

**APPROVED**

**BEACH REDEVELOPMENT BOARD  
100 NORTH ANDREWS AVENUE  
8<sup>TH</sup> FLOOR CONFERENCE ROOM  
FORT LAUDERDALE, FLORIDA  
MONDAY, JULY 20, 2009 – 2:30 P.M.**

<b>BRAB MEMBERS</b>	<b>ATTENDANCE</b>	<b>CUMULATIVE 2/09 – 1/10</b>	
		<b>PRESENT</b>	<b>ABSENT</b>
Miranda Lopez	A	4	1
Aiton Yaari	P	2	3
Ramola Motwani, Vice Chair	A	4	1
Jordana L. Jarjura	A	3	2
Melissa Milroy	P	4	1
Dan Matchette	A	3	1
Art Seitz	P	3	1
Chuck Malkus	P	2	0
Bradley Deckelbaum, Chair	P	2	0
Tim Schiavone	P	2	0

As of this date there were 10 appointed members to the Board, which means 6 would constitute a quorum.

**Staff**

Don Morris, Beach CRA Director  
Earl Prizlee, Engineering Design Manager, CRA  
Eileen Furedi, Economic Development Representative  
Lindwell Bradley, Community Inspections Supervisor  
Mario Sotolongo, Code Enforcement Officer  
Diana Alarcon, Parking and Fleet Services  
Jennifer Picinich, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

- **Motion** made by Mr. Schiavone, seconded by Mr. Yaari, that the City Commission take another look at the current Noise Ordinance as it speaks to amplified music and live entertainment, whether it be outside or inside an establishment in the City, and take a longer, harder look to ensure it is actually fair and up to date with today's conditions. In a voice vote, the **motion** carried unanimously.

**I. Call to Order / Roll Call**

Chair Deckelbaum called the meeting to order at 2:30 p.m. Roll was called and it was determined a quorum was present.

## **II. Approval of Minutes: April 30, 2009**

Mr. Morris stated he wished to briefly discuss how minutes are amended and ultimately approved. Every action taken by the Board is “in the sunshine,” or subject to the Sunshine Law. With this in mind, Mr. Morris explained that he cannot change the minutes based on the request of a single member: instead, these changes must be brought up during meetings, when the Board as a whole may vote upon them. He advised the same process is required in order for changes to be made to the Agenda. This eliminates any sense of impropriety.

Chair Deckelbaum pointed out that minutes are intended to be a record of “general sentiments... [and] motions,” but are not a verbatim transcription, which he recalled had led to some debate regarding the April 2009 meeting minutes. He felt it is important that the Board not expect a verbatim transcription.

In addition, while “for the most part” members have been respectful of others’ opportunities to speak, Chair Deckelbaum emphasized that there should be one individual speaking at a time, as recognized by the Chair. He affirmed he would try to keep the meetings going “as smoothly as possible,” and wished to ensure that an orderly manner is followed as a matter of clarity and of general courtesy for all Board members.

He concluded that, regarding the Agenda and the minutes, Mr. Morris and other Staff members “take directions from us as a Board” during meetings, rather than responding to individual comments at another time. Chair Deckelbaum reiterated that “barring an emergency,” any such changes to these documents should be raised under Old/New Business at the end of a meeting, or at another appropriate time according to the Agenda.

Mr. Malkus requested clarification of how many members must be present in order to provide a quorum. Chair Deckelbaum clarified that on a 10-member Board, six members form a quorum.

Mr. Seitz stated that what is said at meetings should go forward to the City Commission with sufficient detail to allow that body to make informed decisions. If a member makes points he or she believes to be important, they “don’t need to be censored at this level.” He continued he had seen enough “committee and board reports” to believe that “executive minutes” are censored by a “City official or bureaucrat” who does not wish certain information to be part of the record. Mr. Seitz added that he plans to “keep after” this issue during his tenure on the Board.

Chair Deckelbaum asserted that the Board communicates to the City Commission “first and foremost” through its motions, which are recorded verbatim. He pointed out that specific communications are also included in the “Communications to City Commission” section. He stated that no one on the Board advocates censorship, and reiterated that while meetings are not transcribed verbatim, and may not include “every sentiment,” but capture the “general tone” of what is said.

Mr. Seitz felt if several members would like an item to be placed on the Agenda, they should be able to do this rather than “leaving it to Staff.”

Chair Deckelbaum noted that discussion of the last Item on each Agenda, “Old/New Business,” is the appropriate time in which to request that items be added to or removed from the following month’s Agenda. This is done collectively by the Board.

