

**MINUTES OF THE REGULAR
BEACH REDEVELOPMENT ADVISORY BOARD MEETING
MONDAY, JULY 19, 2004 - 3:00 P.M.
CITY HALL
CITY COMMISSION CONFERENCE ROOM - EIGHTH FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA**

BOARD MEMBERS

	Absent/ Present	(P)	Cumulative from 2/16/04 (A)
Pamela Adams	P	5	1
Brad Fitzgerald	P	5	1
Steve Glassman	P	6	0
Eileen Helfer	P	6	0
Ina Lee	P	6	0
Al Miniaci	P	5	1
Judy Scher	P	6	0
Linda Gill	P	5	1
Henry Sniezek	P	5	1
Mel Rubinstein	P	6	0

STAFF

Chuck Adams, Beach Redevelopment Board Liaison
Paul Costanzo, Principal Planner
John Hoelzle, Parking & Fleet Service Manager
Lindwell Bradley, Code Enforcement
Major Michael Gregory
Patricia Smith, Secretary
Margaret A. D'Alessio, Recording Secretary

GUESTS

Todd Mohuer
Courtney Callahan-Crush, Esquire - Gunster, Yoakley & Stewart, PA
Heidi Knapik
Bradley Deckelbaum, Premier Developers
Paul Kissinger, EDSA
Chad Brintnall, EDSA

CALL TO ORDER

Chair Ina Lee called the meeting to order at approximately 3:00 p.m. and roll call was taken.

APPROVAL OF MINUTES – June 21, 2004

Motion made by Eileen Helfer and seconded by Henry Sniezek to approve the minutes of the June 21, 2004 meeting.

Steve Glassman stated that on page 13, 4th paragraph, it stated: “He stated that historic preservation did mean no redevelopment...,” and it should read: “...did not mean no redevelopment.” Board unanimously approved the minutes as corrected.

INFORMATIONAL PRESENTATION – AQUATANIA

Courtney Crush, Esquire stated that she was back for round two of a project being proposed for the Barrier Island. She explained that the original project was composed of 55 units and 12 stories in height. She stated that Premier Developers were a reasonable scale, luxury condominium developers. She proceeded to show an aerial view of the site. She stated they felt this project would allow for a visual corridor of the beach. She stated that this developer had purchased 3 - 100' lots, and had 349' on the water. She also proceeded to show the site plan for the project. She explained they had taken advantage of the pie-shape lot and supplied a view corridor. She then proceeded to identify the surrounding buildings.

Ms. Crush stated that they had gone through the approval process, but they had realized that there had not been a lot of dialogue with the various groups. She explained that the project had been denied approval, and they had appealed the decision. She stated they were waiting to hear from the Circuit Court. She felt in regard to quality and design that this project was exemplary. She stated they were trying again and beginning to reach out to the various groups in order to receive more feedback. She explained this was a multi-family zoning district which had Zoning in Progress when they had filed their site plan. She stated that 2 weeks after this project - was denied, the City passed a Code change and asked what would be the appropriate height and density for the IOA. It was stated that 12 stories and 48 units to the acre would be allowed. She stated that had been what their project consisted of the first time they had filed it. She stated that they realized this Board was looking at various issues regarding the beach, and they wanted to engage in dialogue to obtain the members' comments. She remarked that the area was now zoned for 15 stories. She stated there had to be high quality of architecture and amenities. She felt this proposed project was beautiful and the developer had been innovative in their structure of the garages.

Al Miniaci entered the meeting at approximately 3:13 p.m.

Ms. Crush remarked that facing Bayshore Drive everything had been tucked into the building. She stated that they were continuing the scale along Bayshore with the placement of the amenities building. She stated the building was slightly larger, but now they needed a starting point. She added that they were going to make street improvements from Vistamar to Birch.

Chair Ina Lee stated that when this project had originally been presented, she and some other Board members had been in support of it. She felt they needed to find out from the individuals who had issues with the project, what they wanted done differently.

Chair Ina Lee clarified that the Board could not take a vote on this item, and explained that the members could only make individual comments regarding the project.

Steve Glassman asked for confirmation that the Commission had denied the project 5-0. Ms. Crush confirmed. Mr. Glassman proceeded to ask what the vote had been from the Planning and Zoning Board. Ms. Crush stated the vote had been 2-5 in denial of the project. He asked if there were other differences in the project from the original one besides an increase from 12 to 15 stories. Ms. Crush explained that the additional height gave them the ability to address the architectural variations and overall height which had been a comment made by staff. She stated that staff did not like the garage rails, and they were willing to modify those.

