

**MINUTES OF THE
 BEACH REDEVELOPMENT ADVISORY BOARD MEETING
 MONDAY, NOVEMBER 15, 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	8	2
Brad Fitzgerald	P	8	2
Steve Glassman	P	10	0
Eileen Helfer	P	10	0
Ina Lee	P	10	0
Al Miniaci	A	8	2
Judy Scher	P	8	2
Linda Gill	P	9	1
Henry Sniezek	P	9	1
Mel Rubinstein	A	9	1

STAFF

Chuck Adams, Beach CRA Director
 Paul Costanzo, Beach Redevelopment Project Manager/Principal Planner
 Tom Terrell, Maintenance Manager
 Lindwell Bradley, Community Inspections
 Sheryl Stolzenberg, Planner III
 Mike Fayyaz, Assistant City Engineer
 Patricia L. Smith, Secretary
 Silver Lee, Secretary

GUESTS

Stephen Higgins, Broward County EPD

CALL TO ORDER

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

Linda Gill entered the meeting at approximately 3:01 p.m.

APPROVAL OF MINUTES

Motion made by Judith Scher and seconded by Steve Glassman to approve the minutes of the October 18, 2004 meeting. Board unanimously approved.

BEACH RENOURISHMENT UPDATE

Stephen Higgins, County Beach Erosion Administrator, stated that he was going to give a brief update on the beach renourishment project. He explained that they were advertising for bids for the Segment 3 portion of the project, which included sections of the beach that were south of Port Everglades, and such bids would be out on the street for 5 weeks. He stated they would be opened on December 21, 2004 and a month would be taken to award the contract. They were looking to start construction in Hollywood around April 1, 2005. He stated that by requirement, Segment 3 of the project had to be constructed and monitored for 18 months, and then they had to prepare a report for the Governor's Cabinet who would determine whether the conditions were sufficient to protect the resources in Segment 3, or whether additional requirements would be imposed for Segment 2. He continued stating that they would not start Segment 2, including Fort Lauderdale, Lauderdale-By-The-Sea, and portions of Pompano Beach, until they had completed the 18-month period. They anticipated finishing Segment 3 around the end of 2005, and probably around the end of 2007, they might be ready to begin Segment 2. He realized this was not good news, especially due to the weather the area had this year. He added that he was anticipating some beach erosion due to the northeaster taking place.

Judith Scher stated that the Central Beach was in bad shape, especially in front of the Sheraton, which had been almost totally eroded. She stated Fort Lauderdale's beaches were all about tourism.

Chair Ina Lee asked if the 18-month period could be shortened in any way. Mr. Higgins stated that they would try to shorten the process as much as possible. He reminded everyone that there were additional proponents connected with the project, especially for Segment 2. He said that they were going to monitor the situation carefully, and they did not expect any unanticipated impacts to the environment. During the 18-month period, they would continue to petition the State to shorten the process.

Chair Ina Lee asked how long it would take to complete the Hollywood portion.

Mr. Higgins replied that they were giving the contractor 130 days to do Hollywood, Hallandale, and Dania Beaches. He explained they were also going to do the northern mile of John Lloyd State Park, but that could not be started until November 1, 2005 due to the sea turtle nesting season, and added that the project would then only take about a month or so. He stated that they anticipated having the project completed at the beginning of 2006. He reiterated that the clock would then begin regarding the monitoring portion of the project.

Linda Gill asked if the Federal and State funds were protected because certain areas of the beach had been badly impacted by the hurricanes this year.

Mr. Higgins stated that State funds had been allocated to the project, and about \$5 Million to \$6 Million in Federal Funds were the share of the engineering and preparatory work for the project. He stated that they were going to seek \$10 Million, which was the maximum that could be

requested per year, for 2006, but they would need additional funds. He reminded everyone that the County was going to pay for the project up front. He explained that the only issue regarding the emergency work required due to the storms was availability of contractors that would be suitable for the job.

Linda Gill asked if he had heard anything regarding the emergency work that would be required.