**Motion** made by Mr. Yaari, seconded by Mr. Schiavone, to approve the minutes of the April 30, 2009 meeting. In a voice vote, the **motion** carried unanimously.

### **III. Approval of Minutes: June 15, 2009**

**Motion** made by Mr. Malkus, seconded by Mr. Schiavone, to approve the minutes of the June 15, 2009 meeting. In a voice vote, the **motion** carried unanimously.

Mr. Seitz pointed out that the Board had conducted its Beach Walk in May, and he had submitted a note to Mr. Morris containing his comments and observations. He felt the Beach Walk had drawn the Board’s attention to “things we need to address,” citing the condition of sidewalks as an example. He added that he had made follow-up calls to Mr. Morris, asking that his note be part of the official record kept by Staff.

Chair Deckelbaum felt this action was not taken at an official Board meeting and “not in the Sunshine,” requesting clarification of this from Mr. Morris. He did not believe there were minutes or communications from the Beach Walk, as the outing had been for “informational purposes” only.

Mr. Morris described the outing as one at which notes are taken; the notes are then discussed at a subsequent meeting. Minutes were not taken, as Board business was not discussed; however, if something the members saw during the Beach Walk needed to be addressed, this would be done at a later meeting. He explained that this has always been how Beach Walks have been done.

Chair Deckelbaum requested clarification that the Beach Walk had not been discussed at the last meeting. Mr. Morris confirmed this, but pointed out the items noted during the Beach Walk may be discussed during a meeting and entered into the record. He reiterated that meetings were the appropriate forum in which to talk about items from the Beach Walk.

Chair Deckelbaum proposed adding the Beach Walk to an upcoming Agenda, as it had not yet been talked through by the Board.

Mr. Seitz felt “10 weeks later” was longer than appropriate to wait before covering the Beach Walk. Mr. Yaari pointed out that there has been a change in Board leadership, as well as some new members.

Chair Deckelbaum requested that the meeting return to the Agenda so the Board’s budget may be discussed.

#### **IV. Discussion of Budget: 2009 / 2010**

Mr. Morris provided the Board with handouts on the budget, advising that the first page shows items included in last year’s budget as well as a projected budget for the next five years.

He explained that there are two major items in capital improvements: the Aquatics Center and the improvements related to the Master Plan. Starting last year, \$3 million annually will be set aside for the Aquatics Center as long as the CRA lasts, and \$2 million is set aside for the Master Plan. The idea is to promote redevelopment of the Aquatics Center with this “seed money” and undertake improvements from the Master Plan once it is approved.

Another capital improvement expense is the decorative lighting along the Wave Wall, as its fiber optic components are currently presenting an issue and need to be revisited.

Mr. Morris called the Board’s attention to the operating budget, which has increased somewhat from last year. He pointed out that \$100,000 has been set aside for marketing and promotion of events within the CRA. Any such events would need to be approved first by the Board and then the City Commission before they are funded. Mr. Morris noted that other CRAs, such as those at Delray Beach and Hollywood, sponsor events, such as Delray Beach’s tennis tournament. Since there is a projected increase in the Board’s revenue, that allows them to set some funds aside for this purpose.

Another reason the budget has changed is the reduction from a “very high-level Planning position” to a Planner II position. The individual in this position handles all the CRA’s GIS functions, as well as acting as the “eyes and ears of the

Beach.” While it is technically a lower-level position, Mr. Morris reminded the Board that positions are funded at their minimum, which means even a higher-level position would be funded at a low rate. The Planner II position was funded at the middle salary range, which is another reason the budget for a Planner is slightly higher. No future additions to Staff are anticipated at this time.

Mr. Seitz noted that in roughly one year, the City’s Centennial will be celebrated, and there is a Committee dedicated to planning this event that is looking for people or groups to donate the necessary items for a “world-class celebration.” He suggested the CRA participate in this effort.

In addition, he pointed out that A1A has been classified as a Scenic Highway, which means it would be eligible for approximately \$50,000-100,000 of DOT funds. He described this as a “terrific honor.”

Mr. Seitz concluded that the CRA is “a major part of [these efforts],” and proposed that the budget should have sufficient funds to “make a decent contribution” to both.

Mr. Morris explained that in order to spend CRA funds, the money must be used within the District’s boundaries. If there are events inside these boundaries, it would be possible to contribute to them. If the event(s), however, are “throughout the entire Beach,” it would be more difficult to participate due to this funding requirement.

