

APPROVED

**BEACH REDEVELOPMENT BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE, FLORIDA
MONDAY, SEPTEMBER 21, 2009 – 2:30 P.M.**

MEMBERS	ATTENDANCE	CUMULATIVE	
		PRESENT	ABSENT
Bradley Deckelbaum, Chair	P	4	0
Ramola Motwani, Vice Chair	A	5	2
Miranda Lopez	P	6	1
Aiton Yaari	P	4	3
Jordana L. Jarjura	P	5	2
Melissa Milroy	P	6	1
Dan Matchette	A	4	2
Art Seitz	P	5	1
Chuck Malkus	P	4	0
Tim Schiavone	P	4	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
Stephen Scott, Economic Development Director
Earl Prizlee, Engineering Design Manager
Bradley Lindwell, Community Inspections Supervisor
Eileen Furedi, Beach CRA Representative
Jennifer Picinich, Recording Secretary, Prototype, Inc.

Communications to City Commission

- A motion was passed requesting that the property located at Sunrise Boulevard and A-1-A, formerly known as the Holiday Inn, receive as much attention as possible by the City and the City Commission so that it is able to open in a timely fashion.
- A motion was passed requesting that the CRA property on the corner of Sea Breeze and Las Olas Boulevard, currently in litigation with the Palazzo development, have new sod installed regardless of the cost because it is one of the gateways to the beach on Las Olas Boulevard and that this project be made a priority.

- A motion was passed that DC Alexander Park be included and discussed by Sasaki (consultant assigned to Beach Master Plan) now with thought toward what would be done with this key parcel.

I. Call to Order/Roll Call

Chair Deckelbaum called the meeting to order at 2:32 p.m. Roll was called and it was determined a quorum was present.

II. Approval of Minutes - July 20, 2009

Motion made by Mr. Malkus, seconded by Mr. Yaari, to approve the minutes of the July 20, 2009 meeting. **In a voice vote, the motion passed unanimously.**

III. Approval of Minutes - August 17, 2009

Motion made by Mr. Yaari, seconded by Ms. Lopez, to approve the minutes of the August 17, 2009 meeting. **In a voice vote, the motion passed unanimously.**

IV. Discussion of Amending Meeting Minutes

Mr. Morris spoke about the need to establish a policy for amending minutes. At the previous meeting, there had been concerns about whether the minutes had been written accurately and a request had been made for the minutes writer to review the audio. Mr. Morris told the Board that if a mistake had been made by the minutes writer, there would be no charge; however, if the meeting was reflected accurately, the City would incur a \$100 charge. Mr. Morris suggested if a member had a question about the minutes, the audio could be made available to allow that member to re-listen, with suggested corrections to then be discussed during the subsequent meeting.

Mr. Morris indicated that “sometimes the way it reads is what is said” and it is important to understand that when someone speaks they may have a certain intent; however, the minutes writer has no way to know what that intent may be and can only reflect in the minutes what was actually said. He added, “Sometimes what’s said has a totally different meaning than what the intent is.” Mr. Morris suggested that if a Board member needs to clarify the “intent” of a prior statement, it can be brought up at the next meeting allowing for the correction to be reflected in the minutes of that following meeting. Minutes cannot be changed “even though that’s what you meant to say.”

V. Police Update

Sgt. Jeff Brull, appearing in lieu of Capt. Jordan, advised there have been no road changes or updates since the last meeting.

Mr. Schiavone asked regarding “hip-hop” teenagers who have started congregating in the early hours of the morning on Friday and Saturday nights at Sunrise Lane near the Parrot and old Holiday Inn parking lot, noting that when parties in the neighborhoods end, the kids continue to party in the parking lot. They have been asked to leave; however, it would be helpful if there could be additional patrols assigned to that area.

VI. Code Compliance Update

Mr. Bradley reported that extra markers have been put out by the sidewalk cafés to 13 feet off the right-of-way.

There have been issues with turtle lighting; plans have been made to help that situation.

Other than the “usual noise and complaints,” there has been nothing new.

With regard to the turtle light issue, Mr. Morris stated they had received a complaint a month ago about public and private lighting near the beach, in particular, around the beach plaza area and the parking lot lights at Oceanside. He indicated that Code Compliance “tries not to be in the business of fining people,” but they attempt to gain compliance through educating the property owners of the requirements and provide reasonable deadlines to bring the lights into compliance. The concerns brought up in that complaint have been addressed.

