPPELL GROUP

APPLICATION WAIVER OF DOCK DISTANCE
LIMITATIONS
852 N.E.20TH AVENUE

WILLIAM BRANTMEYER

APPLICATION

This application is requesting approval for the replacement of an existing one (1) slip fixed marginal docking facility with a proposed two (2) slip one finger pier fixed dock facility set forth in the Unified Land Development Regulations (ULDR).

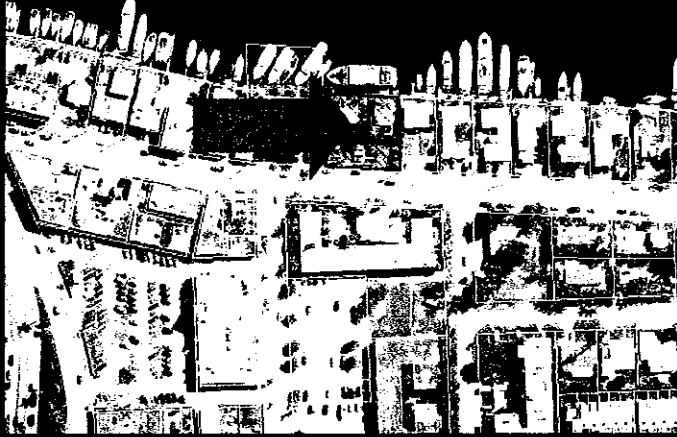
APPLICANT

The applicants and the
address of the property:

William Brantmeyer
852 N.E. 20th Avenue
Fort Lauderdale, FL 33304



Middle River



PROPOSAL

The project consists of the removal of an existing marginal dock that totals 712 square feet in order to construct one 50' x 4' finger pier totaling 200 square feet including seven (7) sets of mooring pile clusters. The distances these structures extend from the property line into the Middle River are shown on Table 1 which follows:

PROPOSAL (Concluded)

TABLE 1

LOCATIONS OF STRUCTURES FROM NORTH TO SOUTH	SURVEYED DISTANCE OF STRUCTURE	PERMITTED DISTANCE WITHOUT WAIVER	AMOUNT OF DISTANCE REQUIRING WAIVER
CLUSTER MOORING PILE I	29'	25'	4'
CLUSTER MOORING PILE II	58'	25'	33'
FIXED FINGER PIER I	49'	20'	29'
CLUSTER MOORING PILE III	86'	25'	61'
CLUSTER MOORING PILE IV	75'	25'	50'
CLUSTER MOORING PILE VI	35'	25'	10'
CLUSTER MOORING PILE VII	64'	25'	39'

BACKGROUND INFORMATION

The ULDR, Section 47-19.3.B, permits the construction of the finger piers to extend a maximum distance of 20'; Section 47-19.3.C of the code limits the mooring pilings to a maximum distance of 25' at this location, into the Middle River, respectively.

BACKGROUND INFORMATION (Concluded)

ULDR, Section 47-19.3.D, allows the City Commission to waive the limitation based on its finding of extraordinary circumstance.

ZONING

The property is in the Limited Residential Office District (ROA), which permits a dock facility as an accessory use.

NAVIGATION

The applicants property is situated on the western side of the Middle River where the width is approximately 282.6' wide on the north property line and 283.1' from the south property line.

From the survey, this is shown in Table 2 and the graphic depictions that follows:

NAVIGATION (Continued)