Chair Deckelbaum added that the location of Centennial events will be up to the Centennial Celebration Committee and the City Commission.

Mr. Seitz advised that he was giving the Board a “heads up” and suggesting some flexibility, as they are currently reviewing the budget. Mr. Morris reiterated that there will be \$100,000 for promotional purposes in next year’s budget, if approved.

Mr. Schiavone asked how the Board had come by the \$100,000, as he had previously believed it had to be spent on “bricks and mortar.” Mr. Morris explained that the requirement is to spend money in compliance with the CRA Plan. This means if funds are spent to achieve certain goals and objectives within the Plan, the spending is permissible. He added that the inclusion of \$100,000 for promotional use was discussed with the City Attorney’s Office, as it had not been done before.

One goal in the CRA Plan is to “provide for a mix of land uses that will foster family activity and recreation in the Beach area and provide opportunities for the expansion of tourist-related facilities and activities,” Mr. Morris continued. There are objectives associated with this, such as “enhance the resort image of the Fort

Lauderdale Beach” and “make Fort Lauderdale Beach an integral part of the City,” that can be met by promoting activities that will bring both tourists and residents to the Beach. If the Board can show the funding will be used to meet these goals, the money can be spent.

He clarified that the funds must also be spent within the boundary of the CRA.

Mr. Schiavone pointed out that fireworks are “an issue already” for 2010, which he found very disappointing. He asked if the CRA funds could be used to add to City funds toward the fireworks celebration. Mr. Morris responded that they “would have to look at it” and he could make no commitments at this time.

He provided the example of the turtle lighting project, which affects the entire Beach, although only half of it falls within the CRA. Therefore, the CRA is paying for half of the project’s design. He felt the same concept might relate to activities, although he repeated that this is not a certainty.

Mr. Yaari asked how long the CRA had been accumulating money toward the Aquatics Center, and how much had been set aside thus far. Mr. Morris referred the Board to the second page of the budget handout, which shows what the CRA has “in the bank.” It shows funds that have been collected or will have collected by the end of the fiscal year.

Mr. Yaari noted that last year’s and this year’s funds toward the Aquatics Center were each listed at \$3 million, and asked why this added up to only \$5.7 million. Mr. Prizlee explained this shows funds in the bank as of last year and doesn’t include what is going in the current year, as the budget has not yet been approved.

Chair Deckelbaum requested clarification that at the end of the year there will be \$8 million set aside for the Aquatics Center. Mr. Prizlee stated that if this budget is approved, the 2009-10 numbers will be added to “what’s already in the bank.”

Mr. Morris showed a breakdown of what the CRA has in the bank, adding that some of this money will be expended as projects are undertaken and funds are spent.

He called the Board’s attention to the Capital Improvement Reserve Fund, advising that if the CRA does not spend all of its operating budget, or funds are left over from an approved Operating Budget, these monies roll over into the Reserve Fund at the end of the year. This fund has no ties to any specific project, but is available for the Board to put toward a project or projects if they arise.

Another such fund is the Beach Streetscape Master Plan, which is the project for improvements along Las Olas Boulevard. Mr. Prizlee and Mr. Morris explained this fund is for planning rather than for implementation.

Mr. Seitz asked if the Board can still give input on the Beach Streetscape Master Plan or if it is “a done deal.” Mr. Prizlee stated this planning phase is already complete; the only project completed from this Plan is the Las Olas Boulevard project.

Mr. Morris continued that the Aquatics Center and SR-A1A Median Improvement Projects are complete. Mr. Prizlee added that the SR-A1A Project was originally a large, “grandiose” project, but was scaled back down, and the cost of the park just outside the CRA would have to be borne by the City. He pointed out that there were funds left over from its completion.

Chair Deckelbaum asked if the South Beach Project is “already taken into account” in the budget. Mr. Prizlee advised that when the CRA comes forth with funding for the South Beach Project, they will then propose using other funds for its completion.

Mr. Morris stated that some projects have already been considered as possible revenue sources for other planned projects; however, as these have not yet been approved by the Board or the City Commission, the budget cannot state that money has been allocated for these particular projects.

Mr. Schiavone asked for clarification that of the \$1.3 million remaining from the median improvement, \$500,000 will be transferred to the South Beach Project; the remaining \$900,000 will “sit there” until the City Commission decides where it will be applied. Mr. Prizlee stated that this money “never moves” from the CRA.

