

APPROVED

**MEETING MINUTES
BEACH REDEVELOPMENT ADVISORY BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE, FLORIDA
MONDAY, OCTOBER 20, 2008 – 2:30 P.M.**

BRAB MEMBERS	ATTENDANCE	CUMULATIVE	
		PRESENT	ABSENT
Ina Lee, Chair	P	7	0
Shirley Smith	P	7	0
Miranda Lopez	P	7	0
Carlos Molinet (arr.2:40)	P	6	2
Judy Scher	A	3	5
Amaury Piedra	A	4	2
Aiton Yaari	P	6	1
Ramola Motwani	A	6	1
Jordana L. Jarjura	P	5	1
Melissa Milroy (arr. 2:32)	P	4	0

Staff

Charlotte Rodstrom, Vice Mayor
John Herbst, City Auditor
Donald Morris, Beach CRA Director
Jeff Modarelli, Economic Development Director
Earl Prizlee, Engineering Design Manager, CRA
Eileen Furedi, Economic Development Representative
Lindwell Bradley, Community Inspections Supervisor
Jonda Joseph, City Clerk
Mary S. Gushwa, Sergeant, Fort Lauderdale Police Department
Hilda Testa, Recording Secretary, Prototype, Inc.

I. Call to Order/Roll Call

Chair Lee called the meeting to order at 2:30 p.m. Roll was taken and it was determined a quorum was not present.

At the request of Chair Lee, the following item was taken out of order on the agenda.

II. Discussion Regarding Charter Amendment

Jonda Joseph, City Clerk, called the Board's attention to a City Charter Amendment that will be included on the ballot of the November 4, 2008 election. She noted that the authority of the City Clerk and City Auditor to supervise their employees is not clear as it is currently written in the Charter. A "yes" vote on the Amendment would clarify this language and bring a higher level of consistency to the City's four Charter Offices: City Manager, City Attorney, City Clerk, and City Auditor. She noted that the inclusion of Auditor as a Charter Office occurred in 2004, and the Clerk was moved into a Charter position in the 1990's.

Ms. Joseph pointed out that there are 17 Amendments included on the upcoming Fort Lauderdale ballot. The Charter Amendment is the last of these.

She added that the City Clerk's most important duty is keeping the City's official records, and the proposed Amendment would bring more independence to this role in the City's government.

John Herbst, City Auditor, added that the office of Independent Auditor was established to have a level of oversight over City operations that is separate and distinct from the oversight granted to a City Manager. Because the creation of the position did not allow for an exception under the "personnel" section of the City Charter, Staff decisions may not be made by the City Auditor. He observed that there is some conflict in the current language of the Charter regarding management of personnel by independent offices.

A clarification of this language will set this issue to rest, he said. Currently, any hiring or promotional decisions affecting the Auditor's staff require the approval of the City Manager. While the City Manager allows the Auditor's office the latitude of managing its own decisions, the adoption of the proposed Amendment will codify this under the Charter.

Ms. Milroy joined the meeting at this time (2:32 p.m.).

Chair Lee thanked Ms. Joseph and Mr. Herbst for attending the meeting.

III. Approval of Minutes

Motion made by Mr. Yaari, seconded by Ms. Smith, to approve the minutes of the September 15, 2008 meeting. In a voice vote, the motion carried unanimously.

IV. Police Update

Sergeant Mary Gushwa reported that there are currently no outstanding crime trends on the Beach. There had been some recent acts of vandalism, as well as some vehicle break-ins, but the Police believe the person responsible for the break-ins is now in custody.

Chair Lee thanked Sgt. Gushwa for her attendance, and for the continued work of the Fort Lauderdale Police Department.

V. Code Compliance Update

Lindwell Bradley, Community Inspections Supervisor, informed the Board that the current focus from his office is on “visual clutter” on the beaches. They hope to move signs inward from the sidewalks in order to keep those walkways clear, as the State mandates 13 feet of clearance. Mr. Bradley stated he hopes to work with restaurants and other businesses to bring this issue into compliance.

There have also been some complaints regarding outside merchandise, he said, as Code states commercial merchandise must be inside a building. Other items for consideration are trash and debris along the Beach. Mario Sotolongo is the Code Officer for the Beach area, Mr. Bradley said, and urged the Board to contact his office or Officer Sotolongo if any issues require attention.

He felt that in general, compliance issues were improving. Mr. Bradley said his office attempts to maintain a dialogue with business owners in that area.

He noted that Code Officers may now ticket individuals “on the spot,” as a police officer would. The first infraction receives a written warning, in which the individual or business is asked to correct the situation to come into compliance; if this is not done, a ticket with a fine of \$50-\$500 may be written right away. Mr. Bradley clarified that most tickets would carry a fine of \$50-\$100.