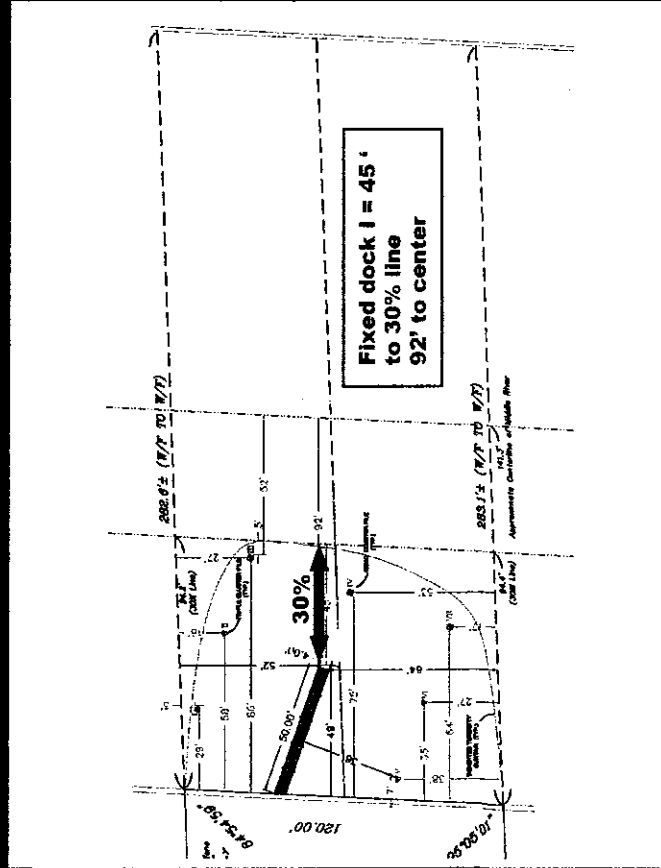
TABLE 2

WATERWAY WIDTHS (FROM NORTH TO SOUTH)	MAXIMUM DISTANCE
North Boundary Line	282.6' +/-
South Boundary Line	283.1' +/-

NAVIGATION (Continued)

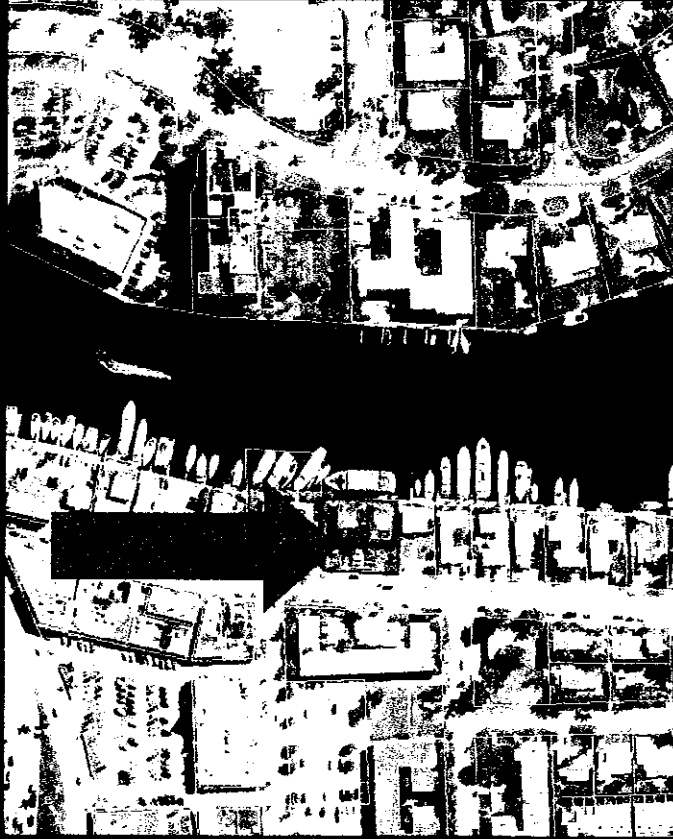
Distance Limitations:
Measured from the outermost mooring cluster pile to the 30% maximum docking limitation = 5' +/-.

Measured from the outermost mooring cluster pile to the centerline of the channel is approximately 52' +/-.



NAVIGATION (Continued)

852 NE 20th Avenue



Aerial of property shows clear view of waterway clearance with large vessel docking in the range of approximately 60' to 120' adjacent to the applicants property and adjoining properties

NAVIGATION

(Concluded)

The proposal presents no significant impact to navigation.