Chair Deckelbaum asked if this money could be moved into the Capital Improvements Project Reserve Fund. Mr. Prizlee advised that this is typically done when there is a current project or another reason to move these funds; otherwise it remains in place when a project has been closed out.

Mr. Seitz felt the Beach Master Plan, as recently presented by Sasaki, is “extremely important,” as is recreation equipment for families, including playground equipment, on the Beach. He felt there should be more facilities of this nature for families to use. He proposed a workshop for interested Board members to discuss this.

Chair Deckelbaum recommended making a motion, later on during today’s meeting, that this be placed on an upcoming Agenda, and Mr. Morris and Mr. Prizlee could research the topic and be prepared to discuss costs. He advised that a more informed Board could have more substantive discussion of the topic.

Mr. Morris added that the CRA works closely with the Parks and Recreation Department, and felt a representative of that Department should be present for that discussion, as they have a greater understanding of both what recreation equipment is needed on the Beach and what is available to be added to the Beach.

Mr. Seitz recalled that the Planning and Zoning Department acts as a liaison of sorts to the Sasaki group, and felt it would be best to see all interested parties brought together to discuss the matter. Chair Deckelbaum stated that he was sure there have been and would be further opportunities to comment directly on the Plan; Mr. Seitz disagreed, and felt Sasaki had “told us what they’ve done” rather than asking for what residents would like to see done.

Chair Deckelbaum brought the discussion back to the budget, suggesting that there would be later opportunities to have more substantive conversation on the Beach Master Plan and other topics.

Mr. Morris asked that the Board keep in mind that their existing fund balances will provide further opportunities to make improvements.

He pointed out that the Board did not have any decisions to make regarding the proposed budget; there will be opportunities later on to meet with other Departments and identify projects that can be worked on, as well as where the funds to do so would come from.

Mr. Morris noted that the “Streetscape Project – Phase 1B” is part of the Beach Master Plan, and the CRA adds approximately \$2 million to this fund. This will continue to accrue. There is money left over from a four-year-old project to study public restrooms; it has been placed in an account, as the project never proceeded past the “study” phase.

Regarding the South Beach Wall and ADA improvements, Mr. Prizlee explained that the balance in that account has been allocated toward this project for the past two years. Part of the project is to bring the lot into ADA compliance; another will repair the wall, which is “falling apart,” and the sidewalk. There are also incidental expenses, including new lighting, resurfacing, and reconstruction of the wall. This project will come before the Board with its plan before it begins. Mr. Prizlee noted that it is a joint venture with Parking and Fleet Services, who will be paying for the ¼ portion of the lot located outside the CRA.

He noted that due to the current economic climate, the City Commission has asked that the CRA “hold off” on this project at present. In addition, there are a number of events coming up in 2010 that the City Commission does not wish to



be affected by the prospective project; if construction begins in 2010, it will be after May, but there has not yet been any direction for the Board.

Mr. Seitz recalled that during the Beach Walk, the Board had seen the wall in question “falling apart,” and pointed out that there have been similar complaints from residents. He felt the City Commission should not delay this project longer, even if the Super Bowl or other events are scheduled, as these will not take place in the area of the South Beach Lot. He asserted the wall is “a disgrace” and should be repaired rather than delaying repairs for an unspecified length of time.

Chair Deckelbaum stated he did not disagree with this; however, as an advisory body to the City Commission, the Board may only urge them to take action and may not “override the Commission.”

Mr. Seitz stated that the City Commission had not acted on this issue and wished to know more details, from the record, of why no such action had been taken.

Mr. Morris explained that during a recent Conference Agenda discussion of the South Beach Lot, it was “made very clear” to Staff that the proposed construction shall not conflict with upcoming events, including the Super Bowl, Pro Bowl, concert events, and the Air and Sea Show. If the project is brought forward, it must be after these events have taken place.

Additionally, due to the present economic environment, a portion of the funds required for the project would have to come from the General Fund. The City Commission is hesitant to spend these funds at this time. Mr. Morris recalled that the City Commission was uncomfortable spending \$119,000 on the turtle lighting project until they fully understood the impact of the economic crisis on the City. He felt this was a clear message not to affect events in the City, and to put off bringing forth projects that required money from the General Fund.

Mr. Seitz asked if Mr. Morris had spoken to representatives of Sasaki, or of the Planning and Zoning Department, regarding the configuration of a sidewalk, bicycle path, or “greenway” that would go through the South Beach Lot area, as well as along Bahia Mar to the west. He pointed out that there is “no sidewalk at all” to the east. The Beach Master Plan proposes a greenway for the Beach, he stated. Mr. Seitz reiterated that he wanted to see “the key people into the same room” to discuss the issue.