The parking division is looking at the lights in the parking lot at Oceanside, as well as the up-lights in the trees to see if anything can be done. Mr. Morris stated there is a group which has started a “grassroots” effort to look out for lights on the beach.

Mr. Morris pointed out that every year they get better compliance; however, they do understand there may be instances where additional action may have to be taken to get “folks to comply.”

Mr. Bradley noted that establishments change managers, and then sometimes those managers will change the lights, making it necessary for the new managers to be educated on why the new lights are non-compliant, thus creating an ongoing situation of having to educate new people to the beach area.

Chair Deckelbaum stated from what he has seen, Code Compliance has “done a great job of finding that balance in enforcement between fines and letting it slide.”

Mr. Seitz commented that the green park east of the Riverside Hotel is “terrific.” He added that across the Oakland Park Bridge, an area that previously looked like it was getting cleaned up may have been “sliding back” however, he has not been in that area in three weeks. On the other side of the Intracoastal, north of the East Oakland Park Bridge embankment, there is a parcel which is “a mess and a blight.” He expressed displeasure with the appearance of Ireland’s Inn or the Bahia Mar Park Hotel which should have more landscaping and green space.

Chair Deckelbaum suggested that Mr. Seitz prepare a list of properties to discuss separately with Code Enforcement.

Mr. Yaari commented that the mural on the old Trump property was “amazing, adds a lot of color to our area, and was the best solution.” Mr. Morris pointed out the mural had been funded through private donations.

Mr. Seitz mentioned a promotion in Lake Worth featuring sidewalk artists and asking if in connection with the City’s Centennial along the beach they might do the same thing, inviting art institutes, artists, art departments, and experts to participate. Chair Deckelbaum proposed including that item for discussion under new business.

VII. Discussion of Beach Walk - May 18, 2009

Mr. Morris stated he did the best he could to answer most of the comments although several questions falling under department jurisdictions have been directed to the appropriate department for a reply. Once those replies are received, he will forward them to the Board Members.

Mr. Schiavone was concerned about not having a plan for rebuilding structures on the beach if there were a natural disaster, such as in the Sunrise Lane area. He noted if he had to rebuild to code there would be no point in rebuilding due to set back requirements. He suggested, only in the event of a natural disaster, that there be “something on the books that says you can build it back to its original

drawings without any modification” as, without such a provision it would not behoove a business to expend the cost to rebuild on the same site.

Mr. Morris agreed this is a concern Citywide as there are instances of non-conforming buildings and, if major damage occurs, the structure would have to be rebuilt to City Codes. The planning department has voiced the same concern, although to date there has been no direction in drafting necessary Code changes. He commented there are certain instances where the owner may not want the structure rebuilt, and it would be necessary to implement the “right kind of triggers.”

From an ownership point of view, Mr. Schiavone felt if they had the option to make changes, it would be fine, or if they wanted to return to the original structure under certain conditions, there should be provisions to allow it for economic reasons.

Mr. Morris suggested a “Communication to the Commission” or a motion to bring this matter to the immediate attention of the City Commission, enabling the City Commission to provide direction to staff in order to move forward.

Mr. Yaari agreed with Mr. Schiavone’s comments, adding that a problem would be created with such a measure as many buildings built 50 years ago would not have the same life-safety requirements as now required by Code. Mr. Morris pointed out they are “just talking zoning requirements as it relates to setbacks, parking, etc.” and any new structures would have to be compliant with current building Code requirements.

Mr. Seitz pointed out one hotel building with a new owner who had “made promises” all of which have “disappeared,” asking what the Board could do to help them “get what [they] need.”

Mr. Schiavone stated they have been talking with the new ownership and taking one step at a time as this is a unique situation. “We just want to see the hotel opened and we don’t want a gun to be held to the hotel owner’s head” over specific requirements which might delay its opening. The idea is to “get a revenue stream going and then address the garage issue.” He was unsure if there were City obstacles, although Blackstone had made an agreement with the City “painting themselves into a corner where they were going to have to provide new code parking in the parking garage” in order to open. Mr. Schiavone stated the new owners would need help in going before the City Commission to undo the agreement.

Mr. Yaari maintained he did not mind “who bought the hotel, what their name is, and who they are.” His concern, however, was with the financial situation, i.e., the properties being purchased for “30 cents on the dollar and they think they’re going to fix it up and use the City to get what they can get out of them,” and then turn the property making a huge profit and walking away. He felt if a purchaser wanted to make a long term commitment on a property, then the City should help them, but not for short term, speculative buyers.