WATERWAY TIDAL CONDITIONS

There is no benthic resources located at the property and therefore no impacts to seagrass or other benthic communities are proposed.

WATERWAY DEPTH TIDAL CONDITIONS (cont.)

Below is a list of street addresses along N.E 20TH Avenue with approved waivers, and showing the maximum distance that the furthest mooring piling and piers extends into the Middle River:

**March 1983 – 834 NE 20th Avenue: Pilings 45'
April 1983 - 714 N.E. 20TH Avenue: Pilings 45'/Piers 37'
July 1985 – 808 NE 20th Avenue: Pilings 48' / Piers 37'
January 1990 – 840 NE 20th Avenue: Pilings 48' / Piers 48'
Sept 1992 - 738 N.E. 20TH Avenue: Pilings 75' / Piers 35'
Dec 2005 – 834 NE 20th Avenue: Pilings 71' / Piers 35'
Dec 2005 – 840 NE 20th Avenue: Pilings 71' / Piers 35'
November 2007 – 808/810 NE 20th Avenue: Pilings 68' / Piers 73'**

PUBLIC NOTIFICATION

CITY OF FORT LAUDERDALE LAUDERDALE PUBLIC NOTICE

CITY OF FORT LAUDERDALE

PUBLIC NOTICE

On January 3, 2008, the Fort Lauderdale Marine Advisory Board will be reviewing an application for a waiver of limitations from William Brammeyer, 852 N.E. 20th Avenue, Fort Lauderdale.

The applicant is requesting authorization for replacement of existing dock facilities with construction of new finger pier and cluster mooring piers as specified in the attached schedule. The Unified Land and Development Regulations (ULDR), Section 47.18.3.B and C prescribes a maximum distance of 10% of the width of the waterway or 20 feet, whichever is less, for finger piers and berths, and 50% of the width of the waterway or 25' for cluster mooring piers. The applicant's request for a waiver of limitations is authorized by the City Commission in accordance with Section 47.18.3.D of the ULDR.

Anyone wishing to speak for or against the proposed request should plan to attend the meeting. The meeting is scheduled to begin at 7:00 P.M. in the City Commission Conference Room, 100 North Andrews Avenue, 8th Floor.

Residents have been notified within 300' of the property;

No objections have been received as of the time of this public hearing.

EXTRAORDINARY CIRCUMSTANCES FOR JUSTIFICATION OF REQUEST FOR WAIVER

- Provide safe mooring and navigational use of commercial vessels at a historically commercial facility that has been confined by adjacent properties. This facility does NOT load and unload passengers from this location and is used for storage of the vessels only.
- Provide safe mooring for vessels during storm events.
- Extraordinary width of waterway at the property location.
- One of few properties in the city with commercial zoning and wide waterway that enables mooring of commercial vessels of this type.

RECOMMENDATION

A recommendation for approval by the City Commission from the Marine Advisory Board should include at least the following conditions:

RECOMMENDATION (CONT.)

- The applicant is required to comply with all applicable building and zoning regulations as well as any other Federal and State laws and requirements.
- The applicant shall install and affix reflector tape in accord with Section 47-19.3.D of the Unified Land and development Regulations (ULDR)

POWERPOINT PRESENTATION
TYLER CHAPPELL, THE CHAPPELL GROUP

APPLICATION WAIVER OF DOCK DISTANCE
LIMITATIONS
714 N.E.20TH AVENUE

JAMES JURANITCH

APPLICATION

This application is requesting approval for the replacement of an existing four (4) slip fixed pier docking facility with a proposed two (2) slip fixed docking facility set forth in the Unified Land Development Regulations (ULDR).