Brad Deckelbaum, Premier Developers, stated that architecturally it was the same building. He stated further that if the community wanted the building stepped back on the upper floors, they were willing to do that.

Ms. Crush stated that this project had been compared to the Palazzo, but they were clearly different. She reiterated they wanted to do things better this time, and wanted to know what the beach was looking for in terms of design. She stated to get such a project approved at the Commission level, they needed to show superior architectural design.

Steve Glassman stated that the project was 3 stories taller, but he did not see the objections that had been made incorporated into the new site plan in regard to the building or the amenities. He stated that he did not see any real differences in the project, especially regarding the issues which had been raised.

Ms. Crush stated they had provided the City with a 30-page narrative as to how this building met the Beach Streetscape Design Guidelines. She stated it was their opinion that they had not been given any substantive comments. She stated they did not feel the design had been addressed. She reiterated they were going to make an effort to meet with every interested group regarding the design of this project. She stated they were aware that individuals had strong visions for the Beach, but they had not even received strong comments from the CBA. She stated that comments had been made that the project was too tall, and a comment had been made regarding the building of townhouses. She stated that she did not recommend townhouses in this district.

Brad Deckelbaum stated that Ms. Crush had mentioned the zoning criteria, and he stated that this was the largest piece of property remaining in the district which was an appropriate place for such a building.

Henry Sniezek stated that he had not been a member of this Board when the original presentation had been made, and he wanted to clarify that the renderings being shown consisted of 12 stories. Ms. Crush confirmed. Mr. Sniezek asked if the 15 story version looked the same. Ms. Crush confirmed and added that there was additional underground parking.

Henry Sniezek asked if the compatibility issue had been discussed. Ms. Crush stated that there had been discussion about the project not being compatible with the vision for the Beach. She reiterated that was why they were present today so that further dialogue could take place. She felt they needed to discuss what was important for the future of the Beach, and how they could still build a responsible project.

Brad Fitzgerald asked if the building met all code requirements. Brad Deckelbaum stated that it did, but planning and zoning staff had raised some issues which were being addressed. He added that shadow studies had been done and conversations had been held with the residents

across the water. Brad Deckelbaum stated that the residents did not want anything built on the site.

Mel Rubenstein stated he was glad they were going to meet again with the CBA, and asked if they were requesting any modifications to the Building Code. Courtney Crush stated they were asking for modifications of yards versus a variance which was a modification to the Code. Mel Rubenstein asked if any modifications were going to be made in regard to zoning. Courtney Crush explained that under the City Code there was a starting point regarding setbacks which were to be half the height of the building. She stated they were still subject to all other requirements, but a building of this height was to have setbacks of 40'. She stated their minimum setbacks were 40', and their setbacks were superior regardless of the height of the building to anything along Bayshore Drive, including the 20' rear setbacks.

Mel Rubenstein further stated that he was concerned that the Code stated maximum height was 12 stories, but that did not mean a developer had to build to that maximum height. Courtney Crush agreed and reiterated that a builder could request less. Mel Rubenstein stated that comments had been made regarding t-shirt shops on the Beach and he stated there were none on Bayshore Drive. Courtney Crush stated that she was making a general comment regarding the entire beach because she felt their streetscape plan integrated with some of the new hotels and A1A down Bayshore. She stated she was actually speaking in regard to the Revitalization Plan, and that had been a personal comment of hers as a resident.

Mel Rubenstein stated the implication was if they built this building and similar ones along Bayshore, then shops such as the t-shirt shops would disappear. Courtney Crush stated that she did not feel they should disappear entirely, but she felt there needed to be a balance. She believed that Bayshore Drive could be improved. Mel Rubenstein stated that as an individual, he felt that this project was not compatible with the surrounding neighborhood. He remarked that most of the buildings in the area consisted of 2-3 stories. He stated there was concern about the wall being constructed and that was the reason the residents across the water were opposed to the project. He stated there were other buildings in the area also that were causing "the wall," and taking the area as a whole there was concern about the "wall affect." Therefore, he did not feel it was compatible with the existing neighborhood.

Brad Deckelbaum stated that in regard to the "wall," they were conscious of the other buildings in the area, and that was why they were leaving space between the buildings in order to provide a view corridor. In regard to compatibility, he stated they had wrestled with that issue, but they did not want things to look identical either. Then, everyone would complain about a "cookie cutter" appearance. He stated that variations were needed. He felt this was a compatible use with the neighborhood. Courtney Crush reiterated that Webster's definition of compatibility was to be able to co-exist in harmony. She stated that the City's beach criteria did not discuss compatibility in regard to existing development, but in regard to the future. Brad Deckelbaum stated that studies showed there would be no impacts on traffic.