Chair Deckelbaum pointed out that this is “far beyond” the capacity of the Board to act. Mr. Seitz stated that the Board may make a recommendation to this effect.

Mr. Morris advised that there have been discussions with Planning and Zoning, as well as Sasaki, regarding this plan. The design phase of the project has taken

“well over a year,” he explained, and the Departments have had numerous conversations before matters progress farther.

Chair Deckelbaum asked that the Board stay on the subject of budget items. Mr. Seitz asserted that the wall and parking lot in question were part of the Master Plan’s configuration.

Ms. Milroy recalled that the plans for the parking lot project were up when the Board took its Beach Walk, and noted that Mr. Morris had explained why the sidewalk could only be 7 ft. in length due to environmental concerns.

Mr. Seitz stated that the CRA has “a commitment to do a greenway” that is being denied due to “needs of parking.”

Chair Deckelbaum requested a **motion** regarding the budget as presented by Mr. Morris and Mr. Prizlee.

**Motion** made by Mr. Matchette, seconded by Mr. Yaari, to approve the budget as stated in front of the Board today.

Mr. Yaari asked what would become of the funds that have accumulated through 2019, when the CRA is set to expire. He emphasized the importance of the Aquatics Center in particular.

Mr. Morris replied that these funds must remain within the CRA. Mr. Yaari asked, however, what would occur if the City Commission still did not wish the Board to spend the funds, due to economic circumstances. Mr. Morris pointed out that the current environment is “unique,” and would not be a long-term situation; in addition, the City Commission and City Manager understand the impact the CRA funds would have on the City as a whole.

He felt the Board would be in a position, should the Master Plan be approved this year, to bring projects forward and fund them through the CRA. Examples of such projects include a way-finding signage system, which will come before the Board. He concluded that it is his hope that the CRA doesn’t “have a dime left” to spend by 2019 after implementing redevelopment projects, including the Master Plan. Any money left over, he reiterated, would still remain within the CRA.

Mr. Malkus asked when the budget year will begin. Mr. Morris advised the budget should be approved by the City Commission’s second September meeting, and the fiscal year will begin on October 1, 2009. The \$100,000 for marketing and/or promotional use, he clarified, will be part of the coming fiscal year’s budget, rather than the current year.

Mr. Seitz felt the Board should set aside \$50,000 in the budget as a contribution to the Centennial Celebration Committee for any activities that take place in the CRA.

Chair Deckelbaum asked if Mr. Seitz wished to amend the budget. Mr. Seitz agreed that this was his intent. Chair Deckelbaum asked if there was a second to the proposed amendment.

Ms. Milroy asked where the \$50,000 would come from. Mr. Yaari pointed out that this is more complicated than it might seem, as the contribution would have to be within the guidelines of the CRA and would require further approval.

Chair Deckelbaum proposed that the Board remain open to any Centennial Celebration Committee events within CRA guidelines, and that they address such activity at the time.

In a voice vote, the **motion** to approve the budget carried unanimously.

#### **V. Police Update**

Chair Deckelbaum introduced Captain Jan Jordan of the Fort Lauderdale Police Department. Captain Jordan asked if there were any questions the Board had for her at this time.

Mr. Morris stated that the Police Department did “a very good job” on the recent triathlon. Captain Jordan agreed that the special events coordinators had done a good job on this event.

She advised that the Fourth of July celebration went “very well,” again recognizing Special Events Planning for their work on these events. They had planned the fireworks on the Beach with only two weeks’ notice, as it had not been definite that the turtles would not be on the Beach. The Department is now working on the “after action plan,” addressing concerns such as heavier traffic and an improved exit plan for next year.

Captain Jordan noted there have been a few vehicle burglaries over the past week, and the evening shift is working to address this issue.

Chair Deckelbaum thanked Captain Jordan for her update.

#### **VI. Code Compliance Update**

Lindwell Bradley, Community Inspections Supervisor, reported that this Department is working hard to address graffiti, and asked that any Board members who were aware of graffiti let him or Officer Sotolongo know where it is

located. There is a paint crew that works with property owners to eradicate graffiti in the area.

He continued that the Department is working with business owners in, and the residents who live close to, the Entertainment District, as there are ongoing issues with noise. The Department is attempting to reach a “happy medium” between these two interests, so there may still be entertainment on the Beach as well as residential peace.