APPLICANT

The applicant and the
address of the property:

James Juranitch
714 N.E. 20th Avenue
Fort Lauderdale, FL 33304

Middle River



PROPOSAL

The project consists of the removal of two existing finger piers that total 240 square feet in order to construct one 100' x 8' fixed finger pier totaling 800 square feet including two sets of mooring pile clusters. The distances these structures extend from the property line into the Middle River are shown on Table 1 which follows:

PROPOSAL (Concluded)

TABLE 1

LOCATIONS OF STRUCTURES FROM NORTH TO SOUTH	SURVEYED DISTANCE OF STRUCTURE	PERMITTED DISTANCE WITHOUT WAIVER	AMOUNT OF DISTANCE REQUIRING WAIVER
FIXED FINGER PIER #1	108.0'	20'	88.0'
CLUSTER MOORING PILE #1	132.0'	25'	107.0'
CLUSTER MOORING PILE #2	132.0'	25'	107.0'

BACKGROUND INFORMATION

The ULDR, Section 47-19.3.B, permits the construction of the finger piers to extend a maximum distance of 20'; Section 47-19.3.C of the code limits the mooring pilings to a maximum distance of 25' at this location, into the Middle River, respectively.

BACKGROUND INFORMATION (Concluded)

ULDR, Section 47-19.3.D, allows the City Commission to waive the limitation based on its finding of extraordinary circumstance.

ZONING

- Residential Single Family/Low Medium Density District (RS-8)
- Permits a dock facility as an accessory use.

Subject Property-Extraordinary Location



Waterway Widths

Graphic depiction from aerial:

- North Boundary Line = 1,123.87'
- South Boundary Line = 1,447.51'

NAVIGATION

- Extraordinarily wide waterway where subject property is located.
- Width is approximately 1,123.87' on the north property line
- Over 1,447.51' from the south property line.

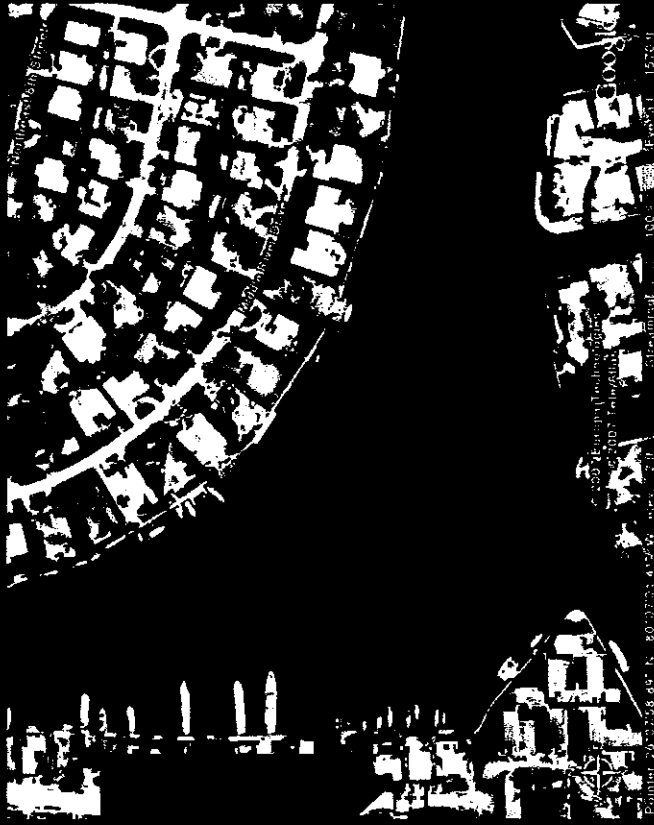
NAVIGATION

(Continued)

- **Applicant is requesting only 10% of the channel width for the outermost structure.**
- **This is well below the 30% maximum.**
- **From the outermost mooring cluster to the centerline of the channel is 680' +/-**
- **There will be no significant navigable risk**