Eileen Helfer asked if the project would have been accepted better by the community if it had remained at 12 stories, instead of increasing it to 15 stories. Courtney Crush stated that height had never been commented on and did not appear to be an issue.

Judith Scher stated that as an individual she felt increasing the height of the project was a "slap in the face." She felt they would not be making additional friends on the Beach with the increased height of the project. Courtney Crush stated that staff's primary comments were

regarding varying the height. Brad Deckelbaum stated they had originally had 12 stories thinking it would be consistent with the objective for the Beach. He stated there had been no dialogue and he apologized that Ms. Scher felt that way. Judith Scher asked if the people on the Beach asked for the project to be lowered to 10 stories would they consider doing that. Mr. Deckelbaum stated they had anticipated hearing such comments in the beginning, but asked how would that make a difference to the residents on the Beach. He explained that the difference between two stories was negligible.

Brad Fitzgerald stated it was his opinion that the district was zoned for 15 stories, all setbacks were being met, discussions were being held with the City, and he felt it was ironic that the individuals who were against the 12 story project were living in high-rise condominiums. He stated that new projects were needed on the Beach. He stated that developers from all over the tri-county area did not want to come to Fort Lauderdale because they felt it was impossible to get approval for their projects. He stated the City was getting this type of reputation.

Pamela Adams stated that she felt the project was attractive, but would prefer it to remain at 12 stories. She felt it would be more within the vision of this Board for the Beach. She stated she did not understand the compatibility issue and if there were documents which addressed the issue, she asked if they could be provided to her.

Al Miniaci stated that Premier Developers were responsible and good developers and brought a lot to the communities, and felt that this was a great project for the area and was compatible with the neighborhood.

Chair Ina Lee stated that she appreciated this project being brought back to this Board even though they could not take an official position.

Pamela Adams asked which groups had they spoken with on the Beach. Brad Deckelbaum stated they had met with the CBA, Bayshore Towers, Bayshore Embassy, and other property owners. Courtney Crush stated they were going to meet with the Beach Council and some other groups, but the problem was that some of the smaller property owners were off-site or out of town and they were attempting to meet with them.

Chair Ina Lee stated that she appreciated them staying the course with this project.

BEACH SIDEWALK CAFÉ CODE ENFORCEMENT

Paul Costanzo proceeded to introduce Major Mike Gregory of the Police Department and Lindwell Bradley of Community Inspections. He continued stating that this Board and the public had voiced concerns in the past regarding the condition of the block between Las Olas and Poinsettia on A-1-A in connection with the bars, restaurants and outdoor noise. He explained that the enforcement arm of the City was comprised of the Police Department and the Code Enforcement Department, and therefore, they had decided to meet as a task force knowing that one of the major problems in attempting to bring this area into enforcement was the myriad of various regulations and special site plan conditions which formed the approved uses for such area. He stated there had been lengthy research and many approvals for the area went back as far as 1992 with special conditions. He reiterated that they finally arrived at a matrix that had been distributed to the Board which was a comprehensive listing of all establishments that had any type of approval along that particular stretch of A-1-A. He explained that in the first column they listed the sites and codes, then the enforcement dates, and which establishments had

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approvals for sidewalk cafés, along with the parameters for such approvals. Then, he stated they had another level in the area which was the entertainment district involving other intricacies and approvals. He added that the pertinent noise ordinance provisions had also been listed per establishment. He explained that ran from St. Bart's Café to Pastabilities.

Mr. Costanzo stated they envisioned bringing this item to the forefront from the owners' standpoint in two phases. He continued stating they was to be a meeting with all owners and managers involved in the listed establishments, and the Code Department and the Police Department would detail to each owner what approvals they had, along with the parameters of such approvals. He remarked they were actively going to enforce such approvals on an ongoing basis once such meeting had taken place. He stated they hoped that this meeting would plant a seed so as to have the owners self-enforce, rather than having the City come in and actively enforce the laws. He explained that if the City had to conduct enforcement, then the police and code would have combined enforcement sweeps in the area and the problems would then get resolved. On an ongoing basis, he explained that Code would enforce during the daytime hours, and the police would actively enforce the laws after business hours.

Linda Gill entered the meeting at approximately 3:44 p.m.

Eileen Helfer stated that at the Café del Mar they were leaving their tables 13' in, but were now putting plants and menus beyond that point forcing individuals to walk into the street. She asked if that would be part of the new enforcement proceedings. Mr. Costanzo confirmed.