Mr. Higgins stated that he had heard that the Army Corps of Engineers were soliciting for 13 different projects, and the State Legislature was going to meet in special session regarding the appropriation of State funds for sharing in Federal projects, along with doing other non-Federal projects that could not be done by the Corps. He stated that FEMA was involved if the beach met their criteria, which was rare, and therefore, there were few projects which qualified for full FEMA aid.

Chuck Adams asked if most of the damage would be incurred during construction and would it not be evident, and what were they actually going to be monitoring during the 18-month period.

Mr. Higgins explained that the damage would not necessarily be evident, and during construction they would be closely monitoring the project on and off shore. After the beach was built, the waves would attack it and adjust the cross section to a more normal shallow slope. The process would narrow the dry beach, the off-shore slope would get shallow, and the underwater tow of fill would advance seaward, and the process would impact the high bottoms. He advised the process could take up to two years. He explained if there was additional damage, the State and Federal Governments might put more restrictions on Segment 2.

Linda Gill asked for some further information regarding the glass that was to be brought in for the beaches. Mr. Higgins explained that the County was actually spear-heading the project. He stated they were doing geo-technical testing on ground glass which was pulverized to the same general grain size as sand to see if it would be suitable as a supplement for periodic beach renourishment. He explained further that they would never have enough to do the entire beach, and only about 13,000 tons would be available per year. He stated that this project might save money for the recycling business and could add some suitable sediment to the beaches. He added that they were also doing a public perception program to see how the public would view this matter to determine whether the program would be acceptable. He stated that the focus groups indicate that the public would find the program suitable once they were educated about the materials.

Linda Gill asked if the glass had ever been used on other beaches.

Mr. Higgins explained that it was their understanding that it had been used at a hotel in Curasal, but they had not been able to obtain a lot of information as of this time. He added that the matter had been studied academically and geologically, but he was not sure if the material had actually ever been used on a beach. He explained it would be mixed with the sediment which already existed on the beach. He stated they did have samples of the sand, glass, and the materials mixed. He stated that it was a green project and would not solve the erosion problem, but it was an interesting concept. He reiterated that the Federal funding had \$6 Million, and they were going to request an additional \$10 Million in 2006 and 2007. He explained that the total share for the Federal Government would be around \$26 Million.

Linda Gill asked if the Board could be notified when such requests were going to be made.

Mr. Higgins confirmed. He also advised the Board Members to contact the Public Intergovernmental Relations Office, and stated that Pamela Landi, Sr. Legislative Coordinator was the Federal liaison who coordinated the Federal actions for the County who could be contacted at 954-357-7577. He further advised that they were presently preparing the paperwork for the 2006 request. He further explained that the County Commissioners approved the Federal package.

Chuck Adams asked if the coral reef issues existed in Segment 3 that existed in Segment 2.

Mr. Higgins stated that the issues were the same, but the opposition was more fond of the reefs off Fort Lauderdale, than they were of the reefs off Hollywood because the reefs off Hollywood had been damaged during previous projects.

Chuck Adams clarified that they were trying to gauge how far the sand was going to shift in Segment 3, so they would know what reefs to protect in Segment 2. Mr. Higgins confirmed and stated there were gradations regarding the value of the reefs, but unfortunately in the regulatory scheme of things everything was the same.

Linda Gill thanked Mr. Higgins for all his hard work on this matter, and stated that his work was greatly appreciated.

TURTLE ORDINANCE COMPLIANCE – BEACH STREET LIGHTS UPDATE

Chuck Adams stated that Tom Terrell, Maintenance Manager and Mike Fayyaz, Assistant City Engineer were present and could explain the changes in the light fixtures that would occur due to the implementation of the turtle ordinance. He further stated that Tom Terrell was also going to also provide an update regarding the wave wall.

