

APPROVED

**BEACH REDEVELOPMENT BOARD
100 NORTH ANDREWS AVENUE
8TH FLOOR CONFERENCE ROOM
FORT LAUDERDALE, FLORIDA
MONDAY, NOVEMBER 16, 2009 – 2:30 P.M.**

MEMBERS	ATTENDANCE	CUMULATIVE	
		PRESENT	ABSENT
Bradley Deckelbaum, Chair	P	6	0
Ramola Motwani, Vice Chair	P	7	2
Miranda Lopez (arr. 3:41pm)	P	8	1
Aiton Yaari (arr. 2:35pm)	P	6	3
Jordana L. Jarjura	P	6	3
Melissa Milroy (arr. 2:38pm)	P	7	2
Dan Matchette	A	5	3
Art Seitz	P	7	1
Chuck Malkus	P	6	0
Tim Schiavone	P	5	1

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
Lindwell Bradley, Community Inspections Supervisor
Eileen Furedi, Beach CRA Representative
Mario Sotolongo, Code Enforcement
Capt. Victor London, Fort Lauderdale Police Department
Jennifer Picinich, Recording Secretary, Prototype, Inc.

Communications to City Commission

- **Motion** made by Mr. Yaari, seconded by Mr. Seitz, to ask the City Commission to instruct staff to look into including off-premise advertising specifically for City events on the beach as part of the Master Plan signage.

In a voice vote, the motion passed 6-1 (with Ms. Lopez opposed and Mr. Malkus abstaining).

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 - October 19, 2009

Motion made by Mr. Malkus, seconded by Mr. Schiavone, to approve the minutes of the October 19, 2009 meeting. In a voice vote, the motion passed unanimously.

III. Police Update

Capt. Victor London reported no prevailing trends.

IV. Code Compliance Update

Mr. Bradley had nothing new to report. Mr. Seitz stated the "Yesterday's" property is looking better and asked about other properties heading towards the beach needing improvement. Mr. Bradley responded that all concerns are being addressed as they work their way along toward the beach.

V. Update of Electronic Reader Board Zoning Requirements

Mr. Morris provided information regarding the ULDR as it relates to off-premise advertising. He stated that previously there had been Board discussion about the possibility of placing a reader board on the beach. Subsequent to a meeting with Mr. Burgess and discussions with Ms. Miller, there are several issues to consider:

- The current ULDR does not allow off-premise advertising anywhere in the City, specifically prohibiting those types of displays.
- The only way an off-premise sign could be proposed would be through an ordinance change.
- Previously there had been a court case brought against the City by a billboard company with the City having entered into a settlement with specific properties having been designated throughout the City where billboards could be placed. (Ms. Miller advised she would provide a copy of that lawsuit settlement to Mr. Morris for his review.)
- Any ordinance changes would apply Citywide, not solely to the beach area.

Mr. Seitz mentioned high schools which advertise their athletic events, FDOT signage, Turnpike and roadway signage, as well as notices for special traffic situations. He believed that "if this takes an ordinance, we've got enough

attorneys around here to draft one.” Mr. Seitz stated the “monument - deluxe version” is approximately \$18,000.00 (down to less mobile signage at an approximate cost of \$8,000.00). He noted that various cultural centers and athletic facilities have signage and allowing same would be “a good marketing idea, useful to a lot of people” at three or four gateways to the City.

Chair Deckelbaum clarified that school signage is located on school premises and, in addition, many other signs are temporary public safety announcements which have a “whole different set of laws and restrictions.”

Mr. Morris explained that all cities struggle with controlling the proliferation of signage, especially billboards. Event banners are a temporary situation allowed through permitting and approved by the City Commission at locations specified in the Code. He agreed the signs are a good idea, adding “I just don’t know how you get to it” and explaining the process would have to go through higher channels to decide if it would even be a good policy for the City as a whole.

Ms. Jarjura pointed out that one way cities “get around” those regulations is by having an “exception” for City-related information signage and advertising. She concurred the Code would still need to be amended, but could simply provide an exception eliminating the “slippery slope” of other outdoor advertising signage.

Mr. Morris felt that type of signage would be solely City-sponsored events; however, the discussion had been for allowing signs announcing all events on the beach.

Mr. Seitz stated he had been thinking in terms of advertising City-sponsored events approved by the City Commission. He asked that, as a Board, between now and the next meeting, they should make inquiries to digital electronic billboard companies to see how they have dealt with this issue in other cities and other states.

Motion made by Mr. Seitz that Mr. Morris report back to the Board in one month after talking to “people that have expertise in this area,” and find out how other cities have handled this issue.