Mr. Seitz commented that he had recently driven across the Oakland Park Bridge, which had recently been demolished; he thought the resulting grassy field was “terrific.” He noted, however, that there are other properties that remain “blight[s]” and “dilapidated buildings,” and felt pressure should be placed on developers to improve these lots as well.

Mr. Bradley noted that while some of the areas in question are outside the CRA, he and Officer Sotolongo “work the whole Beach” and are attempting to address these issues. Chair Deckelbaum noted that Code Enforcement may only address properties that are not up to Code.

Chair Deckelbaum asked how long it takes, on average, to take care of most Code violations. Mr. Bradley replied that Code Enforcement usually reacts to violations within 24 hours; the response time on average differs depending upon the type of violation. He noted that Zoning issues are often fixed within “four or five days to weeks.”

In general, he continued, there is good cooperation from businesses and property owners within the CRA, including private property owners.

Officer Sotolongo added that depending upon the Code violation, it might take a week to a month to, for example, bring a vacant lot up to Code. The size of the property and allocation of resources are factors. He noted that property owners often state they cannot find reliable service, which creates difficulty in maintaining a property. Absentee owners are also an issue.

Mr. Bradley recalled that the City Commission has just passed a new Nuisance Ordinance, which is expected to “speed up things tremendously” and allow the City to mow or tear down properties that violate Code.

Chair Deckelbaum thanked Mr. Bradley and Officer Sotolongo for their update.

## **VII. BRB Appointment to the BID**

Chair Deckelbaum explained that the BRB appoints a member to the Beach Business Improvement District Advisory Committee (BID). This appointment is for a one-year term.

Mr. Seitz nominated Mr. Schiavone as the BRB's appointee.

Mr. Schiavone stated that he felt the appointee should be "from the Beach," either owning or working for a business on the Beach, as they would best represent the Board. While he thanked Mr. Seitz for the nomination, he felt Mr. Yaari would be the Beach's best representative. He requested clarification of how he and Mr. Yaari might communicate on BID issues under the Sunshine Law.

Mr. Morris replied that as long as Mr. Schiavone and Mr. Yaari do not discuss issues scheduled for review by the BRB, their communication is not otherwise limited. Mr. Schiavone clarified that he could ask Mr. Yaari to raise concerns he might have with the BID.

He added that there are "big players" on the BID, and did not wish that Committee to represent only what is best for large business interests, but what is best for the Beach as well.

**Motion** made by Mr. Schiavone, seconded by Mr. Malkus, to nominate Mr. Yaari as the BRB's appointee to the BID. In a voice vote, the **motion** carried unanimously.

### **VIII. Communications to the City Commission**

Mr. Morris advised that the August 17, 2009 Board meeting will be taken up primarily by the Beach Master Plan, as the Board had previously asked that it be brought before the BRB again for further review. The City Commission has read the Board's prior communications, and the Planning and Zoning Department has scheduled meetings with the top 10 property owners within the CRA.

Mr. Yaari agreed that some of the property owners, including himself, have been contacted regarding the Master Plan. He felt the Plan is "a great thing," and is widely regarded as being in the best interests of the City; however, he asked if Planning and Zoning is meeting with the Board only to comply with the City Commission's wishes, or whether they will actually consider changing things that will affect the Beach area. He felt they were "not going to be doing too much" and there would be a good deal of opposition to the Master Plan, with which he expressed concern.

Chair Deckelbaum stated that he too had met with the Planning and Zoning Department regarding the Master Plan, and he did not believe there was a "formal avenue" through which to effect change or make comments. He asked

Mr. Morris how they, as a Board, could best communicate proposed alterations to the Plan to the City Commission.

Mr. Morris advised that notes and comments have been taken from the stakeholder meetings, and these would be presented as an attachment to the City Commission. He allowed that changes to the Plan might not result from those meetings initially; however, certain concepts brought up by the property owners would be included in these notes. His understanding, from the Planning and Zoning Department, is that there is "no intention to change the Plan" based upon meetings with CRA stakeholders, but to ensure that the City Commission has access to these comments when the Plan comes to them, so they can see what the issues are.

Mr. Yaari pointed out that every member of the BRB was appointed by a City Commissioner, and suggested that the Board invite the Commissioners to either their August meeting or the next public meeting. He felt most of the City Commissioners were not involved with the process and would not know what is happening with the Master Plan until it eventually reaches them as a group. He added that the Board members should talk to the City Commissioners that appointed them to keep them up to date on the Master Plan.