Tom Terrell stated that in February 2003, the Commission had adopted an ordinance restricting lights during the turtle nesting season which was March 1st to October 1st to a certain level, which also mirrored the State regulations. He stated that in order to meet the requirements, there were 3 solutions. One solution was to turn the lights off on the beach during the nesting season, tinting the globes to a certain color correct part of the spectrum, or shielding the globes so there would be no light on the beach. He did not think the first solution would be a popular one, and the tinting would provide a different type of glow that he did not think would be acceptable to everyone. Therefore, the third solution would be to shield the lights.

Mr. Terrell stated they had installed one globe on the beach which cost about \$300, and explained there would be a visual difference if one was walking down the boardwalk, but if driving the difference would not be noticed. He stated that it was located on the second pole south from Sunrise Boulevard across from the Holiday Inn.

Mr. Terrell further stated that the shields would work well on the east side of the road, but if decorative lighting was used on the west side, a shield could not be used since it would affect the lighting on the street. He reiterated that this fact should be considered when discussing redevelopment for the area. He added that this problem existed throughout the State of Florida.

Linda Gill asked if any reactions had been received from other parts of the State regarding the shielding of the lights. Mr. Higgins remarked that he had not spoken with anyone about the matter.

Chuck Adams stated that the issue of compliance of the ordinance had existed for the last 10 years, and had arisen during the permitting of the beach wall and the promenade. He further stated that the environmentalists had used this issue in arguing the granting of the permits to the City.

Linda Gill stated that she believed a hotelier in Pensacola was involved in a lawsuit because they had turned off the lights on the beach and someone had gotten hurt.

Chair Ina Lee asked if this would come out of the CRA's budget. Chuck Adams replied it would not at this point in time.

Steve Glassman asked if the globes were different on the lights because one appeared whiter than some others. Mr. Terrell explained that some globes were more opaque, and there could possibly be an electrical problem in some cases. He reiterated that the bulbs should all be the same.

Chuck Adams asked if Mr. Terrell could provide some further information regarding the light poles.

Mr. Terrell explained they were cast iron and had been on the beach for about 15 years. He stated they were showing signs of corrosion and reminded the Board that salt water was not good for iron or metal products. He felt they would probably look to replace the posts and cross-arms in the next 2-3 years. He added they had a sample concrete pole for the last few years at the south end of the beach, and it was their experience that they withstood the weather better even than the fiberglass ones, which did not do well during Hurricane Frances.

Linda Gill asked what the cost would be for the concrete replacements. Mr. Higgins replied that the average price for any decorative cross-armed pole was about \$3500 per pole, and added there were 110 poles on the beach.

Chuck Adams stated that he suggested the Board be aware of the need so as to anticipate how they could participate in the project. He also stated that if they could bring to conclusion the overall funding regarding the streetscape program outside of the CRA, then they could incorporate that into this program.

Brad Fitzgerald asked if the poles could be made out of aluminum. Mr. Terrell replied there was a cast aluminum pole, but they did not have much experience with such poles. He stated they might be too fragile for the roadway area, and added that they were also trying to start consolidating or limiting the number of poles. He added they did not have an area to stockpile the poles, and therefore, they had to always order them when needed. He explained that depending on the vendor such an order could take 2-3 months to receive. Brad Fitzgerald asked if a determination had been made to go with the tinted globes or the shielding. Mr. Terrell replied that he did not recommend the tinted globes, and therefore, were going with the shielding.

Brad Fitzgerald asked how they were going to deal with the west side of the roadway. Mr. Terrell replied that he wanted the Board to contemplate this issue for the future, if contractors began suggesting decorative streetlights for the west side due to the turtle ordinance. He added that at the present time, there were no decorative lights on the west side of the street. He stated that the present lights shined straight down and did not present the globe effect on the beach.

BEACH WAVE WALL – FIBER OPTIC LIGHTING REPLACEMENT PROJECT UPDATE

Chuck Adams stated that the contract appeared vague regarding the electrical work.