Brad Fitzgerald stated that one of the establishments on the Toomey property was unbelievably loud during the daytime hours. He stated the nice music from other establishments were being drowned out. Mr. Costanzo stated that one of the major items concerning the Toomey entertainment area was that no amplified music was allowed in that area and would be part of the enforcement that would take place. Al Miniaci asked if that would include the D.J. Mr. Costanzo confirmed.

Mel Rubenstein asked when the enforcement would go into effect. Mr. Costanzo stated that enforcement would begin soon, but they needed to meet with the property owners first.

Major Gregory stated that there would be a warning and informational phase initiated during the meeting with the business owners and managers explaining what enforcement would take place in the area.

Chair Ina Lee stated that when such a meeting was held explaining rules and regulations, she asked that they create the impression of why everyone was there explaining the vision so that there would be a positive attitude.

Mel Rubenstein stated that besides the volume of noise coming from some of the establishments, the problem also was the motorcyclists passing by on A-1-A. He hoped they would control not only the levels of music coming from the restaurants, but also address the motorcycle issue. Major Gregory stated they understand such concerns. He stated they wrote citations constantly and action plans had been developed, but most times they were citing different individuals and rarely the same groups.

Chuck Adams stated that they were looking for an indication from this Board that they were on the right track.

Chair Ina Lee confirmed that they were on the right track.

Lindwell Bradley, Community Inspections, stated that he had been dealing with the difficulty of the ordinances on the Beach, and they had to unravel all the ordinances, along with the special overlays which had been established years ago. He reiterated that now there would now be a clear path to follow once the information was given to the business owners.

BEACH STREETSCAPE SCHEMATIC PLAN UPDATE

Chuck Adams stated that this Board had already recommended that they move forward with the schematic plan, but he was concerned about the comments made regarding the impacts on the non-conforming use of public property for parking. He explained that had not been their intent, but they realized this had always been an issue. He was concerned that they might not have addressed in detail how such problems would be solved. He reiterated that the plan was still a preliminary one. He explained that Paul Kissinger, using general field techniques, had inventoried where the impacts to existing adjacent property owners might be. He stated that additional ideas would be presented regarding the median strips, along with side street parking. He further stated that he wanted to make sure that this Board agreed with the approach because the alternatives would be to significantly reduce the amount of median areas which could be addressed, particularly in the North Beach Residential area, or abandon it in its entirety.

Paul Kissinger, EDSA, stated that in order to do streetscape improvements, especially in this district, they had to look at the public realm within the rights-of-way. He stated there had been a lot illegal parking due to the large amounts of pavement in the area. He explained that the intent of the streetscape improvements was to improve the aesthetics of the Barrier Island, and not to put anyone out of business. He stated that since the last meeting, they had done an informal survey regarding the parking, and discovered there was angled parking and tandem parallel parking (especially on Bayshore). He stated that there were about 119 spaces of ad hoc parking, which did not include parallel parking along the intersections. He stated that should not be allowed at all because it is not safe. He stated they did not want to replace such parking. He stated that on the map they had outlined the different types of parking in green, blue, orange and magenta of where they had affected the ad hoc parking within the North Beach Residential area. He explained the areas in yellow were where they thought they could replace the parking, and in most cases, that parking was in close proximity to where it was being affected. He explained the areas in orange were additional parking spaces for the medians. He felt they could replace about 189-190 spaces giving a surplus and they felt the issue of parking would be balanced, and that they would not negatively impact the proposed streetscape improvements. He stated they would have a positive impact on the parking situation. He explained the basis for the design of the parking was what already existed which was in an "H" pattern. He felt they had arrived at a strong compromise.

Chuck Adams stated that the numbers came in late last week, and there could be other legal issues involved with the residential parking permits, but he would research the matter further. He felt they would be able to accommodate the residents.

Mel Rubenstein stated that at the last presentation, he felt individuals who owned and operate the smaller businesses in the northern area were concerned that parking was not available, and that was the reason for the illegal parking. He stated the concept of building a median with permitted parking on both sides could solve the problem, except there were presently meters on

the beach. Therefore, for this to work it would have to be free parking.

Chuck Adams explained they were exploring the fact that it would be metered parking, but permits would be issued. He stated there was already such a program on the beach. He explained further that the difference would be that permits were issued to individual residents, and now they would have to explore granting permits by blocks to property owners in the area. He further stated that it could be important to show a surplus of metered parking spaces that would be available to the public. He stated they might not be included until the final detailed design contract.