Chair Deckelbaum recalled that he had seen "at least four" City Commissioners attend Master Plan meetings, but did not feel inviting them formally to the next Board meeting would be a bad idea. He asked if this was possible. Mr. Morris pointed out that the City Commissioners know when meetings are scheduled and what is on a meeting's Agenda, and generally keep themselves well-informed. He added that they do, however, rely upon their appointees to keep them informed of any upcoming actions they might need to take.

Mr. Yaari felt if the City Commissioners had been present at the last public meeting regarding the Master Plan, they might want to "look a little...deeper" into the Plan itself. He again urged all the members to speak to their individual City Commissioners "to clarify the situation."

Mr. Schiavone asked if Sasaki presents to the City Commission when they present to the public. Mr. Morris explained that he believed that they have gone to the City Commission on the Conference Agenda, although they will not present to the Commission on August 17, as the Commission will not be in session.

Mr. Morris continued that the Board provides comments to the City Commission, as does the Planning and Zoning Department, so that body will receive a good deal of advice about the Plan. He pointed out that the Board's meetings are public and the Agendas are advertised, but the Board could invite the City Commission as part of the "Communications to the City Commission" section if

they wished. He added that they also read the minutes and understand the issues, and are more "up to speed more than you might think."

There being no further comments on the Master Plan meeting, Mr. Morris reminded the Board that four past and present members of the BID have agreed to privately fund the materials needed for Art Institute students to create a Beach mural on the wall in front of the Trump Las Olas property. The selection of the mural's design will be made by some BID members on July 27, and the drawings are expected to begin on August 1. The plan is to have the mural complete before the Boat Show. Mr. Morris advised that the theme will be a "Beach theme," which will be appropriate to the location. He felt this is a good opportunity for the CRA to add art to their area.

Mr. Malkus advised that for the first time, the National Lifeguard Competition will be held in the City, and in the CRA in particular. Due to the economy, the competition has not been able to get the sponsorships or support necessary to put on a world-class event. He asked if there was a possibility of releasing \$10,000-20,000 from the current budget toward this event, which is scheduled for August 6-8, 2009.

Mr. Morris stated that the problem is the request would have to go through the City Commission, who will meet on July 21 and then will not meet again until September. While they could vote to recommend this release of funds, the request would not reach the City Commission in time. He added that they would also have had to decide from where the funds for this donation could be taken. He suggested that this would be a "perfect opportunity" for next year, should the City host the event again.

Ms. Milroy asked, should the Board decide to host an event, how and at what point they could determine whether or not they may use funds from their promotional \$100,000. Mr. Morris responded that while this has not yet been determined, he anticipates the Board becoming aware of events in the CRA that have a "funding gap." He felt it would be a good idea to develop a formal process for event representatives to apply.

Mr. Seitz felt the Board should be able to put items such as this on the Agenda under Old/New Business, and present relevant material via email prior to the meeting if needed. He added that they should be able to "walk on" to a City Commission Conference Agenda meeting, with permission from a Commissioner's assistant, and present the proposal for funding for events such as the National Lifeguard Competition.

Chair Deckelbaum advised that this is what Old/New Business is intended for, although unfortunately the time was cut "a little too close" with this specific event request.

Mr. Malkus asked if it was at all possible to make the request at this time.

Mr. Morris replied that this is not a process the Board has done before, nor is there a process that has been established. Furthermore, he pointed out that money has never before been set aside for marketing purposes. He did not believe it was possible to “walk something on” to the following day’s Agenda, particularly since the City budget is on the Agenda. Additionally, several items have already been deferred until September because there was not room for them on the current Agenda.

Chair Deckelbaum asked if it was possible to make a motion that Mr. Malkus speak on behalf of the Board to request that the issue be walked on. Mr. Morris explained that at this point he did not know where the funds would come from, and such a request would require moving the money from one account to “an account that doesn’t exist yet” until the marketing money on next year’s budget is approved.

Chair Deckelbaum noted that this would give the Board a clearer understanding of this issue for future reference.

Mr. Yaari advised that when the Board wishes to make a request of this nature from the City Commission, they should ensure it “would be a real punch” and not ask on a regular basis or in a disorganized fashion. He concluded they should concentrate their efforts on bigger things.

Mr. Morris added that the money would have had to come out of the CRA’s Operating Budget, as it was not a Capital Expense.