Chair Deckelbaum suggested, when property owners are helped by the City with exemptions, that those exemptions “run with the land” with a disclosure requirement to any subsequent buyers.

Mr. Schiavone indicated it was critical for that area of the beach to have an anchor like the hotel, and “in the poker game that we’re playing,” he believes it is in the best interest of the area merchants to get the hotel open with the existing parking, with a commitment for a future date to come into compliance with the Code. Mr. Seitz concurred, adding that any provisions should be included in writing in a builder’s agreement.

Motion made by Mr. Malkus, seconded by Mr. Yaari, that the property in question located at Sunrise and A1A, formerly known as the Holiday Inn, receive as much attention as possible by the City and the City Commission so that it is able to open in a very timely fashion.

Mr. Yaari added that he would like to have the principal of the hotel come before the Board to hear “exactly what they want to do and exactly what their time frame is,” even though they are not in the CRA, so that the Board can “know what they’re voting for and not vote for a cat in a sack.”

Mr. Morris pointed out that the Board should not be dealing with development proposals outside the CRA. He felt the motion was appropriate, but it should “end with that.” Projects outside the purview of the CRA should not be presented to the Board.

Mr. Seitz felt it would be helpful if their questions could be answered by the developer, or alternatively the developer should go before the CBA. Mr. Malkus agreed with Mr. Morris that it is “not our place to summon” the developer.

In a voice vote, the motion passed unanimously.

Ms. Lopez clarified her previous comment by stating her point had been that in the area south of Las Olas on the west side of A1A, the trash cans are in the middle of the sidewalk and should be placed in a “wiser” location.

Ms. Milroy also clarified that the lot she had been referring to is “west of the west portion of A1A, where A1A is divided, just east of the bridge” (the corner across from the Quarterdeck). Mr. Morris responded that, for that site, the Master Plan proposes a water taxi stop with possibly a café and tourist information office. The main impediment right now for moving forward is litigation over the Plaza Las Olas. Ms. Jarjura asked if the area could be grassed and landscaped; Mr. Morris responded he would look into it.

Motion made by Mr. Malkus, seconded by Ms. Jarjura, for the Board to approve that particular parcel have new sod at whatever cost that may be so that we have a better looking parcel as it is one of the “gateways to the City” on Las Olas Boulevard.

Chair Deckelbaum noted that they could make the “recommendation,” but could not “instruct” the City; it is up to the City Commission to make that determination. Mr. Morris suggested obtaining estimates for sod and irrigation, then bringing those estimates back to the Board for further discussion.

Mr. Malkus replied that “timing is everything” and it was his opinion that if they pursued the “process” suggested by Mr. Morris, nothing would be accomplished before Christmas. He reiterated his motion with a recommendation to the City Commission and “where the dollars have to come from, the dollars have to come from” but this project should be made a priority. Ms. Lopez stated the sod could be installed, but there should be no need for irrigation right now.

Mr. Morris reiterated that direction to staff would have to be given by the City Commission.

In a voice vote, the motion was unanimously approved.

With regard to shade, water taxi, and beach shelters, Mr. Seitz noted that Deerfield Beach has shelters on both sides of their bridge enabling persons to get out of the sun. He did not know if Parks & Recreation should be involved due to the plan for a children’s playground near the northwest corner of the Las Olas Marina parking lot. Mr. Morris remarked that bus shelters are under the purview of City Engineering and Broward County Transit and the Parks Department will be addressing playground equipment and possibly beach area shelters.

Mr. Seitz stated he counted “about 30 impediments between the Quarterdeck and the Elbo Room” including pipes, poles, and trash cans. He expressed “strong feelings that we’ve spent millions on something that could be enhanced or improved or just wasn’t thought out very well.” For the gateway, he envisioned “something symmetrical, not palm trees sitting in the middle of the sidewalk.” Chair Deckelbaum stated, as the Beach Master Plan comes through, that the area will be revisited. Mr. Seitz voiced complaints about the trash cans on A1A; Mr. Bradley assured Mr. Seitz he would look into that matter further.

Mr. Seitz also asked that planning for DC Alexander Park be “done now.” Mr. Morris stated that one of the issues with the park is restrictions on the property, although there is a lot of interest in that regard. He stated this is a good time to express their concerns about DC Alexander Park to the City Commission.

Motion made by Mr. Seitz, seconded by Mr. Malkus, that DC Alexander Park be included and discussed by the Sasaki Company doing the Master Plan now and they should be thinking about what they’re going to do with whatever they’re allowed to do with this key parcel.