Paul Kissinger further stated that the parking could be a long-term affect because parking requirements had to be met for all projects. Now, parking requirements were being met off-site in the public right-of-way, and that was not the intent of the City's Code.

Al Miniaci asked about the timetable for the project.

Chuck Adams stated that part of the correspondence showed the estimate cost of the project which was under \$9.5 Million, which did not include the \$500,000 already committed to design services to date. He stated that the strategy was that on the October agenda, they would ask to enter into a contract for detailed design and the construction documents. The issue he was debating was whether to go into construction documents for the entire project, or to split out and do the first phase for improvements within the CRA boundaries, and a second phase addressing the remaining areas. He stated that was what he was recommending and would be the only way to break the deadlock. With that in mind, he stated it would take about 9 months to get through a detailed design, along with the construction documents. Then, there would be 3-4 months of a bidding phase and then they would enter into a contract about October or November of 2005. Paul Kissinger stated that he hoped they would be under contract for a detailed design phase by September, and then the final schematic design in October, thereby starting construction possibly in the summer of 2005.

Al Miniaci stated that projects such as Aquatania or Royal Atlantic would be contributing to the cost of the streetscape, and asked if there would be several hundreds of thousands of dollars saved by the City with such projects coming on line.

Chuck Adams stated he could not quantify it because every project was different, and felt they were talking about \$50,000 to \$100,000 of savings per project. He stated if someone came forward and offered them that at this point in time, then they would probably want cash, but if it was murky whether they would move forward, then they would probably ask them to follow their design and build within the selected area.

Brad Fitzgerald felt they should fit as much parking as possible, and stated that he liked the median parking. He felt they needed to plan for the future because there would be more people, especially with the new condominiums being built. He stated they needed as much parking as possible, while still keeping a sufficient amount of landscaping. He reiterated there had to be a balance, but the parking was greatly needed.

Linda Gill asked how many spaces were in the Alhambra Lot. Chuck Adams replied about 76 not related to handicapped parking. Linda Gill asked if they knew how many spots were being taken out. Paul Kissinger stated they had not included the Alhambra Lot, and had only looked at the North Beach Residential area. Linda Gill asked how they estimated the amounts they

requested from the developers. Chuck Adams explained that he did not know what the estimates were, but there had been some projects where they had approached the City and offered to do the improvements, or offered to fund their share for such improvements. They proposed what they wanted to do and asked to see the City's plan so they could incorporate it. He felt every project would be different in what would be offered. He stated the issue would be the timing of the approval of the projects and how things could be implemented. He stated there were different ways to do things. He reiterated they could either accept the funds or have the developer do the improvements.

Steve Glassman asked if the plan was to be presented to the City Commission on September 7, 2004. Mr. Adams confirmed. Steve Glassman asked about the status of the 3+2 plan. Chuck Adams stated that would be the next item on today's agenda, and due to lack of staff was at a standstill. He stated no progress had been made, and he had tried to move the project forward since the beginning of November, but nothing had occurred except for the resignation of the individual who had been overseeing the project. He further stated that all of his discussions and observations had shown him that there were too many projects, too many competing priorities, and ironically they still had to deal with the daily issues, such as traffic calming. He stated that he was recommending, and had discussed the matter with the Engineering Department, that they fund a full-time Engineering Design Manager for the Beach CRA, who would be dedicated to beach projects. Steve Glassman asked what year had the streetscape project began. Chuck Adams replied it was the end of 2001 and beginning of 2002.

Chuck Adams further stated that another issue was in regard to the overall budget, and the portion relating to the CRA which was \$1,725,000. He stated that he had attempted to project in the current budget and the next year's budget, all of the resources needed to fund that portion.

BEACH ENGINEERING PROJECTS/DEDICATED ENGINEER UPDATE

Chuck Adams stated that the exhibit sent by the Engineering Department to the City Commission showed the person's workload, and one of the other big projects they had been working on was the 7th and 9th Avenue Connector which was a huge project for the Northwest CRA, along with the day-to-day traffic issues. He stated that it was obvious the only way they would be able to get accountability was to fund this with the CRA monies. He stated that he showed what was on the books today, but it did not contemplate this or the final monies needed for the streetscape program.

Motion made by Henry Sniezek and seconded by Eileen Helfer that the Beach Redevelopment Advisory Board support staff's recommendation to hire an Engineering Design Manager dedicated for engineering design projects in the Beach CRA.