Mike Fayyaz, Assistant City Engineer, stated that the Commission had awarded the contract, and before the fibers were installed, Tom Terrell's crew is working on repairs. Mr. Fayyaz stated that they had discovered that a car had previously hit the wall at one section, and the wall had been replaced. He explained that the conduit in that portion of the wall that provided power to the fiber optics had been removed, and the contractor was hired to repair that portion of the wall and replace the conduit before the fiber optics would be installed. In the meantime on the west side of the street, a pole had to be removed which was also a conduit for a pole across the street, but such items were presently being worked on. He added that they were about 2-3 weeks behind the original schedule, but they were doing their best to meet the deadline previously set for December. He further explained that the installation of the fiber optics was a relatively simple task.

Chuck Adams stated that some negotiations took place regarding the warranty of the product resulting in about a \$100,000 savings for the project.

Mike Fayyaz stated that when a contractor was hired to install equipment that cost substantially more than the actual installation, they were concerned as to who would be responsible to maintain the wall in regard to warranty issues. He continued that the supplier of the materials did not want to install the product because they were basically not in that type of business. During discussions with some of the donors, they had approached them once again regarding the installation and warranty. They felt that they had arrived at a better deal than what had been agreed upon with the contractor. The maintenance issue was more expensive since the company was located in California. He explained that as part of the installation, they were going to certify 12 of the City's maintenance personnel to do the normal upkeep of the system and not lose the warranty on the product.

Chuck Adams stated they had originally received pledges in the amount of \$214,000, and they had received all monies, except for the pledge from Al Miniaci who was presently in South America. He explained the problem they had was regarding the pledge from the St. Regis. He stated that discussion took place as to whether sandblasting was going to be done, and if the cost would be divided at a future date. He stated that due to the cost and the timing, along with the uncertainty of the City's budget, it was determined that the sandblasting would be done at a future date. The beach CRA funds would take care of about half the cost, but it was an expensive proposition totaling about \$600,000 and also involved various environmental issues. He further stated that after the Commission approved the project to move forward and letters were sent out requesting the pledged funds, the St. Regis sent a letter stating that their pledge would depend on whether sandblasting was to be done or not. He stated they were working their way through that, but the good news was that monies were available to cover the cost on a 50/50 basis, but there would be a meeting held later this week on the issue.

Chair Ina Lee explained that John McDonald had spoken to her a few days ago stating that he had found someone who could do the sandblasting for \$150,000 versus the \$600,000. She reiterated that a meeting would be held this Thursday, and the Board would be advised of the result of the discussion. She further stated that this issue should probably be raised at the meeting of the Beach Council who was meeting tomorrow. She felt they should aim for January, and that a major ceremony should be held to celebrate the new beach, along with the sponsors.

Mike Fayyaz reiterated they were attempting to meet the December deadline, but if not then hopefully for the New Year.

Tom Terrell stated that his group during the past year had taken over the maintenance of the beach area, and he could not speak about what occurred during the 5-year gap when the lights did not function. He continued that they realized what was wrong, and they had used the street lighting contractor to expedite things. He explained that 1,000' of wire had to be pulled along A-1-A in order to get things moving. Once that was done, then they could power up the wall and see how it looked.

Mike Fayyaz further stated that the Council of Civic Associations had approached staff and stated that they wanted to have a big ceremony with the lighting of the wall.

Chair Ina Lee thanked everyone for their hard work regarding this matter.

BEACH POST DISASTER PREPAREDNESS PLAN UPDATE

Chuck Adams stated they had delved into this matter and had acquired some additional information, and possibly a solution loomed on the horizon they had previously been unaware of.

Paul Costanzo stated that Sheryl Stolzenberg was present from Planning and Zoning who would be moving forward with the issue. He explained that in the 2003 State Legislation Session, Senator Geller had a bill adopted mandating communities in the coastal high hazard area, in regard to updating their comprehensive plans, look at the problems and solutions to allowing redevelopment from a density and building size standpoint regarding non-conforming usage. He proceeded to read an excerpt from the specific language as follows: "An evaluation of whether any past reduction of land use density impairs the property rights of current residents when redevelopment occurs, including but not limited to, redevelopment following a national disaster. These strategies may include the authorization of redevelopment up to the actual built density in existence on the property prior to the national disaster or redevelopment."