Mr. Malkus stated he was appreciative of the Board’s input, as he was not aware of the process. Mr. Seitz felt it could “still be done” at the City Commission level.

Chair Deckelbaum asked if there were other issues the Board wished to bring up under Old/New Business.

Mr. Schiavone stated he felt it is important for the City Commission to understand the importance of the Noise Ordinance for the entire City, not just the Beach, and “how delicate and sensitive a subject it is.” He felt the Beach had reclaimed a former problem area and brought in quality entertainment, landlords, and businesses. He felt this improvement could not be allowed to go away because businesses have to turn customers away or “turn entertainment off” because they are in an open building or outdoors, and Code has strict requirements.

He clarified that he specifically means the Noise Ordinance that was recently “activated,” particularly as regards music. Mr. Schiavone hoped the City



Commission will closely examine “the direction we’re going in,” as he did not feel it is possible to make Fort Lauderdale a fun, festive national destination with unique entertainment under the restrictions of the Noise Ordinance, which closes down live entertainment at 10:00-11:00 p.m. He felt this was a time when most people on vacation, as well as residents, are just beginning to enjoy the City at this time.

Mr. Schiavone agreed that there is a conflict on this issue between residential and business interests, but felt the Beach area is being “singled out” under the Noise Ordinance, and residents should have considered they were moving into an area that was “full of activity” that “pays a lot of bills” for the City, much as the business of college students had once done.

He concluded that the City Commission should look closely at “what could go wrong” as a result of the Noise Ordinance.

Mr. Yaari agreed, stating that the City is making business owners “pay for [the City’s] zoning mistakes.” He asserted that the Entertainment District was in the City before many of the nearby residential properties; however, “a few neighbors” call in noise complaints that he felt affect policy disproportionately.

Mr. Schiavone stated there “has got to be compromise,” and that the City cannot live without entertainment. He hoped the City Commission will keep in mind the economic impact of success in the Entertainment District, and did not feel there was “somebody being kept awake at night.” He felt the City Commission should “get on both sides of the fence” with this particular issue.

Mr. Seitz advised he lives across the street from a business that has a disc jockey who “cranks up the music,” which carries across the street and upstairs at all hours. He felt some venues and their employees don’t pay attention to the hours or the impact on their neighbors, and asserted that “some reasonable compromise” should be reached, such as soundproofing.

Mr. Morris asked if the Board wished to make this item a Communication to the City Commission to encourage them to “take a second look” at the Noise Ordinance.

**Motion** made by Mr. Schiavone, seconded by Mr. Yaari, that the City Commission take another look at the current Noise Ordinance as it speaks to amplified music and live entertainment, whether it be outside or inside an establishment in the City, and take a longer, harder look to ensure it is actually fair and up to date with today’s conditions. In a voice vote, the **motion** carried unanimously.

## **IX. Old / New Business**

Mr. Seitz suggested there should be a pier in Fort Lauderdale, and noted that the Aquatics Center has a consultant who will name some companies that might bid to put in "water theme features" and other improvements. He felt they could, at the same time, look into putting a pier in proximity to the Swimming Hall of Fame.

Chair Deckelbaum asked if Mr. Seitz had a company in mind that might bring in a bid for this construction. Mr. Seitz stated they could "start with the consultants who made the presentation in May," although he did not recall the name of the company. He felt Mr. Morris could bring in someone to make a presentation, or perhaps research four or five cities that have recently constructed piers. Chair Deckelbaum recommended that the best course of action would be for Mr. Seitz to reach out to these companies.

Mr. Seitz stated that secondly, "several of us" should meet with the Parks and Recreation Department to learn where they plan to place volleyball courts, ping-pong tables, and children's equipment on the Beach. Chair Deckelbaum explained that a group cannot meet to discuss Board business; however, such a meeting could be scheduled on a subsequent Agenda, and the Board can invite Parks and Recreation representatives to a meeting. He felt this should be tied into the Beach Master Plan.

Mr. Morris proposed raising this issue at the August meeting, and then inviting Parks and Recreation Staff address details at a subsequent meeting.

Mr. Seitz returned to the Beach Walk, stating that notes were taken and comments were made, and there should be "some kind of an informal report" as a starting point for discussion of the issues that were raised.

Mr. Morris stated he thought he had Mr. Seitz's comments, and if others wished to send their comments from the Beach Walk as well, he could put together a summary that could be shared with the Board as a whole.

There being no further business to come before the Board at this time, the meeting was adjourned at 4:05 p.m.

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