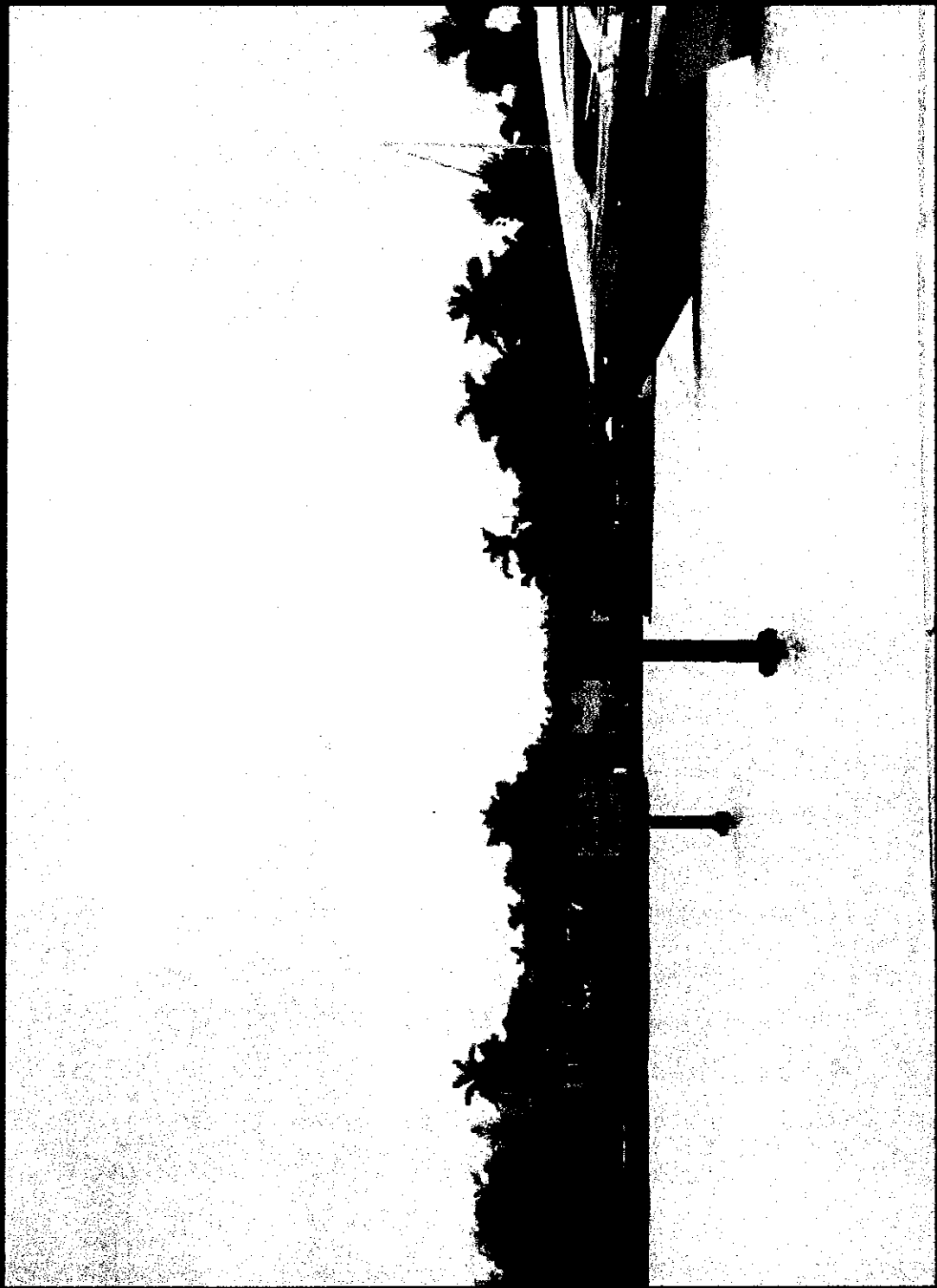
NAVIGATION (Continued)