Mr. Costanzo continued that Broward County was in the process of going through their update at this time, and language had been developed. He further stated that they had proposed such language to the Planning Council who was to take action after the first of the year. Subsequent to such action, the City's process would examine the issues. He further stated that other issues created some problems and along with density and building size, parking and side yard issues were involved, plus use issues. Subsequent to the City taking action regarding the Comprehensive Plan, they also had to look at the ULDR and potential revisions addressing the ancillary issues.

Sheryl Stolzenberg, Planning and Zoning, stated that they needed to understand that the State law governing growth management was that comprehensive planning was a regulatory power not necessarily available in other states. She continued stating that usually a comprehensive plan was a policy guide, but in Florida it had "teeth" and was the law. She explained that one section of the Growth Management Act specifically stated that building permits could not be issued that were not consistent with the Comprehensive Plan. She further stated that if such plan was amended, a permit could not be issued in excess of what the plan stated. She explained that in the evaluation and appraisal report required every 7 years, revisions were presented for consideration during such review. She continued stating that one of the revisions

had been introduced by Senator Geller to only be applied to the coastal areas, which was the ability for a local jurisdiction to see what they could do regarding property rights if they had adopted amendments to their comprehensive plan that would allow a reduction in density. She stated the way such evaluation process was set up, the counties would go first and submit their appraisal making their recommendations, and then they had one year to submit amendments. She stated that when the State advised that the report was sufficient, it did not mean that the amendments submitted were approved. She announced that this particular amendment would probably be heard about January or February.

Ms. Stolzenberg advised that the land use power was invested in the County and cities could not venture far from such plans, and had to be in conformity with the County plan. She stated that the County language they were looking at provided some latitude from the law, and they were saying one could rebuild to the previous number of units within the square footage permitted. She remarked that the State law did not address the square footage issue.

Judith Scher stated that she lived on Birch Road which had been rezoned as condo/hotel, and it was her understanding that the structure could only be rebuilt as such.

Sheryl Stolzenberg explained that ownership was not the issue being addressed under either the State law or the comprehensive plan, and they were only addressing density. She stated that condo/hotel was more of a conundrum for zoning codes, rather than the Comprehensive Plan. She further stated that if the structure was built prior to the current land use designation for the beach, then the issue would be how many units could be rebuilt. She stated if it was classified under the zoning code, then the issue was what the zoning code permitted, which could be changed at any time. She advised that the text of the Comprehensive Plan in Florida could only be changed twice a year, and therefore, it was critical that they have the language in the Plan doing what they needed. She reiterated that they had to work within the confines of the County's plan.

Sheryl Stolzenberg continued that the League of Cities had come up with a counter-proposal and were suggesting that instead of stating an exact number of units within the square footage, the number of units could be reduced and the amount of the square footage would be increased. She stated that she did not know if the Board would be comfortable with such a proposal. She stated that after this was presented to the Planning Council, it would then be submitted to the State Department's Community Affairs Division which would be a 6-month process, and when their comments were made and it became final, then the cities would submit their EAR to the State. If found sufficient, the City could move forward with their proposed amendments. She announced that the City's EAR was due June 1, 2005, and if found sufficient, the amendments would have to be presented by June 1, 2006. If the State found the amendments acceptable, then about 6 months later they would be final and put in place. She reiterated they did not address ownership issues. She provided copies of the County's language.

Linda Gill asked what was the name of the Bill that Senator Geller had pushed through for adoption. Henry Sniezek advised that it was Bill 1906. Sheryl Stolzenberg stated that it was part of a series which had been passed.

Henry Sniezek stated that he did not think that the County proposal covered everything being discussed and was very narrow. He stated further that he did not feel that it pertained to the beach. He continued stating that in the '70's the County had adopted a Land Use Plan, along

with the cities, and the City of Fort Lauderdale had a maximum of 60 units per acre, and many of the buildings along the beach were built over that amount. Therefore, the legislation was only to address those types of situations only.