Mr. Morris suggested that they ask the City Commission if this was actually something they were interested in, as staff ultimately take their directions from the City Commission.

Ms. Motwani asked who would be responsible for and finance the project, as well as where the signs might be located. She added there should be clearer

direction when proposing such a project for consideration by the City Commission.

Mr. Morris stated there is no place for changeable copy on the City's current sign package, as it is presently not permitted. They do have a package which calls for entry signage, however, it would not be the type upon which events could be advertised.

Mr. Schiavone said due to the vast amount of diverse signage, each request should be considered on a case-by-case basis, and "where we're at right now is okay for now." Chair Deckelbaum reminded the Board that a Comprehensive Plan is in the works and to start investigating other forms of signage at this time seems "somewhat counterintuitive."

Mr. Seitz reiterated his thoughts that these signs "would bring people back to the beach and make them more aware of things that are happening that they might not have seen" otherwise.

Mr. Yaari agreed in lieu of the "trailer" type police signs, it would be good to have more "professional, respectable, tourist friendly" signs.

Motion made by Mr. Yaari, seconded by Mr. Seitz, to ask the City Commission to instruct staff to look into including off-premise advertising specifically for City events on the beach as part of the Master Plan signage.

In a voice vote, the motion passed 6-1 (with Ms. Lopez opposed and Mr. Malkus abstaining).

VI. Update of Obstructions in Right-of-Way

Mr. Morris reported that subsequently to being asked to look at obstructions in the rights-of-way, Mr. Prizlee had instructed Mr. Rubin, the CRA Planner, to identify key locations where there are obstructions, take photographs, and provide measurements. Mr. Morris indicated that this matter would be taken up in the future again during Master Plan and/or streetscape project discussions.

Mr. Prizlee showed and briefly reviewed the photographs and measurements, most of which were taken along Las Olas between Seabreeze and A1A, to the Board. He agreed many of the trashcans could be easily moved.

Mr. Seitz mentioned a meeting at which two State Representatives were in attendance where sidewalk impediments were discussed. It was his opinion that the worst areas were located at A1A and East Sunrise Boulevard because "this

committee did not stand up to FDOT, other people didn't stand up to FDOT" and "FDOT doesn't do anything unless they get the permission of the City." He stated that the beach is an "exceptional area and what may apply in Kansas, does not apply to our beach right out here." Mr. Seitz stated he is looking for a 10 to 20 foot wide impediment-free promenade; however, there are now palm trees down the middle, "handicap ramps that you sometime will take care of," and "an awful lot of impediments." He pointed out there are trees and signs which could be closer to the curb leaving more space for pedestrians.

Mr. Seitz stated he specifically would like for the Board to go on record "going back and let's turn this area into a greenway instead of a mishmash" of impediments.

Chair Deckelbaum pointed out that there are "balancing interests" for beautification of the street for drivers versus a wide sidewalk for bicyclists.

In response to Mr. Seitz's statements, Mr. Morris explained that many decisions are made by FDOT with no input from the City. The only time the City is consulted is when a new project comes forward. He took issue with Mr. Seitz's allegation that the City "buckled" under pressure from FDOT, as he has "fought those battles" himself many times in the past. Mr. Morris added that impediments do need to be addressed; however, it is hoped that the Master Plan will provide guidance and instruction enabling the City to revisit and spend the money designated for those areas to make needed improvements. Mr. Morris asked that the "record be set straight" by stating that with many FDOT decisions "we had no choice" and the City many times does not find out until "it's in the ground and by that time it's too late."

Ms. Motwani said "we are mixing two things" as the issue really is lack of communication between FDOT and the City. She asked how they, as a Board, could make a helpful recommendation to resolve that problem. Mr. Morris agreed there is a lack of communication between the two entities which needs to be addressed.

Chair Deckelbaum stated there are two parts to resolving the issue:

- Figure out how to coordinate to get it all to work; and
- getting a coordinated vision of "what we want."

Mr. Yaari commented that staff is doing an excellent job in spite of the obstacles and the "beach looks a million times better than it did...years ago." He agreed it is hard to create a "balance to keep everyone happy, to keep the City looking beautiful, and making it look like a world class resort."

Mr. Seitz reiterated his desire to get the City, County, State, CRA, etc., into the same room to "hammer out what's going to get done."

Mr. Schiavone concurred it is difficult to comply with the different Code regulations, encouraging the City to put a mechanism in place to coordinate projects.

Chair Deckelbaum stated there are opportunities as the Master Plan comes through to provide staff an opportunity to implement the plan and although it may not be perfect, there will be more positive changes on the beach in the future.

Mr. Morris advised he would get with FDOT to see if better communication can be achieved.