714 NE 20th Avenue



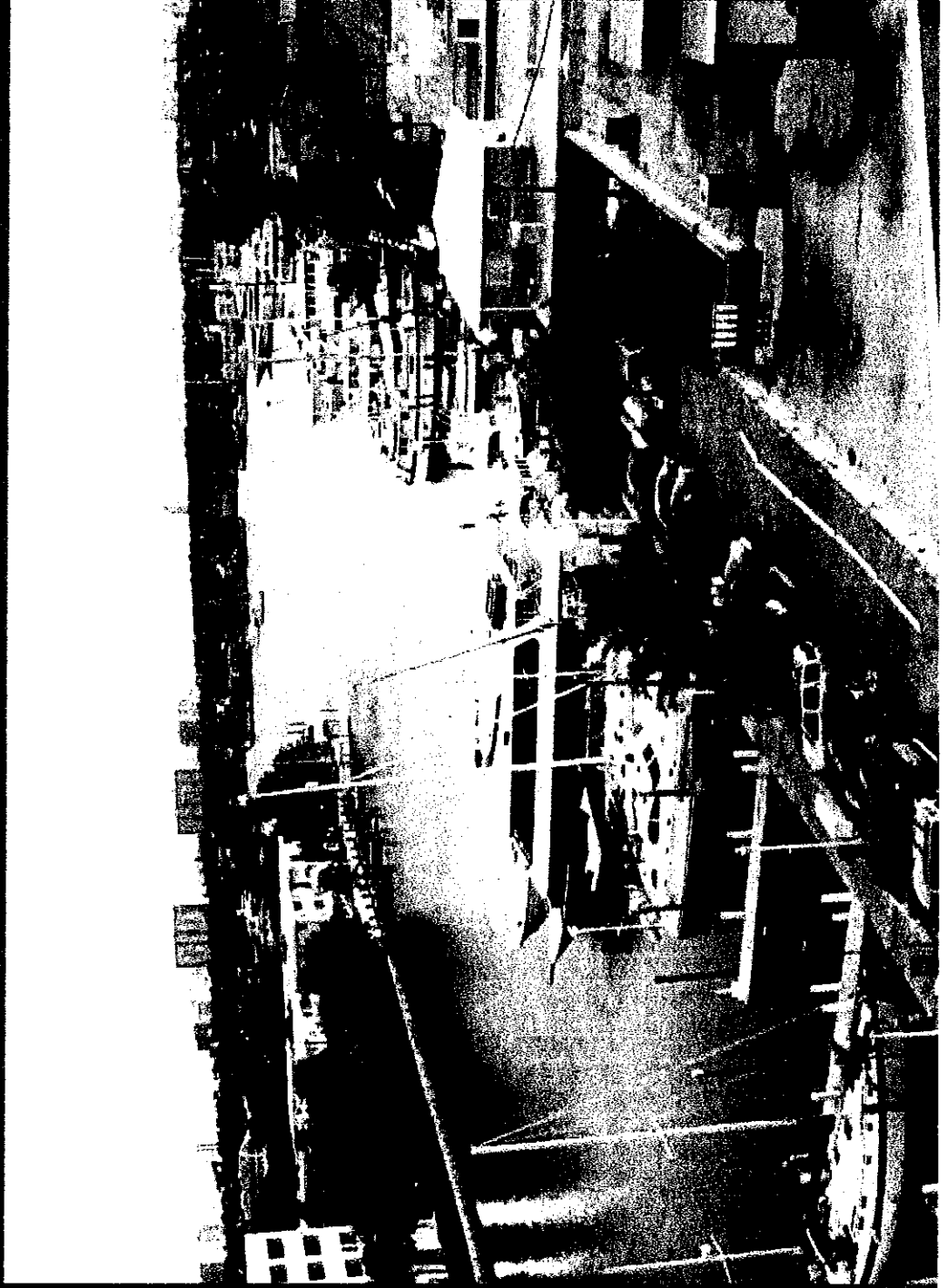
Aerial of property shows clear view of waterway clearance with large (120') vessels docked in close proximity to the applicants property.