Sheryl Stolzenberg stated that the issues of Code were different, and there was an overriding section of the Growth Management Act which stated that a building permit could not be issued that was not consistent with the Comprehensive Plan. She stated they might allow something to be built up to its previously allowed number of units given the amendment language.

Chair Ina Lee stated that it appeared they were just beginning to scratch the surface on this issue, and with everything being proposed it appeared that nothing could be put in place until 2006. Sheryl Stolzenberg stated that Florida was a strong property rights state, and therefore, people had the right to present proof stating what had existed previously. The Courts frequently find in favor of the property owners. She stated that this step would eliminate the necessity of having to do that because the "teeth" in the Growth Management Act stated that a building permit could not be issued which was inconsistent with the Comprehensive Plan. She further stated if the City adopted something that changed the density, then they could be stricter than the County.

Henry Sniezek further stated that if there was a major disaster on the beach, he believed most buildings could be rebuilt as they existed today under the County's Plan.

Chuck Adams stated that he did not have a chance to totally review the language, but he was concerned with the wording of the first line which stated: "Residentially designated areas...", and in regard to land use the Central Beach was an RAC within the mixed use type of environment, and further asked if they were precluded from being an RAC. He stated that in regard to the zoning level, the CBA was a mixed-use area and asked if they had precluded themselves since they were an RAC.

Henry Sniezek stated it was a good point as to whether the RAC was considered residentially designated. Chuck Adams stated it had residential uses, but not in all zoning areas. Henry Sniezek stated that the RAC on the beach permitted a certain number of units, and presently they were below the allowed level. Chuck Adams confirmed. Henry Sniezek stated there were no non-conforming issues regarding residential density on the beach. Chuck Adams stated that the residents of Birch Crest and Jackson Towers were concerned because their heights existed at about 200', and meantime the zoning had been changed to permit 150'. Therefore, if a catastrophic event occurred could they rebuild to 200'. He believed the answer was that they could not unless there was change in the legislative process.

Paul Costanzo stated that there was the density square footage issues which the State Legislation and the Comprehensive Plan addressed, and then there were the ancillary usage issues, such as parking and setbacks. He stated that if the City took positive action regarding their Plan on the major issues of density similar to the County, then he felt they would be predisposed to look at a type of ULDR revision that would address the other major issues that dealt with non-conforming problems.

Sheryl Stolzenberg stated that the Growth Management Act also addressed that once an amendment was adopted to the Comprehensive Plan and then if the Zoning Code was not in compliance, it would have to be brought into compliance. The only way to allow the existing number of units to return was to permit a higher height than what the ULDR permitted. There

could not be any inconsistencies between the Comprehensive Plan and the Zoning Code.

Steve Glassman stated that when the Commission had codified the 20% reduction on the beach, he remembered hearing discussions about this matter and that existing buildings could not be rebuilt to their previous heights. He reiterated that the issue had to be dealt with and they needed to be pro-active. He stated the Commission appeared to be under the impression that nothing would be grandfathered in.

Linda Gill stated that she had spoken with Mayor Naugle afterwards, and he was not under the impression that was what had been passed. Sheryl Stolzenberg stated that the cities would have to respond to what the State was directing them to do which dealt with the number of units.

Steve Glassman stated that if this got caught between the City and County could it get lost in the shuffle. Sheryl Stolzenberg explained that this was a State mandated provision that everyone had to respond to, and the City could not be less restrictive than the County.

Chair Ina Lee asked about timing and stated that it appeared they were two years away from accomplishing anything. She continued stating that Henry Sniezek was the most knowledgeable person in the room regarding this issue, along with the work being done by Paul Costanzo, and reiterated that what the County was presently doing would impact the beach. Therefore, she asked how this would be monitored and how a pro-active role could be taken. She also asked what the next step was in regard to the issues that were not being addressed by the City. She reiterated that there were some real concerns that needed to be addressed. She further stated that she was concerned about the red tape involved if a disaster occurred.