He added that the Code Compliance Office will continue talking with managers and individuals to urge them to “do what’s right” and come into compliance. The ability to ticket will allow better and quicker enforcement, he said, and noted that tickets are not considered a source of revenue, but a tool for code enforcement.

Mr. Modarelli asked if infractions that can be ticketed are based on City Code rather than State statutes. Mr. Bradley confirmed this, noting that items such as signs, banners, and outside merchandise fall into this category. He reiterated that

the first response to infractions will be a written warning, which carries no fine. Failure to correct the infraction, however, may involve a fee.

Mr. Yaari asked a question regarding the new noise ordinance, adding that he understood it was in effect only in the entertainment district.

Mr. Bradley agreed that there may be some "controversy" with this restriction, and felt there may be a change to this ordinance in the future. He noted that Code Officers are simply asking that loud music be kept at a reasonable level.

Ms. Smith asked if there is any part of Code that restricts what may appear on t-shirts featured in store windows.

Mr. Bradley confirmed that there was no law or code that applies to this, as it is ultimately a First Amendment issue, but Code Officers do ask that some shirts are kept out of the windows, so possibly objectionable material printed on them cannot be viewed from the street. He asked that any Board members who noted these t-shirts on display in store windows contact his office, and he would ask that the Code Officer speak to store personnel. He noted that most businesses are cooperative regarding this issue.

Mr. Bradley continued that there are individual artists who want to work along the Beach, and there is currently no venue for this in place. He felt the Board might want to consider the presence of a working artist as a potential draw to the Beach, and noted that there are grassy areas that might be suitable for an artist to work and sell to the public. There is no ordinance that currently covers artists, so Code Officers must ask them to go elsewhere at present.

He added that artists may work on private property, but are interested in setting up in a public area.

Chair Lee felt this should be considered in the future as an activity possibly suited to a tourist destination.

It was also suggested that other, less desirable activities might set up as well if artists were allowed.

Chair Lee thanked Mr. Bradley for speaking to the Board, and for the continued efforts of the Compliance Office.

VI. Old/New Business

Chair Lee asked Mr. Morris to clarify why the Board could not vote a yes-or-no recommendation when an individual brought an issue before them. She noted that Mr. Morris had spoken with City Attorneys regarding this policy.

Mr. Morris stated that one reason for this policy is the Board is not considered a recommending body as relates to development issues. There are specific Boards that look at development to ensure that it complies with ULDR and the Comprehensive Plan for the City, as well as neighborhood compatibility. He identified the Planning and Zoning Board one such recommending body, for example.

Mr. Morris continued that there is nothing wrong with individuals presenting projects to the Board, and it may be made clear in the record whether the Board supports or does not support each project. However, recommending a project to the Commission is not the Board's approved task, he said: their task is to look at how certain funds are spent and ensure that the City complies with the redevelopment plan, not whether a project is compatible with the plan. An official vote or recommendation on a site plan is not part of this Board's assignment, he concluded.

Chair Lee felt this was a "critical" issue, as in the past the Board had been told they could not vote on developments. Currently, projects in the CRA are not coming before them, as developers seemed to feel there was no need for this step. Chair Lee felt this eliminates the BRAB's voice from the approval process, and added she hoped to find a way to encourage people with projects in the CRA area to speak before the Board, as this was its original intention. She felt the Board should return to a focus on the CRA and its redevelopment.

She suggested that the Board be allowed to vote on whether or not a project was compatible with the direction they would like the area's businesses to take.

Ms. Jarjura proposed a "vote of support," as many neighborhood associations give regarding new development.

Chair Lee offered as an example a project that had appeared before the Planning and Zoning Board and the Central Beach Alliance, but was never presented before the BRAB, as there was "no need" for the project's developers to take this step. She pointed out that the project would be located "in the heart of our area."

Mr. Yaari added that the DRC narrative states that a project to be located on the Beach area must come before the Central Beach Alliance and the BRAB, but often the BRAB is not included in this step.

Mr. Morris noted that while appearing before the BRAB is recommended, it is not a requirement. He added that the Board meets with developers when projects relate to the CRA, such as streetscapes or pedestrian connectivity and experience. He stated that he could encourage developers to appear before the BRAB, but there was no language by which he could require them to do so.

Chair Lee pointed out that originally the Palazzo project had included the Board, making them an integral part of how a large area of the Beach was being redeveloped. Currently, she felt many developers "did not bother" to approach the Board.

Mr. Modarelli advised that there is a plan for beach redevelopment within the Beach CRA; a past example would be the Aquatics Complex, he said. However, there is private development done within the Beach CRA that does not necessarily relate to the Beach CRA plan. Streetscapes and pedestrian areas that are public are paid for by the CRA, he pointed out, but the private development is not necessarily funded by the CRA.

He noted that the Northwest CRA has greater involvement, according to their plan, with the purchasing of property, while the Beach CRA is more involved in streetscapes and other public areas.