Mel Rubenstein wanted clarification that the traffic engineer had resigned and one was needed. Chuck Adams explained that the current individual had been the Acting Traffic Engineer for a while, and was an Engineering Design Manager. He reiterated that he had resigned and his last day would be Friday. Mel Rubenstein asked if it was not the City's responsibility to replace that person, as opposed to using CRA funds. Chuck Adams confirmed. He reiterated that everything in the City was coming to a standstill because there were not sufficient engineers. If they did not fund such a position, then he did not know if anything would proceed for the next 2-3 years. Mel Rubenstein asked if they would not be setting a precedent by doing this. He stated he was questioning whether this was the function of the CRA to hire someone with their funds, when the City should be doing it.

Chair Ina Lee explained they were not filling the entire position.

Chuck Adams explained further that it was filling the portion of the division that related to the projects listed for the Beach. He stated the City would budget their funds for the City Engineer. He said that he was talking about creating a new position, and they would be working exclusively on these projects.

Pamela Adams asked if this would be a full-time traffic engineer. Chuck Adams corrected that statement and stated they would be a full-time Engineering Design Manager working exclusively on the projects for the Beach CRA. Pamela Adams stated she did not feel they would be setting a precedent which had not already been set by the Northwest Progresso Flagler Heights CRA in order to expedite projects.

Motion unanimously adopted by the members present 10 – 0.

FY 2004/05 – PROPOSED CRA BUDGET AND FIVE-YEAR PLAN UPDATE

Chuck Adams stated that the bottom line was that Exhibit 1 represented the budget as it would go forward in the July Budget Message. He explained that it was primarily operational and did not include the newly funded proposed Engineering Design Manager. He stated it had an allocation for monies to be distributed for projects, but no specific projects were designated. He stated that Exhibit 2 showed the adjustments based on funding the position, and specifically it allocated \$739,868 for project funding. He continued stating that Exhibit 3 showed the previously approved and currently approved projects. He stated he was also showing some additional carried-forward funds closing out this particular fiscal year, and he referred to the \$200,000 contributions regarding the Beach Wave Wall. He explained there was a projected balance in the Operating Fund of \$57,366 which would be added to the capital project budget.

Chuck Adams continued stating that the \$739,868 that was projected would be available for new projects, and he was proposing that money be placed in the Streetscape project which would give that project a total of \$1,514,257. He explained that EDSA's budget was \$1,725,000. He felt as they began getting bids, then they could reallocate or transfer monies from other projects to make up the difference.

Mel Rubenstein asked if they were going to vote on the budget. Chuck Adams stated he wanted to know if the Board agreed with the Engineering Design Manager, and their position regarding the Streetscape Program. Chuck Adams stated that he would be bringing this matter back to the Board with the final numbers in September, along with further projections and the 5-year forecast. He stated that this was presented for informational purposes at this time. He stated the two critical issues were the one extra position, and the allocation of monies to the Streetscape Program.

Linda Gill wanted clarification that the Streetscape project totaled about \$9 Million. Chuck Adams explained that was for the entire Central Beach. He stated that for the Beach CRA it was about \$1.7 Million. Linda Gill asked how many projects were coming on line in the Central Beach to give some funding. Chuck Adams explained that the \$1.7 Million had a large contingency factor in it. He stated the projected had about \$89,000 in an undesignated fund balance which could be immediately transferred into the Streetscape Project. He stated if additional funds were needed, they would probably recommend that they be taken from the Aquatic project which was presently moving very slowly.

Linda Gill asked if they did not want it to be taken from that project, where would the monies come from. She stated that Central Beach needed \$1.7 Million, and asked where the rest of the \$9 Million could come from.

Chuck Adams stated the rest of the \$9 Million would be part of the 5-year plan when they were trying to project what they would bond, and it was not likely there would be a bond issue in this current year's budget. He stated it would probably be in 2005/2006. Linda Gill added that the City Commission had stated that there would not be one before 2006. Chuck Adams stated they were referring to the City and not the CRA bond. Linda Gill remarked it appeared that this would be the only thing they would get done. Chuck Adams stated that from the 5-year plan put together last year, they were comfortable that the current income stream would support a \$10 Million bond. He stated the issue would be the timing. He added that he had to research if they should project doing that this year or next. He stated the financial picture for the CRA would be better if they waited another year because St. Regis would come on line at the end of 2005. Linda Gill asked what other project were definite besides the St. Regis. Chuck Adams stated that was the only definite project that would add to the tax base at this time.

Mel Rubenstein stated that at the same time the expenses for doing this would increase. Chuck Adams stated they could not initiate a bond without the St. Regis being completed. If they decided to do two bonds, they would have all the expenses and could probably support a \$10 Million bond, and if they waited another year they could probably support a larger bond. He stated that was the analysis he had to work with Finance to see what was the best course of action.