Paul Costanzo stated that in regard to monitoring the County and City staff, it was plugged into the process and staff would apprise the Board as to how the amendments were progressing.

Henry Sniezek stated that the County's Comprehensive Plan had been sent to all the cities for their comments regarding the language, but no response had yet been received. Sheryl Stolzenberg stated that she believed the cities were informing the Growth Management Committee of the League of Cities regarding their comments. She stated that such Committee had been very active in providing comments and recommendations. She reiterated that this Board might want to make a recommendation regarding the language to Commissioner Moore who was the City's representative on the League of Cities.

Chuck Adams stated that Henry Sniezek remarked that he did not think this would accomplish what the Board was attempting to do, and he felt the legislation would allow them to proceed, but the language was very restrictive towards residential and that was where the conflict appeared to exist. He felt the legislation should have allowed relief to be provided to all areas, but he believed the language was being restricted to hotel and residential. Henry Sniezek stated that the State legislation had been crafted to be very narrow and was restricted to residential, but he did not feel it precluded the City from addressing the other issues involved. Sheryl Stolzenberg reiterated they were looking at residential density. Henry Sniezek stated that there was nothing in the RAC that was in conflict with the density issue at this time. Chuck Adams asked if it was looked at in terms of the overall cap or parcel-by-parcel. Henry Sniezek stated there were parcels that differed and this legislation was attempting to address such parcels. Chuck Adams clarified that this would then address the Jackson Tower and Birch Crest issues. Henry Sniezek asked if Jackson Towers was in the RAC. Chuck Adams confirmed. Paul Costanzo reiterated that only a portion of it was in the RAC regarding density. Henry Sniezek

stated that regarding the County Plan and the City's Land Use Plan, Jackson Towers was in conformance because the units were already allocated as part of the RAC, and no conflict existed.

Sheryl Stolzenberg stated that the RAC did not have a per acre density, and only had an allocation of units, and decisions were made as to where those units would be located. She stated that as long as they were under the cap of the number of units, they would be in compliance with the Land Use Plan. When there were no longer any units available, then they would have to do a Land Use Plan Amendment requesting additional units.

Chuck Adams clarified that the language would not hurt the City, but could help it, and the real solution went back to zoning. He reiterated that there was a cross between land use and zoning. Henry Sniezek reiterated that the County was not driving the issue, but were addressing something that the City had to respond to which would only address a small portion of what the Board was discussing.

Linda Gill asked if it would be possible to get legislation that could help some of the areas that had been affected by the hurricanes. Sheryl Stolzenberg stated they had to create a balance, and possibly compromises would have to be made. She added if there was a problem regarding evacuations, then a public safety matter would still have to be addressed.

Linda Gill asked how the areas around Pensacola were being addressed. Henry Sniezek stated that he did not know. Paul Costanzo stated that Santa Rosa County was the major driver in the Panhandle regarding renovation. He advised that they had adopted a post-disaster redevelopment plan which addressed the issue of grandfathering and prioritizing building permit issuance and the like items. The State was not able to point to any other areas that had pre-addressed the issues everyone was now attempting to address.

Chair Ina Lee reiterated that the Commission should create a post-disaster redevelopment plan, and she believed the Board had gone as far as they could until the Commission moved forward. She stated that possibly Santa Rosa County could be used as a model. Linda Gill remarked that this Board had made a motion regarding the matter.

Judith Scher stated that on Singer Island a huge building had been hit by two hurricanes and funds were being received, and they were able to rebuild, as it existed. Brad Fitzgerald stated that that building could not be rebuilt in this City because it had been built with Styrofoam walls with stucco over it. The building would have to be rebuilt in accordance with the new laws. Sheryl Stolzenberg stated that some of the buildings in the various areas that had been built before the new Codes would now have to be in compliance with the new regulations. She stated they had to tread carefully in regard to grandfathering because the public issue still had to be addressed.

Chair Ina Lee recommended that Commissioner Moore be invited to the Board's next meeting to inform him of their concerns. Steve Glassman asked about the status of the motion this Board had made in October. Chuck Adams explained that the motion was forwarded in the form of the Board's minutes, and they were read by the Commissioners.