Chair Lee felt that the Board originally dealt with more weighty issues involving the Beach area, although perhaps they had taken a different direction in more recent years.

Mr. Modarelli clarified that there is a difference between items in the CRA budget that are discussed by the BRAB and private development that does not use Tax Increment Financing (TIF) funds from the CRA.

Mr. Yaari felt that the BRAB is expected to be "experts of the Beach," and its members were appointed by different City Commissioners according to this expertise, which may be that of a property owner, a resident, or other experience. He affirmed that the BRAB knows and cares more about the Beach than other groups.

He continued that his original understanding was that the BRAB was an advisory Board appointed with the City Commissioners' trust in their knowledge.

Chair Lee agreed that the Board members' areas of expertise are more in line with the redevelopment of the CRA. She stated that they wished to be able to recommend or not recommend the projects that come before the Board, and perhaps there could be a change in language that would bring developers before the Board on a more consistent basis.

Mr. Modarelli agreed, and noted that the only project he was aware of that had not given the Board an update was the Aladdin.

Chair Lee expressed concern that although some developers speak to the Board, the Board's input regarding a project does not carry any weight. She asked that Mr. Morris speak to the City Attorneys again to negotiate a change in wording that would allow the BRAB to take a vote of approval or disapproval that she could make public, much as the Central Beach Alliance does.

Mr. Morris reiterated that he is allowed to encourage developers to speak before the Board, but may not require them to do so.

Chair Lee again requested a change in the language referring to the Board that would allow them to vote on a project.

Ms. Lopez recommended that the BRAB's mission statement be read before the Board to clarify its scope.

Chair Lee read the mission statement, which is as follows: "To implement a revitalization plan and to cause to be prepared a community redevelopment plan for the Central Beach Redevelopment area, subject to the approval of the City Commission, and to recommend actions to be taken by the City Commission to implement the Community Redevelopment Plan."

Ms. Jarjura noted that there are certain uses to be encouraged within the Beach CRA.

Mr. Morris felt that this was an important point, as there is a distinction between "uses" and "developments." He advised that it is within the Board's purview to say that a use meets the redevelopment plan, but not to say that a development meets this plan, as there are other Boards charged with this responsibility.

Mr. Yaari felt if there was a project that the BRAB felt would affect the Beach area in a positive way, particularly the business community, they should find a way to express this.

Chair Lee concluded she hoped for all the members to feel their time of Board service is valuable, and that their commitment to the City is as important as that of the members of other Boards. She noted that the Central Beach Alliance was not even a City Board.

On a different note, Mr. Morris informed the Board that the Live Nation beach concert event will appear before the City Commission on October 21, 2008, and encouraged those Board members who are in favor of the event to attend the City Commission meeting in support.

He added that the prototype for the new turtle lighting has been approved with conditions, and hopefully the City may now move forward and change out the City-owned lighting. The South Beach Parking Lot's permit has been resubmitted, as there remain some outstanding mitigation and habitat concerns that may take some time to be resolved. He felt that the lighting had presented the greatest obstacle, however.

The Parking Division had sent out an RFP for themed signage for the Beach, Mr. Morris continued, and when a proposal had been submitted, he hoped to bring it before this Board for review and recommendation. He felt this would constitute a "branding" of the Beach area, and could possibly extend into other areas if it was well received.

He noted that Sasaki was likely to bid on this project.

Chair Lee felt it will be "critically important" that the hoteliers be part of this process, as the signage would be a major component of what a visitor in a hotel would experience, particularly an international guest. She suggested that the Selection Committee overseeing the RFP contain at least one hotelier as a representative.

Mr. Morris added that one concern is that the current signs are not easily read by an international community, including persons who may or may not read English very well. Regarding the makeup of the Selection Committee, he said he would approach the Parking Division with this request, as the RFP in question belonged to that department.

Ms. Smith noted that 5th Street, which had been made a one-way street on what had been described as a trial basis, should be open to two-way traffic.

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Mr. Morris suggested that the Board wait for finalization of the Master Plan, as it might address the issue.

Chair Lee asked if the November meeting would still include a discussion of Sasaki's Master Plan, as well as if the date of this meeting had changed.

Mr. Morris felt it would be best to find out when the Sasaki presentation was planned, and the BRAB's meeting date could be moved to allow for timely discussion of the Master Plan.

Chair Lee recognized Vice Mayor Charlotte Rodstrom, who had joined the meeting.

Vice Mayor Rodstrom offered a question regarding the themed signage, asking if the RFP had included a stipulation for international language. This would mean the Selection Committee must consider the language issue.

Chair Lee stated that the next meeting was currently scheduled for November 17, 2008, unless the date was changed with respect to the Sasaki Master Plan Presentation.

There being no further business to come before the Board at this time, the meeting was adjourned at 3:10 p.m.

[Minutes prepared by K. McGuire, Prototype, Inc.]