Channel Clearance



Extraordinary, existing use

- View down 20th Ave 1-2-2008



Closer view of adjoining properties



Extraordinary Environmental Issues

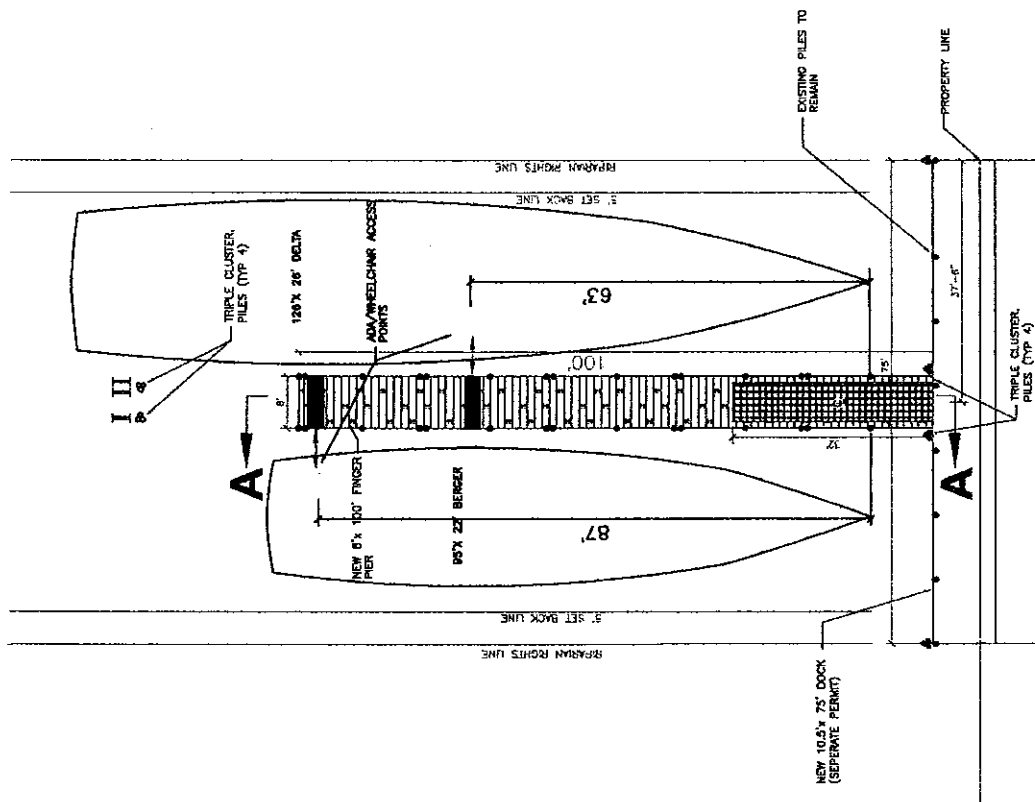
- ◆ Seagrass habitat exists on subject property
- ◆ 8 months have been invested with BCEPD to design a system of dockage that will have minimal impact to the environment
- ◆ Current dock design is the result

Quote from 1-2-2008 BCEPD Support Memo

- ◆ “We are aware that the currently proposed design will require a variance from the City of Fort Lauderdale, and it is our understanding that the project will be discussed during the January 3rd Marine Advisory Board meeting. Based on the incorporation of the elements discussed above, the Department would like to state its support for the issuance of a variance for the 100-foot-long pier, for the specific purpose of protecting seagrasses.”