OLD/NEW BUSINESS

Beach Wave Wall Fiber Optics Lighting Replacement Project

Chuck Adams stated that the City Commission had approved the recommendation to reject the current bids and work towards a new bid. He explained there had been some discussion regarding a deliverable date, and it was decided that the more achievable goal would be before the end of December. He stated the commitments were cash that had been received totaling \$214,000. He stated if the bids exceeded the combined budget, then in all likelihood there would probably still be another developer that would contribute to the budget. He reiterated that he was comfortable that they could bring this in within the budget, and if not they would have to see what the shortfall was and how it could be funded.

Chair Ina Lee stated this was now an actuality. She proceeded to thank Brad Fitzgerald for his work, along with the Beach Council and the Chamber of Commerce. She stated it was the private sector stepping up in partnership with the Beach CRA. She also thanked Chuck Adams and staff who had facilitated the work in this matter. She felt this Board should write a letter later on to the individuals who had contributed.

Beach Council Meeting

Chair Ina Lee stated that at the Beach Council meeting a few days ago, there had been some discussion regarding the lighting of the entire beach and having people decorate their properties.

Chair Ina Lee proceeded to thank Al Miniaci and Linda Gill for their contributions

Workshop – July 26, 2004

Steve Glassman asked if the workshop was still scheduled for Monday, July 26, 2004. He proceeded to distribute some information regarding the County Commission and the ordinance change anticipated to provide a tax break for historic properties. He felt such information would be relevant for the workshop.

City Commission Meeting/Land Swap

Judith Scher stated that tomorrow the City Commission would be deciding on the “land swap.” She stated that she felt it was important and timely for this Board to discuss this matter today.

Chair Ina Lee stated that not knowing about this matter and having to see it in the newspaper was unconscionable. She stated this Board should have been aware of this matter, and it made her wonder why this Board existed. Due to the lateness, she added that the Board could not even take a position on the item, but could discuss it. She felt they were “cut off at the knees.” She stated that this Board should be informed of anything regarding the Beach and should be part of the process. She remarked that possibly legal issues were involved that she was unaware of, but she felt the Board should have been contacted.

Steve Glassman stated that this was part of a litigation matter, but if it had been released to the newspaper then that was inappropriate before the matter was even discussed by the Commission in conference. He further stated that the Hyde Park Market site had been purchased for \$2.4 Million, and they were still going to retain half of the site for a restaurant and retail, and the developer would be spending up to \$500,000 to give the City a park. He felt that when comparing the value of the land that would be given to the value of the downtown parcel that he did not understand the proposal or why it was beneficial to the City.

Eileen Helfer stated she felt that monies were wasted in having the ULI come here. She stated they had recommended that there should be parking within the beach area. She emphasized that the one parcel they had was now being taken away. She asked how much park was being given if a restaurant was still going to be on site. She stated that she did not understand the deal.

Linda Gill stated that the City and the attorneys had reviewed this, and she felt they discovered that the City was liable for considerable money damages. She felt the City had to negotiate something and she did not believe the parcel on the beach was worth as much as what was being suggested, especially with the anti-development going on. She stated this was the only way the City saw to get out of this, otherwise the City was going to be in worse financial problems. She remarked that this was not the only lawsuit the City was involved in, but it was the biggest and one of the strongest. She stated they were going to lose it and they knew that.

Steve Glassman stated then they should build a building in the Downtown. He asked why the beach was the “sacrificial lamb” in this arrangement.

Al Miniaci stated that he agreed and it made no sense. He stated they were giving away prime property on the beach, along with the revenues from the parking which was desperately needed. He felt they should build the project in The Downtown.

Chair Ina Lee stated everyone had strong opinions on this matter and only individual comments

could be made at tomorrow's meeting. She reiterated that her issue regarding this matter was that this Board had not been made aware of the situation. She stated she would like to have a discussion on this and have individuals come in and explain the issue further. Al Miniaci reiterated that this had been part of a litigation which had been done behind closed doors, but he felt once things were decided the issue could have been presented to this Board.

Henry Sniezek asked if tomorrow was the "drop dead" date or could the item be deferred. Mel Rubenstein stated the item could be deferred if they wanted to do that. Henry Sniezek asked if some motion could be made by this Board recommending that the Commission defer this item until the matter could be further evaluated by this Board.

Chuck Adams cautioned the Board not to have a motion on an item that was not listed on the agenda. He advised that a consensus could be taken, and then the Chair of this Board could take forward the Board's consensus. He advised the Board that they could ask the Chair if she wanted to represent such a position.