Linda Gill stated that she felt legislation would be needed. Henry Sniezek stated that he disagreed and did not think that State legislation would be necessary. Brad Fitzgerald felt the overlay district should address some of the issues. Paul Costanzo confirmed in regard to the

NBRA and the SLA. Linda Gill asked about the Downtown area. Sheryl Stolzenberg explained that there were no density limits in the Downtown area, other than the number of units permitted. She added that safer codes would have to be met.

Henry Sniezek stated that it appeared the State and County were preventing the City from moving forward on this matter, but that was not the case.

The Board agreed to invite Commissioner Moore to their next meeting.

NBRA AND SLA OVERLAY DISTRICTS UPDATE

Paul Costanzo stated that he was about half-way through working on the draft of the language with the City Attorney's office and once they had addressed the major hurdles, then they were going to approach the Planning Department with revised draft language. He hoped that would occur in December, and then this Board could be presented with such language in February. The Board could then review it and forward it to the Commission. He also advised that a public hearing would be held at the zoning and Commission levels.

Chair Ina Lee asked if this could be in place by June 2005. Paul Costanzo stated that he was not sure if that would be possible. Chuck Adams stated that the draft presented would have been reviewed by all concerned departments. Chair Ina Lee felt it would be a major coup to have this done by next June.

Paul Costanzo stated they were pushing forward as fast as possible. One of the issues had been regarding existing conditions, and they had to do a property inventory. He advised that the major issues had already been addressed, and the item mainly dealt with designing language at this time.

Chuck Adams asked how many structures were located in the NBRA district. Paul Costanzo replied that about 500 structures existed, and it was a laborious task calculating all structures in both districts.

OLD BUSINESS

Steve Glassman asked what was happening with the water taxi project.

Chuck Adams stated that the water taxi was in the process of relocating their headquarters and were not going to remain at Bahia Mar. He stated there was an eminent sale regarding Bahia Mar taking place. He stated that several alternative plans were being reviewed. He advised that Las Olas was an area they wanted to consider as a permanent home. There were issues regarding zoning and land use issues. He stated they were looking at alternative sites since the City would require them to find a new home before the end of the year. Another alternative site being considered was under the 17th Street Bridge. He further stated that they could not bring in their headquarters or an expanding marina for their fleet which consisted of 14-17 vessels and still remain compatible with the Portofino. Therefore, the Las Olas site was no longer being considered. He further stated that their interim plan was the 17th Street Causeway, but they wanted to see if it could possibly be a permanent site. He added that if FDOT was agreeable to granting a longer term blessing at the site, then such arrangement would still go through the City through an expansion of the land base lease, which would become a water base lease. He advised that it would be a public purpose determination. He further stated that they were looking

at the water taxi as a subcontractor of the County and transportation facility. He advised that issues existed regarding the 17th Street Causeway site also. He stated that possibly the entire fleet might not be stationed at one site. He stated they were continuing to meet with FDOT regarding the matter.

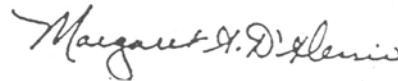
Steve Glassman asked what happened regarding the side setback with the St. Regis and Beach Place. Pamela Adams believed that it was a zero setback. Chuck Adams believed it was a condition of approval but Paul Costanzo would check into the matter.

Chair Ina Lee asked if the Board normally met in December. Chuck Adams stated that he believed the Board did meet in December unless it was too close to the holiday. Chair Ina Lee stated that the meeting was scheduled for December 20, 2004. She asked who could attend the meeting if it was pushed to December 13, 2004. Chuck Adams stated that his office could call and check with everyone regarding attendance. He advised the meeting could be scheduled as a special one.

Motion made by Pamela Adams and seconded by Linda Gill to adjourn the meeting.

There being no further business to come before this Board, the meeting adjourned at approximately 4:28 p.m.

Respectfully submitted.



Margaret A. D'Alessio
Recording Secretary