In a voice vote, the motion passed unanimously.

Mr. Seitz proposed aligning a pier along with DC Alexander Park and the Hall of Fame swimming pool. He asked regarding the status of obtaining cost estimates for building a pier. Chair Deckelbaum reminded Mr. Seitz that he had offered to obtain those numbers; however, Mr. Seitz did not feel he was qualified to do the necessary research to get proper estimates.

Mr. Seitz brought up the substandard, narrow sidewalks in the area indicating they need to be widened and the infrastructure enhanced. A survey was suggested to determine the sidewalks needing replacement and the standards to be utilized.

Motion made by Mr. Seitz, seconded by Ms. Lopez, that it would be appropriate for staff to survey the sidewalks and other pedestrian transportation areas to decide which should be the highest priority for repair, including northbound and southbound A1A and the connector streets.

In a voice vote, the motion passed unanimously.

Mr. Morris agreed there are instances where the sidewalks are not adequate; however, “there are reasons why it’s like that,” such as County signs, DOT signals and signs, and FPL poles. The City does communicate their desire to

leave the sidewalk as free and clear as possible, but it is not the City's ultimate decision. The Master Plan will be addressing streetscapes and cross sections of streets. The City does insist on neater streets and wider sidewalks for individual development projects. Mr. Morris agreed that they could look into these matters, but added "there are certain limits to what we can do."

Further discussion on Item VII was then temporarily deferred.

VIII. Update on City Commission and other Official City Actions

Mr. Morris advised he and Chair Deckelbaum had had a conversation regarding providing the Board with updates on City Commission dialogue, as well as actions which may affect the Board.

- The City Commission had considered two individuals for appointment to the Beach Improvement District; one of whom had been suggested by the Beach Council and was subsequently appointed. A determination for appointment of the other individual suggested by the BRB has not yet taken place.

Mr. Yaari indicated he will try to ensure this matter is revisited by the City Commission.

- P & Z Board review of the Bahia Mar site plan

Mr. Morris recalled that when the Board addressed the Bahia Mar project, it had been reviewed based upon the Redevelopment Plan. When the project went to the P & Z Board, they had initially not wanted to review it due to outstanding issues concerning the lease. The City Commission then charged P & Z with reviewing the plan based upon "what your purview is, and that is the Unified Land Development Regulations," with an inference that terms of the lease were not under their domain. The project subsequently went before P & Z and, by a vote of 4-2, a recommendation was made to approve the plan and move it on to the City Commission. It is expected the City Commission will then look at all Board recommendations to "determine whether or not we got it right." Mr. Morris felt that based upon the Board's prior actions, "we did the right thing."

Mr. Yaari stressed the need for the Board to be "united," explaining that when there is a motion voted on and passed, "we have to respect it and respect our Board." Chair Deckelbaum stated that unless an individual is authorized to speak on behalf of the Board on a matter, that person is "free to speak as they wish" although when addressing an audience they should provide a clear

understanding that they are not representing the entire Board. He added that issues cannot continue to be revisited by those who object to a final decision made by the Board.

Mr. Malkus agreed, declaring he had watched the P & Z meeting on television and Mr. Seitz, who had spoken publicly during the meeting, had “expressed himself as an individual which he has every right to do.” He asked that Board members speaking on an issue be sure to acknowledge that they are speaking solely as a resident.

- The mural project will be completed this upcoming Friday, with a proclamation to be made before the City Commission on November 3rd, offering congratulations for a job well done. More information will be provided when plans are finalized.

[Mr. Yaari left the meeting at 3:37 pm]

Chair Deckelbaum then brought back Item VII to the table for further discussion.

Mr. Seitz continued his comments regarding sidewalk impediments. He stated A1A is a designated State Road scenic highway and should have fewer signs, as well as more continuity with signs allowed to be displayed. Chair Deckelbaum reiterated that a motion had been made in this regard and that signage was “well beyond the purview of this Board and what we’re capable of doing.”

Mr. Seitz concluded that, in general, there is a need for more public green space and parks and “it is a time where...it will never be cheaper or more available...for sale” affirming it is their responsibility to protect the greenspace they have.

IX. Communications to the City Commission

Previously discussed.

X. Old/New Business

None.

There being no further business to come before the Board at this time, the meeting was adjourned at 3:45 p.m.

[Minutes prepared by L. Edmondson, Prototype, Inc.]