Linda Gill asked if this did not go through, what was going to happen to the City's tax base and the property owners in regard to tax increases.

Henry Sniezek stated he did not disagree with some of the things being said, but he did not feel he had sufficient information on the matter, and therefore, he wanted to consider the matter further and in better form.

Mel Rubenstein stated that it was clear there were differences of opinions regarding over development and development. He stated this was a case where the zoning codes stated a condominium could not be built on A-1-A which could be ignored, but the Code which stated one could not build higher than 12 or 15 stories should be adhered to. He stated that they constantly heard about property rights regardless of impacts to the neighborhood, but this was a developer who owned property and was denied the right to build on it for reasons they knew and reasons they probably were unaware of. He said that if people were concerned about lawsuits, then they should say take your property and that would be the end of it. He further stated if the newspaper was reliable or accurate, such an option was offered to end the lawsuit. He reiterated that possibly the City could have found property elsewhere. He stated he was against this Board not being involved in the process, and he felt this was a bad deal for the Beach and the City in general. He felt it was a beach sell-out. He emphasized that he was totally opposed to this deal.

Linda Gill asked if someone could provide further clarification so they could understand more about the situation, and possibly why this matter had not been brought before this Board. She felt there would be other things arising involving litigation, and she wanted to know if this Board was pushed out of the picture once litigation was involved.

Chuck Adams stated that he would check with the City Attorney, but his experience tells him that since it was behind closed doors that only a selective few were involved in the discussions.

Linda Gill stated that the Las Olas Lot could be the same thing.

Chair Ina Lee stated it appeared that they wanted this Board to plant nice trees on the beach, but leave everything else alone.

Steve Glassman clarified that this matter was actually scheduled as the first item for open discussion tomorrow and was listed as Item I-A. He stated then it was scheduled as a motion for the evening meeting following the purchasing agenda. He felt there should be a window of opportunity once the issue came out of closed door to come before this Board, before being offered at a public hearing. He felt that was the key.

Chair Ina Lee wanted to know what could this Board do.

Judith Scher stated that it had been said that this Board could offer a consensus saying they wanted the opportunity to be involved in the process, and still want to be involved regarding this matter. Chuck Adams stated that this type of consensus was taken often when such issues occurred.

Mel Rubenstein stated that based on the facts given, this was a bad deal for the Beach and the City. He felt that was equally as bad as not being involved in the process. He felt they should voice their concerns to the Commission.

Chair Ina Lee stated she was not willing to make such a statement. Chair Ina Lee reiterated that individually anyone could say what they wanted, but what she was hearing as a consensus was that this Board was concerned because their input had not been given during this process, and this was a crucial part of the beach redevelopment and the Beach CRA, and the Board was recommending that this matter be deferred until they could have discussions and supply their input on the matter.

Mel Rubenstein reiterated that he had heard a negative comment regarding the deal "as they knew it" from various Board members. Chair Ina Lee stated she did not feel they had enough information to make such a statement, and reiterated that she only knew what she had read in the newspaper. She suggested that on behalf of the Board, she would ask that the Commission to defer any vote so they could be involved in the process.

Linda Gill suggested that the public should also be involved.

Brad Fitzgerald stated that he felt the City cut the deal they had to cut which had been done behind closed doors. He did not feel that the City wanted to give up anything, and only gave up what they had to. He stated they were going through the necessary procedures because they had a losing case. He felt that they cut this deal to prevent writing a check for substantial money damages. He stated further that the Commission probably felt horrible about their decision. He stated that in deals like this something had to be given away in order for the matter to be settled.

Chair Ina Lee stated that she did not think saying anything tomorrow would make a difference. She said that her point in doing it was that this Board would be heard regarding the matter. She stated in this way the Board was requesting the courtesy to be involved.

WaterWorks 2011

Linda Gill asked if the WaterWorks project was still moving forward as planned.

Chuck Adams replied that WaterWorks was an 18-month project, and stated that in September or October an update could be provided to this Board.

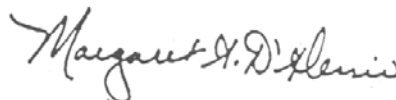
August Meeting

Chair Ina Lee announced that this Board would not meet in August. Linda Gill added that the overlay workshop would be scheduled at the Yankee Trader at 2:00 p.m. on Monday, July 26, 2004.

Motion made by Mel Rubenstein and seconded by Judith Scher to adjourn the meeting.

There being no further business to come before this Board, the meeting adjourned at approximately 4:52 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Margaret A. D'Alessio".

Margaret A. D'Alessio
Recording Secretary