VII. Update on City Commission and Other Official City Actions

Mr. Morris reported no new updates for the beach; however, the City Commission did approve holiday lights which are now being installed. The Holiday Lighting Celebration is scheduled for Thursday at 6:15 p.m.

There were no Super Bowl updates.

Ms. Ina Lee mentioned the Riverwalk Light-Up ceremony and the possibility of coordinating the beach and Riverwalk holiday light activities in the future.

Ms. Motwani stated there will be four displays showing "Welcome to the Beach" which will be changed to include sports figures before and during the Super Bowl. Palm trees on the beach will also be lit up.

VIII. Communications to the City Commission

Previously discussed.

IX. Old/New Business

Mr. Seitz reminded everyone about the upcoming Bonnet House festivities.

Motion made by Mr. Yaari, seconded by Mr. Schiavone, to skip the December 2009 BRB meeting and meet again in January 2010. In a voice vote, the motion passed unanimously.

Ms. Lopez thanked Mr. Seitz for his efforts regarding to the scenic highway designation of A1A. She also asked about having tourist stands at the Fort Lauderdale and Miami Airports and mentioned water elevations suggesting the City begin a study in that regard.

Ms. Motwani asked regarding the status of serving food and beverages on the beach and was advised that the City Commission had requested staff bring this matter back for further discussion at a future conference agenda. Mr. Morris indicated that it may be handled in some ways as a sidewalk café; however, there is a problem with the right-of-way separating the beach, hotels, and other business. They had proposed bidding the food service out as an RFP, although local hoteliers were not agreeable to that idea. The City Commission will need to provide direction on how that issue is to be approached.

Mr. Yaari felt, "if anyone should get that business, it should be us." Mr. Schiavone noted one of the first challenges would be to serve alcoholic beverages on the beach, as well as the resultant insurance and liability considerations. He suggested a better compromise be made allowing alcoholic beverages, but no waiter service, on the beach and/or permitting picnic style baskets with wine, chocolates, etc., be taken down to the sand and water area. Mr. Yaari stated they should be working with the Beach Council to "bring this to the next level."

In "fairness to the arguments," Mr. Schiavone pointed out that the Open Container law is a strong vehicle for the police department when it comes to public intoxication.

Ms. Lee agreed this is a "first step in a very necessary step" applauding the City Commission for taking that "first step." She agreed it is important to ask the police to monitor the situation.

Ms. Jarjura asked if staff has looked at how other cities handle serving of food and alcohol on the beach. Mr. Morris stated they have done some research, but found no other circumstances identical to Fort Lauderdale's where there is a federal highway separating hotels and restaurants from a state/county owned park. The dilemma is with allowing servers to cross the roadway, but it will be up to the City Commission to decide that issue.

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

Mr. Morris will advise the Board when the issue will be scheduled for City Commission Conference.

Mr. Schiavone further explained that extending a liquor license could not be done over a public right-of-way; a freestanding building is required, although allowing multiple freestanding buildings is not a satisfactory solution either.

Mr. Seitz asked for feedback regarding staff preparation of an inventory of sidewalks prioritizing damage and infrastructure which need repair or replacement.

Mr. Morris stated when the Master Plan is passed they will be looking at areas to spend money and evaluate what can be done to improve sidewalks and rights-of-way. He indicated he does not want to "go through the exercise" before the Master plan is completed as he would like to evaluate and come to a conclusion of "what can get the most bang for our buck" with ultimately that decision being made by the City Commission. The Master Plan will set priorities and staff will then bring what they think can be accomplished to the Board for a recommendation to the City Commission for their final approval.

Mr. Seitz reiterated the prior request for a review of the Sasaki plan.

Mr. Seitz also brought up the walk-around and lack of response from the Parks and Recreation Department to their inquiries. Mr. Morris stated he would have a representative from the Parks Department attend the January meeting.

There being no further business to come before the Board at this time, the meeting was adjourned at 3:46 p.m.

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

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME MALKUS CHARLES ORRIN	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE BEACH REDEVELOPMENT BOARD
MAILING ADDRESS 2132 NE 62 CT.	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="checked" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY FT. LAUDERDALE BROWARD	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED NOVEMBER 16, 2009	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="checked" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

 CITY CLERK
NOV 16 10:51 AM '09

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, _____, hereby disclose that on _____, 20 _____:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

(c) NON-VOTE (ABSTAIN)

Regarding motion made by Mr. Yzari to look into off-premise advertising for City events.
 I abstained due to having a lack of information regarding the motion on 11-16-09.

12-02-09

Date Filed

Charles Malkus

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.