Extraordinary use requirements

- ◆ Owner's 15 year old daughter is disabled (Cerebral Palsy) and requires wheel chair access.
- ◆ Dock is designed to ADA wheel chair access standards



Extraordinary Neighborhood conditions

Below is a list of street addresses including the subject property along N.E. 20TH Avenue with approved waivers, showing significant distances to the furthest mooring piling, and piers, extending into the Middle River (Most addresses have a fraction of the channel width of subject property):

**March 1983 - 834 NE 20th Avenue: Pilings 45'
April 1983 - 714 N.E. 20TH Avenue: Pilings 45'/Piers 37'
July 1985 - 808 NE 20th Avenue: Pilings 48' / Piers 37'
January 1990 - 840 NE 20th Avenue: Pilings 48' / Piers 48'
Sept 1992 - 738 N.E. 20TH Avenue: Pilings 75' / Piers 35'
Dec 2005 - 834 NE 20th Avenue: Pilings 71' / Piers 35'
Dec 2005 - 840 NE 20th Avenue: Pilings 71' / Piers 35'
Nov 2007 - 808/810 NE 20th Avenue: Pilings 68' / Piers 73'**

PUBLIC NOTIFICATION

CITY OF FORT LAUDERDALE LAUDERDALE PUBLIC NOTICE

Residents have been notified of the proposed dock

The following list of neighbors have signed letters of support for the dock

CITY OF FORT LAUDERDALE

PUBLIC NOTICE

On January 3, 2008, the Fort Lauderdale Marine Advisory Board will be reviewing an application for a waiver of limitations from James Juranitch, 714 N.E. 20th Avenue, Fort Lauderdale.

The applicant is requesting authorization for replacement of existing dock facilities with construction of new finger pier and cluster mooring pilings as specified in the attached schedule. The United Land and Development Regulations (ULDR), Section 47.19.3.D, requires that the width of the waterway or 20 feet, whichever is less, for finger piers and boatlifts, and 30% of the width of the waterway or 25', whichever is less, for mooring pilings; unless, a waiver of limitations is authorized by the City Commission in accordance with Section 47.19.3.D of the ULDR.

Anyone wishing to speak for or against the proposed request should please attend the meeting. The meeting is scheduled to be held at 7:00 p.m. in the City Commission Conference Room, 100 North Andrews Avenue, 8th Floor.

LETTERS OF SUPPORT FOR DOCK ON FILE

- ◆ 745 NE 20th Ave, Terrance Waldron
- ◆ 723 NE 20th Ave, S Varroue
- ◆ 729 NE 20th Ave, Heidi Paskosk
- ◆ 704 NE 20th Ave, Doris Miller
- ◆ 700 NE 20th Ave, Bill Beamer
- ◆ 744 NE 20th Ave, Steve Hudson

LETTERS OF SUPPORT (CONT)

- ◆ 726 NE 20th Ave, Steve Hudson
- ◆ 738 NE 20th Ave, Alan Leigh
- ◆ 736 NE 20th Ave, Alan Leigh
- ◆ 810 NE 20th Ave, Ray Parker
- ◆ 840 NE 20th Ave, Harold Lovell
- ◆ 802 NE 20th Ave, James Oviatt

LETTERS OF SUPPORT (cont)

- ◆ 824 NE 20th Ave, Cathy Hargrove
- ◆ 800 NE 20th Ave, Steve Hudson
- ◆ 801 NE 20th Ave, Donna Kramer

Summary of Extraordinary circumstances for the request of waiver

- **Extraordinary waterway location – Extremely wide channel, project using only a fraction of the allowable 30%**
- **Extraordinary existing use of 20th Ave – Already has many large boats moored**

Summary of Extraordinary circumstances (cont)

- **Extraordinary environmental issues –
Project designed to minimize and
avoid seagrass impacts.**
- **Extraordinary use requirements –
Disabled daughter requires ADA
compliant wheel chair access**

Summary of Extraordinary circumstances (cont)

- ◆ Extraordinary Neighborhood conditions-
Many variances already granted to 20th
Ave
- ◆ Wide spread support by 20th avenue
neighbors

RECOMMENDATION

A recommendation for approval by the City Commission from the Marine Advisory Board should include at least the following conditions:

RECOMMENDATION (CONT.)

- The applicant is required to comply with all applicable building and zoning regulations as well as any other Federal and State laws and requirements.
- The applicant shall install and affix reflector tape in accord with Section 47-19.3.D of the Unified Land and development Regulations (ULDR) on specified cluster pilings.